

# Spain Report

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## *1. Introduction*

### *Country Profile*

The Kingdom of Spain is part of the Iberian Peninsula, located in the south-western part of Europe. Spain joined the European Union (EU) in 1986 (Shubert et al. 2016). It has the biggest area among the countries of this research with 505,370 km<sup>2</sup> and currently has a population of 46,4 million inhabitants (Statista 2016a, Statista 2016b). Population density in Spain was last measured at 93 people per km<sup>2</sup> of land area in 2014 (World Bank 2016). The country is divided into 17 autonomous communities, two of which, the Basque Country and Catalonia, have repeatedly tried to gain their independence from the Kingdom of Spain. Although the official language of Spain is Castilian, many other recognised languages such as Catalan, Valencian and Basque are spoken in some regions (Shubert et al. 2016).

Spain's proximity to Morocco is geographically important for an understanding of the asylum situation in Spain. The Strait of Gibraltar separates Spain and Morocco by distances ranging from 14 to 40 km (Enciclopedia Sapere 2016). The Canary Islands, which belong to Spain, are located off the coast of Africa in the immediate vicinity of Morocco, and two Spanish enclaves, Ceuta and Melilla, are located on the northern shores of Morocco's Mediterranean coast.

The political system of Spain is a parliamentary monarchy, a social representative, democratic government, in which a constitutional monarch is the head of state and a prime minister is the head of government. After the abdication of King Juan Carlos in June 2014, his son Felipe VI assumed the throne (Shubert et al. 2016). Over the past two years, this system faced a severe crisis. Many elections were held because Mariano Rajoy, the acting prime minister and leader of the People's Party, failed to gain a majority vote in parliament. Since 2015, he led the provisional governments, but new elections will take place in December 2016 (El Economista 2016).

Spain also continues to face internal instability owing to the effects of the 2008 economic crisis in Europe. During these years, as a result of this crisis, the country's unemployment rate rose. With a rate of more than 26% recorded in 2014, Spain in 2016 has the second highest unemployment rate in the EU after Greece (Trading Economics 2016). In July 2016 the unemployment rate registered was of 19,6% (Statista 2016c). The GDP in Spain was worth 25,864 billion US dollars in 2015 (Statista 2016d).

### *Asylum Profile*

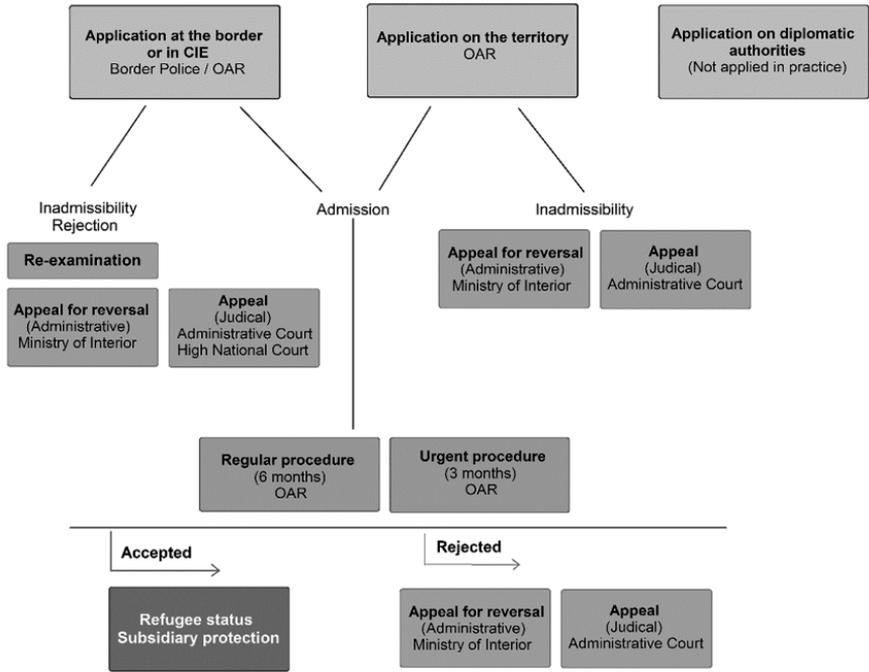
According to Spanish law, asylum seekers can apply for either a regular procedure within Spanish territory or an urgent procedure at the border (ECRE 2016: 14).

In the case of a regular procedure, applicants lodge their requests by sending them to the Office of Asylum and Refuge (OAR), which has one month to examine the application. If the OAR does not issue a decision within that period of time, the application is admitted under positive silence by the Spanish law, and the resolution will determine whether it is admissible or inadmissible. An application can be considered inadmissible for the following reasons: (1) lack of jurisdiction for examination of the application or (2) failure to comply with the formal requirements. If the application is deemed admissible, the Ministry of Interior is given six months to examine the request, although the examination usually extends beyond this time limit (ECRE 2016: 14) (Figure 1). If the application is declared inadmissible, the applicant may appeal for a reversal (*recurso de reposición*) or may file a contentious administrative appeal.

In the case of an urgent procedure, the applicant can ask for asylum at the Spanish border or at a Foreigner Detention Centre (*centro de internamiento de extranjeros*, CIE). The OAR must analyse the application within a period of 72 hours, or four days if the applicant is from a CIE. If the application is admitted, the asylum seeker will be authorised to enter Spanish territory to continue to pursue the urgent procedure. If the application is found inadmissible or is refused, the applicant may ask for reconsideration (*re-examen*) of the request within two days. In the event of inadmissibility or another rejection, an appeal can be submitted before a judge or tribunal. If any of these deadlines are not met, the applicant will be admitted to the Spanish territory to pursue the asylum claim according

to the regular procedure (ECRE 2016: 14) (Figure 1). Application to diplomatic authorities has not yet been put into practice by Spanish authorities (ECRE 2016) (Figure 1).

Figure 1: Profile of the Spanish asylum system



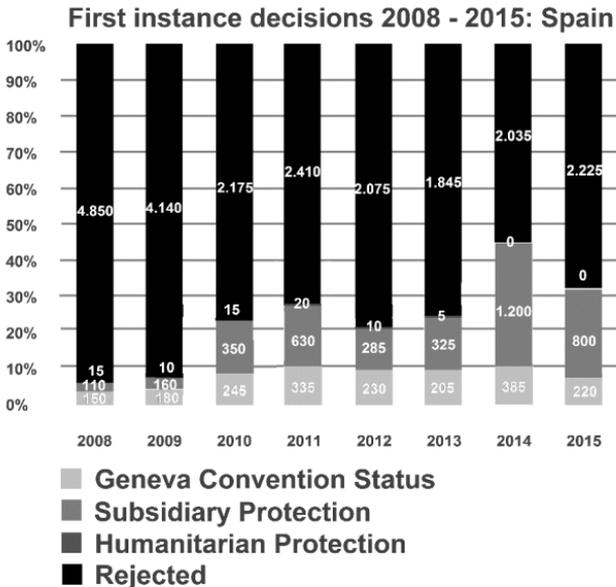
Source: ECRE (2016: 12).

In the past decade, the number of asylum seekers arriving in Spain has not been very high. Between 2008 and 2013, this number fluctuated between 2,500 and 4,500 per year, with reductions varying during these years (Eurostat 2016a). Recently, the situation has changed, and there has been a significant increase in the number of arrivals. According to data from two of the largest asylum-related non-governmental organisations (NGOs) in Spain – the Spanish Commission of Aid to Refugees (*Comisión Española de Ayuda al Refugiado*, CEAR) and the Spanish Catholic Commission Association for Migration (*Asociación Comisión Católica Española de Migración*, ACCEM), the number of asylum seekers has almost tripled, from 5,947 in 2014 to 14,780 in 2015 (CEAR 2016). In the first half of 2016 6,875 people have already applied for asylum in Spain, which is 148 asy-

lum seekers per 1,000 of population (Eurostat 2016a). Many people who were seeking protection went to Ceuta and Melilla, which saw approximately 3,000 arrivals registered in 2014 and about 8,000 in 2015 (UNHCR 2016). Asylum seekers also arrive at Madrid Barajas Airport and come from Italy through the relocation system established by the EU. The sea routes that had been used to enter Spain in the past are no longer being used as much (CEAR 2016; UNHCR 2016).

Whereas the number of arrivals in Spanish territory is constantly growing, the asylum recognition rate continues to be low. In 2008 and 2009, more than 90 % of asylum appeals were rejected. However, the number of rejections decreased between 2014 and 2015, with a rejection rate of approximately 68,5 % in 2015 (ECRE 2016; Eurostat 2016a) (Figure 2). The number of asylum seekers given subsidiary protection also decreased, from about 1,200 in 2014 to about 800 in 2015, but humanitarian protection was no longer granted in these two years (Eurostat 2016a) (Figure 2).

Figure 2: First-instance decisions in Spain, 2008–15



Source: Adapted from Eurostat (2016a).

In 2015, asylum seekers originated mainly from Syria (5,724) and Ukraine (3,420), in addition to Palestinians coming via Syria (809). The Syrians

were most likely to be granted protection status: although only 2,2 % were given refugee status, 90,8 % received subsidiary protection. The application of the Ukrainians were to 100 % rejected. Of the Palestinians, 54,5 % were granted refugee status and 27,3 % received subsidiary protection (ECRE 2016) (Table 1).

*Table 1: Applications and protection status for asylum seekers in Spain at first instance in 2015*

	Applicants in 2015	Pending applications in 2015	Refugee status	Subsidiary protection	Rejection	Refugee rate	Sub. Prot. rate	Rejection rate
<b>Total</b>	<b>14,780</b>	<b>16,430</b>	<b>220</b>	<b>800</b>	<b>2,220</b>	<b>6,8%</b>	<b>24,7%</b>	<b>68,5%</b>

**Breakdown by countries of origin of the total numbers**

Syria	5.725	4.265	15	640	50	2.2%	90.8%	7%
Ukraine	3,345	4,195	0	0	35	0%	0%	100%
Palestine	800	895	30	15	10	54.5%	27.3%	18.2%
Algeria	675	505	0	0	370	0%	0%	100%
Venezuela	585	685	0	0	5	0%	0%	100%
Morocco	410	225	15	0	220	6.4%	0%	93.6%
Mali	225	1,565	0	0	230	0%	0%	100%
Nigeria	215	520	0	0	95	0%	0%	100%
Somalia	160	70	10	100	55	6.1%	60.6%	33.3%
Iraq	135	275	5	0	0	100%	0%	0%
Afghanistan	40	100	35	15	5	63.6%	27.3%	9.1%
Eritrea	20	15	5	0	0	100%	0%	0%

Source: ECRE (2016: 6).

Concerning the current situation, the number of first time applicants in the first half of 2016 per million inhabitants was 148, recognising 71 % of applicants (Eurostat 2016b; Eurostat 2016c). In the same period of time, subsidiary protection was granted in 67 % of cases (Eurostat 2016b; Eurostat 2016c). In the first half of 2016 4,515 asylum decisions were recorded in Spain in total, 1,310 of them were rejected ones (Eurostat 2016b; Eurostat 2016c).

### Legislation

Regarding asylum-related legislation, it is important to take into consideration the new asylum law passed in 2009, which governs the status of asylum and subsidiary protection for those seeking asylum in Spain. Many of

the aspects that were decided upon have not yet been implemented and are not yet being practiced by the authorities. Also, the law is not specific with regard to certain issues, particularly the treatment of vulnerable cases, family reunification, the possibility of applying for asylum at the embassy and procedural aspects (e.g. border procedures). Meanwhile, because Spain is part of the EU, the law must also follow EU request directives (UNHCR 2016).

Our preliminary overview of the asylum situation in Spain showed gaps in the implementation of asylum laws and EU directives, and the MAREM project aimed to investigate and analyse this situation further.

## 2. Current State of Research

As is typical of countries located in the south of Europe, immigration is a recent and important phenomenon in Spain. History has demonstrated that *“the migration flows reversed in the last third of the twentieth century; from a sending country of migratory flows, Spain has become a net receiver of immigrants”* (Fuentes 2000: 2). Since the beginning of 2015, the old continent has had to deal with an unprecedented number of people seeking protection in Europe, owing mostly to the escalation of lethal conflicts, especially in the Arab world and on the African continent. This situation raises the question of the extent to which Spain should assist and contribute to the severe effects of this humanitarian drama. According to CEAR, *“Spain received only 0.95% of [all the] asylum applicants in the EU in 2015”* (CEAR 2015: 10), which is relatively low when compared with the other 27 EU countries. In its annual reporting for 2015, CEAR sheds light on two primary reasons for this finding: first, the constant monitoring of the country’s borders, accompanied by brutal abuse, tends to scare asylum seekers away from Spain; and second, the Alien Law, *“which legalises the automatic and collective expulsion of migrants and refugees from the borders of the Spanish enclaves of Ceuta and Melilla, prevents access to asylum procedures”* (CEAR 2015: 15).

This protectionist policy of the Spanish authorities has been cause for criticism in scientific circles. According to Vega (2015), *“the Spanish approach to the on-going refugee crisis is certainly striking given the general lack of involvement and indifference with which the national government has addressed the issue”*. The reluctance of the Spanish government, combined with the closed-door asylum policy towards people in need, re-

veals Spain's double-standard policy. Vega suggests that Spain should improve its welcoming policy and should not distance itself from the legal and moral responsibility to accept asylum seekers. *"Even if during its recent turbulent history Spain has been generating refugees in large numbers, with the establishment of democracy its attitude towards the notion of asylum revealed a striking lack of ambition"* (Vega 2015).

Another evocative appeal can be found in the annual report from Amnesty International, which points out that *"where there are fences, there are human rights abuses"* (Amnesty International 2015: 33). In this context, Amnesty International demands more transparency among state institutions, noting that the state should investigate reports of human rights violations committed against migrants, asylum seekers and refugees; make the findings publicly available; hold those responsible to account; and provide victims with appropriate remedies (Amnesty International 2015: 27).

In its annual observation, CEAR emphasises that Spain should take imminent action to *"ensure that not one person is returned, under the Dublin Regulation, to a country that does not guarantee a fair and effective protection and reception system"* (CEAR 2015: 17). This proposal shows the monitoring role of national and local organisations in disclosing the illegal actions of state authorities. CEAR goes further by proposing that *"Spain has to speed up the application procedure for asylum at the border [...] in order to defer people in need of protection [from risking] their lives by taking dangerous journeys"* (CEAR 2015:18).

On the other hand, Stramm (2015) supports the view that Spain's protectionist policy is motivated by the unfair character of burden-sharing on the European level that creates a vicious cycle for the whole system. *"With better burden-sharing, Mediterranean states like Spain and Italy would not have as [great] an incentive to create restrictive immigration policies that prevent asylum seekers from reaching Europe"* (Stramm 2015: 37). Moreover, Stramm emphasizes that Spain's current political response to asylum policy is highly questionable. Changes on the European platform will lead to improvements on the national level as well: *"Increased methods of burden-sharing among EU countries might make Mediterranean countries like Spain, Italy, and Greece more willing to prioritize asylum seekers in the immigration process"* (Stramm 2015: 36). This would include *"the equalisation of costs per applicant, financial compensation, and physical relocation of asylum seekers"* (Stramm 2015: 37).

One weakness in the literature is the descriptive character of the information, which focuses solely and specifically on the problematic situation

faced by asylum seekers in Spain. An examination of the role of asylum-related organisations in managing this humanitarian crisis remains a constant challenge because of the scarcity of scientific studies in this field.

The MAREM project is an international innovative project whose aim is to fill this gap by scrutinising the role of asylum-related organisations and their cooperation networks within the framework of implementing the Common European Asylum System (CEAS). It analyses the characteristics of these organisations and their cooperation ties within the networks of the asylum-related organisational field. At the same time, a consistent aim of the MAREM project is to provide an assessment of the gaps that exist in the Spanish asylum procedures. In addition, our study tries to explain the small number of people seeking protection arriving in Spain compared with other countries in the EU, despite Spain's proximity to Northern Africa. The following sections provide an analysis of the different aspects of asylum-related issues in Spain in terms of the research questions posed by the MAREM project.

### 3. Hypotheses

Using the data collected, we examined the above-mentioned research questions by relating them to the approach of neo-institutionalism (DiMaggio and Powell 1983). This approach illustrates how similar conditions shape the inner structure and activities of organisations in a similar way. Based on the theory of neo-institutionalism, we proposed the following two hypotheses regarding the cooperation network of asylum-related organisations in Spain:

*Hypothesis 1:* The involvement and influence of the Spanish government on humanitarian asylum-related organisations contributes to isomorphic processes in the organisational field.

*Hypothesis 2:* Copying best practices of experienced organisations can lead to isomorphic processes in the field of asylum-related organisations.

These two hypotheses describe the influence of Spanish authorities on the organisations' behaviour by means of financial dependency between the state and asylum-related organisations, as well as the possible behaviour of organisations within their cooperation networks, which can lead to isomorphic processes. These assumptions are based on the concept of coercive isomorphism (for more information on this process, see the first chapter of this book) and will be analysed further in this chapter.

In response to the refugee crisis in Europe, more asylum-related organisations are needed to address this growing problem. Organisations have been developed and have begun to work on asylum-related issues in Spain. To facilitate cooperation among the groups who work in this field, these fairly new organisations contact their more experienced partners and try to emulate their good practices. Therefore, as new organisations emerge in response to the Mediterranean crisis, one can expect to see a tendency towards mimetic isomorphism (see the first chapter of this book). Considering the refugee crisis in general, the following hypothesis was proposed:

*Hypothesis 3:* The escalation of the humanitarian crisis encourages collaboration among emerging actors who refer to the experienced organisations operating in this field. This leads to processes of mimetic isomorphism.

Hypothesis 4 is based on the process of normative isomorphism (for more information about this process see the first chapter of this book):

*Hypothesis 4:* Spanish asylum-related organisations that choose employees based on their professionalism will become similar to other organisations in this field.

Here, the focus lies on the educational background and additional training of the staff of asylum-related organisations. These organisations are expected to hire staff members who have specific experience that will help them deal with asylum-related issues and harmonise the work of these organisations. Additional workshops, trainings, seminars and other professional meetings can also contribute to similar practices in the asylum-related organisations.

#### 4. Current State of Research

In March 2016, nine expert interviews were conducted in Madrid: six with members of NGOs, two with the staff of intergovernmental organisations (IGOs) and one with a professor at the King Juan Carlos University in Madrid. Thus, the majority of the interviews involved are NGOs. It was more difficult to contact GOs and IGOs, whereas the Spanish NGOs were most willing to agree to interviews and to answer questions about their work. As a result, the main focus of our research in Spain was on NGOs.

The six interviewed NGOs were Amnesty International, Comisión Española de Ayuda al Refugiado (CEAR), Comité de Defensa de los Refu-

giados, Asilados e Inmigrantes (COMRADE), Paz y Cooperación, Red Acoge and the Spanish Red Cross. These organisations cover a broad spectrum of activities, including asylum- and refugee-related, immigration and multiple other social and material migration-related issues.

Amnesty International is a human rights-based organisation whose main duties are social mobilisation in the form of campaigns, research work and advocacy. Its staff does not “*work face to face with refugees [or] asylum seekers*” but rather on the international level (Amnesty International 2016), although it is also involved in several individual cases. Several specific campaigns in Spain have led Amnesty International to work on the national level as well, and the office in Madrid focuses on national issues. Financial support for Amnesty International comes from either the organisation’s members (Amnesty International 2016) or from “*personal and unaffiliated donations*”.<sup>1</sup> This allows organisations to remain independent of governments, political and religious ideologies and economic interests.

The Comisión Española de Ayuda al Refugiado (CEAR) is an international organisation that is active in three main domains: (1) social care, which aims to promote and encourage the autonomy of migrants and their achievement of full integration into Spanish society; (2) a ‘law clinic’ with more than 50 lawyers who provide advice and defend the rights of asylum seekers, refugees and stateless or displaced persons; and (3) an advocacy service, which is responsible for research on the political situation and respect for human rights in countries of origin.

CEAR is financed by public and private funding and by private contributors, donors and volunteers.<sup>2,3</sup>

The Comité de Defensa de los Refugiados, Asilados e Inmigrantes (COMRADE) is a local organisation with a special focus: they offer help to female migrants, asylum seekers and refugees who arrive in Spain alone with their children. COMRADE undertakes seven main projects: organisational help (e.g. with documents, the law); teaching Spanish and English (especially to help migrants’ children integrate into society); translation help (e.g. for important documents); transportation (e.g. helping to reach a hospital); providing money in case of basic or urgent needs (e.g. food,

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1 Amnesty International (2016) <https://www.amnesty.org/en/about-us/how-were-run/finances-and-pay>.

2 Interview with CEAR (2016).

3 CEAR (2016) <http://www.pear.es/colabora-con-pear/voluntariado-en-pear>.

hospital bills); assistance for job applicants as well as employee profiling; and psychological help carried out by professionals. The organisation cooperates with the government of Spain, which provides with financial support, but all its staff work on a volunteer basis (COMRADE 2016).

The local NGO Paz y Cooperación describes itself as a “*movement of non-violence and creativity*” (Paz y Cooperación 2016) with the goal of building a world of solidarity and peace. In trying to achieve this goal, the organisation conducts social campaigns and does educational work. Paz y Cooperación not only works in the asylum-related field but also cares about human rights in general and fights for gender equality. Although it received government funding in the past, all its funding now comes from the private budget of Mr. Joaquín Antuña, the vice president of the organisation (Paz y Cooperación 2016).

Red Acoge works on a national level and assists migrants and asylum seekers. It defends the rights of immigrants, supports the process of integration into Spanish society, facilitates access to social services and promotes the coordination and cooperation of the various agencies and associations working on migration issues (Red Acoge 2016).

The Spanish Red Cross is a large international organisation that deals with multiple social and health issues. In addition to its support of asylum seekers, this organisation provides health aid to various groups in society, such as the elderly or those addicted to drugs. Among its migration- and refugee-related tasks are advocacy, organisational help (e.g. economic support, accommodations) and psychological and integrational help. The Spanish Red Cross finances its work with funding from the government and through donations and relies on volunteers.<sup>4, 5</sup>

In conclusion, NGOs offer legal, financial, economic and social support and carry out integrational work on local, national and international levels. With financial resources from the government, donations and the help of volunteers, NGOs offer first aid for basic needs, training, clarification and advocacy.

Organización Internacional para las Migraciones (OIM, or IOM) is one of the two IGOs interviewed. It is an international organisation with a focus on migration issues. With regional and governmental financial aid, IOM is able to fund refugee relief, public welfare, shelter and integrational

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4 Interview with Spanish Red Cross (2016).

5 Red Cross (2016) <http://www.redcross.eu/en/Who-we-are/MEMBERS/Spanish-Red-Cross>.

work, so their main tasks concern trafficking and coordination (IOM 2016).

As part of an international organisation, the Madrid office of the United Nations High Commissioner for Refugees (UNHCR) (Alto Comisionado de las Naciones Unidas para los Refugiados [ACNUR]) is part of the worldwide United Nations Refugees Agency and assumes a supervisory role. In asylum- and refugee-related issues, its main missions include offering organisational recommendations, providing training and monitoring the work of other actors. Its financial resources consist of private and public donations and governmental funding (UNHCR 2016).

We also interviewed Ángeles Cano Linares, a professor at the King Juan Carlos University in Madrid, which is an actor on the national level and recently founded a new faculty designated International Relations, where Professor Cano Linares teaches courses on asylum and refugee issues and is also involved in research projects on this topic. Because she is employed by a state university, her financial resources are governmental (Rey Juan Carlos Universidad 2016).

Table 2 gives an overview of all the organisations we interviewed, as well as the main characteristics of these actors.

*Table 2: Interviewed organisations and their characteristics*

Name	Spatial reach	Type	Driving norms	Main issues
<b>Amnesty International</b>	International	NGO	Human Rights	Multiple
<b>CEAR Madrid</b>	International	NGO	Human Rights	Asylum Seekers and Refugees
<b>COMRADE</b>	Local	NGO	Human Rights	Asylum Seekers, Refugees, , Migrants
<b>Paz y Cooperación</b>	Local	NGO	Human Rights	Multiple
<b>Red Acoge</b>	National	NGO	Human Rights	Immigration
<b>Spanish Red Cross</b>	International	NGO	Human Rights	Multiple
<b>UNHCR [ACNUR] Madrid</b>	International	IGO	Human Rights	Asylum seekers and Refugees
<b>IOM [OIM]</b>	International	IGO	Human Rights	Immigration
<b>Universidad Rey Juan Carlos</b>	National	University	Objectivity	Multiple

Source: Adapted from expert interviews and website analyses as part of the MAREM project 2016.

## 5. Results

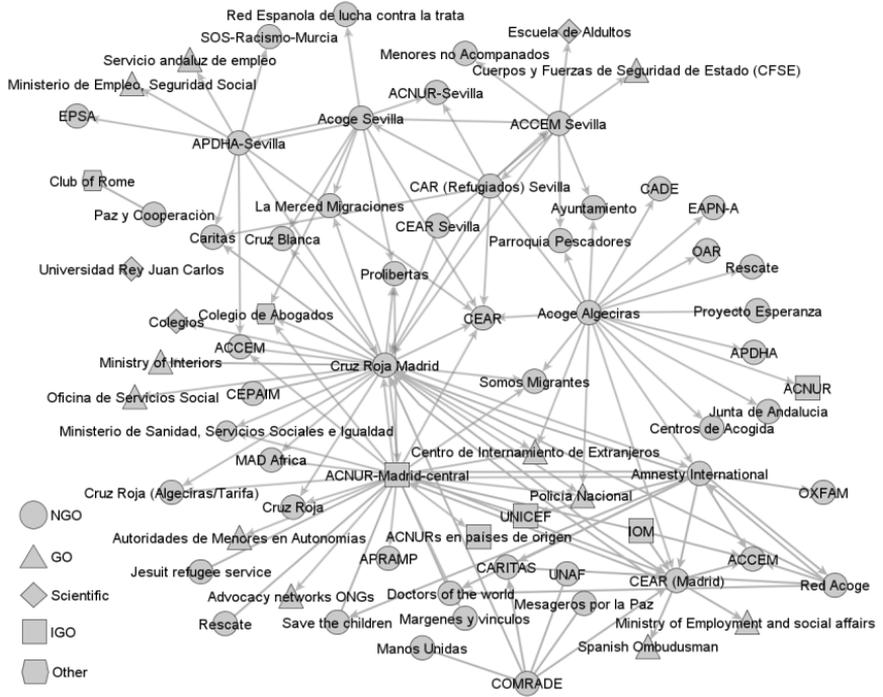
### 5.1. Networks

Based on the data collected, we created visualisations of cooperation networks showing the asylum-related organisations in Spain and their relevant characteristics, along with their cooperation partners. Information concerning these organisations and their cooperation partners came from three MAREM research rounds that took place from 2014 to 2016. There are 72 asylum-related actors in the visualised cooperation networks of organisations in the asylum-related field of Spain. With the exception of Professor Cano Linares from the King Juan Carlos University, all the actors named at least one cooperation partner. Because the visualisations are based on the results of the MAREM research alone and its aim was to analyse egocentric networks (see the first chapter of this book for more information on this term) of the relevant organisations, they do not show the whole network of asylum-related organisations and thus do not provide a complete overview of the cooperational ties of all such organisations in Spain. The cooperation networks will be analysed in the following sections.

The software Visone we used for the MAREM research project enabled us to create three different types of network visualisations for the asylum-related organisations in Spain: (1) their actor types and cooperation partners (Figure 3), (2) their spatial reach and cooperation partners (Figure 4) and (3) their values and cooperation partners (Figure 5).

Figure 3, the first network visualisation, focuses on the types of organisations. Most are NGOs ( $n = 51$ ), and the rest include eleven GOs, five IGOs, three scientific actors and two other organisations.

Figure 3: Asylum-related organisations in Spain, their actor types and co-operation partners



Source: Adapted from expert interviews and website analyses as part of the MAREM project 2014-16 using Visone.

The four most important organisations are three of the NGOs – the Asociación Comisión Católica Española de Migración (ACCEM), CEAR and the Red Cross – and one IGO, that is, the UNHCR. Because almost every actor has a tie to these four groups, they have a central position within the reconstructed network.<sup>6</sup>In terms of their size, the egocentric networks of the interviewed organisations differed a great deal. Whereas the university

6 The aim of the MAREM project was to reconstruct the egocentric networks (for information about this term, see the first chapter of this book) of asylum-related organisations in Spain and the other EU member states examined in this book. To view the larger picture, these networks were connected in visualisations. Although these visualisations do not include the ‘whole network’ (for an explanation of this term, see the first chapter of this book), they do represent some parts of the asylum-relat-

we interviewed had no asylum-related cooperation partners, UNHCR Madrid named 25 organisations as cooperation partners in this field. Even if the interviewed organisations were asked to name their ten most important cooperation partners, as a rule the number of partners would differ. Regarding the actor types of the organisations (Figure 3), one can see that the NGOs COMRADE, ACCEM Sevilla, Asociación Pro Derechos Humanos De Andalucía (APDHA) Sevilla, Acoge Sevilla and Acoge Algeciras tend to cooperate mainly with other NGOs. In this respect, a tendency towards homogeneous networks is evident. At the same time, the networks are not completely homogeneous: in the case of the UNHCR Madrid, one can see a rather heterogeneous network, with different actor types as cooperation partners.

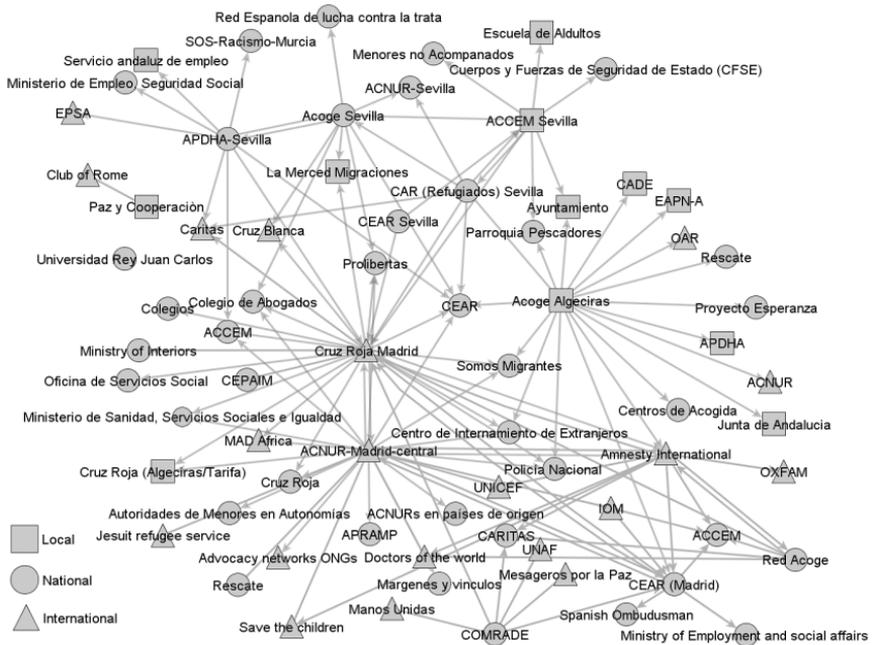
Figure 4, the second visualisation, shows the asylum-related organisations in Spain and their cooperation partners with the focus on their spatial reach. The reconstructed parts of the whole network cover 40 actors on the national level, 20 actors on the international level and 12 actors on the local level. This shows that most of these organisations are active in the inland.

With regard to their spatial reach, the tendency towards homogeneous networks is not as strong as it was in the visualisation of the actor types. For example, COMRADE named six partners, only two of which are working on the national level, as does COMRADE itself. ADPHA Sevilla named nine partners, only five of which are national organisations as is APDHA Sevilla itself. In contrast, Acoge Sevilla is a national organisation with nine named partners, of which seven are partners that are working nationwide. However, in general, the networks are rather heterogeneous in terms of the spatial reach of their cooperation partners (see Figure 4).

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ed organisations in Spain. To simplify their descriptions, these parts are referred to by the term ‘network’.

Figure 4: Asylum-related organisations in Spain, their spatial reach and cooperation partners



Source: Adapted from expert interviews and website analyses as part of the MAREM project 2014-16 using Visone.

Nevertheless, if we examine the spatial reach of organisations in detail, it is important to take a closer look at the links among the organisations. Some of the IGOs have a central position in the network of asylum-related issues in Spain, and many NGOs are linked to them (e.g. Amnesty International, CEAR, King Juan Carlos University). Often the IGOs are much larger than the Spanish NGOs that we interviewed and they have strong ties to the government. The interviewed asylum related IGOs in Madrid usually have a longer history and can therefore have more power than most of the interviewed NGOs. The UNHCR, for example, was founded in 1950<sup>7</sup> by the United Nations, which currently incorporates 193 member states.<sup>8</sup> IOM, established in 1951, covers 155 state members and eleven

7 See UNHCR (2016) at: <http://www.unhcr.de/unhcr.html>.

8 See UNRIC (2016) at: <http://www.unric.org/de/pressemitteilungen/4116>.

observer states with headquarters in several countries.<sup>9</sup> This shows that IGOs have a large range and an extended position of power. These numbers differ from those of NGOs such as Red Acoge (est. 1992), which covers only the national level),<sup>10</sup> or CEAR (1979; national level).<sup>11</sup> Professor Cano Linares (2016) confirms the IGOs' power position by stating that the UNHCR does a good job in administering and coordinating asylum issues.

However, during the MAREM study, we noticed that sometimes NGOs seem to be more active than IGOs in their field of work on a local level. Although NGOs tend to have more direct contact with asylum seekers and refugees, IGOs do more monitoring work.

The expert interviews made it clear that in the asylum-related field most of the important cooperation partners in terms of the everyday work are the NGOs (Red Acoge 2016; COMRADE 2016; CEAR 2016; Amnesty International 2016). In contrast to the monitoring or supervisory role of IGOs, the NGOs take a direct approach, working mostly face-to-face with those in need; in addition, NGO staff have more diverse skills and can provide such services as advocacy and medical or psychological help (COMRADE 2016; Red Cross 2016; CEAR 2016). Larger NGOs, such as CEAR, offer a wider range of personal assistance than do smaller NGOs, such as COMRADE (COMRADE 2016; CEAR 2016). Thus, NGOs are more locally active than IGOs, which engage in less direct, more structural functions, focusing on organisation-related monitoring and supervisory tasks (Rey Juan Carlos Universidad 2016; UNHCR 2016). The understanding that IGOs are more likely to work at the national and international levels was confirmed by UNHCR:

*We don't work on reception or legal assistance or provide any direct services. We have a supervisory role: [on the] one hand, [we are] here to monitor how the Geneva Convention and refugee rights are implemented and how [refugees] have access to their rights. [On] the other hand, in Spain we have this specific role in the procedure, meaning that, under Spanish asylum law, UNHCR is informed of all asylum applications presented in Spain. [At a different stage in] the procedure, we have to issue our opinion [on whether or not to admit a] case or on which level of protection should be granted (UNHCR 2016).*

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9 See IOM (2016) at: <http://www.spain.iom.int/en/who-we-are>.

10 Interview with Red Acoge (2016).

11 Interview with CEAR (2016).



In general, governmental organisations work together with NGOs and IGOs, with cooperation among organisations that work on national, local and international levels as well as between organisations that subscribe to different norms and values. A tendency to share actor types and similar norms and values with cooperation partners is evident, whereas homogeneity with respect to the spatial reach of organisations does not play as major a role in these networks.

Sometimes actors intentionally cooperate with actors from other fields of work as a way of enhancing their work through combining areas of expertise: *“Every organisation has its own specific field of work”* (IOM Spain 2016). According to Paz y Cooperación, *“It is important to allow people from each organisation their own creativity”* (Paz y Cooperación 2016).

There are no fixed criteria for cooperation, only *soft* criteria: *“It is important to share the same vision of the situation and to have [the] same values”* (IOM 2016). UNHCR Madrid emphasises that *“There are not so many criteria [for cooperation]. UNHCR tries to work with all organisations that can improve or contribute to improve protection for refugees”* (UNHCR Madrid 2016).

The results of our research reflect only a segment of the entire network of asylum-related organisations in Spain, because we did not interview representatives from every such organisation. Instead, we focused on the egocentric networks of a small sample of organisations.

## 5.2. Isomorphism

In examining our findings from the theoretical standpoint of neo-institutionalism, we applied three specific types of isomorphism to the Spanish cooperation networks of asylum-related organisations: coercive, mimetic and normative isomorphism. These aspects will now be described in detail.

### *Coercive Isomorphism*

After having investigated the asylum-related activity of experienced organisations in Spain, we found features of coercive isomorphism in the Red Cross, UNHCR and CEAR. The fact that the majority of the more experi-

enced actors shared these organisations' norms and values (see the previous section) is an indicator of coercive isomorphism. One can assume that their working norms are similar because of the extent of cooperation between experienced actors and state authorities. Spanish authorities exert their influence on the asylum-related organisations by providing financial support. Because these organisations require such resources to survive, they feel obligated to yield to coercive pressure from government agencies (Johnston 2013: 37).

In the majority of cases, experienced organisations act within the frame of state programmes financed by the government. *"The Spanish government gives the instruction[s] for our work and we develop them"* (Red Cross 2016). An expert on CEAR in the advocacy field describes the relation between NGOs and the government as follows: *"The relation with public organisations is more like [it is] with donors. It reinforces a pluralistic approach as it tends to cooperate with representatives of all parties"* (CEAR 2016). At the same time, experienced organisations acting in the frame of governmental programmes can delegate some of their tasks to smaller organisations and often combine such assignments with training programmes and the exchange of experience (CEAR 2016). Both the delegation of tasks and the dependence on government funding are evidence of coercive isomorphism. Our research data, as noted above, strongly support the hypothesis that the influence of the Spanish government on humanitarian asylum-related organisations contributes to isomorphic processes in the field.

### *Mimetic isomorphism*

Apart from the collaboration with the government, all the actors we interviewed reported having witnessed other actors' willingness to copy best practices, regardless of their level of experience. This inter-organisational reciprocity of best practices is an indicator of mimetic isomorphism. The Red Cross emphasises that *"if we can see other best practices in other organisations, then yes, why not? We are sharing experience and try to work in the same way in the international arena"* (Red Cross 2016). The collected data (Amnesty International 2016; CEAR 2016) reveal that less experienced or newly emerging organisations copy the work patterns of more experienced actors. The Red Cross, CEAR and Amnesty International support the above-mentioned statements, as follows:

*In the same way that Red Cross supports [the] Spanish government, other organisations support Red Cross. CEAR, ACCEM and Red Cross are the experts in this field [...]. We receive much correspondence from small organisations that want to cooperate with us (Red Cross 2016).*

*CEAR see[s] that organisations are copying other ones, new ones try to interview old established organisations to get tips from them (CEAR 2016).*

*We try to follow the recommendation of international organisations such as UNHCR, Oxfam, Médecins Sans Frontières, Save the Children – those kinds of NGOs (Amnesty International 2016).*

Our results appear to validate the view that, when confronting humanitarian crises, organisations that are less experienced and newly emerged try to follow the recommendations of international and more experienced organisations operating in this field, which leads to the process of isomorphism. All actors are interested in extending and strengthening their cooperation network. The expert from CEAR explains that *“between Red Cross, ACCEM and CEAR there are very good relations, very fluent, in the weekly meetings”* (CEAR 2016). We found a high degree of heterogeneity related to skills and activity within the asylum-related organisational field. *“Organisations tend to cooperate and try to combine efforts to get results and to implement skills [gained] from one another”* (UNHCR 2016).

#### *Normative Isomorphism*

With regard to normative isomorphism, the asylum-related organisations in Spain that choose employees based on their professional backgrounds and that have representatives who exchange experiences with other organisations in this field appear to model themselves on these other organisations.

According to Johnston (2013), individuals within a particular profession establish homogeneous norms and cultural behaviours in an effort to appear legitimate. These standards of appropriate behaviours are communicated among their fellow professionals through trainings, seminars and workshops (Johnston 2013: 40).

The MAREM research results indicate that organisations within the asylum-related sector (e.g. ACCEM and CEAR) include professionals who have similar educational backgrounds and who operate based on the same values and norms. *“CEAR, ACCEM and Red Cross have more or less the same profile: social workers, psychologists, lawyers, [with] at least 2 or 3 years of experience. We currently receive training. When I came in, I was [a] psychologist, but I need[ed] training in immigration”* (Red Cross 2016). *“NGOs usually have a high-level educational back-*

ground” (Cano Linares 2016). “It is important to share the same vision of the situation and to have the same values” (IOM 2016). Other organisations in the asylum-related field also require a high-level educational background and a profile similar to that described by the Red Cross (Red Acoge 2016; Amnesty International 2016).

### 5.3. Asylum Policy in Spain

In 2009, many refugee-oriented organisations such as CEAR and ACCEM contributed to the formulation of new, appropriate asylum legislation in Spain (CEAR 2016); however, both these organisations unanimously declare that there continues to be a deep discrepancy between legal and practical operations (CEAR 2016). Many national and local organisations criticise the insufficiency of the Spanish asylum system. For example, IOM characterises the asylum procedure as “*delay, delay, and delay*” (IOM 2016), emphasizing the fact that the process now takes two years instead of the three months proposed by law. On the other hand, Amnesty International highlights the tendency of the system to grant refugee status to specific nationalities because of the current humanitarian emergency, reporting that “*last year [2015], only Syrians had priority in obtaining the refugee status; for the rest of nationalities, the procedure was stopped*” (Amnesty International 2016). For the local Spanish organisation COMRADE, the frequent delays in the asylum system are connected to the complex task of verifying the refugees’ requests. “*It is hard to grant asylum, because it is very difficult for the government to collect data concerning the credibility of the requests received*” (COMRADE 2016).

Furthermore, “*the decentralised administrative structure in Spain strongly affects the way migration and asylum issues are managed*” (EDAL 2015). “*The most problematic part of the law is the lack of ‘reglamentos’*”<sup>12</sup> (CEAR 2016). The absence of these implementing mechanisms further hinders both the integration of refugees and the work of humanitarian organisations, which must provide multidimensional assistance for an extended period. “*Spanish humanitarian organisations are trying to put more pressure on the parliament in order to bring reglamentos into action*” (CEAR 2016).

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12 In English, ‘regulations’ or ‘implementing mechanisms’.

Another issue regarding the focus of organisations is the practice of push-back at the borders of Ceuta and Melilla. Many people are seeking protection, and migrants climb over fences to reach Spanish territory, often regarding Spain as a country of transition or as a connecting bridge to other EU countries (CEAR 2016). In theory, the Asylum Law was implemented as a border procedure, but CEAR points out that applications are more likely to be refused or rejected at the border but to be accepted once the refugees are within Spanish territory (CEAR 2016).

The Public Security Act paved the way for a heated national debate. According to CEAR, *“Collective return [of refugees] at the border without even checking to see whether they are entitled to asylum is a serious threat to the right to asylum”* (CEAR 2016). State authorities are duty-bound to examine each case individually, instead of denying the right to asylum outright.

#### 5.4. *The Common European Asylum System (CEAS)*

The right to asylum reflects several deficiencies, not only on the national level but also on the European level. The preliminary opinion among organisations is that the Common European Asylum System (CEAS) will remain merely an illusion as long as people in need are unable to reach Europe owing to the “iron curtain” policy (ECRE 2015).

The ultimate goal of the CEAS Charter is

*“to promote standards of protection by further aligning the EU states’ asylum legislation; effective and well-supported practical cooperation; [and] increased solidarity and a sense of responsibility among EU states and between the EU and non-EU countries”* (CEAS 2014).

However, the majority of interviewed organisations, such as Red Acoge (2016) and IOM (2016), share the view that the current CEAS is not an appropriate response to the complex humanitarian drama unfolding in Spain. CEAS needs to be reconstructed and reoriented towards a more human rights focus. Professor Cano Linares, the expert on legal studies at Rey Juan Carlos University, explains that CEAS has collapsed, because different countries are implementing the European directives based on their capacity or willingness to cope with the people arriving at their borders. *“We do not have a common system, but a national system, which hinders proper implementation”* (Universidad Rey Juan Carlos 2016). One of the proposed measures is to abandon the Dublin Regulation, which

deems the state responsible for an asylum seeker. Instead, asylum seekers should be able to decide independently in which country they wish to file their applications. In this way, political and legal precautions will reduce the number of unaccompanied minors seeking asylum and improve the process of family unification (Universidad Rey Juan Carlos 2016). At the same time, Red Acoge confirms that *“the escalation of this multidimensional drama clearly demonstrate the non-functional CEAS system”* (Red Acoge 2016). According to the interviewed organisations, the current CEAS is not a solution to the problematic asylum situation in Europe, so alternative approaches are needed.

### 5.5. *The European Asylum Support Office (EASO)*

It is important to shed light on the relationship between the European Asylum Support Office (EASO) and the Spanish asylum-related organisations. The aim of EASO is to offer technical and practical support to the Mediterranean countries affected by the large influx of asylum seekers and refugees (see the second chapter of this book for more information on EASO). Despite the fact that Spain is part of the western Mediterranean region, EASO does not engage in cooperative talks with the majority of the organisations we interviewed, such as COMRADE, Red Acoge and Paz Y Cooperación. This is how the NGO Amnesty International explains its professional relationship with EASO: *“We do advocacy work but do not cooperate with EASO. We ask for some information about relocation procedures and use [it] to get through national authorities, but we do not get too much information about it”* (Amnesty International 2016).

CEAR has a consultative partnership with EASO, stating that *“there are no projects [we do] together, but [EASO] consults CEAR once or twice a year, it drafts a report and CEAR is in the acknowledgment”* (CEAR 2016).

UNHCR, on the other hand, cooperates with EASO on a regular basis: *“there are a couple of collaborations to train case workers police at the enclave’s borders. There is collaboration between UNHCR and EASO, but not as a national office”* (UNHCR Madrid 2016). Even Red Cross Madrid confirms that EASO is an important partner when it comes to exchanging information and professional experience: *“We have a system and every month we change [the] person who is working there; we go there and support them; we are sharing best practices”* (Red Cross 2016).

Based on the preceding descriptions, EASO appears to be inclined to engage in closer and more effective cooperation with IGOs than with local organisations.

### 5.6. Criticism and Suggestions

The majority of the interviewed organisations did not hesitate to share their opinions about critical aspects of the asylum system that warrant improvement. CEAR suggests that Spain renegotiate and amend the admission agreement with Morocco to include human rights safeguards in line with Spain's and Morocco's obligations under international law (CEAR 2016). This is the most important step, because the current agreement is a catalyst for the violation of human rights. CEAR is quite consistent in its declarations confirming that over two consecutive years this is the main reason for the low influx of refugees. At the same time, there are also a couple of reasons which influence this trend. The legacy of Spanish economic crisis in 2008 created a state of insecurity among asylum seekers for creating a new life in Spain (Red Accoge 2016). According to Red Cross "People do not want to stay in Spain because of difficulties with job and the economic stability here" (Red Cross 2016). Moreover, Red Cross states that Western Countries such as Germany and Sweden are seen as the best option for asylum seekers for requesting asylum (Red Cross 2016). In concrete terms, "Asylum seekers have families in north of the Europe, social network works, so they come here and say I want to stay with my family, my friends and Spain is not an option" (Red Cross 2016).

On the other hand published in the CEAR Refugee Executive Report of 2015 are consistent with the information we gathered during the interviews conducted in 2016 (CEAR 2015). The double standard in Spanish politics is heavily criticised by local organisations, which are more familiar with Spanish society and systematically follow political events in that country (Red Accoge 2016). According to Paz y Cooperación, there is a gap between talk and action on the part of the government: "*Politicians talk about [the] great capacity Spain has to receive refugees, but the government does not use it. To do nothing is not a solution*" (Paz y Cooperación 2016). This organisation group also notes that "*more governmental reflection and reaction are needed in order to make things work better*" (Paz y Cooperación 2016).

*“The government does not face harsh resistance from the Spanish society. The Spanish society is quite willing to host refugees”* (Red Acoge 2016). According to Red Acoge, the political class does not generate hateful speech and is not xenophobic. *“Spain does not have a xenophobic society; it does not have a class of politicians who exhibit this political animus, unlike Austria or France”* (Red Acoge 2016). Thus, politicians gain social acceptability if they show a more hospitable or welcoming approach to refugees.

With the eruption of the Eurozone crisis of 2008, Spain experienced a severe economic downturn, which was reflected in the drastic cuts in the funding of refugee programmes. According to COMRADE (2016), *“everything could be improved if one just had more money”*. Apart from the monetary aspect, many local NGOs, such as Paz y Cooperación and Red Acoge (2016), are confident that the many inadequacies in implementing the asylum system would not exist *“if the political class show[ed] the willingness to deal with them seriously”* (Paz Cooperación 2016).

In addition, Red Acoge, a national NGO, stresses that the partnership between Spanish asylum-related organisations is quite solid, but that they still have only a managerial role in dealing with the crisis; they cannot tackle the roots of the problems that originate in the refugees’ home countries. *“It comes with a strong declaration that human rights can be protected only by curing the causes of the problem”* (Red Acoge 2016). Red Acoge suggests that the EU request European countries to engage in diplomatic solutions to deal with the roots of the problem. Nevertheless, the asylum-related organisations have accomplished a great deal by employing the best practices in coping with the severe effects of this humanitarian crisis.

## 6. Conclusion

After reviewing the research questions and the hypotheses proposed at the outset of this project, we now summarise the main results of our research. First of all, it is worth noting that the results of our interviews reflect only a portion of the whole network of asylum-related organisations in Spain.

Concerning the role of cooperation ties in the networks of asylum-related organisations in Spain, we conclude that the spatial reach of these organisations involves a heterogeneous network approach. In terms of their participating actor types, driving norms and values, the networks appear to

be rather homogeneous. It became clear during this study that NGOs tend to have a more direct approach and more diverse work fields when compared with the monitoring or supervisory role of IGOs. In general, Spanish governmental organisations work with the NGOs and IGOs, and there is cooperation among the organisations that work on all three levels – local, national and international.

As to the general efficiency in refugee-related fields of work, an organisation's size and tradition are more important factors than are the differences in local, national and international spatial reach. Furthermore, there is a low emergence within the ties of the actors, meaning that they sometimes cooperate in particular with actors in other fields of work to share their knowledge and fulfil their allotted tasks.

Although the network approach appears to be heterogeneous in one aspect, we did observe signs of isomorphism. Clear signs of normative isomorphism include the fact that the majority of actors adhere to similar norms and values in their work and that the educational background of the employees is similar among organisations. Evidence of coercive and mimetic isomorphism includes the sharing of experience among asylum-related organisations in Spain and their dependence on government funding. These isomorphic processes resulted in similarities among all the actors we studied. The professional background of the employees in these organisations and their specific training in this field also reflect possible isomorphic processes.

Another sign of isomorphism within the organisations is the willingness to copy the best practices of the other actors. The MAREM research revealed that less experienced or recently founded asylum-related organisations adopted the patterns of work exhibited by more experienced, traditional actors. Another note worthy aspect was the tendency of the organisations to choose strategic partners from among the larger and older organisations, regardless of their size and experience.

With respect to the effectiveness of asylum-related organisations in implementing the rules of law at the national and European levels, one can conclude that even if legislation is good on paper, much work still needs to be done in practice, especially at the European level. Every organisation we interviewed believes that the Spanish asylum procedure is generally a good one, but they criticise the delays in processing applications. There is a gap between the articulation and the implementation of the rules. For those seeking refugee status, the lack of regulations or of implementing mechanisms causes delays in the application procedure. However,

progress in this area can be made only if the politicians are willing to deal appropriately with every reform that pertains to asylum seekers and refugees.

From the European-level perspective, every organisation we interviewed criticised CEAS, saying that although the common rules may exist on paper, in reality they continue to be interpreted in different ways by the EU member countries. Spanish organisations suggest that the member states must be willing to share and show solidarity to harmonise policy and help to enforce CEAS.

Another important finding in our research was an explanation as to why Spain does not attract many asylum seekers, even though it is one of the largest countries in the EU. There are several reasons why people who are in need of protection do not want to apply for asylum in Spain, one of which is the country's unstable economic situation. Another is the desire for family reconciliation with the northern countries of Europe, such as Germany or Sweden. The high unemployment rate and Spain's proximity to the Middle East also make it unattractive to newcomers. There are historical reasons as well: in the past, the Spanish people themselves were refugees, and the connection to South America and other Hispanic countries continues to be strong.

The interviewed organisations stated that the humanitarian organisations as well as members of Spanish society are more than willing to welcome more asylum seekers and refugees. Nevertheless, many problems have kept this from happening. One of the biggest problems is the limited budget of many of these organisations: limited funds mean limited capacity to carry out their work. Thus, financial support is limited for those seeking help.

Despite the many problems that plague the Spanish asylum system, the number of arrivals in 2015 and in the first half of 2016 increased substantially. If the EU improved its policies regarding the relocation of asylum seekers and refugees throughout Europe, it is possible that Spain could contribute more to the underlying refugee crisis. If the EU improves CEAS and makes the relocation system more effective, Spain could make a substantial contribution to relieving the humanitarian crisis facing the old continent.

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*Conducted Interviews (2016), alphabetically:*

Amnesty International  
CEAR  
COMRADE  
IOM  
Paz y Cooperación  
Red Acoge  
Red Cross  
Rey Juan Carlos University  
UNHCR

