



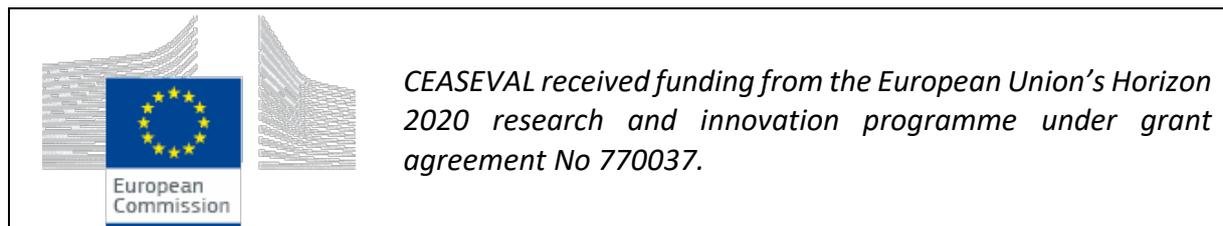
Borders and the mobility of migrants in Spain

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Abstract

In the last two years Spain has become a relevant case to study international protection given the high volume of applications and variety of nationalities applying for international protection. Spain is a natural, physical and historical frontier with two continents, Africa and Latin America, provoking diverse and changing migratory flows. As a result, this challenge has as a main consequence that the international protection system -with regard to the entry of applicants, the process of asylum granting or the access to accommodation and integration programs- is continuously and rapidly changing. The inability to absorb the current level of asylum requests is causing migrants to face a variety of borders, broadly understood, making it difficult or impossible to enjoy international protection. This report analyses the situation in Spain through in-depth interviews with stakeholders and asylum-seekers, review of documents and ethnographic observation. The main finding is that in Spain, the border must be understood very broadly. Migrants face frontiers that act very differently at all times and limit their ability to move both physically and socio-economically. The expansive and multifaceted condition of the Spanish border is causing a negative effect on the recognition of the international protection statute itself, as well as on integration.

Keywords: Spain, EU, Asylum-seeker, Asylum system, Border(s), Airport, Mediterranean Sea

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1. Introduction

1.1. How does this report relate to the broader WP and CEASEVAL project

The so-called "refugee crisis" of 2015 triggered the need for detailed analysis of the complexity of the migration phenomenon. Since that time, many investigations have been carried out from the perspective of different disciplines across the social sciences: sociology, political science, anthropology, demography, law or economics. Similarly, the topics reviewed have been very varied. However, there is still much work to be done in relation to the European Common Asylum (CEAS). That is, to explore the implementation or the effects of the CEAS among the different member states of the European Union (EU).

In this framework, little has been said so far about the relationship that exists between internal and external borders for the mobility of applicants and beneficiaries of international protection in the EU. This is precisely what this text will examine. Drawing from a variety of disciplines (mainly sociological, anthropological and political) this report provides a review of to what extent and how international protection is being managed under the CEAS in the Spanish case. In particular, the report focuses on reviewing the relationship that exists between the borders that are constructed throughout the international protection process and how these borders are affecting migrants.

1.2. Context and research questions

Spain, together with Greece, presents the most complex border situation compared to other countries in the European Union. To review Spanish borders requires not only analysis of the territories that it has in Africa and the scarce 15Km that separates the European continent with the African continent, but also to explore Spain as a historical-cultural frontier with Latin American. This complex and vast border makes Spain a receiving country with many challenges, particularly due to the diversity of people who are arriving to the country.

In the international protection framework, Spain has become a frontier, transit and host country for migrants in the last two years. Citizens of Latin American countries, especially from Venezuela and Colombia, view Spain as a natural leap to escape the internal situation of their country of origin and a place in which to settle. On the other hand, with the central Italian route closed, citizens from the African continent perceive Spain as a possible western route through which to reach Europe. In short, if during 2015/2016 Spain was not a country of analytical interest to examine international protection, 2017 and 2018 brought Spain to the forefront of European focus on the subject. Specifically, the EU is interested in analysing, first, how Spain is managing irregular migrant arrivals via the coast and "tourists" arrivals by the airports and, second, how this is affecting the mobility of migrants around (or within) Europe.

In this context, the objective of this report is to analyse to what extent there is a relationship between Spanish borders and the mobility of migrants. To this end, the text focuses on, first, empirically reviewing the meaning of the border in the case of Spain, which, under the perspective of this report goes beyond territorial limits and is in continuous change. Second, the text analyses the limits and problems of the various Spanish borders, which, according to the results of this report are characterised by the saturation of the system and a lack of resources. Third and finally, this report examines how these borders affect the enjoyment of the rights of applicants for international protection. According to this study, international protection seekers' rights are being negatively

affected, both in the process of recognising the statute of international protection and in the accommodation process.

We start from the basis that it is necessary to redefine the concept of border, which in the case of international protection cannot be understood exclusively by the physical and territorial border. Following Newman (2006), borders are progressive practices both in space and in the legal, economic and social spheres, to which migrants are exposed. All of these borders distance applicants and beneficiaries of international protection from the right to be protected as set out in the 1951 Geneva Convention. Utilising this framework, we find that in Spain the frontier is characterized by: first, extending over time, given that it does not disappear after a longer settle, and over space, that is, towards the interior of the country. Second, those frontiers are produced and reproduced and materialized in the daily lives of applicants for international protection. Third, those frontiers are lines of separation between legal, political, social and economic spaces, in so far as they separate the migrants from each other and from the rest of the citizens.

1.3. Methodological considerations

The methodology used in this report is based on a set of research techniques ranging from: 1) in-depth interviews with stakeholders, asylum-seekers and refugees, 2) ethnographic observation in borders (a unique observation was carried out in the National Police Office in Barcelona during a week, where applicants interviews are carried out); 3) as well as content analysis of legal and policy documents and data collection of relevant integration policies and laws, academic literature and other existing studies and reports. The fieldwork research was conducted from July 2018 to May 2019. Triangulation was employed, meaning primary and secondary data was collected from interviews and ethnographic observation, legal documents, reports, and other relevant secondary literature. The paper employs process tracing to attempt to explain to what extent there is a relationship between Spanish borders and the mobility of migrants.

Regarding the interviews, 16 interviews were conducted with stakeholders (See Table 1). The research focused on three main categories of stakeholders: border agents (7 interviews), National level legislators (3 interviews), and actors in the housing or labour market (6 interviews). Interviews conducted with asylum-seekers and beneficiaries totalled 15 (See Table 2). While the results may not be representative from a purely quantitative perspective, the answers gathered provide high qualitative value as they represent an important variety of nationalities: Costa Rica, Senegal, El Salvador, Venezuela, Syria, Nicaragua, Guinea, Sri Lanka, Somalia and Morocco. In terms of gender, 5 women and 10 men ranging in age from 21 to 65 were interviewed as asylum seekers and international protection beneficiaries..

Table 1: Interviews with Stakeholders

Stakeholder	Actor	Interview code
Border Agents (border guards, police / or NGOs and international organisations)	Ministry of Interior: Police	ES_2a_i
		ES_2a_ii
	NGO	ES_2b_i
		ES_2b_ii
		ES_2b_iii
		ES_2b_iv
	International Organisation	ES_2c_i
Legislators at National Level (or EU policymakers, international organisations)	Ministry of Interior	ES_3a_i
	Ministry of Employment, Migration and Social Security	ES_3b_i
		ES_3b_ii
Actors in the Housing or Labour Market (ministers, local actors, NGOs, international organisations)	Ministry of Employment, Migration and Social Security	ES_4a_i
	NGO	ES_4b_i
		ES_4b_ii
		ES_4b_iii
		ES_4b_iv
	International Organisation	ES_4c_i

Table 2: Interviews with Migrants (asylum-seekers and beneficiaries)

No. of interview	Nationality	Gender	Interview code
1	Costa Rica	Female	ES_1a_i
2	Senegal	Male	ES_1a_ii
3	Salvador	Male	ES_1a_iii
4	Venezuela	Female	ES_1a_iv
5	Venezuela	Female	ES_1a_v
6	Syria	Male	ES_1a_vi
7	Ukraine	Male	ES_1a_vii
8	Salvador	Male	ES_1a_viii
9	Venezuela	Male	ES_1a_ix
10	Nicaragua	Female	ES_1a_x
11	Guinea	Male	ES_1a_xi
12	Guinea	Male	ES_1a_xii
13	Sri Lanka	Male	ES_1a_xiii
14	Somalia	Male	ES_1a_xiv
15	Morocco	Male	ES_1a_xv

In both categories, the interviews lasted between 50 minutes and 1 hour 30 minutes. During the interviews, notes were taken with the interlocutors' consent. All the interviewees gave their consent

to record the interviews. Through the data, the researchers looked for the main discursive *topoi*.¹ This means to understand how individuals' discourses and actors' frames on how borders, and its relation with mobility related with asylum-seekers and beneficiaries of international protection, are constructed and articulated.

¹ Reisigl and Wodak (2001) define *topoi* as parts of argumentation which belong to the obligatory, either explicit or inferable, premises. *Topoi* are the content-related warrants, or 'conclusion rules' which connect the argument, or arguments, with the conclusion, the claim. As such, they justify the transition from the argument or arguments to the conclusion. In other words, *topoi* are highly conventional and core elements of argumentation.

2. The legal national framework for the bordering of asylum-seekers and refugees

2.1. Introduction of the chapter

The basis of the legal framework for asylum in Spain emerged in the 1990s and has evolved over the decades in response to shifting needs and international regulations. While soundly defined, the Spanish asylum system has been tested in recent years by a dramatic increase in requests from persons of various countries and personal circumstances. Though a marked change can be clearly traced to 2015, Spain was not initially considered to be one of the counties bearing a heavy burden in the face of the so-called refuge crisis in Europe. However, in the years since, the number of asylum requests in Spain has skyrocketed. While some European countries are seeing the number of asylum applications decrease, Spain is facing more asylum seekers than ever, registering more than 54.000 applications in 2018 alone. Compared to 5.615 applications in 2014, this represents approximately an 850% increase in just four years. This stark increase coupled with changing profile of asylum seekers is challenging both the capacity and agility of the Spanish asylum framework. In this section, an overview of key asylum data as well as the legal framework describes the current situation in Spain.

2.2. General context

Table 3: Asylum applicants. Annual aggregated data, 2008-2018

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.515	3.005	2.745	3.420	2.565	4.495	5.615	14.785	15.755	36.610	54.050

Source: Eurostat – migr_asyappctza (last access 25 April 2019)

There has been a significant increase in the number asylum requests in Spain over the last decade. As can be seen in Table 3, following seven years of relatively stable numbers of asylum requests there was a marked change in the demand for asylum in Spain in 2015. In just one year’s time the number of registered asylum requests more than doubled, rising from 5.615 requests in 2014 to 14.785 requests in 2015. In the years since, this dramatic increase has continued. In 2018, over 54.000 asylum requests were registered in Spain, representing nearly ten times the number of requests made just four years prior (5.615 requests in 2014). The increase in asylum requests in Spain is significant when comparing to the rest of the Europe. While in 2016 Spain registered just one percent of all asylum requests in Europe, by 2017 that number had risen to five percent and Spain became the fifth largest receiving country of refugees in Europe behind Germany, Italy, France, and Greece.

In addition to the increase in sheer number of asylum requests, other changes regarding the routes, countries of origin, and demographic profiles of asylum seekers in recent years have led to important implications for the Spanish asylum system. One important change is the proportion of women requesting asylum. Over the last three years, the percentage of female asylum seekers compared to the percentage of male asylum seekers increased in all age categories above the age of 18. In 2018, 43% of all asylum seekers in Spain were female. (See Table 4)

Table 4: Asylum applicants by age. Annual aggregated data, 2015-2018

	2015			2016			2017			2018		
	M	F	TOTAL	M	F	TOTAL	M	F	TOTAL	M	F	TOTAL
< 18	1.955	1.770	3.725	1.960	1.780	3.740	4.475	3.985	8.460	5.880	5.395	11.275
18-34	4.925	2.430	7.355	5.295	2.925	8.220	11.670	7.050	18.720	17.420	10.190	27.600
35-64	2.060	1.475	3.535	2.100	1.550	3.650	4.670	4.410	9.080	7.485	7.060	14.555
> 64	60	110	170	45	100	145	120	230	350	230	400	630
Total	9.000	5.785	14.785	9.400	6.355	15.755	20.935	15.675	36.610	31.015	23.045	54.060

Source: Eurostat – migr_asyappctza (last access 25 April 2019)

Another important trend influencing asylum in Spain is the country of origin of asylum applicants. For the third year in a row, Venezuela was the top country of origin of asylum applicants. The top five nationalities for asylum applications in Spain in 2018 were: Venezuela (19.290), Colombia (8.635), Syria (2.770), Honduras (2.410), and El Salvador (2.275). These five nationalities accounted for more than 80% of all asylum requests registered in 2018. As demonstrated in Table 5, there has been a steady increase in the number of asylum applications from Central and South American countries over the last three years. Border agents interviewed in this study attribute the rising number of Central and South American asylum applicants to a variety of factors including: a) worsening political, social, and security conditions in these countries of origin (i.e. Venezuela); b) increasingly more complicated, expensive, and dangerous journeys to the US and negative political rhetoric and measures by the Trump administration; as well as c) perceived opportunity in Spain due to the common Spanish language.

Table 5: Asylum applicants by citizenship. Annual aggregated data, 2015-2018

	2015	2016	2017	2018
Ukraine	3.345	2.570	2.260	2.005
Algeria	675	740	1.170	1.250
Morocco	410	340	590	1.310
El Salvador	135	425	1.400	2.275
Honduras	150	385	1.315	2.410
Nicaragua	10	20	90	1.360
Colombia	130	615	3.805	8.635
Venezuela	585	3.960	12.875	19.290
Georgia	55	70	350	1.020
Palestine	800	355	1.330	1.985
Syria	5.725	2.975	4.195	2.770

Source: Eurostat – migr_asyappctza (last access 25 April 2019)

The majority of asylum seekers arrive to Spain via plane, which corresponds with the high proportion of asylum seekers that come from Central and South American countries. While recognizing that most asylum seekers arrive to Spain by air, it is important to note the increase in sea arrivals in the Spanish context over the last few years. In 2017, nearly 21,258 persons arrived by boat to Spanish shores (ACCEM, 2017). In July of 2018, maritime arrivals to Spanish coasts surpassed those that had been occurring in other Mediterranean countries, making Spain a primary access point for migrants arriving to Europe by sea (Pasetti and Sánchez-Montijano, 2019). According to interviews conducted for this report, the rise in sea arrivals to Spain could be the result of changing border conditions and practices in neighboring Mediterranean countries.

Although both data and fieldwork confirm that airports serve as the primary entry point for asylum seekers, interviews revealed that asylum requests are most often presented from within Spanish territory rather than at what has traditionally been understood as a border, i.e. the airport. As demonstrated in Table 6, while the number of asylum applications presented at the border has remained relatively stable over the last four years, there has been a consistent increase in the number of asylum requests presented within Spanish territory. In fact, the number of asylum request presented within Spanish territory has nearly doubled each year since 2015.

Table 6: Asylum applications by place. Annual aggregated data 2015-2018

	2015		2016		2017		2018	
National territory	6.913	47%	12.423	74%	23.872	75%	47.028	84%
Border	6.862	46%	3.088	19%	6.148	19%	6.494	12%
Embassy	327	2%	264	2%	341	1%	370	1%
C.I.E.	785	5%	769	5%	1.379	5%	1.776	3%
Total	14.887	-	16.544	-	31.740	-	55.668	-

Source: Ministerio del Interior (*Asilo en cifras*, last access 25 April 2019)

The striking increase in the number of asylum requests in such a short time, coupled with the changing and more diverse profiles of asylum seekers in Spain, have created new and complex challenges for the Spanish asylum system. As demonstrated in Table 7, the number of applications pending at the end of each month follows an upward trajectory, with a total of more than 93.000 requests pending as of February 2019. The incredible demand has overwhelmed the country’s capacity and challenged the systems existing resources. Limited numbers of legal staff, appointment times, interpreters, and other resources result in delays in the asylum process. The anticipated processing times foreseen within the legal framework (outlined in further detail in Section 2.3 ‘National border and asylum/refugee legislation’) are currently impractical. One national police interviewed noted that that the average wait-time for asylum seekers to formalize their application with the official interview was approximately six months. Additional interviews confirmed that lengthy delays are experienced throughout the asylum process, from the presentation of the asylum application to the notification of the final result.

Table 7: Persons subject of asylum applications pending at the end of the month. Monthly data 2015-2019

	2015	2016	2017	2018	2019
M01	8.175	19.200	21.625	39.805	85.185
M02	8.210	18.025	23.000	42.025	93.140
M03	8.830	18.805	21.870	43.695	
M04	9.605	19.460	25.500	46.450	
M05	11.020	19.595	26.045	53.025	
M06	12.055	18.695	28.250	57.440	
M07	11.745	18.410	29.685	56.485	
M08	12.585	19.315	32.225	63.780	
M09	13.575	18.920	33.990	66.620	
M10	15.240	19.455	34.655	70.435	
M11	16.270	19.720	36.660	74.425	
M12	16.430	20.365	38.880	78.705	

Source: Eurostat - migr_asypenctzm (last access 25 April 2019)

Table 8 depicts the first instance decisions of asylum applications resolved annually since 2015. As the data demonstrates, the system has responded positively in the sense that the absolute number of decisions delivered since 2015 has increased. In addition, the absolute number of individuals who have been granted a positive decision has been greater in the last three years than it was in 2015. However, the data also demonstrates that with 2016 as an exception, only about one-third (or less) of the first instance decisions grant an official protected status. In 2018, just 24% of the asylum applications resolved received a positive decision of international protection. Of those, only 20% received official refugee status while 80% were granted subsidiary protection.

Table 8: First instance decisions on applications. Annual aggregated data 2015-2018

	2015		2016		2017		2018	
Total rejected decisions	2.220	68%	3.395	33%	7.965	66%	8.980	76%
Total positive decisions of those...	1.020	32%	6.855	67%	4.090	34%	2.895	24%
Geneva Convention status	220	22%	355	5%	580	14%	575	20%
Subsidiary protection status	800	78%	6.500	95%	3.515	86%	2.320	80%
Humanitarian status	0	-	0	-	0	-	0	-
Temporary protection status	0	-	0	-	0	-	0	-
Total	3.240		10.255		12.060		11.875	

Source: Eurostat - migr_asydcfsta (last access 25 April 2019)

Stakeholders interviewed for this report repeatedly acknowledged the increase in asylum seekers from Central and South America. Some stakeholders attributed these increases to geopolitical factors in regions outside of Spain. For example, in regards to the increase in applicants from Central American countries (i.e. El Salvador, Honduras) some stakeholders ascribe the negative political rhetoric and action taken by the Trump administration in the US as reasons for individuals to consider new routes and destinations for asylum, i.e. shifting migration flows that used to go from Central America to North America to look toward Europe. A police interviewed pointed out that “it has gotten too expensive and dangerous for people from Central America to go to the US, so instead people are purchasing plane tickets to Spain and applying for asylum in Spain” (ES_2a_ii). In response to the pronounced case of increasing asylum applications from Venezuela, several stakeholders highlighted the need for the actualization of regulation measures to grant humanitarian protection. As noted in Table 8, in the last several years humanitarian status has not been granted in Spain. Many stakeholders view humanitarian protection as an important path to provide protection to those who need it, but who do not meet the specific requirements of refugee status under the Geneva Convention. In addition, interviewees continually recognized that the system must confront the new and emerging needs that manifest in relation to the changing profile of asylum applicants. More women, children, and families requesting asylum in Spain call for modifications to the regulation and provision of services within the international protection framework.

2.3. National border and asylum/refugee legislation

The Spanish asylum system consists of two subsystems that operate in parallel, but manage distinct competencies regarding the provision of international protection. The first subsystem relates to the processing and granting of international protection. These procedures are managed by the Office of Asylum and Refuge (OAR), which falls under the Ministry of the Interior. The second subsystem pertains to the reception and integration of international protection applicants and beneficiaries and is managed by the General Direction of Migration (GDM), which falls under the Ministry of Employment and Social Security. Reception and integration efforts coordinated through the GDM are for international protection applicants and/or those who have been granted an international protection status (Pasetti and Sánchez-Montijano, 2019).

The principal legal framework regulating the asylum procedure in Spain is “Law 12/2009 of 30 October 2009, regulating the right to asylum and subsidiary protection” amended by Law 2/2014 of 25 March 2014 (hereafter referred to as the Asylum Act). The Asylum Act establishes the terms by which nationals of non-EU countries and stateless persons may enjoy the right to international protection. As article 17 of the Asylum Act requires, an individual must file a formal request to the competent authority in order to apply for international protection. Requests can be made in two ways: at the border, or within Spanish territory. Although the Spanish framework initially foresaw the ability for requests to be made outside Spanish territory, the system does not currently allow asylum requests to be made through embassies or other consular representations outside Spanish borders (ACCEN, 2017). In addition, asylum requests can follow two procedures: regular and urgent. While the two procedures follow the same general steps, procedural regulations differ slightly resulting in some distinctions – primarily related to the allowed/foreseen processing times – between the two the processes. These distinctions will be noted below throughout the explanation of the asylum system’s legal framework.

An asylum request must be formalized through an individual interview. This formalization can occur in the national police provincial headquarters, in immigration offices, or in the OAR. During the interview,

an asylum seeker tells their story and explains the reasons why they are requesting international protection. With regards to the interview, the Asylum Act (Article 16) guarantees asylum seekers the right to healthcare, to free legal assistance, and to an interpreter. Through Article 17, the regulatory framework also provides for the possibility of a new hearing (*audiencia personal*), if called for by the OAR, for cases in which the information provided in the first interview is deemed insufficient (Pasetti and Sánchez-Montijano, 2019).

Once the request is formalized, the asylum seeker is entitled to some initial protections. According to Article 19 of the Asylum Act: "Once protection is formally requested, an asylum seeker can not be subject to return or expulsion until the request is resolved or is not admitted." The formalized request is reviewed by the OAR and ruled either 'admissible' or 'inadmissible', meaning the request is either be admitted for processing or it is rejected. A request may be deemed inadmissible if it is considered that a) there is a lack of jurisdictional competence, that is, if it can be verified that Spain is not the state responsible for examining the request or b) the request clearly does not present any of the requirements that guarantee a form of international protection (Pasetti and Sánchez-Montijano, 2019).

The complexity of the Spanish border(s): access to the procedure

The Spanish case is particularly complex as far as the border process is concerned. This is due, firstly, to the fact that the applicants for international protection are very diverse and, secondly, to the fact that the borders that each one of them reaches also differ (see Table 9). As noted in the previous section, the vast majority of applicants come from Latin America meaning that their entry into Spain is through airports. However, in most cases it is not in the airports where the applications are presented, but rather within Spanish territory. In this context, the frontiers of entry, in terms of the first relationship that asylum seekers have with the Spanish state, are mainly two:

1. At the border

Asylum requests made at the border represent the most infrequent type of request in Spain; only 12% of all asylum requests are made in Spain in 2018 were made at what is considered the border. In these entrances the urgent procedure is instituted. In Spain there are mainly three border entry routes for asylum seekers and each of them has a different process that has been transformed over time according to the contextual needs and the flow of migrants arriving. The main three routes are:

- a. Airports. There are two main airports through which asylum seekers access the country: Barajas Airport in Madrid and El Prat Airport in Barcelona. The Barajas Airport in Madrid is the territorial border through which most migrants access Spain, however, it is not here where the majority of asylum applications are presented. It should be recalled that nationals from Latin America do not need any type of visa to enter to the EU, so when a migrant from this continent wants to submit an application he/she can first enter the country through the airport and later make the request from within Spanish territory.
- b. Ports. The entrance through ports is very low. In most cases migrants arrive as stowaways that go unnoticed in the ships that dock in Spanish ports. As one of the specialists interviewed stated: "when a migrant seeking international protection through a port it is the shipping companies themselves that omit or hide this information" (ES_2c_iii). For shipping companies, reporting the presence of a stowaway represents a significant loss of money given that the

authorities hold the ship in port until an investigation is carried out. That is why there are no asylum protection requests in ports.

- c. Ceuta and Melilla entries. The two cities on African soil have special characteristics given their border enclave with Morocco. Most of the entries of applicants are produced by Melilla, where an office of the OAR has been installed on the border with Morocco. This office serves all those people who manage to cross the Moroccan border and arrive at the Spanish border, where the application is requested. Normally these people are sent to the Centre for Temporary Residence of Immigrants (CETI) and are summoned to the OAR to begin the urgent application process.

2. Within the territory

There are two types of entries within the territory, and the procedures are very different:

- a. At offices within Spanish territory, which represent the most commonly used asylum request method. As previously mentioned, 84% of requests in Spain are made in this manner and follow the so-called regular procedure. The application within the territory can be formalized in any provincial police headquarters, in the immigration offices located in the main cities or in the offices of the OAR. There are several types of applicants who formalize their applications in these offices, but the main two include:
 - i. Individuals who have arrived to Spain passing the border in a “regular” manner and who choose to formalize their asylum application once inside the country. Primarily, this includes Latin Americans who arrived by airport.
 - ii. Individuals who have entered Spain irregularly and: 1) have not been previously intercepted by security forces (for example, when they enter in Ceuta or Melilla and request the application directly in a CETI - and not at the border) or 2) have been intercepted and he/she declares to request an application. Arrivals through the Mediterranean Sea or the Canary Islands or the Balearic Islands are the latter case. The boats intercepted by the Coast Guards or by the Maritime Rescue are understood as territory, and therefore as a regular process. This type of arrival that occurs in the south of the country, mainly in Andalusia, has been increasing in recent years. In fact, according to data from UNHCR (2019) in 2017, 28,300 people entered Spain through the Mediterranean Sea, while in 2018 they did 58,600. A recent study, based on a survey with irregular migrants arrived through the coast, shows that approximately 40% have requested protection or intended to request it; although when explaining the reasons for leaving their country (push factors), more than 60% could benefit from international protection (UNHCR and CSIC, 2019).
- b. Immigrants Detention Centres (CIEs). The CIEs are detention centres for those immigrants who have a deportation order because they are in an irregular situation in the country. Although these centres are within Spanish territory, they are treated as if they were a frontier in terms of the asylum request, and the urgent procedure is instituted. Many of the immigrants arriving by the Mediterranean Sea are sent to these detention centres with a deportation order. Once there, and after an NGO or another migrant informs them about the possibility to apply for international protection, they request an application.

Table 9: The complexity of the Spanish's borders

	Migrants' Arrival			Access to the Procedure		Procedure	
	Air	Land	Sea	At the border	At the territory	Regular	Urgent
Airports	x			x			x
Ports			x	x			x
Ceuta & Melilla		x	x	x	x	x	x
National territory	x	x	x		x	x	
CIEs	x	x	x		x		x

Source: own elaboration.

Regular vs. Urgent Procedure

Under the regular procedure (within Spanish territory), the OAR has one month to review the formalized request and make a determination of admissibility. If the request is admitted, the Ministry of the Interior then has a period of six months to examine the request and deliver a determination regarding the granting, or not, of an official international protection status. If the formalized request is not admitted, the asylum seeker may request an appeal. If following the appeal the formalized request is again determined to be inadmissible, the asylum seeker is expected to leave Spanish territory (ACCEM, 2017).

In the urgent procedure (at the border and within CIEs), the OAR has a period of 72 hours, or four days if the request is made in a CIE, to make a determination regarding the formalized request's admissibility. If the request is admitted, the asylum seeker can enter Spanish territory and continue under the urgent procedure, which allows an evaluation period of three months to determine whether or not an international protected status is will be granted. If the request is deemed inadmissible, the asylum seeker has two days to request a reexamination. If the request is still found to be inadmissible or is rejected following the reexamination, the asylum seeker may submit an appeal to a court or a judge (ACCEM, 2017). As mentioned above, all asylum requests formalized at the boarder follow the urgent procedure. In addition, asylum requests formalized at CIEs are considered border applications, and therefor also follow the urgent procedure. The main issue regarding this procedure is the lack of legal support. According to an expert interviewed "an urgent procedure means that there is no time to prepare and defend each case; neither psychological support to understand the situation" (ES_2b_iv).

If the allotted period of review for admissibility elapses, the principle of "positive administrative silence" is applied; this means that a lack of notification on the part of the government assumes the request is admitted for processing (Article 17 of the Asylum Act). At this time, an asylum seeker receives what is known as the red card (*tarjeta roja*), documentation that proves the individual's status as an applicant in international protection proceedings (Pasetti and Sánchez-Montijano, 2019).

Evaluation of Asylum Requests

All admitted asylum requests are reviewed and evaluated by the Office of Asylum and Refuge (OAR) in the Ministry of Interior. At the conclusion of the evaluation, the OAR makes a draft decision about the request, which is passed to the Inter-Ministerial Asylum and Refugee Commission (CIAR). The

Commission is responsible for making the asylum determination. Ultimately, the Minister of the Interior must sign the asylum resolution, though this signature can be obtained through a delegated authority. (ACCEM, 2017) There are five possible outcomes:

- a) the granting of refugee status;
- b) the granting of subsidiary protection;
- c) the granting of a residence permit for humanitarian reasons;
- d) the granting of temporary protection; and
- e) the denial of international protection.

In this phase of the procedure, the principle of “negative administrative silence” applies; if a decision regarding the granting (or not) of international protection is not communicated within the allotted period of time, (i.e. six months in the regular procedure) the asylum request is legally considered to be denied. However, given the increase number of requests in recent years, it is very common that decisions are not taken and communicated within the six-month period outlined by the law. Currently, most asylum seekers who do not receive a decision notification within six months wait until a final decision is communicated. The duration of the process can vary greatly, lasting from three months to three years (Pasetti and Sánchez-Montijano, 2019).

The Dublin Regulation

In regards to the Dublin regulation, more asylum seekers are returned to Spain from other Schengen countries than Spain returns to other Schengen countries. Of the asylum seekers returned via the Dublin Regulation, almost 70% are returned from Germany, France, and Belgium. As demonstrated in Table 10, Spain largely accepts the Dublin regulation petitions that are received, thereby meeting the international accord. However, in practice, the Dublin Regulation is not widely enforced in Spain to return asylum seekers to other Schengen countries. Over the last several years, there have been very few cases in which the Spanish government petitioned to return asylum seekers who presented in Spain after previously registering in another Schengen country. In general, stakeholders interviewed for this project expressed ambivalence to the efficacy of the Dublin regulation, citing the importance and practicality of considering the needs and preferences of asylum seekers when processing asylum requests. The primary factors repeatedly mentioned along these lines include language, family, and existing support networks in a particular country.

Table 10: Dublin Regulation. Annual aggregated data 2015-2018

	2015		2016		2017		2018	
Received petitions	4.685		4.417		6.328		11.070	
Accepted	3.640	78%	2.948	67%	3.755	59%	9.145	82%
Rejected	1.044	22%	1.468	32%	1.447	23%	1.724	16%
Other/Pending	1	-	1	-	1.126	18%	201	2%

Source: Ministerio del Interior (*Asilo en cifras*, last access 25 April 2019)

International Protection Accommodation and Assistance

Under Article 36 of the Asylum Act, the granting of international protection of the above (subsection of ‘Evaluation of Asylum Requests’) cases a, b, c, yields the following benefits:

- A residence permit and permanent work
- The issuance of identity and travel documents
- Access to public employment services, education, health care, housing, social services, social security and integration programs, under the same conditions as Spaniards
- Access, under the same conditions as Spaniards, to continuing education or occupational training, as well as procedures for the recognition of foreign-issued diplomas, academic and professional certificates, and other proofs of official qualifications;
- Freedom to move throughout Spain
- Access to integration and voluntary return programs
- Support of the family unity (unification?) through specific support programs

Chapter III of the Asylum Act regarding "the reception conditions of applicants for international protection" outlines the principle elements of the Spanish reception and integration system, mainly in Articles 30 (General Social Rights) and 31 (Reception of applicants for international protection). The reception and integration system is organized into three phases intended to provide comprehensive support and encourage autonomy throughout the life of the program. The logic of the phases responds to, on the one hand, the need to guarantee a gradual integration of the beneficiary into the national socioeconomic context and, on the other, the need to monitor economic impact and justification of the programs. The purpose of the three-phase system is to transition beneficiaries from more support to full autonomy. The framework foresees a program of 18 months in which each phase is intended to last six months. This framework can be extended up to a period of 24 months for individuals who are deemed/considered particularly vulnerable (Pasetti and Sánchez-Montijano, 2019).

The reception and integration system relies on a network of state and non-state actors that provide a variety of services ranging from housing services to legal support to workforce integration programs. Within the system, the state is largely responsible for designing and financing the systems structures, while non-state actors, namely NGOs, are responsible for implementing programs and delivering services. Funding is allocated through periodic calls issued by the General Secretariat for Migration (Pasetti and Sánchez-Montijano, 2019). In response to the increased number of asylum requests made in Spain in recent years, additional places/spaces as well as NGO service providers have been added to the asylum and reception system. In 2016, five NGOs entered the program through the funding mechanism. Increases continued in 2017 and currently approximately twenty organizations are included in the reception system (ACCEM, 2017).

2.4. Conclusion of the chapter

Although Spain boasts a detailed and sound asylum system including clearly defined competencies regarding the granting of asylum and the provision of support to asylum seekers and beneficiaries, the system is currently overwhelmed. The sheer number of applicants serves as a primary challenge to the asylum system. As previously mentioned, the dramatic increase in the number of asylum requests over the last four years has pushed the system beyond its capacity and has led to delays in the outlined asylum process. Resources across the system are excessively stressed. In response, the government has made an effort to expand its capacity by increasing resources and incorporating various actors in the asylum process. Nevertheless, significant challenges remain, and with the number of pending application requests rising each month, short-term solutions will not suffice.

3. Empirical research with institutional actors

3.1. Introduction of the chapter

This chapter reviews the different entry borders for applicants of international protection to the Spanish territory, as perceived by the main actors involved in the management of this phenomenon. As will be explained in the following pages, just as the different existing borders are complex, the practices that take place at Spanish borders are very complex.. Most of the requests for protection that Spain receives come from Latin American citizens and the formalization of these requests are made within the territory. These specificities mean that in most cases the border is not located at the territorial border, rendering it unique characteristics.

In addition, as will be pointed out, borders not only appear at the first moment, that is, in accessing the international protection procedure, but reappear along the integration process, mainly because of the difficulties that the system has in absorbing the volume of requests. Borders appear in the system both during the process of requesting international protection, as well as in the reception and integration system itself.

3.2. Institutionalised bordering practices performed by border agents

Given the complexity of the borders explained previously, the role of different agents at the border varies from one to the other. Not all actors are present in all the borders, nor are they acting in the same way. We continue by explaining the practices of agents by border.

The **air entrance**, by **airport**, should be the border with the highest number of requests given that the vast majority of asylum seekers arrive to Spain by plane. However, since the majority of asylum seekers arriving by plane come from Latin America, and Latin Americans do not need a visa to enter the country, applicants prefer to enter Spain and start the application process from within Spanish territory. Research conducted in this study indicates that the preference to begin an asylum application from within Spanish territory stems from a general knowledge and understanding by asylum applicants that almost all the requests carried out at the airport were denied. While this may have been true in the past, this phenomenon has changed in recent months due to the large number of requests being made and the saturation that it was causing. During the period of study, asylum applications made at the airport were accepted for processing almost immediately, except under clear cases of incongruence during the interview. The final decision is in the Ministry of the Interior, which will decide to grant the statute or decline it.

The first border agents with whom migrants meet are the National Police. Once a migrant identifies himself/herself as an asylum seeker, he/she is taken to the so-called asylum room to formalize his/her application. In this waiting room, in addition to the National Police that will process the application (through an interview), there are two types of civil society organizations. Firstly, there is the Red Cross that attends to the most basic needs of the newcomers and, secondly, Spanish Refugee Aid Commission (CEAR) that assists the applicants in a legal manner. The room is accommodated with rooms and bathrooms that are cleaned every day. The room is guarded by national police and private security in order to control that no one leaves the facilities. The entry of employees of social organizations to the room is by express authorization of the National Police.²

² For this reason the research team it was not able to visit the facilities to collect primary data.

As reported by the two organizations present in the airport asylum room (Red Cross and CEAR), the treatment between the National Police and the applicants is correct. Police officers follow the protocols established in the European Regulation and Directives both in terms of form and content. However, the NGOs warn that the treatment of individual asylum seekers by the National Police depends on the characteristics of the agent. Some police officers are very sensitive to the applicants' situation and demonstrate very good training in terms of asylum procedure, while others police officers are/do not. In short, there is an important degree of arbitrariness (variation in the preparation of police) from the police, which affects the whole process.

Some of the main problems found along this border are:

- 1) The waiting times to accept the request often exceed the 72 hours established in the emergency procedure. The organizations consulted have informed us that an applicant spent up to 100 days in this waiting room.
- 2) Sometimes the room is completely overwhelmed. An NGO worker explained us that "the asylum room has a limited capacity (54 places, plus 34 additional) and there have been moments when there were 150 people" (ES_2b_i, 2018).
- 3) There is no specific unit to assist minors in the rooms, or at the time of interview with family members. This results in children being present when very sensitive issues are discussed, as well as leads to potential disruptions and interruptions during the interviews.

The **maritime entry** has fewer instances. As previously stated, although there is the possibility for asylum requests to be made in **Spanish ports**, in practice this is not being carried out. It is the shipping companies themselves that hide this possibility when dealing with stowaways. As one NGO worker pointed out, Spanish ports are "a space without information, that is, with total opacity, nothing is known about them. It is not normal that there is no asylum requests registered, that is because they hide it and let the person enter irregularly" (ES_2c_iii). Given this situation, and in contrast to airports, there is no presence of a National Police registering asylum requests, nor legal assistance by NGOs.

The second maritime entry is by the **sea**, mainly through the arrival of migrants' boats to the Spanish coasts (Canary Islands, Balearic Islands, Ceuta, Melilla or peninsula) or interceptions of these vessels in the sea by Coast Guards or by Maritime Rescue. In principle, this type of entry was understood as irregular migration, which means that for the Spanish authorities only the presence of Red Cross was required to attend migrants' basic needs. In most cases the migrants were transferred to the CIEs in order to be expelled immediately to their country of origin, or the last transit country (usually Morocco). In 2016 this practice changed when UNHCR and CEAR began to identify individual cases of international protection. Today, it is expected that each vessel that arrives on Spanish coasts is received by the National Police, by Red Cross and by CEAR for legal assistance. Furthermore, in the last two years UNHCR is sending special missions to the main ports of landing (Tarifa, Málaga or Motril). In most of these cases migrants are informed about international protection process and are transferred to temporary reception centres. In any case, for those who do not request international protection, the Spanish government has launched a humanitarian aid program that supports their first reception. As indicated by one interviewed, "arrivals by sea are very complex given that border agents are not prepared for the reception of international protection applicants; there is no sensitivity. We have to be present in the landing to explain migrants about the possibility to request an international protection status" (ES_2c_i).

Finally, the last entry is at within the **territory**. In this case, it is necessary to differentiate between 1) access to the procedure for those people who are already in Spanish territory, who may have recently

accessed or is settled in the country longer; 2) people who enter from the borders (case of Ceuta and Melilla) or 3) who are in a CIE with a deportation order. As mentioned, entry from within the territory is the most common, as well as where greatest divergence in daily border practices can be identified. Access to the international protection procedure for people who are already inside the territory can be done through the offices of the OAR, through the immigration offices of the National Police or at any National Police provincial headquarter. This large number of places where applying for international protection, on the one hand facilitates and approximates the system to the applicants, but on the other it becomes more complex. The main problem that remains is that despite having a very clear protocol of action, the level of training and sensitivity of the civil workers (both in the National Police and in the OAR) is not the same. This was verified in the observations made in the immigration offices of the National Police in Barcelona. In this police station there were police interviewing that could spend hours talking with a migrant to extract all the information of the particular case, while other police officers spent only a few minutes. This perception was confirmed by a policeman interviewed who explained us that "everything depends on the interest; we have colleagues who are very sensitive and who have asked to work on this issue, while others have been forced to work on the subject and are willing to ask for a new destination" (ES_2a_ii). Linked to this, the main problem is that there is no specialized unit within the police force that is responsible for international protection procedures. As is denounced by a policeman: "the National Police force hardly receives specific training to perform this type of work" (ES_2a_i).

Since 2015 all the physical spaces destined to carry out the asylum procedure (offices of the OAR, immigration and national police provincial headquarters) have been saturated. In each and every one of them, queues are formed every day from dozens of migrants in order to express their interest in asking for international protection. Undoubtedly the offices, as well as the staff assigned to it, have been increasing, but the accumulation of people occurs today. This was observed in the various visits that were made to the immigration offices of the National Police, where dozens of people gathered in the street waiting to be attended.

Despite the improvements to the different offices in the last years, problems remain during the application process. First, interviewers have many appointments per day (one per hour), which affect them psychologically and make the interviews very short. Second, the conditions for conducting the interviews are not the most appropriate. For example, the interview rooms are large rooms with tables, without privacy, and where you can listen other interviews. Third, there is no specific attention for children, so children are present while the parents have to explain potentially traumatic experiences and circumstances. Fourth, the assistance of interpreters during the interviews does not always occur and many times with very low quality. There are many offices where there is no interpreter assistance; other instances in which hired interpreters are not properly qualified, and/or many times that interpreters do not show up to attend scheduled appointments (interpreters point to labour problems with the company that hires them).

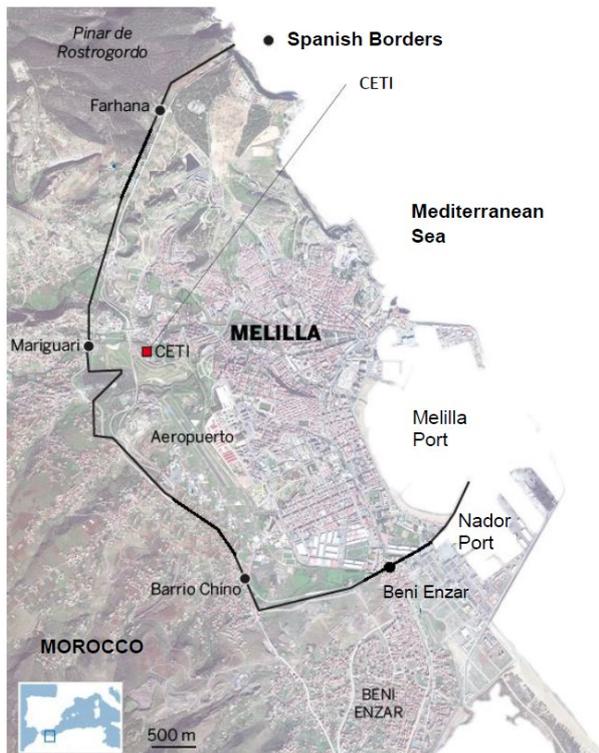
By law, applicants for international protection have the right to be assisted legally. In the case of Spain, CEAR is responsible for providing legal assistance to all migrants and they are present whenever they are required. If they are not present, a public defender should support the migrant. One of the main problems, as the organisation explained us, is that the lawyers hardly have time to prepare the cases, given the great number of cases they have to carry out. In addition, although the law grants the right to free assistance, the lawyer is not always physically present, especially when the petitions are made

in small cities where there is no presence of asylum NGOs, or where the public defender is not specialized in the protection procedure.

The second land entrance is **Ceuta and Melilla**. Entering Ceuta and Melilla can be done regularly or irregularly, and according to the type of entry the procedure will be different. If the entry is regular, the urgent border procedure is applied, similar to the airport; while if it is done irregularly the procedure that applies is the regular one (office at the territory). Let's analyse each of them. To enter Spain legally, he/she has to pass the Moroccan border. Crossing the border of Morocco to reach the Spanish border is not so simple, given that Morocco does not allow the departure of its country for migrants who are in an irregular situation. That is why all migrants who want to enter legally into Spanish territory have to leave Morocco irregularly. The way that most Syrians, Algerians or Tunisians do this is through false Moroccan passports. In this case, migrants pay smugglers. Once migrants have crossed Moroccan borders, they use their own passport to ask asylum at the border.

Recently as a worker of an NGO pointed out, "nobody who wants to ask for international protection cross through Ceuta, almost all refugees' entries are made through Melilla" (ES_2c_i). In the case of Melilla there are 4 possible entrances to the city, however, the vast majority of asylum requests are registered through one of them. In this particular entrance an OAR office has been installed (see map 1). The border practice is as follows, the person who arrives to Spanish border and asks for an international protection application is sent to the CETI. Once there, he/she has to wait few days until he/she is required to present themselves at the border to make the request for protection, through the urgent procedure. The NGOs based in Melilla explained that this office adheres to the proper legal framework and that most of the applications registered at this office are admitted because most applicants are from Syria and Yemen. As with other borders, the most important legal and social service assistance NGOs (CEAR and ACCEM) are present. In addition, UNHCR has also being present since 2014, when the organization decided to send two people in order to raise awareness and monitor the proper functioning of the border.

Map1. Melilla and its borders



Source: Author

Entering Ceuta and Melilla in an irregular manner involves carrying out the request in the territory, under a regular process. This route is mostly used by sub-Saharanans, given that, on the one hand, it is impossible for them to leave Morocco on a regular basis with a false Moroccan passport and, on the other hand, they are afraid that their application will not be accepted and they will be pushed back to the Moroccan territory immediately (a very common practice according to the NGOs). As irregular migrants, they are sent to the CITE, where they will have to wait for an appointment to submit the application in the National Police station. In general, the wait time is quite long. One of the interviewees stated that "when requesting asylum at the border the process was much faster than in the territory (CITE): in four or six days they already had the red card, while in the territory they have to wait almost a month and a half" (ES_2c_i).

NGOs do not report malfunction in the petition process, however they do report on the access to the system of reception and integration. The main problem that the protection applicants have in Melilla is that they have a second border: the lack of transfer to the Spanish peninsula. They do not access the reception system until they reach the European continent and this can be delayed for many months. At the beginning of 2016, the NGOs began to put pressure on the Government to reverse this situation. Even so, there are applicants for protection who have remained for a year in the city of Melilla without access to any integration program. In short, as one expert warned, "the main problem faced by migrants who arrive in Ceuta or Melilla is that although the petition can be accepted for processing, migrants are not sent to peninsular soil for several months" (ES_2b_iv).

The third way to request protection by land is the **Immigrant Detention Centre (CIE)**. The presentation of an application in these centres involves an urgent procedure. According to the stakeholders interviewed, it is very difficult to guarantee the rights of the applicants at this border; in fact most of the asylum requests through CIEs are rejected. This is largely due to the fact that the presence of

international protection specialists is limited, either from the Ministry of the Interior or from civil society organizations. In addition, as stakeholders interviewed pointed out, many of the applicants of the CIEs are people who have been living in Spain for many years and who use international protection as a last way not to be expelled from the country. The strong increase in arrivals to Spain by sea in recent years has led to an increase in internments in these centres (since in many cases they go directly from the boat to the centres), which has led to an increase in applications (CEAR 2017). However, as confirmed by the Ministry of the Interior "although the number of applications in CIE has increased considerably in the last two / three years, it has not increased as much as the number of arrivals" (ES_3a_i).

3.3. Institutionalised bordering practices performed by EU and national legislators

As stated by the actors who are present at the borders, national legislators confirm that the protocol established by European and Spanish legislation is maintained at all times. The Law of 2009 that includes European legislation is generally applied in most of the borders mentioned above. However, the biggest problem with the international protection system at the moment is the delay that occurs in the two phases of access to protection, that is: 1) the presentation of the expression of will for international protection and 2) the presentation of the application itself and the lack of financial resources to provide social assistance to the high number of applicants. Delays in both the demonstration and the application is causing the system to be overwhelmed and making it impossible to grant applicants the rights that are theirs.

In this context, both the problems mentioned above and the changing migratory flows are causing the legislator to feel forced to change his practices of action on the border. While these forms are not collected through legislation, if it is done through practice and internal circulars. There are several examples that could be included here, but we will highlight the most relevant ones:

1. *Systematic acceptance of border applications.* Until 2017, most of the requests that were made at the border were not accepted for processing. In fact, it was well known among asylum seekers that it was preferable to present the applications within Spanish territory than at the border, given the high level of systematic rejection that occurred at the borders (via emergency procedure). This changed at the beginning of 2017 with the strong increase in requests that occur within the territory. At that time, the Spanish legislator decided to accept all border applications for processing, except those that were clearly unfavourable. This was done due to the large number of people who accumulated in the haven of border and large delays. For example, as one of the interviewees explained, "there comes a time when all Venezuelans request asylum at the airport upon arrival; what is the police doing at the Barajas airport? (in my opinion with good judgment): they let them in and told them to do it in territory (ES_2b_iv).
2. *Granting humanitarian status to Venezuelans.* The increase of applicants of international protection to Spain from Venezuelans has been very important in the last three years. In a systematic way Spain has denied the international protection requests of these applicants because understanding that the applicants do not meet with the qualifications established by legislation (for refugee status). In fact, there are many cases in which denials have become expulsions and applicants have been returned to Venezuela. In this context, all the actors involved have demanded a solution from legislators. In March 2009, the Ministry of the Interior published a Note granting "temporary residence permit for humanitarian reasons of international protection of one year, extendable, to citizens of Venezuelan nationality whose applications for international protection have been denied". However, as the NGOs explain that not all Venezuelans can be referred to this type of protection, there are clearly cases of refuge for violations of rights on an individual basis.

3. *The relationship between the presentation of the request for international protection and the inclusion in the reception and integration program.* Until 2018, a formalized request for international protection (step after the manifestation of willingness to request protection) was required in order to enter the reception and integration system. In fact, until the formal interview was conducted in one of the established offices, applicants could not be registered in the reception system and, therefore, could not receive any social support. The continued delay in the formalization of applications (up to 6 months when by legislation is 1 month) has led the Spanish legislator to extend the entry to the reception system to those persons who, without having formalized the request, have expressed their express wish to do so. This changes was triggered in part by the strong pressure by civil society that witnessed the helplessness of thousands of people who could not access social assistance or accommodation. Even still, although the system allows for earlier entrance to the reception system, in practice that it is impossible to meet the expressed need given the saturation of the system and the lack of economic and human resources.

CEAS, Dublin, and Secondary Movements

In general terms, all the actors involved perceive the CEAS as a framework of favourable action to ensure the right of applicants for international protection. However, there are several legislators who confirm that the EU is far from having a common asylum policy. While the policy is created each member state has adopted by making its own policy. As one of the interviewees affirms "from my point of view this has not been a common policy. That is, if it is true that we have the Regulation and the Directives, but then each State has done what it wanted "(ES_2b_ii). Many of the interviewed actors affirm that Spain is one of the countries of the EU where the guidelines set by the CEAS have been applied, at least theoretically. A representative of an organization stated that "in principle Spain has followed the legal framework of the Union, procedure and reception; the problem is linked to the collapse in the system that has been caused by the arrival of thousands of people" (ES_3a_i).

A fundamental question is to what extent all arrivals through Spain are being registered. The actors involved confirm that there have been many unregistered entries, without fingerprints, especially the entries that have occurred by the Mediterranean Sea (the so-called Western route). The worker of an NGO said it this way: "Because, of course, the more than 50,000 immigrants who have arrived by maritime border, where are they? How many have stayed here? How many has the Government returned? Very few" (ES_2b_iv). A practice mentioned by several actors has been that of "*Pateras* (boat) *buses*". Consisting in, when migrants arrive to the south of Spain by sea they were directly mounted on buses that were sent to the north of the country (Catalonia and Basque Country), the migrants remained two or three days in the big cities and they disappear. In short, they undertook a secondary movement towards northern Europe without being registered.

Spanish legislators and politicians have agreed to accept the vast majority of petitions made by other member states of people who are to be returned within the framework of Dublin. Even so, even if Spain accepts the requests, the transfers are not made effective due to administrative problems or the absence of the person who must be transferred (see Table 9, 82% of acceptances in 2018). This is due to several issues, but it is important to mention the meetings held by the Spanish, French and German governments in mid-2018 to maintain effective cooperation on migration flows. In addition, for Spain, the Dublin Regulation may be maintained and applied as long as the number of applications for international protection in the country or the number of irregular arrivals on the southern border does not increase. The Spanish government is aware that, compared to other member states, the country has received few. Unlike the high number of acceptance of petitions, Spain does not report requests for return under the Dublin regulation.

In this context, when asking the legislators about the possible reform of the CEAS, one of the experts said "in an ideal world where the standards of acceptance and the criteria for the recognition of international protection were homogeneous, there should not be Dublin; unfortunately we are very far from that" (ES_2b_ii). The main problem that is perceived in Spain is the issue of relocation, both of applicants for international protection and irregular migrants. They insist that the relocation could take place outside the framework of Dublin and that it is necessary to reach agreements between member states for an effective distribution of people who arrive (such as for landings by sea). Likewise, they rethink the need to rethink the concept of family unity. For one of the interviewees "the family unit should be understood as something much more open, a more flexible concept, so that Dublin would be more effective in terms of integration" (ES_3a_ii).

Despite this, actors perceive that given the current political situation in the EU, these agreements are very unlikely and the state of tension, understanding and lack of solidarity will be maintained. In addition, many actors interviewed claim to fear the reform since it can become more restrictive in regard to the rights of migrants. In this framework, the legislators affirm that "the reform should not be necessary as long as the states are obliged to apply the procedure and reception directives" (ES_3a_i).

But secondary movements in Spain do not only occur with the territorial border with France. We find at least two more borders that are active. The first is the airport itself, from which Latin Americans, mainly, go to another country in the EU. Again, we recall that by not having a visa and being inside the Schengen area you can travel without the need of a passport. Some interviewed experts recognized that for Latin Americans it is safer to get to Spain because they know they will not be stopped at the border (given that an active route) and from here take another plane to another member state. The second border that has secondary movement is the port of the Basque Country. An NGO worker stated that "ports that have a line to England have become ports of departure, people board boats to get to this country" (ES_2c_iii).

3.4. Institutionalised bordering practices performed by actors in the housing and/or labour sector

As stated in the previous section, borders for asylum seekers are maintained once they have entered the country, given the close relationship that exists between the formalization of the application itself and access to the reception and integration programs. To enter the reception and integration system

it is necessary, first, to have expressed demonstrated interest by requesting the application and, second, that there are places available, which becomes very complicated given the saturation of the system.

The process of incorporation into the reception system has been transformed since 2015 with the aim of expanding coverage to applicants. For example, while before 2018 only those people who had formalized the application could access the system, now individuals can access the system in the previous phase; that is, when they have simply expressed the desire to request international protection. Similarly, the number of places of reception in 2015 was less than 1,000 places, and at the moment places exceed 8,500. The reception system in Spain covers different dimensions of integration: education, health, citizen awareness, housing or the labour market. Next, we examine more closely two of the most important dimensions: housing and the labour market.

Labour sector

The Asylum Law establishes access to employment and vocational training programs for asylum seekers on equal terms with nationals. In this framework it is the general Spanish labour law that marks the rights of workers. What in principle could seem favourable legislation for this group, actually results in two main restrictions: 1) universal access is restricted to the private sector, while in the public there are some restrictions; 2) in spite of the special needs of the beneficiaries of international protection, at no time are temporary special benefits recognized, as is the case with other disadvantaged groups in Spain.

If in theory access to the labour market is favourable, in practice it is much more complex. In order for international protection applicants to access the labour market, they must wait at least six months since making the formal request for international protection. This means in practice that on average applicants can not have work authorization until 10 or 12 months after their arrival (counting the months that they have taken since they express their wish to request international protection, they formalize the application in an interview and 6 months pass from the admission to processing of the application).

The reception system, managed through the NGOs, includes activities and programs to promote access to the labour market for applicants and beneficiaries of international protection. In fact, according to the integration itinerary, each beneficiary has about € 3,000 per year for training and job placement courses offered by civil society organizations themselves. Despite the importance of these courses, which seek to be individualized and meet the needs of each person, the truth is that they are insufficient to serve all users. On the one hand, resources are scarce to accommodate so many people and on the other hand only those people who are integrated into the reception system can access the resources.

Another main barrier to accessing the labour market is the standardization of titles and education, and expertise. Most of the interviewed experts point out the enormous difficulties of recognition and homologation of both studies and the capacities that asylum seekers possess. In this sense, many of the applicants and beneficiaries of international protection who enter the job market are overqualified given that it is very difficult for them to prove their previously acquired knowledge. While NGOs are putting in place programs to alleviate this problem, the truth is that these solutions are currently few and have a very low impact. One of the experts interviewed said that "university studies are the most complex because you almost never have the complete academic record. There is no way to prove it if you do not have the final title." (ES_4b_ii)

Housing sector

The Asylum Law guarantees access to housing on equal terms to Spaniards. That is why the reception system includes access to housing as one of the main dimensions of the integration process. In spite of this, in practice, asylum seekers encounter several problems or difficulties when trying to access housing. To begin, the spaces offered by the system are insufficient for all applicants. In 2015 there were 54,050 applications for protection. At the moment Spain has just over 8,500 places, which means that at least 84% of applicants do not have access; however, this number is even greater since it would be necessary to add those that still remain in the reception system of previous years.³

In addition to lack of space, there are multiple criticisms regarding the quality of the reception centres. As one of the NGOs interviewed informed us, "the incorporation of new social organizations into the reception system, financed by the Ministry of Employment, is causing the quality of the service to fall. Although the number of places has been extended since 2015, this has been to the detriment of their quality since many organizations are not specialized in this group of people "(ES_4b_i). This has caused constant changes in the social organizations involved in the system and that the Ministry grants or denies the subsidies in this area according to the quality and effectiveness of the same.

The Spanish reception system is based on temporary phases that seek to encourage increasing individual autonomy. This is especially important in housing, given that in the early stages organizations provide accommodation (in their own flats or reception centres), in the last phase (of autonomy) the applicant is expected to look for his own apartment and rent it -with economic support of the organization. Here there are three main problems: 1) the housing stock in Spain, mainly in large cities, is saturated and it is very difficult to find decent housing at affordable prices; 2) many owners do not want to rent their homes to people of immigrant origin, which makes it possible to see xenophobic practices; and 3) Spanish municipalities lack public housing that applicants can access.

Although, as we said, accessing housing or specific training programs for applicants and beneficiaries of international protection are reserved exclusively to those people who have managed to enter the reception system, the truth is that they all have access to general social benefits and benefits, on equal terms as a Spanish national. That is, in case of not being able to enter the reception system and benefit from a home many Spanish municipalities (such as Barcelona or Madrid) are giving aid to alleviate this lack of resources. The case of housing appears as one of the most pronounced. The city of Barcelona, for example, is making social housing organizations available to those people who have been left out of the system. Likewise, social organizations such as Caritas have housing assistance programs for disadvantaged groups, which apply to applicants and beneficiaries of international protection in the same way.

3.5. Conclusion of the chapter

As we have seen in this section, the borders in Spain are very complex. Interestingly, the most commonly faced (used) border when it comes to requesting international protection is not a territorial border, but rather a border within Spanish territory. Spain has at least six types of borders and each of

³ As mentioned, the full program is organized in 18 months in a three-phase system from more support to full autonomy. This framework can be extended up to a period of 24 months for vulnerable groups.

them has its own ways of acting. This leaves a very complex reality that change over time according to the needs that are marked by the number and type of migratory flow or the collapse of the system.

Border practices are constantly evolving so at this time it is very difficult to find a common reality in all of them. The casuistry, the differential treatment and the possibility that situations of arbitrariness appear are constant across all the borders. As noted, the access to the procedure, the recognition of the status as well as the access to the reception programs would depend on the border. In many cases coming from one country or another entails, from the beginning, whether the statute will be granted or not. A good example of this is the applicants from Venezuela, where the denial is almost automatic.

Despite the attempt by the legislators to create a stable and common system, the lack of stability in the flows makes this impossible. In order to be able to manage each border effectively and with equal criteria, it would be necessary to have a strong forecast of who will reach the borders and material and immaterial resources would need to be provided accordingly. Currently, the system is overwhelmed (Pasetti and Sánchez-Montijano, 2019) and has little chance of responding to the demonstrated needs. The enormous effort made by all actors involved, as confirmed by the interviewees, is not enough to provide effective and quality solution. Due to the above outlined lack of resources and insufficient capacity, international agreements, European asylum regulation, and national legislation are currently being breached at Spanish borders.

4. Empirical research with migrants

4.1. Introduction

Migrants confirm the summary made by the stakeholders involved in the asylum system. Like stakeholders, the applicants and beneficiaries of international protection perceive a complex system, full of difficulties, in which borders appear throughout the integration process. Border practices that give access to the full right of international protection are perceived as commonplace.

4.2. Lived experiences of borders and bordering practices upon arrival in Spain

Given the different and complex borders that Spain has, each of them is characterized by a series of problems. However, the migrants perceive a similar reality in the process that could be summarized in three blocks:

The first frontier: arrivals to Spain and the procedure access

No matter which border the migrant enters to the country, the feeling and perception that the vast majority of migrants have the first time they approach Spain is very similar: first, the fear of expulsion and second, that the trip has finalized. Mainly, migrant wants to arrive to Spanish territory, but the fear of being rejected in any of the borders is for any migrant his worst nightmare. One of the applicants from Latin America said: "my biggest fear was the rejection at the border, that they would not let me pass and they would send me back to my country by plane; to which I can not return" (ES_1a_x).

Given the characteristics of the borders and migrants, the perceptions are very different. On the one hand, the more information of the system the Latino community has, the less fear they have of being rejected at the border; since they know that, as they don't need a visa the possibility of being intercepted at the border is very low. In this case the vast majority affirms that to cross the border was simpler than expected because in a few minutes after reviewing their passport they were already in the country. On the other hand, migrants coming through the southern border (Ceuta, Melilla or sea) are aware of the difficulties they will have to be able to cross into Europe. If they have not been well informed when leaving their country, the long journey to reach Europe prepares them for the reality with which they will meet. Most of migrants interviewed claim to have learned how to cross into Spain or about the asylum system in Morocco, while they are waiting to do so.

The fear of the border by one or another group of migrants is reflected in the treatment they receive according to the border they are going to cross. The airport, the place of entry for Latin Americans, is most of the time, a fast border to cross and where there is little contact with border agents. A Nicaraguan interviewee said "when we arrived to Madrid I was a little afraid, I saw how the police randomly asked people from my flight some questions, and even took them away from the passport queue. But not to me. I gave him my passport, he looked at me, he asked me what I was going to do, I told him that I was on vacation and he welcomed me (...) I rested happily ". (ES_1a_x). Facing this reality, there are those people who come from the south. For example, a common practice when a ship has been intercepted in the Mediterranean Sea is to take the migrants to the police station where they remain locked for several days. During this period they hardly receive information or legal support. One interviewee explained that "during the time I was detained in the police station in

Granada (Andalusia's city) nobody explained anything to me, the police did not speak our language and they never asked me if I wanted to ask for asylum" (ES_1a_xi).

As already informed by the stakeholders, the interviewed migrants confirm the important delays in making the request. For migrants this state of waiting is "psychologically very hard because in those moments you have the feeling that at any moment you will be returned to your country, you are nobody for Spain" (ES_1a_vii). In any case, once the interview for asylum request is done, the applicants for protection claim to have had a very good experience during the interview. Although most of them are very afraid of the police, because as one Nicaraguan migrant interviewed said "we come from a country where police means repression and terror" (ES_1a_x), the interviews are very professional. Most of the interviewees stated that they had received legal assistance and interpreter during the interview, although on few occasions the quality of the interpreter was very low (information confirmed by the stakeholders). In short, despite being the police who conducted these interviews, the migrants confirm the good treatment and the proximity received.

Waiting for protection in the framework of access to the reception system

Expressing their interest in asking for international protection, gives access to the system of reception and integration. It is within this system that migrants wait to receive confirmation or rejection of recognition of their international protection status. However, as we warned, the system is saturated and there are no places available for all applicants. Only a few have access to the system. Thus, if the first frontier was viewed with despair and as a mere procedure (especially for Latinos), this second frontier is for many of them the most frustrating. Migrants live again a process of waiting, full of misunderstandings and with despair to see their expectations unfulfilled.

As explained in the first section, the reception system is managed by civil society organizations (under the governmental framework), so that migrants no longer have a relationship with public sector workers, and create a strong link with social workers and lawyers of NGOs. On the one hand, the lawyers of the organizations accompany the applicants in the interviews, support the applications presenting evidence to attach during the processing of files, or appeal in case of refusals. On the other hand, social workers support the training and employment itineraries, support the legal procedures (registration in the *padrón*, health card, schooling of children) and grant housing. As a general rule, in all these processes, the majority of migrants claim to have a very good relationship with NGO workers, as well as a relationship of closeness and cordiality. The desperation of the situation makes this link sometimes become dependent. One of the migrants affirmed: "the social worker has become my brother, he is my referent, I trust him and between both we will be able to get ahead" (ES_1a_xii).

The invisibility of being out of the system

As pointed out, only few migrants can enjoy the established channels within the system. Those migrants who are outside the system are mainly due to four realities: 1) because the system is saturated and there are no places for all the applicants; 2) because despite having asked for international protection they decide not to be included in the reception system (or because they do not need it financially or because they do not want to be help from third parties). A Venezuelan

interviewee said "I did not come here to receive charity or help of any kind; I do not want. In my country I had a company, two houses and two cars. I have to solve my life myself "(ES_1a_v); 3) because they have already gone through the system and the 18 month period has ended; and 4) because they simply do not know the system. The interviews carried out throughout the project have allowed interviewing all these cases and the borders they find throughout the integration process are changing. Being out of the system, whatever the reason are, makes more difficult to recognize and enjoy the entitlement rights.

Especially vulnerable are those people who do not have any knowledge of the system. As a rule, they are Latin Americans, especially Central Americans, who do not have social networks in Spain. This group is especially sensitive since nobody has informed them about the process in their country or during the trip (as is the case of Africans). The interviews conducted in Caritas Spain gave access to meet this especially vulnerable reality. In many cases these migrants are misled by criminal groups that make them pay for services that are free, such as registration in the *padrón* or obtaining a health card. Similarly, they do not have the possibility to follow up on their requests for international protection since they do not know the legal advice services that organizations such as ACCEM or CEAR provide. Finally, they do not have access to housing or financial assistance for food, which means that many of them live in extreme poverty, or must go to basic social services or charity.

4.3. Everyday lived experiences of borders and bordering practices in the housing and/or employment sectors

The great majority of the migrants interviewed have a wide knowledge about how the reception system works. They know perfectly the system by phases and how this system gives them at each moment the possibility of benefiting from one or other programs. Even so, we find with migrants who have travelled alone, without information on the asylum system and who despite having been in the country for several months have a lack of important knowledge of the existing support. This is especially true among the Latin Americans, since their trip is done in one day and they do not have the possibility of interacting with other migrants. On the contrary, migrants coming from Africa have had the possibility of exchanging information with other migrants along the long journey or in their waiting in Morocco.

Housing sector

There are two possibilities in which a migrant can be found with respect to the housing sector. The first possibility is that the international protection applicant has access to the reception system quickly and therefore can access to an accommodation provided by any of the civil organizations. The second possibility, and the more usual one, is that there is no place in the reception system and they have to wait for months to be able to enjoy it, or be completely out of the system due to lack of knowledge or explicit refusal to be supported by third parties.

With regard to those who are within the system, the vast majority of respondents say that the accommodations they have enjoyed were in good condition. In any case, there are few cases that report great negligence or problems in them. The first 6 months of reception (phase 1) the applicant lives in an accommodation of the organization itself, in this case the biggest problems reported are the difficulties of coexistence between applicants from different countries, since they do not speak the same language or they don't share culture (religion). In any case during this first phase the migrants

keep busy attending language classes and maintaining contact with the Spanish bureaucracy (registration, education, health, etc.), which gives them little time to be in the assigned home. The main problems come with phase 2 (of autonomy) in which migrants must seek their own accommodation, with financial support from the social organization. If, on the one hand, all migrants say they prefer this second phase because it gives them autonomy, freedom and there is less control from the organizations - a migrant said "in this phase we are adults" (ES_1a_xiv) -, on the other hand they find many problems. First they have to face a market of saturated housing, of poor quality and at very high prices. Second, many of them report racism and xenophobia. A migrant from Morocco said "I call to rent a room and the first thing he/she ask me was: 'where are you from?', when I say Morocco he/she hung up the call directly" (ES_1a_xv). Finally, this period of one year is not enough to be able to become fully independent of the support, mainly due to the difficulty of finding a job.

For those who are outside of the system the protection applicants report the difficulties they have to suffer during all this time. It should be remembered that having a home in Spain is of great importance since it gives access to the registration into the municipal register (*padrón*); registry that in turn gives access to all kinds of social services. The migrants interviewed who are in this situation must suffer the aforementioned but in this case without receiving any kind of support. The vast majority of them go to the social services of the municipalities, having to sleep in temporary shelters for homeless. A Venezuelan couple explained "better these shelters than sleeping on the street, but we have a small child and although there are rooms for families there are many people with problems (referring to alcoholism, drug addiction or violence)" (ES_1a_v). Some of them also report having gone to charitable organizations that either have hosted them in flats for a few days or have been able to sleep on the floors of the churches. Another common practice is the over-occupancy of housing, in which families of up to 6 people live in a small room in a shared apartment. Finally there are many who claim to have slept at various times on the street, in parks or at bank tellers for several days.

Employment sector

For all applicants and beneficiaries of international protection interviewed, access to work is the first step, and the most important, for integration. As one interviewee from Guinea said "if we come from Africa, it's because we cannot be there. The only thing we want is to work, to live in peace" (ES_1a_xi). In fact, the asylum system establishes the possibility of working six months after formally presenting the request for international protection. While this may seem short time, all migrants interviewed say they have problems. In first place because of the delays to have the first interview that can take up to six months, which substantial delays the access to the work permit at 12 months. Secondly because the renewal of the (red) card permit is made every 6 months and as one of the migrants told us "at the moment, I have been living in Spain for 2 years, I should have my fourth 'red card', however I have the second card still expired and they do not give me an appointment to renew it (...) so, with the card expired, nobody gives me work ". That is to say, the delays in the renovations are many. And, finally, employers have a high level of ignorance about the asylum system and the documentation that applicants have. There are few employers who know what a 'red card' is and which gives applicants the possibility to apply for a job. A Salvadoran interviewee explained that "at the beginning when they asked me to prove that I was on a regular basis in Spain to make a contract and I showed them the 'red card' they laughed at me" (ES_1a_viii).

To these difficulties mentioned we must add the fact that the job market for applicants is completely conditioned by a labour context incapable of absorbing labour force, both national and foreign. In spite

of this, the social organizations are aware of the importance of accessing to a job and launch an itinerary of training and job search within the reception system. Migrants value well the training and the courses received by the entities, however not many of the interviewees seems to have found quality and stable work from these courses.

In any case, the asylum system is not the only one that provides training courses. The applicants and beneficiary of protection also have access to the training of the general employment services of the different Autonomous Communities or those organized by different entities with State or European funds. Some of the migrants interviewed say that these courses are more specialized and the possibility of finding a job through them is more likely. A refugee of Syrian origin explained his experience thus: "I went to a foundation where they gave a free self-employment course, there they taught me how to start my own business. We made a business plan together and they accompanied me at the beginning of the process. I have a restaurant now" (ES_1a_vi).

The language appears for all the interviewed migrants (not Latin Americans) as the first big problem to solve in the search for a job. Applicants are very aware that if they do not speak Spanish they cannot access to a job. Most of the migrants interviewed affirmed that the Spanish courses of the organizations are very good (in fact the vast majority of interviews conducted during this project could be done in Spanish); even in those cases in which the interviewee had been in Spain for 6 months. The importance of the language, therefore, makes it necessary to differentiate between migrants from Latin America and other countries. Many of the interviewees from the first continent had a job, while very few from other countries had found one. The question of language is aggravated by self-employment. When an applicant or beneficiary wants to start their own business, not knowing the language well is causing important problems and frustrations due to the lack of understanding of the system.

Although, as we said, part of the interviewees have been able to find a job, the truth is that in most cases these jobs are temporary and precarious, they are not related to the employment they did in their country of origin and in many cases the applicants and beneficiaries are over-qualified for them. This over qualification, and lack of access to jobs that are known, is related to the difficulties to standardize the educational qualifications and to recognize the training and previous qualification. One of the migrants interviewed from Guinea explained it this way: "I do not understand why I have to do months of courses to show that I am driving. In my country I had tow trucks and I cannot drive even a car here. I am a driver" (ES_1a_xi).

4.4. Lived experiences of im/mobility

In the Spanish case we must raise two types of (im)mobilities. First, the internal (im)mobility within the country and second the (im)mobility related to other EU countries.

Mobility within the country, or the lack of it, is linked on the one hand to the frontier of access to the country and, on the other, to the system of reception and integration. As regards the border, the case of Melilla is of special relevance. As previously mentioned, migrants who arrive in Melilla and request an asylum application find themselves with a second border to arrive to Europe continent. The request for international protection there may entail, as was the case of one of the interviewees, that for a year you remain in the CETI without being able to reach the European continent. The problem of staying in Melilla is that there is no reception system: there are no Spanish courses, there is no training,

there is no possibility of being in another accommodation - other than the CETI itself - and finally there is no viable autonomy process.

The second (im)mobility refers to the one that the reception system forces on you. As we have explained, on the one hand, the system is saturated which means that there are very few places and, on the other hand, the system forces migrants to move where there is a free accommodation, without taking into account migrants personal characteristics or social networks. This is forcing people who arrive in a specific city to move throughout the Spanish territory, even to very small cities. In this sense we must consider that, on the one hand, in these smaller cities the labour market is more stressed and therefore looking for a job is more difficult. On the other, that in those cases in which applicants have some type of social network (with the importance for integration), they have to move away from them to follow the place that the program has given them. The main problem that most of the interviewees have pointed out is that once the system have given a place in a city, it is very difficult to be reassigned to a place of your preference. In addition, in the event of being absent from the assigned accommodation, the rights of aid that are linked to it are automatically lost.

In the same way, the system is configured in order to limit the mobility to other EU countries. This is confronted with the desire of migrants who come from Africa and Asia, who see Spain as the country that opens the door to Europe. As one of the interviewees said, "the vast majority of us (Africans) do not see Spain, they see Europe; and Melilla is the first step that all of us have to take to follow the path" (ES_1a_xii). Two realities are opposed here, despite the initial desire that Spain is a transit country to move towards Europe, if the integration process is being satisfactory (which means almost have a job, studying or partner) the person stops looking wishing to go to another EU country. If, on the other hand, the integration process is not successful, they look at the rest of the European countries. One of the sub-Saharan interviewed who arrived 3 years ago said that "why are you going to stay here, how can I stay here if I do not have anything after so many time? I no longer have support, I do not have support any more" (ES_1a_xiv).

Faced with this desire to go on the part of sub-Saharan migration, mainly, all the Latin American applicants interviewed do not contemplate the possibility of going to another European country. They find in Spain a country in which to settle, in spite of the difficulties they may have at this precise moment. Among the issues referred when they are asked about why do you not want to leave Spain, the most aforesaid are: language, culture, food and climate (which are more similar to their countries of origin).

4.5. Conclusion of the chapter

The interviews with migrants reveal what the stakeholders previously confirmed. The international protection system has a good design in theory but in practice it is distorted given the inability to respond to the large number of applicants. Despite the fact that Spain has a common petition and reception procedure for all applicants, the place of origin of the migrant matters. The entrance to the system varies according to the border you enter and therefore the experiences of each of them are very different.

An interviewed expert said "for Latin American applicants, the trip has just begun when they arrive to Spain (since it only separates them a few hours by plane from their country of origin), while African applicants in Spain feel that the trip has ended (many it takes several years for them to arrive)

"(ES_2b_iv). This feeling causes them to face the procedure and its accommodation in a very different way. The general feeling is that applicants from Latin America begin to fight for their future when they arrive, while the rest of the applicants have been fighting for many years.

In any case, there seems to be a key issue: applicants and beneficiaries have to work to see their expectations fulfilled. There are not a few migrants who work in lower qualified jobs, but feel satisfied to be autonomous and not to depend on state or social support. Work is the way to feel integrated. However, the process is not linear. Applicants suffer constant emotional ups and downs. An interviewee of Somali origin described the integration process as "a continuous up and down; Sometimes you are up, sometimes you are down" (ES_1a_xiv). And it is changing in the process according to the phase in which they are. In this sense, a particularly key moment for the system and social cohesion is when the 18 months of assistance end. Moment at which point, it is the rest of the structure of the welfare state that takes charge of sustaining this group, which remain mostly excluded.

5. An analysis of the links, or the lack thereof, between the management of mobility and that of borders

5.1. Introduction

Spain is a clear example in which the management of borders is linked to the mobility of applicants and beneficiaries of international protection. In fact, all the mobility enjoyed by a migrant, whether within the country or secondary to another member state, clearly depends on the migrant's entry border. As already mentioned, Spain has many borders and each of them marks in a very different way the possibilities that a person will have to move. Similarly, depending on the frontier by which the person enters, the management of that mobility will be different too.

In this chapter we will review precisely this, how borders mark the mobility of migrants; which in turn is marked by the way in which the government manages incoming migrants. We will differentiate between the three main forms of arrival in Spain: arrival in Ceuta and Melilla, by airport and sea. Similarly, in the next section we will deal with internal mobility (within the country) and the borders that appear for the socio-economic mobility of the applicant.

5.2. Mobility of migrants and borders in Spain

Secondary Movements

The arrival in Ceuta and Melilla, whether on a regular or irregular basis, is probably the one that give least mobility to applicants. The CITEs of Ceuta and Melilla have become "prisons", as some of the migrants interviewed said, in which one can be "prisoner" even for a year. Once in them, you can only leave with a transfer to the European continent. The main issue is that the transfers bring, either to be sent to a CIE with an expulsion order, or as part of the reception system of international protection, which traps that person to the country (for the support provided by the reception system and for the Dublin Regulation, which implies that migrant can not apply for international protection in another EU country; and even the return to Spain for being the first country of entry).

The arrival in Spain by airport also leaves little freedom of mobility for immigrants, due to several issues. First of all, because the type of migratory flow, which is from Latin American origin, and mostly, as we warned, this type of migrant does not want to undertake any movement towards another EU country. In those cases that migrants arrive from another region of the world, border agents systematically review their passports in depths, which means that in many cases migrants have to stay at airports (because they have false documents or because they do not have a valid visa). Given this situation there are two possibilities: 1) that the migrant is returned to the country of origin or transit; or 2) acceptance of the international protection procedure, which obliges to a certain extent that person to remain in the country, as previously explained (reception system and Dublin).

Arriving by sea is by far the most mobile to the migrants. This is because, as many of the interviewees explained, the vast majority of people arriving by sea to Spanish coasts are not registered, and if they are, it is not through the international protection procedure, which means that at the moment where they can go to other countries of the EU. One of the interviewees explained how this mobility works: "After the landings in Andalusia, part of the migrants are sent to northern Spain on buses paid by civil society organizations. In the northern cities (such as Barcelona or Bilbao) they are welcomed for a few days and then they are paid another train or bus ticket to the border with France to all those who ask for it. In any case, the vast majority of them simply disappear within few days" (ES_2c_iii).

It is well known by stakeholders that migrants who disembark on the Spanish coasts are aiming to continue their journey towards the centre and north of Europe and to contain them is, as we are observing, an almost impossible task. In this context, a representative of the Ministry of Interior of the government of Spain stated that "Europe is making a mistake by treating the issue of secondary movements as a problem. Instead we should consider it a fact and a phenomenon. It is not possible to stop someone who has a family in another country and where the integration process can be easier. It is inevitable" (ES_3a_i). In fact, this same interviewee stated that "this has been our position (the Spanish government), that family ties are a criterion that is much more determinant and hierarchically superior to others such as border crossing. Nor do we believe that it is neither effective nor logical, nor of good image, to have a floating population in the EU circulating" (ES_3a_i).

Internal and Socio-economic Movements

Together with mobility to other countries, we would have to include the mobility that occurs both within the country and socio-economic mobility. Regarding internal physical mobility, we already mentioned previously that immigrants have their mobility conditioned for two reasons: because they are forced by the reception system (they go where there are available places) or because the socio-economic context of a region or city is better than other. The vast majority of migrants prefer cities such as Madrid or Barcelona given that the chances of entering the labour market are higher.

In the same way, the system conditions the socio-economic mobility. The Spanish reception system is developed with the aim that any person requesting international protection has the possibility to settle in Spain. While, on the one hand, the Asylum Law in art. 30 states that the Spanish government through the asylum system must "ensure the satisfaction of basic needs in conditions of dignity". On the other, it seems clear that the government must create a procedure in which applicants and beneficiaries can, over time, reach the level of sufficient autonomy. This means does not have to be sustained for life by the public system. Thus, it will also relieve the system (leaving free places) and allow others to access the benefits granted by the system.

The Spanish system understands this by setting in motion a whole network of language, training and employment programs offered by social organizations. It seeks, in short, that the migrant can move socio-economically in the host society. That leaves the social stratum characterized by exclusion, and can achieve the necessary autonomy to be part of the whole society. However, this is truncated for many reasons, including: the Spanish economic and labour context, the lack of resources of the reception system, racist and xenophobic practices (which particularly affects housing and the labour market) or their own capabilities / situation of the applicant (psychological traumas, difficulties in language learning, etc.).

5.3. Conclusion of the chapter

As we have seen, the mobility of the beneficiaries for the Spanish case depends fully on the border through which migrants enter. The way in which the Spanish government, supported by the stakeholders, is managing each one of the entrances to the country causes and allows one type of mobility or another. In this case, and as we stated in this chapter, understanding mobility in a very broad sense: both physical (external and internal) but also socio-economic.

Migrants see mobility as a way to improve the situation in which they find themselves. They want to move among the member states because they believe that in this movement they will find better job opportunities, because they have social networks or, ultimately, because they will find better quality of life and prosperity. In the same way they want to move within Spain, between Autonomous Community, or from one city to another. In short, they seek to move in the new society that welcomes them; within the labour market or the education system. They try to move from the social stratum that has corresponded to them when leaving their country in the conditions in which they have done it, and as part of an excluded group to which they belong.

6. Final conclusion

Spain is a country that is not prepared to deal effectively with the requests for international protection that it has at present. The international protection system is saturated both with regard to the management of entry, procedure and reception (Pasetti and Sánchez-Montijano, 2019). This is what all the informants interviewed wanted to reflect. The system is creating a series of borders that hinder and impede mobility, broadly understood (physical and socio-economic), to applicants and beneficiaries of international protection.

As a representative of the Ministry of Interior said: "Spain has been an exception to the rest of the EU Member States since 2015 (almost no applications were received), and now that the applications are down for them, Spain overflows; so we remain an exception (...) However, Spain is the one that is normalizing. Taking into account the geographical situation of our country, the size, the importance within the EU, it is now when the number of requests is being adapted to what would have to correspond to our country. (...) Despite this we are not prepared" (ES_3a_i).

Based on the above, the Spanish borders should not be understood as the entry to the territory, but the process by which the applicant can enter to the protection system as a whole (frontier, procedure, reception and integration). For the stakeholders working on the borders with international protection applicants, the concept of a border is clear "while for the migrant the border ends once they are in Spanish territory, for those of us who work with migrants, the borders begin now and they are many in the territory" (ES_2b_i). The border process, therefore, is very complex and the steps that an applicant for international protection has to take to avoid them are different:

1. First, with the entrance to the territory,
2. Second, with the expression of willingness to submit an application for international protection,
3. Third, with the final and formal presentation of the protection request,
4. Fourth, with the inscription of the asylum seeker in the reception and integration system,
5. Fifth, with the award of a place in the system of reception and integration.
6. An finally, once the support of the reception and integration system (after 18 months) is over.

To all these borders others must be added. Particularly the contextual and structural ones in a country like Spain, which has high levels of unemployment among the whole population and where housing is inaccessible for the vast majority of citizens, especially in large cities such as Madrid or Barcelona. To sum up, all these borders are directly affecting on the day to day migrants' mobility.

If the objective of this report was to analyse to what extent there is a relationship between the Spanish borders and the mobility of migrants and how is it, the answer is that it does exist and directly affects. The border, and the processes that occur in it, (Newman, 2016) goes far beyond the territorial boundary itself and is characterized by: first, it has become practices that extend in time and space internal of the country. And that, therefore, has much greater influence and impact on the daily life of any migrant than the fact of entering into a specific country. The border process is present in multiple stages in the trajectories of migrants and is multilevel: arrival in a country (for example, interactions with the border agency), reception (for example, short-term accommodation, and administrative processes), settlement (for example, long-term housing, and integration in the labour market) and other mobility (for example, secondary movements).

Second, borders are produced and reproduced. The border process is materialized in the daily life of people through the actions put in place by different actors that participate in these borders (whether public, private, and governmental). And at the same time they are changing, appearing some new ones and disappearing others depending on the context (migrant flow, relations between the host, transit and origin country, or agreements within the EU itself).

Third, borders are lines of separation between legal, political, social and economic spaces that make migrants differ from others and from citizens. On the one hand, the system in frontier, procedure and reception does not give all applicants the same possibilities (there are no resources for all) and, on the other, there are specific contextual constraints (high level of unemployment, xenophobia) that prevent these borders disappear.

This report has wanted to review the different borders with which the immigrant has to face, however the complexity of Spain makes it very difficult to make a detailed review. Each border would require a report of its own in order to understand the system. In the same way it happens with the diversity that exists among the group of applicants of international protection. The recent arrival of thousands of people from different backgrounds with different needs makes it very difficult to draw concrete profiles. Finally, the continuous change in the flows of migrants and the border from they enter makes the system transform and adapt continuously, constantly changing the practices that occur at the borders.

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8. List of Abbreviations

ACCEM – Spanish Catholic Commission of Migration Association (*Asociación Comisión Católica Española de Migración*)

CEAR - Spanish Refugee Aid Commission

CEAS – Common European Asylum System

CETI – Centre for Temporary Residence of Immigrants

CIE - Immigrant Detention Centre

EU – European Union

GDM – General Directorate of Migration

OAR – Office of Asylum and Refuge



The research project CEASEVAL (“Evaluation of the Common European Asylum System under Pressure and Recommendations for Further Development”) is an interdisciplinary research project led by the Institute for European studies at Chemnitz University of Technology (TU Chemnitz), funded by the European Union’s Horizon 2020 research and innovation program under grant agreement No 770037.) It brings together 14 partners from European countries aiming to carry out a comprehensive evaluation of the CEAS in terms of its framework and practice and to elaborate new policies by constructing different alternatives of implementing a common European asylum system. On this basis, CEASEVAL will determine which kind of harmonisation (legislative, implementation, etc.) and solidarity is possible and necessary.