

# Permitted to work but lacking opportunities to integrate – asylum seekers and refugees on the mezzanine in Spain

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## Introduction

Migration flows in Spain have experienced strong fluctuations over the past 25 years. Before the 1980s, Spain was mainly a country of emigration but, since then and especially since 2000, it has become positioned as one of the main destinations for international immigration (surpassed in recent years only by the USA within the entire OECD). This trend changed following the impact of the 2008 economic crisis, with fewer arrivals, the return of some of the population living abroad and a surge in outwards migration, particularly among Spaniards. However, the recent economic and employment recovery has put Spain back into position as a relevant destination for international migrants. In the light of that, with regard to the considerable increase in the volume of asylum seekers from 2016 onwards, Spain has, for the first time, become one of the main EU countries receiving applications for international protection: first with the significant arrival of Syrians and Ukrainians, and then, since 2017, Venezuelans. This development has found a Spanish reception and asylum system which is quite unprepared for the task of managing the number of applications received, while the government has opted to decentralise these tasks to the non-profit sector. The recent change of government has led to some amendments being made to certain strategies, although other deficiencies continue.

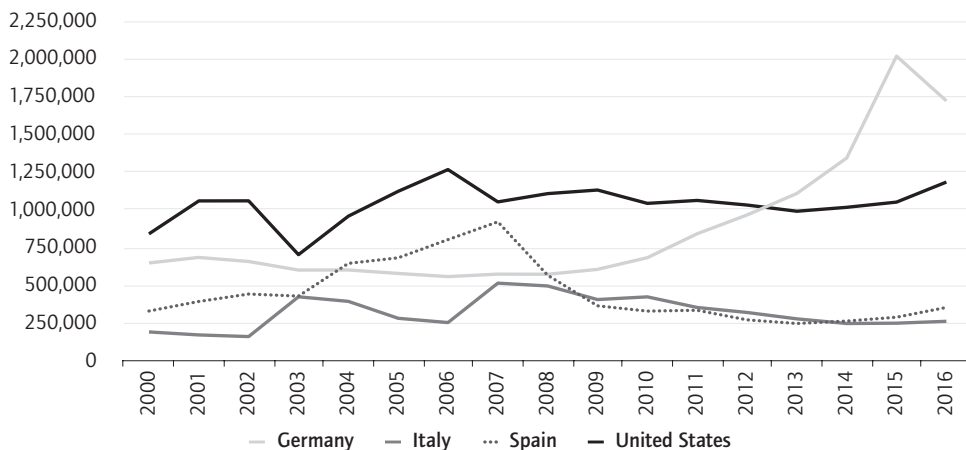
This chapter offers an overview of the integration of refugees and asylum seekers into the Spanish labour market in the context of changing migration flows. The analysis is based on the official data of the Ministry of Labour and the Home Office, available as of December 2019, as well as surveys, research reports and interviews with key actors and experts. It is organised in four sections. The first briefly presents the changing trends in the migrant population especially as regards arrivals in Spain. The second section addresses recent data on asylum requests and refugee recognition rates. The third section deals with the legal and policy framework for asylum and refuge, while giving an overview of the employment programmes being implemented by non-profit organisations. The fourth section presents data on the labour market participation of third country migrants linked with the asylum seeker population. The conclusion highlights the deficiencies in the asylum and refuge system and the challenges it continues to face.

## 1. National context of migration

The arrival of migrants is one of the key elements that has shaped the significant changes we have seen in Spanish society and its economy in recent decades. During a large part of the 20th century, Spain was a ‘country of emigrants’ but, from the 1970s onwards, it became a destination for immigrants and also saw reduced emigrant flows, mainly as a result of the increase in demand in the labour market since 1985 (Cachón 2003) and, to a greater extent, the 2000s (Alonso, Pajares and Reolons 2015). In the first decade of the 21st century, Spain became the leading country in the EU, and the second in the OECD (after the US), in the number of net arrivals of migrants (Figure 1) and was actually in top position in terms of the number of arrivals per head of population (Muñoz Comet 2016).

However, Spain then became one of the European countries which was hit most heavily by the 2008 economic crisis. This reduced the arrival of foreigners (Figure 2) and even boosted the return of already-settled migrants (Bermúdez and Brey 2017). In addition, the impact of the crisis put a halt to the narrowing gap between the labour market characteristics of migrants and those of nationals (Miguélez and Godino 2014; Rinken *et al.* 2018). In contrast to the impact of the crisis in an economic and occupational context, the integration of the migrant population improved significantly during the following years in terms of access to public services (Rinken *et al.* 2018). However, this has not prevented continuing discriminatory practices in the labour market regarding certain migrant groups, including Moroccans (Ramos *et al.* 2019). In that sense, the varied capacity of migrant groups to counter the effects of the crisis corresponds closely with gender and specific origin: the impact is greater in the case of Moroccan women facing a more vulnerable situation in the labour market; but lesser in the case of Ecuadorian women with greater permanence and a better work situation (Moreno-Colom and López-Roldán 2018).

Figure 1 Inflows of the foreign population in Spain, USA, Germany and Italy



Source: OECD 2019.

Nevertheless, after 2014 the Spanish economy has experienced some positive developments (in particular since 2017), with the unemployment rate in 2019 reaching 14.1 per cent (compared to 25.93 per cent in 2014) and a growth in GDP of 2.4 per cent in 2018.

Consequently, migration flows have increased once more: the arrival of migrants on Spanish coasts has intensified: 57,498 people in 2018 compared to 21,971 in 2017 (Ministerio del Interior 2019). Many other people transiting by sea have not been able to reach the Spanish coast: an estimated 1,020 people died or disappeared during crossings in 2018 and the first quarter of 2019 (Caminando fronteras 2019). Others have entered the country over land, jumping the border fences of the cities of Ceuta and Melilla (Spanish territories located geographically on the African continent). It should be noted that the border between Spain and Morocco is considered one of the most unequal in the world in terms of income per capita (Fernández and López-Guzmán 2011; Lara and Herrera 2019). Even so, the main entrance route to the country is actually by air, with people arriving legally as tourists or with limited residence permits and then overstaying (mainly from Latin America (see Table 1)). In that sense, maritime arrivals represent a very small proportion of total entries which is not in correspondence with the media attention it receives and which often distorts public perception (González-Ferrer 2020).

These events have been the subject of public debate in recent years, but not in policy-making circles until the change of government that took place in mid-June 2018. With the entry of the Spanish Socialist Workers' Party (PSOE) government of Pedro Sánchez, there have been several noteworthy actions in this regard. The State Department for Migration was moved from the Home Office to the newly-created Ministry of Labour and Migration<sup>1</sup> (also encompassing the revival of what is now the Directorate-General of Inclusion and Humanitarian Attention). The government allowed the landing of the sea rescue ship 'Aquarius' with 630 persons onboard (raising diverse reactions from the public). Furthermore, it launched a reform to approve extraordinary resources for the support of asylum seekers and refugees, while it also restored universal access to public primary health care for foreigners with irregular status (Arango *et al.* 2018). Even so, there were public clashes between the vice-president of the Spanish government (Carmen Calvo) and the NGO Proactiva Open Arms over that NGO's management of the rescue operation of 163 people in the Mediterranean Sea in August 2019.

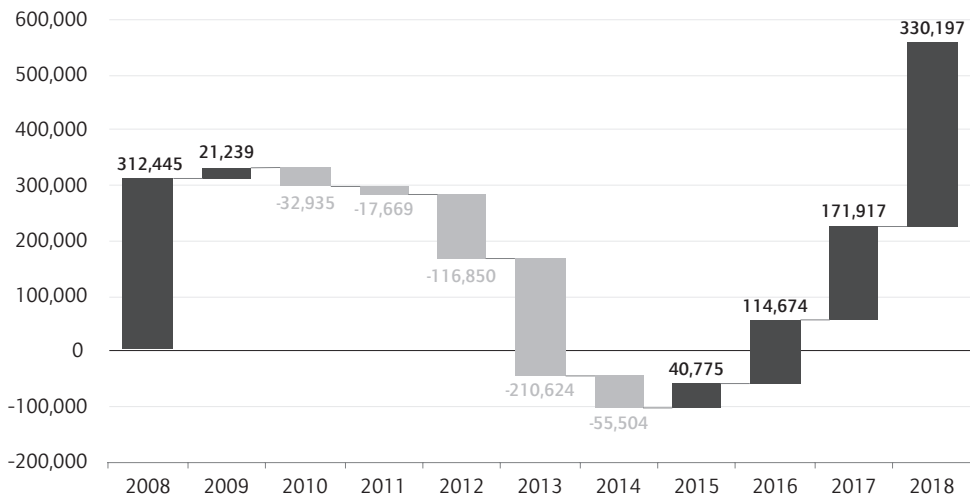
## 1.1 Evolution of migration flows

Data from Migration Statistics (INE), which collects data on the registry of residents in municipalities,<sup>2</sup> show that the migration balance in Spain was increasingly negative in the most adverse years of the crisis (2010-2015), with 1,741,508 arrivals in that

1. This was divided into two different ministries in January 2020 (Ministry of Inclusion, Social Security and Migration; and Ministry of Labour) as a result of the formation of the new coalition government between the PSOE and *Unidas Podemos*.
2. These data form the Residential Variations Statistics. To consider these residential variations part of the migration flow, a stay in the new place of residence of at least one year is required (Consejo Económico Social 2019).

period outnumbered by the 2,134,315 people who returned to their countries of origin or who migrated elsewhere to other countries (along with 401,312 Spaniards who also left the country). From 2015, however, economic and employment recovery has been accompanied by a renewed inwards migration, with a positive balance that has grown year-on-year. In 2018, the migration balance reached 330,197 as a result of the arrival of 1,365,433 foreigners compared to 748,645 departures (Figure 2). Therefore, the trend seems to emerge that, in Spain, migration is a phenomenon linked to the economic and social development of the country (Consejo Económico y Social 2019).

Figure 2 Migratory balance in Spain (2008-2018)



Source: Migration Statistics (INE 2019).

Regarding the origin of recent arrivals from non-EU countries, these differ somewhat from the profile of the migrant population already settled in Spain, in which the Moroccan population has a central presence. On average for the 2014-2018 period, Moroccans in Spain represented 14.70 per cent of the foreign population (686,959 people), followed by Ecuadorians (3.56 per cent), Colombians (3.22 per cent), Bolivians (2.0 per cent), Ukrainians (1.93 per cent), Argentines (1.59 per cent), Russians (1.47 per cent), Dominicans (1.40 per cent) and Venezuelans (1.25 per cent). Although Moroccans also led the arrival of foreigners from non-EU countries in this period, the origin of the rest of the countries changes slightly, with an exponential increase in arrivals from Venezuela in particular (Table 1).

Currently, more than three million Venezuelans are living outside the country's borders, most having emigrated in the 2016-2018 period as a result of the country's economic and political crisis (Seele *et al.* 2019). Destination countries are mainly in Latin America, although Spain has become the main trans-oceanic destination for Venezuelan emigration (Bayona *et al.* 2018; Domingo and Galeano 2018) and the fifth in all after Colombia, Peru, Chile and the USA (International Organization for Migration 2019). The arrival of Venezuelans in Spain is not only taking place through ordinary

legal migration procedures or via tourism (and overstaying without documentation), but also through asylum requests (Figure 4); in fact, Venezuelans led the numbers of asylum applications in Spain over the whole 2014-2018 period (34,939), displacing Syrians in the last two years as the main nationality of asylum seekers in Spain (noting that requests for asylum do not generally translate into favourable resolutions).

Table 1 Net cumulative arrivals of non-EU migrants by country of origin between 2014 and 2018

Country	N
Morocco	170,192
Venezuela	125,883
Colombia	65,873
Honduras	51,198
Brazil	51,132
China	50,567
Peru	47,376
Argentina	39,842
Dominican Republic	36,733
Ukraine	36,017
Russia	35,443

Source: Migration Statistics (INE 2019).

## 2. Refugees: a new challenge

Spain has begun to stand out as a relevant destination for asylum applications only recently, partly because of the bureaucratic maze involved in requesting asylum and obtaining a (favourable) resolution (Figure 3). In 2014, the country received just 5,245 applications, representing only 0.95 per cent of all the applications made within the EU. In 2015, the sheer number of refugee arrivals (Díaz *et al.* 2018) saw applications almost triple with the increase in Syrian arrivals through Melilla (although asylum applications in Spain still barely represented one per cent of requests in the EU), bringing the Spanish system of international protection to the verge of collapse. Subsequently, many asylum seekers followed a route to northern Europe before the Spanish government (after some hesitation) implemented a series of measures to face up to this crisis (a greater investment budget, an increase in administrative staff to process applications, improvements to the integration and asylum system and an increase in reception capacity) (Iglesias *et al.* 2018).

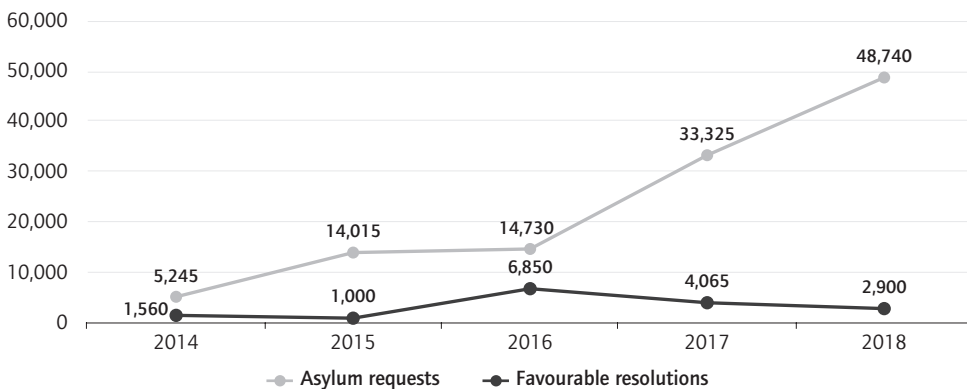
In 2016, with the application of the Dublin III regulation<sup>3</sup> (Regulations 603 and 604/2013 of the European Parliament and of the Council), the EU-Turkey Statement

3. The regulation 'Establishing the criteria and mechanisms for determining the Member State responsible for examining an application for protection lodged in one of the Member States by a third-country national or a stateless person (recast)' does not allow people to leave the member state where they applied. In that sense, if they move to another EU member state they will be turned back to the country of their asylum application.

(2016)<sup>4</sup> and the closure of the Balkans route, migration routes were modified in the face of so-called ‘Fortress Europe’ (Campani 2019; Pérez Villalobos 2017). Moreover, in 2017 and especially in 2018, these factors, together with Italy’s strict and rigid policies, have put greater pressure on Spain as an EU point of entry. Together with the initial phase of migrants coming from Venezuela, this is the context in which Spain became one of the main destination countries for asylum applications in the EU (48,740 applications in 2018, of which 19,920 were from Venezuela).

However, the favourable resolution rate is relatively low (14.11 per cent) and, in fact, as the number of asylum applications has increased, the number of favourable decisions has decreased (Figure 3). Nevertheless, this information should be interpreted with caution, since the share of favourable resolutions is calculated in relation to the total number of asylum applications, including those denied and those which remain pending. In any case, it should be noted that the low proportion of favourable resolutions and the slowness of the procedure (due, in part, to the accumulation of files) may be deterrents when applying for asylum in Spain (in spite of the increase in requests). This has an effect even though Spain borders Africa and has a cultural proximity with Spanish-speaking countries regarding people who are fleeing from crisis and political turmoil in Latin America (Consejo Económico y Social 2019).

Figure 3 Trends in the number of asylum seekers and favourable resolutions in Spain (2014–2018)



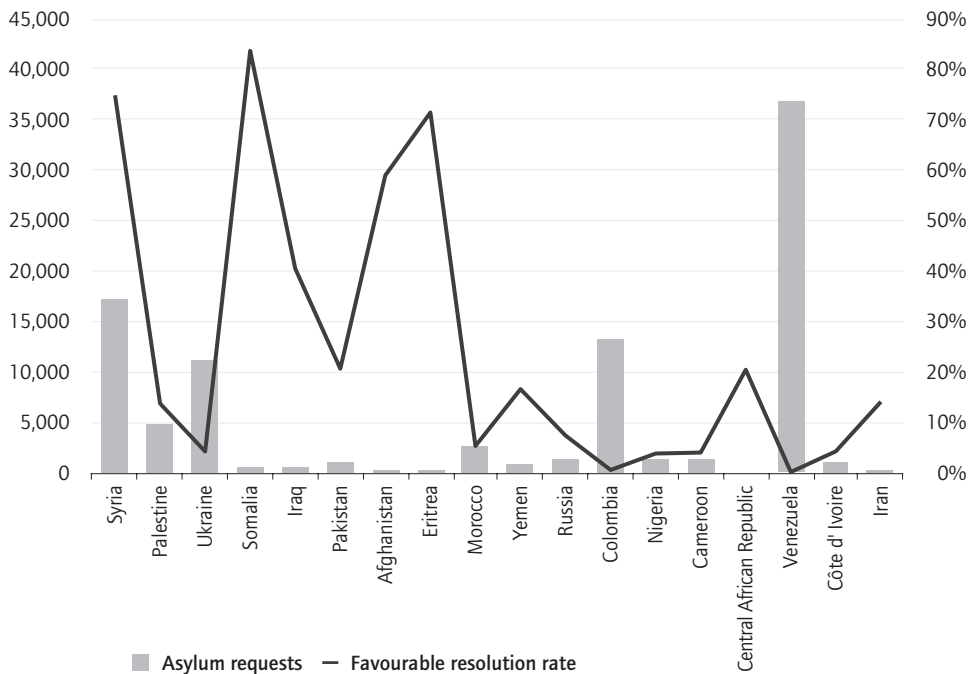
Source: Eurostat 2019 and asylum data from the Home Office 2019.

Likewise, there is an important variability in the rate of favourable resolutions according to country of origin (Figure 4) which is, in part, dependent on the criteria applied by the public administration in considering certain individuals and those from certain countries as in need of international protection. In that sense, it is worth noting the trend towards a high number of applicants from Venezuela being rejected or remaining pending. While there is no doubt that there is a political and security crisis in

4. Since 20 March 2016, all new irregular migrants crossing from Turkey to Greece are returned to Turkey, where they should lodge an application and wait for permission to enter the EU. Subsequently, many have looked for other routes (i.e. via the Spanish coast).

Venezuela (62 murders per 100,000 inhabitants in 2017, 26 per cent of which are at the hands of the security forces (Ávila 2018)), its case is eminently treated as an economic crisis. It should be remembered that 125,883 Venezuelans reached Spanish territory in the 2014-2018 period (Migration Statistics 2019), of whom 36,830 have requested asylum although only 0.12 per cent (45) have obtained a favourable resolution. Syria represents the opposite case: migration statistics (Comisión Española de Ayuda al Refugiado 2019) only record data on the arrivals of foreigners above a certain number, but the lack of data on Syrians speaks of the small number of arrivals of this group in Spain, most of them requesting international protection (17,175) with 74.85 per cent being resolved favourably (12,855). In general terms, there is a tendency for asylum seekers from territories at war or marred by ethnic-religious persecution to obtain a favourable resolution: Somalia (83.67 per cent), Eritrea (71.43 per cent), Afghanistan (58.97 per cent) and Iraq (40.48 per cent) are the countries of origin with the highest rates of favourable resolution, as Figure 4 shows.

Figure 4 Number of asylum requests (left-hand scale) and rates of favourable resolution (right-hand scale, %), by country of origin (2014-2018)



Source: Eurostat 2019.

It is worth highlighting that, since the beginning of the war in the Donbass region in 2014, Ukraine has become one of the main countries of origin for migrant arrivals (36,017) with 11,075 asylum applications and 465 favourable resolutions. Other countries such as Venezuela, Honduras and Morocco are among the main countries in terms of migrant arrivals and asylum applications, but not in terms of the refugee population. However, historically there has been a refugee population from Morocco

in Spain, specifically from Western Sahara (a former Spanish colony). The migration of the Saharawi people is a late effect resulting from a conflict between Morocco and Mauritania in consequence of an unfinished decolonisation process. Since 1979, there have been Saharawi refugee camps on the border with Algeria, from which come many of the asylum seekers in Spain (Martín 2010). As regards the overall picture of the refugee population in Spain, it should be noted that Syrians, Palestinians, Cubans, Somalis and Ukrainians are the main countries of origin (Table 2). The number of refugees in Spain from countries of origin such as Cuba, Côte d'Ivoire and especially Colombia have reduced due either to returns to their countries of origin or permanent settlement in Spain through conditions of residence other than asylum (i.e. naturalisations).

Table 2 Refugee population (people granted refugee status) in Spain, by country of origin

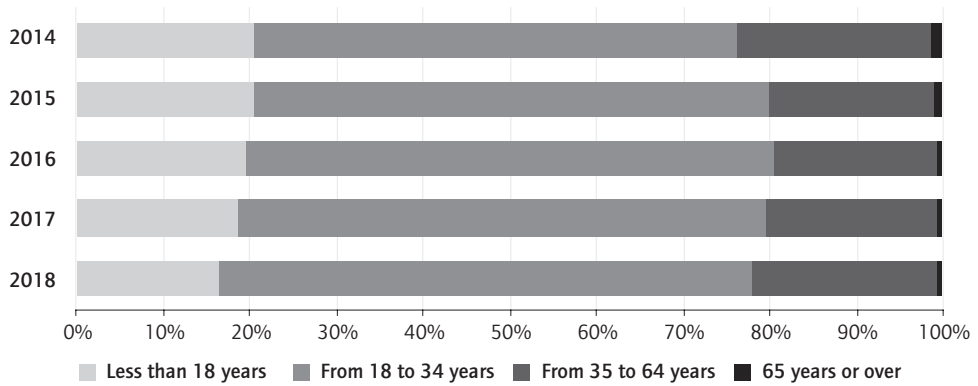
	2014	2015	2016	2017	2018	Change in 2014-2018 period
Syria	1,336	1,992	8,205	11,752	13,765	+930%
Palestine	458	503	595	862	1,051	+129%
Cuba	946	919	905	894	885	-6%
Somalia	374	474	565	601	682	+82%
Ukraine	3	2	68	368	562	+18,633%
Pakistan	228	287	322	862	392	+72%
Afghanistan	144	194	235	287	338	+135%
Iraq	190	177	228	319	324	+71%
Eritrea	48	51	96	213	264	+450%
Colombia	364	240	197	179	208	-43%
Côte d'Ivoire	262	265	191	894	193	-26%
Morocco	40	51	59	112	173	+333%
Russia	177	146	136	139	154	-13%

Source: UNHCR 2019.

The UN Refugee Agency does not provide socio-demographic data, but we can extract information on sex and age from the Eurostat figures. This information does not refer to the refugee population but to asylum seekers; however, it can be illustrative. Thus, Figure 5 shows that the majority of applicants in Spain in the 2014-2018 period were of working age (18 to 64 years; and especially 18 to 35). However, favourable resolutions tend to expand the share of minors (as they are more likely to be given protected status), who represented 42 per cent of favourable resolutions in 2018 (including a significant number of accompanied children in refugee families). Within this number of asylum seekers of working age in the 2014-2018 period, we find a majority of men, although this varies from 68 per cent (in 2014) to 51 per cent (2018). Likewise, there is a general tendency for women to have a higher proportion of favourable resolutions than men (Figure 6).

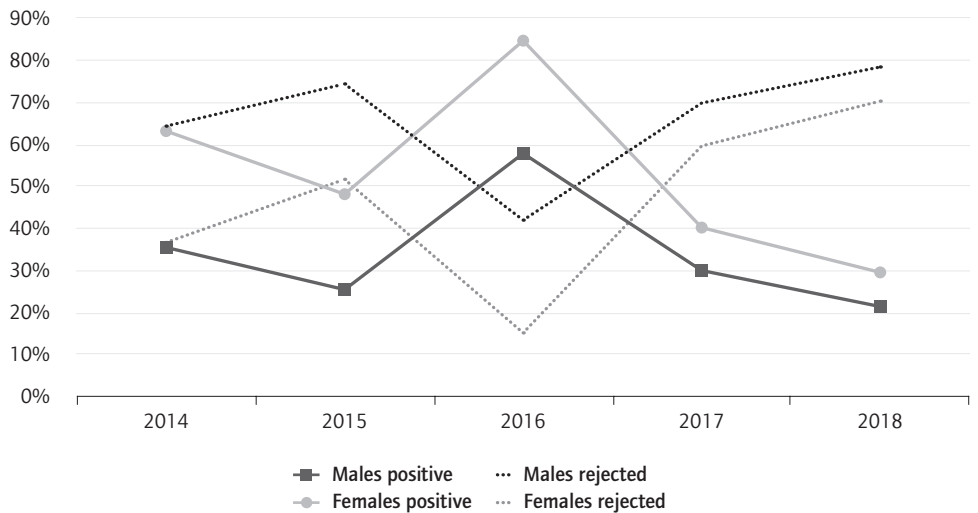


Figure 5 Composition of asylum seekers in Spain (2014-2018), by age



Source: Eurostat 2019.

Figure 6 Trends in the resolution of asylum claims in Spain, by sex



Source: Eurostat 2019.

### 3. Regulatory framework and the asylum system

Several legal and policy frameworks determine the national-level regulations on immigration, asylum and refuge in Spain: international and European frameworks on the free movement of citizens within the Schengen Agreements (1995); external borders being reinforced by the restriction of access to foreign citizens (Ceuta and Melilla borders in Spain); and the international references of the Refugee Statute or Geneva Convention (1951) and the Universal Declaration of Human Rights (1948).

However, Spain has breached some of these agreements in regard to asylum rights. That is the case with the agreement reached by EU member states to host a certain number of applicants for international protection (September 2017), relocating those arriving at European borders (in particular the Greek borders). In general terms, the relocation and quota system is not working due to resistance from certain member states. In the case of Spain, the country transferred only 25 per cent of the agreed number of applicants (indeed, the Spanish Supreme Court has decided against the Spanish government in regard to this breach).

International and European frameworks are legally implemented in Spain in two ways, one referring to immigration and the other to international protection (Pérez Villalobos 2017; Díaz *et al.* 2018). The first includes those people who, without having Spanish nationality, stay on Spanish territory; the second, those who have formalised a request for international protection but have not (yet) received a resolution. Colloquially, the second group is called ‘refugees’ without actually being so, since only those who obtain a positive resolution to an application for international protection (also called a request for asylum) would have that appellation.

Table 3 Spanish legislation in regard to migration and international protection

	Name	Brief description
1978	Spanish Constitution	First recognition of right of asylum
1984	Asylum Law (5/1984)	Specification of the procedures and requirements for accessing refugee status
1995	Royal Decree on Asylum Law (203/1995)	Regulation to apply the Asylum Law (5/1984)
2000	Immigration Organic Law (4/2000)	Regulation of migrants' rights and their social integration
2001	Royal Decree (865/2001) on statelessness	Recognition of stateless status
2003	Home Office Royal Decree (1325/2003)	Regulation on temporary protection in case of a mass influx of displaced people
2006	Royal Decree on CAR (refugee reception centres) (865/2006)	Establishes the benefits for beneficiaries in refugee reception centres
2009	Organic Law on rights and social integration of migrants (2/2009) New Asylum Law (12/2009)	Establishing migration rules applying before a request for asylum is made and following a rejected request Incorporation of the binding rules of the European Union, also including new forms of persecution
2015	Royal Decree on NGO resources (816/2015)	Establishes grants to the main NGOs for an extraordinary expansion of resources to assist refugees

Source: Own elaboration.

Regarding the Spanish legislation implementing international protection (Table 3), the latest Asylum Law of 12/2009 regulating the right of asylum and subsidiary protection has still not been finalised through corresponding regulations even after ten years. Thus, the 1995 asylum regulation (implementing the 1984 Law) continues to apply, causing an anomalous and problematic situation. Thus, the reception and integration system does not conform to the current reality of international protection and is not able to cope with the current number of requests (García 2018).

Meanwhile, the current integration process is based on a cumulative logic that does not reflect the generally unstructured trajectories of migrants, particularly asylum seekers; while, having the objective of attaining permanent employment, neither does it relate to the high incidence of temporary work in Spain (even more so for migrant workers) (Iglesias *et al.* 2018).

Some of the regulations involving asylum seekers are less relevant: Organic Law 2/2009 (modifying Law 4/2000) refers to the administrative procedures which applicants must go through before submitting their application and after this has been denied or rejected. On the other hand, other regulations have been put in place for more specific cases such as stateless persons or the mass influx of displaced people.

### 3.1 Reception and integration process and access to welfare services

The regulatory framework is set out in a complex process which commences with the submission of an asylum request and shifts in different administrative directions depending on each step. However, system overload causes long delays throughout the entire process and applies even before its start: to formalise an application for international protection sometimes takes months, which leads to procedures not beginning or integration phases being delayed (Díaz *et al.* 2018; Pasetti and Sánchez-Montijano 2018). Either way, the process is briefly explained here with a focus on the legal status of asylum seekers at each point (this is also summarised in Figure 7).

The asylum system is formed from two parallel processes that depend on two different organisations, albeit that these developed simultaneously.

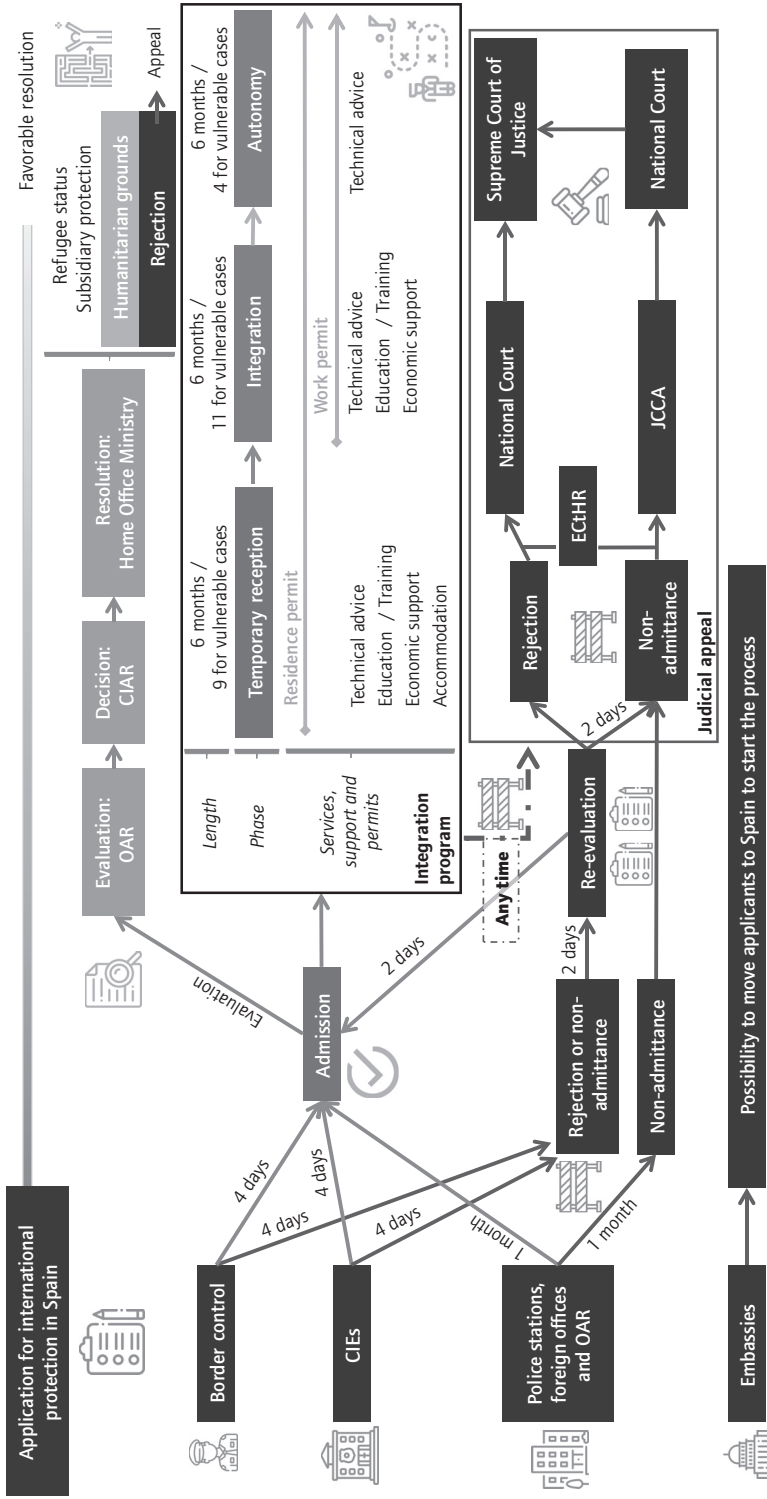
Firstly, the Office of Asylum and Refuge (OAR) (within the Home Office) is responsible for receiving, processing, evaluating and communicating the resolution of asylum requests. OAR also participates in an evaluation process within the Inter-ministerial Asylum and Refuge Commission (CIAR). Applicants whose cases are ruled inadmissible may appeal to the National Court and then to the Supreme Court of Justice. Where applications are dismissed, applicants have the right to appeal first to the Central Court of Administrative Litigation (JCCA) and, from there, to the National Court and then the Supreme Court. Applicants also have the right to request interim measures and to take cases to the European Court of Human Rights. Secondly, the Secretariat of State for Migration (DGM)<sup>5</sup> is responsible for implementing the process of integration for those admitted into the country pending evaluation, or in the case of in-country applications, and for managing its financing.

Having two parallel processes responsible for managing asylum requests and integration clearly tends towards the presence of higher levels of bureaucratisation, complexity and delay.

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5. Also a part of the Home Office until being joined to the Ministry of Labour, Migration and Social Security in June 2018 and to the Ministry of Inclusion, Social Security and Migration in January 2020.

Figure 7 Summary of application process for international protection and the integration programme for asylum seekers in Spain



Source: Own elaboration, adapting the information of Arcarons (2016); Díaz et al. (2018); Pasetti and Sánchez-Montijano (2018); and Iglesias et al. (2018).

While an initial evaluation is being prepared, applicants receive a so-called ‘white card’: a document that proves their administrative situation until the application has been processed for evaluation. This evaluation is of a variable length depending on where the application has been formalised (at borders, foreigner detention centres (CIEs), police stations, migration offices or the OAR). Applicants whose asylum requests are accepted for evaluation are beneficiaries of a reception and integration system which follows a standard process composed of three successive phases: temporary reception; integration; and autonomy. Each phase has a duration of six months, although the most vulnerable cases<sup>6</sup> take place over nine, eleven and four months, respectively). This process is dependent on the DGM, which has decentralised implementation to non-profit organisations (see further under section 3.2); at the same time, the application process follows the course of the OAR evaluation.

During each of these phases, asylum seekers receive economic support which is individually adapted and which gradually decreases.

In the first phase (temporary reception), support consists mainly of technical advice delivered by the non-profit organisation that is managing the case, together with educational services: language courses; and either primary education (in the case of minors or where there is no validation of country of origin educational certificates) or vocational training or college education (less frequently). In addition, they receive financial support (depending on the characteristics of each case) and accommodation in government centres or by NGOs. During this phase, asylum seekers receive the so-called ‘initial red card’ recognising them as applicants for international protection and conceding residence permits until a resolution has been obtained.

After this first phase, the second phase (integration) builds a slightly greater development of independence: asylum seekers must seek a place to live; technical advice is reduced, assuming a certain level of independence has been attained (concerning language, socio-cultural knowledge, social networks, etc.); and economic support also decreases, although access to training services is maintained. During this phase, asylum seekers receive a renewal of their asylum documentation (the so-called ‘second red card’), which provides a social security number together with a work permit pending the resolution of the application. Therefore, asylum seekers must seek not only residence but also employment during this phase. Where an applicant gains employment, economic support is suspended but this is reactivated in the event that the employment comes to an end (this remains in place throughout the integration phase).

Finally, the third phase (autonomy) represents a total change in the dynamics of the process since economic support is practically cut although the work and residence permits, and the technical advice from non-profit organisations, are maintained.

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6. Gender-based violence victims and their children; single-parent families; people with major illnesses; people who have suffered torture, rape or other serious forms of psychological, physical or sexual violence; young people; pregnant women; homeless people; or disabled people.

If an application is unfavourably resolved, the applicant is forced out of the integration process (having the right to appeal, as set out above). Taking into consideration the processual delay in reaching resolutions, this may cause a situation in which applicants who have found employment receive an unfavourable outcome, thus entailing the loss of work and residence permits. This might force them into irregular status unless they look for other (less likely) ways of maintaining their residence and work permits (i.e. by naturalisation). This reveals the evident limitations in the current reception and integration system.

Moreover, the Ministry requires individualised labour market integration programmes to be drawn up during the implementation of the three phases of the integration process. This implies a study and evaluation of the labour market potential of each person, alongside the required counselling and monitoring elements. Such an evaluation must encompass: (1) an interview to assess the needs, possibilities and interests of each person so a tailored programme can be designed; (2) basic training aimed at understanding the cultural and work context (language, digital skills, job search, environment, gender approach); (3) advice and guidance; (4) training courses for employment within the framework of the public employment services, regulated professional training or other official courses that may be of interest to the beneficiary; and (5) information and advice to encourage self-employment.<sup>7</sup>

### 3.2 Decentralisation of labour market integration programmes to the non-profit sector

The development of programmes targeted at the labour market integration of asylum seekers and refugees has been decentralised to certain non-governmental organisations according to their reception capacity, territorial coverage and specialist area. This decentralisation process reflects austerity strategies in Spain that promote the outsourcing of underfinanced public services. Specifically, the Directorate-General of Inclusion and Humanitarian Attention (DGIAH), within the Ministry of Inclusion, Social Security and Migration (jointly with the European Social Fund (ESF), and under the framework of the operational programme for social inclusion and the social economy (POISES)), financed seventeen organisations in 2019 to develop employment programmes (Table 4).

Regarding these organisations, the refugee reception centres (CAR) are the only ones managed directly by the DGIAH, the rest being subsidised organisations belonging to the non-profit sector.

There are many other organisations offering support to asylum seekers, extending to employment support programmes, which in certain cases receive funding from regional or local administrations. However, just three organisations with DGIAH

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7. According to information provided by Santiago Yerga, Head of the Directorate-General of Inclusion and Humanitarian Attention, within the Secretariat of State for Migration of the Ministry of Inclusion, Social Security and Migration (9/03/2020).

funding supported 66 per cent of those helped in 2019 and thus received most of the overall funding from the integration and reception system (around 87 per cent of such subsidies since 2015<sup>8</sup>): the Spanish Red Cross; CEAR; and Accem. These three NGOs are the main organisations involved here according to two criteria: size (both in terms of people supported and own personnel); and presence of employment programmes at national level (also a consequence of their greater financing).

Table 4 Percentage of all asylum seekers supported by organisations financed by the DGIAH to implement targeted employment programmes (2019)

Organisation	% of all asylum seekers supported
Spanish Red Cross	32%
Spanish Commission for Refugee Aid (CEAR)	20%
Spanish Catholic Commission Association of Migrants (Accem)	14%
CEPAIM Foundation	12%
APIP-ACAM Foundation	6%
Movement for Peace, Disarmament and Freedom	4%
Refugee Reception Centres (CAR)	3%
Provienda	2.2%
Andalucía Acoge Federation	1.5%
ACOGUE Network	1.2%
San Juan de Dios España Association	1.2%
Diaconia	1.1%
CESAL	0.6%
Santa Luisa de Marillac Hijas de la Caridad de San Vicente de Paul Charity Work	0.5%
Merced Migraciones Foundation	0.25%
NGO International Rescue	0.2%
National Coordinator of Salesian Social Platforms	0.1%

Source: Information provided by Santiago Yerga, Head of the Directorate-General of Inclusion and Humanitarian Assistance (DGIAH) (2020).

Moreover, in 2008 these three organisations<sup>9</sup> also formed the Ariadna Network whose aim is to provide a comprehensive set of actions aimed at addressing specific needs in terms of the social and economic integration of asylum seekers and refugees. Through regular meetings within the Network, these organisations share experiences on the level of integration support provided to asylum seekers and refugees. Thus, they hold in common certain particulars regarding the labour market integration process (especially in regard to its comprehensive approach), but each designs and implements their own programmes.

Firstly, the Spanish Red Cross has established five areas of intervention with asylum seekers: basic needs; mental health; legal assistance; citizens' participation; and independent skills. This latter provides personalised employability programmes similar

8. From a budget of €700,000 per year for project grants to support asylum seekers and refugees focused on labour market integration.
9. Along with four CARs belonging to the Ministry of Inclusion, Social Security and Migration at Alcobendas, Vallecas, Mislata and Seville.

to the other organisations within the Ariadna Network (emphasising language learning and support with administrative procedures). The Red Cross supported 29,567 people during 2018 via its integration programme (in all fields, not only in employment).<sup>10</sup>

CEAR assists the integration and asylum system by combining its ‘comprehensive asylum programme’ with two cross-cutting programmes: ‘Integrated and personalised labour market introduction programme’; and ‘Companies for change: support guide for cultural diversity through recruitment’. Its Social Intervention Service is responsible for coordinating and implementing its planning, intermediation, accompaniment and assistance activities, thus guaranteeing continuity between the second and third phases of the integration programme. Specifically, CEAR’s integration programme is structured in three stages: situational analysis (compiling information on the personal, social and administrative profile of users, especially through interviews); diagnosis (in-depth study of the context of the person and their family to assess social needs); and intervention plan (an individualised plan designed in conjunction with service users and complemented by economic support). The design and implementation of this last stage is particularly focused on improving employability through a set of activities that are usually commonly found in labour market activation programmes.<sup>11</sup> CEAR provided support to a total of 25,943 people via its employment service in 2017-2018.

Lastly, Accem has developed its ‘Labour market integration for refugees’ programme in a similar fashion to CEAR, designing and implementing labour market integration programmes which are individually-tailored. In this way, it provides tools, strategies and techniques to improve individuals’ access to employment and, at the same time, raises awareness among companies (it offers labour intermediation and recruitment services, and advice on migration). Accem promotes its training services through the training platform ‘There is always time’, which allows flexible access through in-person and online courses (i.e. Spanish language and driving licence). Through this set of services, Accem provided support to 14,119 people during 2018.

Data on the number of people participating in integration programmes are not illustrative of their impact or results. In fact, there is a gap between how the Ariadna Network’s employment programmes are designed and their implementation (Arcarons 2016). This reflects regulatory circumstance and the actual conditions encountered on the Spanish labour market. It is certainly also the case that the system for those seeking international protection is underfunded in the face of the needs of applicants and beneficiaries (Pasetti and Sánchez-Montijano 2018).

However, the situation is also aggravated as a result of the credentials-focused approach of the Spanish labour market, which requires asylum seekers to secure the validation of their qualifications. This process is intricate and slow (taking between two and four

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**10.** The information that follows on the design, financing and results of the employment programmes of the Spanish Red Cross, CEAR and Accem is gathered from official annual reports, Ministry of Labour resolutions and our interviews with experts and professionals within the non-profit sector (see Table 6 in Annex).

**11.** Careers guidance, language courses, social skills workshops, IT for employability workshops, actions to promote self-employment, entrepreneur workshops, empowerment actions for women, socio-economic analysis and labour market prospecting.



years) and applicants have, in many cases, had to leave the required documentation behind. The lack of any regulation to increase the flexibility of this process in cases of international protection thus delays by several years the possibility of a level of integration which corresponds to the actual qualifications and competencies of asylum seekers and refugees (Arcarons 2016; Pasetti and Sánchez-Montijano 2018). Interestingly, the emergency provided by the Covid19 crisis has shown that an acceleration of these procedures is, in fact, possible: the Minister of Inclusion, Social Security and Migration announced on 25 March 2020 the urgent validation of asylum seekers and refugees having medical and nursing qualifications in order to engage them in view of the hospital overload caused by the coronavirus.<sup>12</sup>

All these obstacles combine to shape the persistently high rates of over-qualification among asylum seekers and refugees on the Spanish labour market (Cuesta 2017). Non-profit organisations have been developing actions to alleviate this problem. One of the most common is to establish collaboration plans for asylum seekers and refugees with training centres and companies (e.g. the collaboration plan drawn up between the Ariadna Network and Epyme,<sup>13</sup> an employer association). The internships envisaged by the programme are intended to assist with the transition towards employability as well as to serve as an alternative way of obtaining certificates of qualification (Arcarons 2016).

Thus, the austerity-inspired underfunding in the context of the scale of the need, the decentralisation of state responsibility to NGOs and the issue of the lack of a timely validation of qualifications sufficient to allow refugees to work at the level at which they are qualified all contribute to refugees being ‘on the mezzanine’: capable of working and allowed to do so, but not actually able to contribute.

#### **4. Participation in the labour market by third-country migrants and asylum seekers**

Applying for international protection has become one of the few legal ways to live and work in Spain after entering the country irregularly. Integration programmes are implemented for asylum seekers in these cases when their asylum requests are submitted.

However, asylum seekers tend to be small in number compared to the total figure for foreigners of a given country of origin: this is the case with Colombians and Moroccans. Syria represents an extreme opposite in which the number of asylum seekers exceeds the Syrian population already resident in Spain (Table 5). Therefore, in analysing data on labour market integration based on country of origin, we focus on the main countries from which asylum seekers come. There is little coherent data from the Ministry of Labour and from the non-profit organisations responsible for

12. Nevertheless, Minister José Luis Escrivá also confirmed that procedures for the evaluation, resolution and integration of asylum seekers are not altered in spite of the Covid19 emergency.

13. *Asociación Empresarial de Instaladores de Sevilla*: [https://epyme.es/content/curso\\_autoconsumo\\_red\\_ariadna](https://epyme.es/content/curso_autoconsumo_red_ariadna)

employment programmes regarding the effectiveness of these at getting people into work. Consequently, our quantitative analysis on the integration of asylum seekers into the labour market is based on data from the Ministry of Labour's annual directory of statistics. We complement this with data from the active population survey (EPA) of the National Institute of Statistics (INE). Furthermore, in considering the degree of representativeness that these datasets can provide about the position of asylum seekers, we consider it appropriate to exclude certain countries of origin (Colombia, Honduras, Algeria and Morocco) from the analysis, but to include Guinea.

Table 5 Total foreign population (yearly average 2014-2018) and asylum seekers, by country of origin during 2014-2018

Country	Foreign population	Arrivals	Asylum requests	Asylum seekers as % of foreign population	Favourable resolutions	Favourable resolution rate
Venezuela	323,575	125,883	36,830	11.38%	45	0.12%
Syria	10,405	–	17,175	165.06%	12,855	74.85%
Ukraine	110,243	36,017	11,075	10.05%	465	4.20%
Palestine	–	–	4,670	–	640	13.70%
Guinea	12,483	–	1,540	12.34%	10	0.65%

Source: Statistics of the register of inhabitants 2019, Migration Statistics 2019, Eurostat 2019.

Employment rates for asylum seekers from these respective countries (with the exception of Guinea) who are in possession of a social security number tend to be in the same range as nationals and show an increasing trend during the last four years (Figure 8).

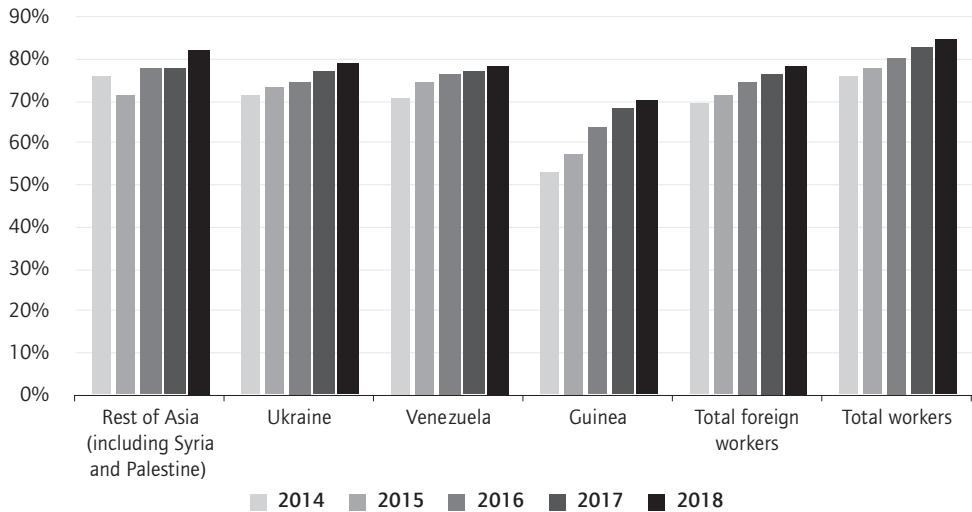
When examining unemployment among asylum seekers according to country of origin, the official unemployment rate (based on data from the Ministry of Labour) is calculated on the basis of the number of jobseekers and people within the social security system who are in employment. Thus, it excludes all information about the underground economy and many active unemployed migrants since it counts exclusively those who register as jobseekers with the public employment services. Therefore, considering the relevant number of migrants and refugees working without employment contracts (Comisión Española de Ayuda al Refugiado 2016), this rate should be regarded purely as illustrative.<sup>14</sup>

There was a general reduction in the unemployment rate between 2014-2018 among the groups of foreigners studied (as well as generally in the labour market). Nevertheless, there are notable differences (Figure 9), chiefly the high unemployment rates among Guineans (37 per cent on average between 2014 and 2018, higher than the average unemployment rate for foreigners in Spain). On the other hand, Syrians

14. Our source for the unemployment rate refers to the total labour market (based on data from the National Statistics Institute collected through household surveys) and includes data on irregular employment and the unemployed who are actively searching for work (even if they are not registered with the public employment services).

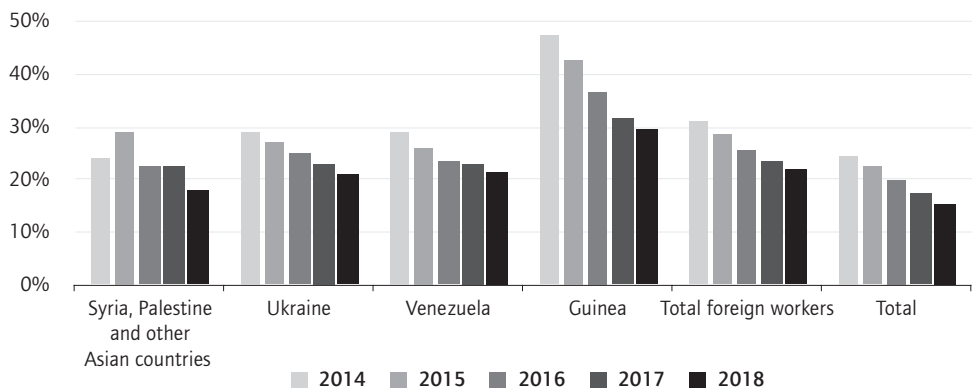
and Palestinians (along with people from other Asian countries<sup>15</sup>) show lower levels of unemployment than the total population in Spain. Similarly, Venezuelans and Ukrainians also show moderately lower levels of unemployment than the average for foreigners in Spain (Figure 9). Even so, the increase in the unemployment rate in 2015 exposes the effect of the arrival of asylum seekers in precarious situations.

Figure 8 Trends in the employment rates of asylum seekers within the social security system, by country of origin



Source: Ministry of Labour 2019; INE 2019.

Figure 9 Trends in the unemployment rate, by country of origin



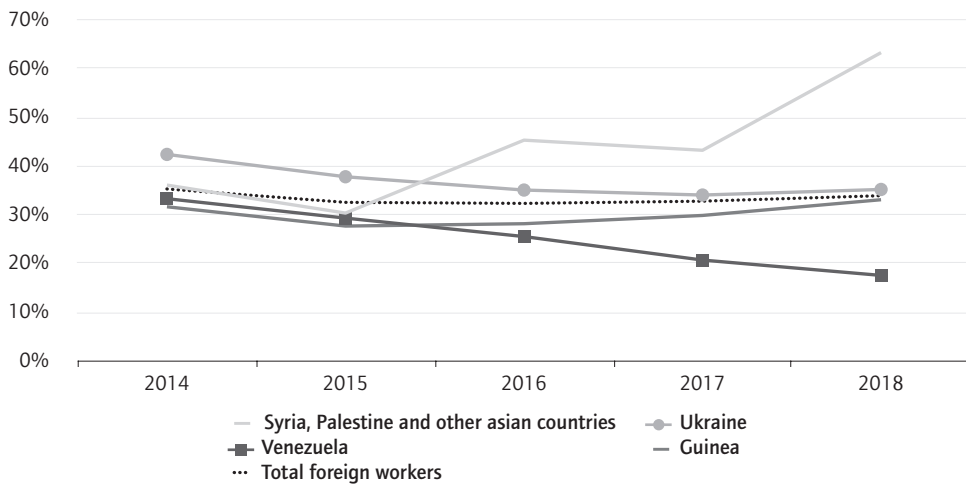
Source: Annual Directory of Statistics of the Ministry of Labour 2019; INE 2019.

15. People from Syria, Palestine, Jordan, Lebanon, Israel, Iraq, Oman, Qatar, Bahrain, Afghanistan, Azerbaijan, United Arab Emirates, Saudi Arabia, Kuwait and Yemen are grouped under the same category (Rest of Asia) in the Ministry of Labour's statistics.

Within the group of unemployed people in each nationality, there are very divergent situations in terms of the degree of protection by public unemployment benefit systems and assistance programmes. Some 35 per cent of foreigners seeking work were covered by some type of public benefit protection in 2014 (with similar situations between the nationalities studied, except Ukraine which had greater coverage), but the situation in 2018 is more divergent: most Syrian and Palestinian jobseekers were covered, whereas unemployed Venezuelans were mostly unprotected (Figure 10).

There are specific trends within each nationality which help us interpret these differences: labour market activity rates among Syrians, Palestinians, Iraqis, Afghans and people from other Asian countries have been reduced (a drop of seven per cent in 2018 compared to 2014). Likewise, the proportion of people in employment has increased within the active population in this group (Figure 11). Thus, the increase in coverage in terms of unemployment benefit is due to this group finding work (which, in the long-term, generates access to unemployment benefits when required). In contrast, Venezuelans active in the labour market increased remarkably between 2014 and 2018 (a rise of 54 per cent), both increasing the number of employed and unemployed, but with almost no impact on the number of unemployed people covered by benefits (Figure 12), thereby decreasing the coverage rate.

Figure 10 Coverage rate of unemployment benefits, subsidies and activation programmes

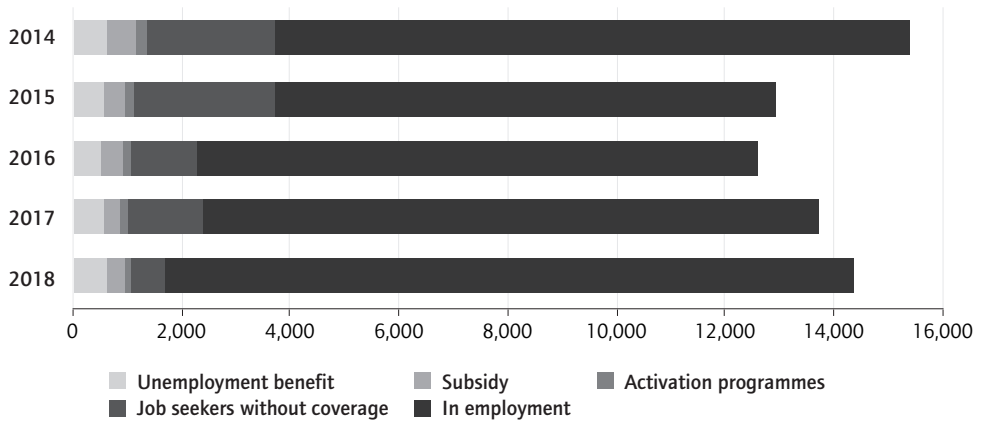


Source: Annual Directory of Statistics of the Ministry of Labour 2019.

Taking into account these differences, four factors can be identified which define the vulnerability and exclusion of foreigners in the Spanish labour market: period of residence; personal characteristics; ethnic discrimination; and aspects of residential and labour legality (Carrasco 2015). In this regard, the high unemployment rate among Guineans (Figure 10) can be part of a dynamic of exclusion based on ethnicity in the Spanish labour market (Márquez 2017). Likewise, the better employment figures among the group of Syrians and Palestinians (and others) compared to Venezuelans could also be due to the combination of two factors: on the one hand, the longer period of residence

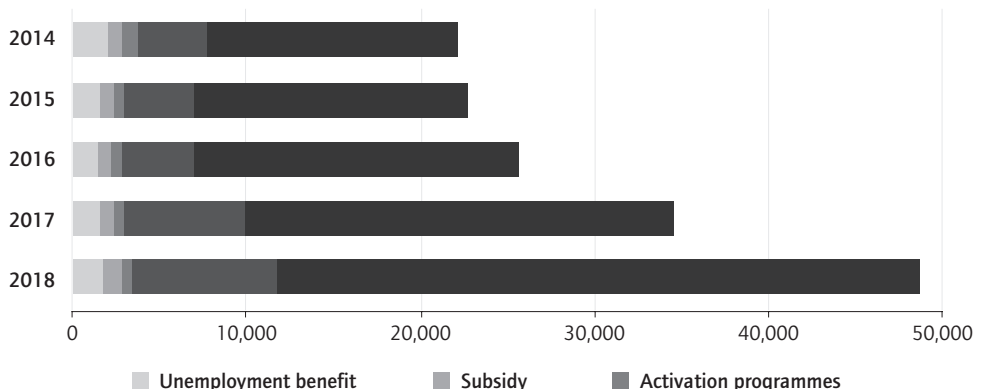
(the arrival of Syrian asylum seekers in Spain began approximately three years prior to those from Venezuela). On the other hand (and perhaps more importantly), the greater legal coverage of Syrians and Palestinians, once they receive decisions on their status (which are, mostly, favourable), not only allows them to maintain residence and work permits but also keeps them within the cycle of employment programmes implemented by the non-profit organisations.

Figure 11 Trends in the employment situation and unemployment protection coverage of Syrians, Palestinians and other Asian countries in the Spanish labour market



Source: Annual Directory of Statistics of the Ministry of Labour 2019.

Figure 12 Trends in the employment situation and coverage by unemployment protection schemes among Venezuelans in the Spanish labour market



Source: Annual Directory of Statistics of the Ministry of Labour 2019.

Looking at personal characteristics, the higher education levels of Syrians compared to the lower levels among Guineans<sup>16</sup> could also be having a more decisive effect on the relatively greater employability of Syrians compared to other nationalities. It may be worth noting in addition that language skills do not seem to be such a decisive factor as this would give Venezuelans an advantage over Syrians.

Where Venezuelan (and also Guinean and Ukrainian) asylum seekers find employment, if the decision on their asylum request is unfavourable (which is, statistically, very likely), employers have to terminate their contracts. This means that they not only lose their jobs but also their work and residence permits. In that sense, there may be dynamics within the non-profit organisations implementing integration schemes for asylum seekers that one or another training and employment activity may be interrupted, putting an end to the integration process, once a request has been rejected. Work is a key tool for asylum seekers to integrate and not be dependent on public support while their requests are resolved (a process that can take years).

The interruption of this process of integration, forcing rejected applicants into residential and work irregularity, is a pernicious effect illustrating the lack of updating of Spain's asylum and refugee regulatory framework.

## 5. Conclusion

Immigration flows, together with asylum requests, have increased notably in the most recent years in Spain, basically since the recent economic recovery. These have coincided with a large number of migrations from Syria, Ukraine and Venezuela (among others) amidst more restricted migratory policies in other EU countries. These events have caught the Spanish refuge and asylum system rather unprepared. In this context, the strategy for managing integration processes has been to decentralise them to the non-profit sector. Given the increase in the number of asylum seekers, there is obviously a greater workload for the NGOs responsible for the implementation of the integration phase despite resources being limited. Even so, the decentralisation model (even if budget allocations were to have been increased) is, in the context of the freeze in the number of places available in public centres, a symptom of an austerity strategy (typical of outsourcing models) which works only as a sticking plaster in the face of a humanitarian crisis. Decentralisation is symbolic of the structural strategy of the outsourcing of Spanish public administration (Monereo 2016) in which not only the conduct of employment relations and labour conflicts are transferred but also the management of underfinanced services and their consequent negative outputs (Marchington *et al.* 2005; Mori 2015).

In 2019, a number of non-profit organisations (outwith the Ariadna Network analysed in section 3.2) formed the Platform for the Rights of Refugees (PlatRefugio 2019).

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16. Arcarons analyses data from the IL3 platform of the Ministry of Labour, summarising the education levels of asylum seekers (Arcarons 2016).

The intention was to make a submission to Spain's universal periodic review<sup>17</sup> in January 2020 on the need for a review of current practices to ensure that asylum procedures are effective and consistent with international law. Some of the steps that PlatRefugio identified need to be taken require changes in the integration model. Its demands largely converge with the report published by the Ombudsman on the deficiencies of the asylum and refuge system in Spain (Defensor del Pueblo 2016), as well as with the outcomes that this chapter has highlighted: the combination of difficulties with the validation of qualifications, the lack of access to apprenticeships and the absence of flexible validation systems for previous work experience represents a major obstacle to the possibilities of labour integration which, in many cases, simply can't be overcome. Similarly, the lack of systems to identify and capture the qualifications and skills of asylum seekers hinders the matching processes between labour supply and demand.

At the same time, asylum seekers are forced administratively to remain in certain assigned territories in order to maintain economic support, despite the obvious differences in employment opportunities between regions in Spain. This administrative limitation is incomprehensible considering that geographical mobility is a fundamental tool in situations of unemployment, including in Spain (Miguélez and Godino 2014). In addition, public employment services demonstrate significant inadequacies when it comes to adapting to the vulnerable situations asylum seekers face. Likewise, delays in the resolution of applications, as well as ignorance of the law among asylum seekers, generate uncertainty which leads to distrust among potential employers.

The question therefore arises as to why the new Spanish government allows this state of affairs to continue: because it considers that the high number of asylum requests in Spain is temporary; or because it expects that the maintenance of a precarious reception and integration system will work as a disincentive to future requests? Neither cast it in a good light.

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17. That is, the periodic review process of the 193 UN member states on the fulfilment of their obligations and commitments regarding human rights.

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All links were checked on 17 July 2020.

## Annex

Table 6 Key experts and interlocutors consulted

Name	Role	Organisation
Albert Arcarons	Expert on asylum seekers and migration policy	High Commissioner against child poverty (Government of Spain)
Annalisa Maitilasso	Expert on sensitivity and education	Spanish committee of ACNUR-UNHCR
Carmen Ruiz	Employment and training area manager	CEAR (Spanish refugee support organisation)
Encarna Márquez	Vice-president	Andalucía Acoge (Migrant support organisation)
Francesco Pasetti	Expert on migration	Barcelona Centre for International Affairs (CIDOB)
Massoud Sharifi Dryaz	Expert on asylum and social policy	Autonomous University of Barcelona
Santiago Yerga	Director-General of Inclusion and Humanitarian Assistance	Secretariat of State for Migration of the Ministry of Inclusion, Social Security and Migration

## List of abbreviations

OAR	Office of Asylum and Refuge
CIAR	Inter-ministerial Asylum and Refuge Commission
JCCA	Central Court of Administrative Litigation
DGM	Secretariat of State for Migration
CIEs	Foreigner detention centres
ECTHR	European Court of Human Rights
CEAR	Spanish Commission for Refugee Aid

