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**TESI DOCTORAL**

**Playing the state**  
**The governance of migration**  
**from the Spanish asylum reception**  
**system**

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## ABBREVIATIONS

### **ACATHI**

Associació Catalana per la Integració d'Homosexuals, Bisexuals i Transsexuals Immigrants

### **Accem**

Accem, previously, Asociación Comisión Católica Española de Migraciones

### **ACNUR**

Spanish acronym for UNHCR, the United Nations High Commissioner for Refugees

### **APIP-ACAM**

Union of Associació per a la Promoció i Inserció Professional (APIP) and Associació Cívica d'Ajuda Mútua (ACAM)

### **CAR**

Centro de Acogida de Refugiados [*Refugee Reception Centre*]

### **CCEM**

Comisión Católica Española de Migraciones

### **CCAR**

Comissió Catalana d'Ajuda al Refugiat

### **CEAR**

Comisión Española de Ayuda al Refugiado

### **CETI**

Centro Estancia Temporal de Inmigrantes [*Temporary Stay Centre for Migrants*]

### **CIAR**

Comisión Interministerial de Asilo y Refugio

### **CIE**

Centro de Internamiento de Etrangeros [*Detention Centre*]

### **CRE**

Cruz Roja Española

### **ICRC**

International Committee of the Red Cross

### **IOM**

International Organisation for Migration

### **NAUSICAA**

Servei municipal d'acollida de persones refugiades de la Ciutat de Barcelona

### **OAR**

Oficina de Asilo y Refugio

### **SAI-SBPI**

Sistema de Acogida e Integración de Solicitantes y Beneficiarios de Protección Internacional

### **SAPI**

Sistema de Acogida de Protección Internacional

### **SAIER**

Servei d'Atenció a Immigrants, Emigrants i Refugiats, Barcelona

### **UTS**

Unidad de Trabajadores Sociales [Within OAR - *Social Workers Unit*]

## AGRAÏMENTS

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## SUMMARY

In the context of a presumedly 'welcoming' asylum reception system in Spain, where asylum applicants are encouraged to 'integrate' and gain 'autonomy' from state subsidies, this research is set to examine whether -and if so how- the disciplining mechanisms that have been attributed to 'unwelcoming' asylum reception models across the Global North reproduce in an allegedly 'welcoming' model. To this aim, the thesis problematises what is understood as 'welcoming' by looking at how these goals of 'integration' and 'autonomy' meet with the material and symbolical reality of asylum reception. Thus, it is interested in asylum reception as a migration governance mechanism. Its main goal it is not to question the facts or decide whether the asylum reception system functions or not, but rather to analyse *how* it functions and problematise the narratives that support it. To this aim, this research takes an ethnographic approach to the work of 'reception workers' as state agents working to bring the reception system to reality through their daily work in a number of public asylum reception programmes and interrogates their position within this system.

The analysis of an apparently 'welcoming' asylum system shows how neglect in the governance of asylum can be understood not only as an explicit policy of deterrence, but also as the outcome of the historical development of a combination of policies and practices with contradictory or ambiguous goals, and their potentially failed implementation. These have allowed the state to relinquish its responsibilities of reception over asylum applicants through a triple process of externalisation in which the obligation to provide dignified living conditions to those in need is vested directly or indirectly to other public institutions and third-party actors, particularly non-profit, humanitarian and charity organisations. For asylum reception workers in public programmes this process of externalisation becomes a relinquishment of reception responsibility by the state that places the consequences of its failures on their shoulders while the state appears as unreachable, ill-willed and unresponsive. Thus, with the retraction of the state, third-party actors such as NGO workers in asylum reception become *quasi-state* agents as they are tasked with the implementation of public policy and the distribution of public funds. In this context, finding a margin of discretion to perform social intervention as desired is mediated by the modelling of bureaucratic labels as categories of deservingness.

## RESUM

En el context d'un sistema d'acollida d'asil presumptament "acollidor" a Espanya, on s'anima els sol·licitants d'asil a "integrar-se" i guanyar "autonomia" amb les subvencions estatals, aquesta investigació es proposa examinar si -i, si és així, com- els mecanismes disciplinaris que s'han atribuït a models d'acollida d'asil "poc acollidors" al Nord global es reproduïxen en un model suposadament "acollidor". Amb aquest objectiu, la tesi problematitza allò que s'entén com a "acollida" mirant com aquests objectius d'"integració" i "autonomia" es troben amb la realitat material i simbòlica de l'acollida d'asil. Així, s'interessa per l'acollida d'asil com a mecanisme de governança migratòria. El seu objectiu principal no és qüestionar els fets ni decidir si el sistema d'acollida d'asil funciona o no, sinó analitzar com funciona i problematitzar les narracions que el sustenten. Amb aquest objectiu, aquesta investigació fa una aproximació etnogràfica a la feina dels "treballadors d'acollida" com a agents estatals que treballen per fer realitat el sistema d'acollida a través de la seva tasca diària en diversos programes públics d'acollida d'asil i s'interroga sobre la seva posició dins d'aquest sistema.

L'anàlisi d'un sistema d'asil aparentment "acollidor" mostra com la negligència en la governança de l'asil es pot entendre no només com una política explícita de dissuasió, sinó també com el resultat del desenvolupament històric d'una combinació de polítiques i pràctiques amb contradiccions o ambigüïtats i la seva implementació potencialment fallida. Aquests han permès a l'Estat renunciar a les seves responsabilitats d'acollida sobre els sol·licitants d'asil a través d'un triple procés d'externalització en el qual l'obligació de proporcionar condicions de vida digne a les persones necessitades recau directament o indirectament en altres institucions públiques i tercers actors, especialment organitzacions sense ànim de lucre, humanitàries i benèfiques. Per als treballadors d'acollida d'asil dels programes públics, aquest procés d'externalització es converteix en una renúncia a la responsabilitat d'acollida per part de l'estat que posa sobre les seves espatlles les conseqüències dels seus fracassos mentre l'estat apareix com inabastable, malintencionat i sense resposta. Així, amb la retractació de l'estat, altres actors com els treballadors de les ONG a l'acollida d'asil esdevenen agents quasi estatals, ja que s'encarreguen de la implementació de les polítiques públiques i la distribució de fons públics. En aquest context, trobar un marge de discreció per dur a terme la intervenció social desitjada està mediat per la modelització d'etiquetes burocràtiques com a categories de mereixement.

## RESUMEN

En el contexto de un sistema de recepción de asilo supuestamente 'acogedor' en España, donde se alienta a los solicitantes de asilo a 'integrarse' y obtener 'autonomía' de los subsidios estatales, esta investigación se establece para examinar si -y de qué manera- los mecanismos disciplinarios que se han atribuido a modelos de recepción de asilo 'poco acogedores' en el Norte Global se reproducen en un modelo supuestamente 'acogedor'. Con este objetivo, la tesis problematiza lo que se entiende como "acogida" al observar cómo estos objetivos de "integración" y "autonomía" se encuentran con la realidad material y simbólica de la recepción de asilo. Por ello, se interesa por la recepción de asilo como mecanismo de gobernanza migratoria. Su objetivo principal no es cuestionar los hechos o decidir si el sistema de acogida de asilo funciona o no, sino analizar cómo funciona y problematizar las narrativas que lo sustentan. Con este objetivo esta investigación adopta un enfoque etnográfico del trabajo de los "trabajadores de acogida" como agentes estatales que trabajan para hacer realidad el sistema de acogida a través de su trabajo diario en una serie de programas públicos de acogida de asilo, e interroga su posición dentro de este sistema.

El análisis de un sistema de asilo aparentemente "acogedor" muestra cómo la negligencia en la gobernanza del asilo puede entenderse no solo como una política explícita de disuasión, sino también como el resultado del desarrollo histórico de una combinación de políticas y prácticas con significados contradictorios o ambiguos y su implementación potencialmente fallida. Estos han permitido que el Estado renuncie a sus responsabilidades de recepción de solicitantes de asilo a través de un triple proceso de externalización en el que la obligación de brindar condiciones de vida dignas a quienes lo necesitan se transfiere directa o indirectamente a otras instituciones públicas y terceros actores, en particular organizaciones no-gubernamentales, humanitarias y benéficas. Para los trabajadores de recepción de asilo en los programas públicos, este proceso de externalización se convierte en una renuncia a la responsabilidad de recepción por parte del estado, que pone sobre sus hombros las consecuencias de sus fallos mientras que el estado parece inalcanzable, malintencionado e insensible. Por lo tanto, con la retracción del estado, los actores de terceros, como los trabajadores de las ONG en la recepción de asilo, se convierten en agentes casi estatales, ya que tienen la tarea de implementar la política pública y la distribución de fondos públicos. En este contexto, encontrar un margen de discrecionalidad para realizar la intervención social deseada está mediado por la modelización de etiquetas burocráticas como categorías de merecimiento.





## PART I: INTRODUCTION

## Chapter I: Introduction

### Memories and origins

In 1939, Bernardina Servetó, two of her children from her first marriage, aged 10 and 8, her husband, Quim Larroya, and their son, aged 2, crossed the Spanish border hoping to find safety from fascism in France. Instead, they found the misery of barbed wires, hunger, and sand at the concentration camps. Trading misery and fear, Bernardina resolved to turn back to Spain, where she had left her 12-year-old twin brothers and her elderly father, taking the three children with her. Joaquim stayed in France, whether forced by the fear of retaliation or because he was detained in one of the French concentration camps, has not survived in his family's memory. With time, he remarried and had several children while working as an ambulant fruit vendor across the *hexagone*. In the 1960s, a Spanish couple honeymooning in Lourdes bought some vegetables from a Spanish vendor named Quim Larroya, a name he shared with one of the couple's closest friends back in Spain. Knowing that their friend's father had been exiled to France, never to come back, they soon realised they had come upon him. Amidst tears and well wishes, they took a picture together. That is the only picture his son would ever have of him. He died in 1963, having never seen him again. In Spain, Bernardina struggled to bring up her children and brothers, but her perseverance and resilience paid off, and she was able to buy a tiny derelict house with a patio where she could grow vegetables and keep hens. Her children grew strong, and the youngest, Quimet Larroya, became the greatest Spanish athletic kayaker to date, classifying for the Olympics three times. However, his unwillingness to affiliate with the *Falange* prevented him from competing in two of the three events. He passed away in 2021 at the age of 84, never having met his father nor having been able to find his siblings and their families in France.

Fearing for his life, Joan Garsaball fled to France in 1939, leaving behind his wife, Carme, who had recently given birth to a baby girl and a 5-year-old daughter. First sent to the concentration camps, he eventually found his way to a farm in the Pyrenees, never getting too far from the border, as if that could make him feel closer to home. However, time passed while his daughters grew up away from him. Despite the risk, he decided to return to his family in Spain. He crossed the Pyrenees to his hometown and spent an evening with his wife and two daughters, the youngest one, now 2, heavily distraught by the presence of that strange man at her home. Less than 24 hours after his arrival, he was arrested and sent to jail. A neighbour had reported him to the authorities. An old theatre colleague, now high in the fascist local ranks, took pity on him and managed to prevent a death sentence. Three years later, again, thanks to the influence of his colleague, he was released.

Of the protagonists of these stories, I only met Bernardina, my mother's grandmother and Carme, my father's grandmother. Joan passed many years before my birth. Of Quim and his family in France, as explained above, we could never find any trace, despite our best efforts. We only managed to get his death certificate, a place of burial near Lyon and an old address in Calais, all of which turned out to be dead ends. While my grandfather rarely spoke about this, the

sorrow of never meeting his father accompanied him all his life. Their stories -and the stories of many others, like an anarchist great-uncle whose exile was met in France with forced labour at the *ligne Maginot*- accompanied me since childhood. Emerging partially and on rare occasions and taking different forms at each turn in the memories of their 80-year-old children, they configured a family heritage that marked the lives of their children, grandchildren, and great-grandchildren.

Of all the difficulties of war and exile, the one that always stroke me the most was the rejection and appalling conditions they were met with in their escape from Spain. Forced labour, encampment, neglect, and destitution were and still are, the prevailing conditions of refugee

*“[D]es que la supériorité militaire du général Franco et de ses lieutenants se fera sentir en Catalogne, beaucoup d’anarchistes et de gens qui ont travaillé avec eux, voudront s’enfuir...Ce sont des dizaines de milliers de personnes qui prétendront alors se réfugier en France et les plus compromis seront probablement les premiers à se précipiter chez nous... Nos départements limitrophes risqueraient alors d’être envahis par une foule d’éléments malfaisants et dangereux qui*

*Figure 1. Extract from a letter from the French Minister of Interior to the French Minister of Foreign Affairs. Source: 17th of October 1936, AMAE, Series Europa 1918-1940, vol. 267, pp. 225-230 in Dreyfuss-Armand, 1996*

reception. Exploring the history of my family, clear parallels emerge with today's reception of migrants in Europe. My great-grandparents conceived their migration as an exile and themselves as exiles, "individuals who had chosen their political path" (Michael Marrus in Nyers, 2006:10). Yet, in France, they were read as a potential danger to French society, bringing illness, problematic ideals, and economic dependency from public resources (Dreyfus-Armand, 1996).

As can be seen in the extract from the communications between the French ministers of the Interior and Foreign affairs (Figure 1), familiar tropes attributed to migrants today as "invaders" or "dangerous masses" already drove French reception policies before the Nazi occupation. Despite this, in the aftermath of WWII and in the context of labour shortage, Spanish exiles were almost universally given refugee status in France. The 'Spanish exile' has since become the paradigm of the 'real refugee' in the French popular

imaginary, appearing as "political heroes in the resistance against Francoism"<sup>1</sup> (Akoka, 2011). This contingency of the "refugee" category and its insertion within hierarchisations of humanity also continues to echo in current asylum policy. In its most recent example, it has unveiled a model response to the plight of the most recent flow of Ukrainian migrants from most European countries that contrasts sharply with the politics of deterrence that migrants from other parts of the world and Ukrainian migrants themselves in the past have faced in Europe.

<sup>1</sup> In French in the original "les réfugiés espagnols apparaissent comme des héros politiques, de la résistance au franquisme", translated by the author.

## Before the research

After I came back to Spain, having lived abroad for several years and as I prepared to enrol in a PhD programme, I started volunteering in one of the organisations which oversaw the state's asylum reception programme, although I did not know this at the time. Back then, I did not have a particular interest in asylum reception. While I was adamant that I wanted to explore the Spanish asylum system in my PhD research, several potential gaps drew my attention. Yet, this volunteering experience was vital to trigger my interest in the 'making of asylum' through the work of reception workers, which would end up being the main focus of the research presented here.

Soon after I started volunteering at the organisation, the social work team coordinator learned about my background in migration studies and assigned me to his team. After a few months of doing awareness-raising activities in schools about the asylum system and the Right of Asylum, I was given the task of conducting a first interview with potential asylum applicants<sup>2</sup> and supporting them through the asylum application process by preparing Country of Origin Information reports and assisting them through the fulfilment of bureaucratic requirements.

Back in 2013, the Spanish reception system was minimal. In this first volunteering placement, the asylum team included a single social worker that devoted only Wednesday mornings on alternate weeks to asylum applications. During the two years I volunteered there, we rarely saw more than one applicant every fortnight despite we never shied from encouraging those that were considered as potential 'good cases' to apply for asylum in order "to at least have them documented for a while"<sup>3</sup>. In contrast, the region had more than a 20% of the immigrant population and additional seasonal immigration flows. In a region with a robust agricultural sector, asylum was viewed as a rare opportunity to try and regularise seasonal migrants in situations of irregularity who came from countries with internationally recognised armed conflicts. In 2014, we filed more asylum applications than all the organisation's teams in the whole province of Barcelona as a window of opportunity had opened for Malian nationals, who were numerous among seasonal agricultural workers. This tendency continued the following year when the conflict in Ukraine heightened, and people from that region started to arrive. Despite the record numbers, the total of applications in a year continued to be below a hundred. The state asylum reception programme already existed at the time (although it was much more limited in the number of beds than it currently is), and the organisation I volunteered for was one of the three that managed it. However, none of the applicants during my time as a volunteer in this organisation was ever informed of the possibility of accessing a reception programme.

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<sup>2</sup> As it will be explained in the methodology section, I will use 'asylum applicant' rather than the more common expression in 'asylum seeker'.

<sup>3</sup> As recorded my notes as a volunteer before starting the research that is presented here. While I did not systematically record a field diary at the time, I did occasionally take notes of events and fragments of conversations that seemed particularly relevant.

Interestingly, and very unofficially, the local *Oficina de Extranjería*<sup>4</sup> refused to perform any asylum interviews if applicants had not first had an appointment with that particular NGO to prepare their case and if we (the social worker and I) were not present at the interview. Thus, I had the chance to attend several asylum interviews. The interviews were short, and official interpreters were rarely available even though most applicants did not speak Spanish or Catalan fluently. I was often asked to interpret from English or French, a language I speak, but I am far from fluent in. More often than not, we met solicitors on the day of the appointment who had never heard about the right of asylum or had minimal knowledge of the procedure, leaving us (a social worker and a volunteer) to brief them. To avoid this, we tried to programme interviews to coincide with a particular lawyer on the legal aid roster who was knowledgeable in asylum issues due to her personal interest in the issue, but it was not always possible. The familiarity and lack of diligence in these proceedings both shocked and amazed me, particularly in comparison to the strictness and rigour I had been presented with during my master's degree by the Netherlands' asylum system and the coldness of the Belgian reception facilities I had the opportunity to witness during the summer of 2015, also as a volunteer.

Simultaneously with this volunteering position, I took on an unpaid internship placement in another NGO within the reception system, where I was given the double role of assistant to the in-house lawyer and substitute receptionist. As a receptionist, I was instructed to either give people an appointment for an interview with a social worker or a lawyer or refer them to other services depending on whether they were 'refugees'. Unexpectedly being tasked with deciding whether someone would receive information on asylum or not through a 30-second exchange with an untrained receptionist (me) drew my attention further to the brokerage role that NGOs played between asylum applicants, the authorities, and the right of asylum, and particularly to their pre-screening of potential asylum applicants through recommendations and referrals.

These practices raised a fundamental question that would later inform this research, namely, the role that these NGOs played in the governance of migration within Spain when they had the power to funnel people towards asylum or extranjería. Thus, these experiences as a volunteer in different organisations that supported those who wanted to apply for asylum raised a number of questions that later translated into this investigation. With these in mind, I decided to start a PhD to explore this issue as the Spanish media and public attention turned to asylum in 2015. In the meantime, the situation shifted rapidly a year later, in 2016, as I started the research that grounds the results presented in this dissertation. My former volunteering coordinator, who had easily single-handedly dealt with all asylum applications in the province for years, was suddenly managing a team of eleven people working full-time in the state's asylum reception programme.

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<sup>4</sup> Within the Spanish state structure, *Oficinas de Extranjería* [Foreigners Offices] are the frontline working offices of the Dirección General de Migraciones [General Directorate for Migration] within the Ministerio de Trabajo, Seguridad Social y Migraciones [Ministry of Labour, Social Security and Migration] and the Ministerio del Interior [Ministry of the Interior] in matters of emigration and immigration (Real Decreto 557/2011, de 20 de abril, Artículo 260).

## State of the art

For most of its history, as I will explain in more detail in Chapter III, the number of registered applications in Spain had been low compared to its neighbour countries, particularly if taking into consideration its net migration rate. This ‘low’ number of applications has complex causes, but it has been mainly linked to the pre-screening rejection of most applications due to the inadmissibility clause (see chapter III) of the Spanish Asylum Law (Jubany, 2006). Thus, the asylum system in Spain has historically been underresearched (Jubany, 2002) as the low number of registered asylum applications hid the significance of asylum and relegated it to a marginal position against the much more prominent problematisation of *extranjería* (Alonso Calderón, 2022). Thus, before 2014, the low number of asylum applications in Spain draw little scholarly attention to its model of asylum governance. From its origins in the 1980s to the late 1990s, there were ample advances in mapping the legal expansion of the right of asylum in Spain, but, with exceptions (see Jubany, 2002), little attention was paid to the social aspects of the asylum system in Spain. Thus, the earliest works focusing on the Spanish asylum system come from the legal and policy fields, which have continued to be the most proliferous areas of analysis to date, focusing on the development and analysis of policy stances, legal frameworks, normative developments, and their implementation (see, for instance, Ramos & Moya Escudero, 1985; Ortega Terol, 1993; Manzanares Samaniego, 1995; Blanquer, 1997; Gortázar & Rotaecche, 1997; Martín & Pérez de Nanclares, 2003; Orihuela Calatayud, 2003, 2004; Fullerton, 2005; Sánchez Legido, 2009; Guasch Valls, 2010; Pérez Sola, 2011; Solanes-Corrella, 2013, 2014; Lafuente, 2014; Morgades Gil, 2015).

In recent years, this line of research has followed the development of Spain’s asylum legal framework and its compliance with the European Union’s legal framework, focusing particularly on its lack of adherence to the latest developments (La Spina, 2016; Alarcón Velasco, 2017), reflected on the non-application of particular aspects of the 2009 Asylum Law and the lack of regulatory development of said legislation up to 2022, leading to the divergence of interpretations creating uneven access to rights (García Vitoria, 2018) and mapped the main gaps in Spain’s asylum’s legal frameworks and their implementation gaps, including instances where Spain has incurred in human rights violations (Solanes Corella, 2014). From a policy perspective, recent works have tackled the functioning of the asylum system, including reception, from the point of view of asylum institutions that perform asylum screenings and provide reception services (Garcès-Mascareñas & Pasetti, 2019; Garcès-Mascareñas, 2019; Gutiérrez Hernández, et al., 2018; Bris & Bendito, 2017; López Martín, et al., 2016).

Outside the legal and policy fields, which had shown a consistent interest on Spain’s asylum system, before 2015, there were only a handful of studies focusing on the Spanish asylum regime (see Adell, 1990; Aguado, 1991; Durán, 1994; Vega Pascual, 1996; Jubany, 2002, 2006; De Lucas, 2011; León Pinilla & Jiménez Ivars, 2013). However, after an exponential rise in applications from 2014 to 2020, academic attention towards refugee protection and reception markedly increased, looking at asylum reception policies (Morgades Gil, 2015; Vallés Ferrero, 2016) or asylum screening procedures (Perego, 2017). Works focusing on reception have stressed the ‘failures’ of the Spanish asylum reception system to comply with its apparently ‘welcoming’

approach, which focuses on ‘integration’ and ‘autonomy’, by looking at the construction of exclusions within the asylum system, including reception (López-Sala & Moreno-Amador, 2020; Garcés-Mascareñas, 2017; Moreno-Amador, 2021), while others have focused on reception governance from a policy implementation approach (Garcés-Mascareñas & Moreno-Amador, 2020; Gabrielli, Garcés-Mascareñas & Ribera-Almandoz, 2022) or on incorporation outcomes for asylum applicants and refugees (Estrada Villaseñor, et al., 2018; Iglesias Martínez & Estrada, 2018; Iglesias Martínez, Rúa Vieites & Ares Mateos, 2020).

During this period, there have also been initiatives to monitor refugee reception from the third sector. The Comisión Española de Ayuda al Refugiado (CEAR) has published an annual report on the main problems and barriers faced by asylum applicants in Spain since 2004 (Comisión Española de Ayuda al Refugiado, 2004-2022) and over the years has produced a number of other publications tracing the history and conditions of Spanish asylum reception services (Comisión Española de Ayuda al Refugiado, 2003; 2016; 2019; 2022). The rise in applications after 2014 brought about publications by other human rights organisations and institutions. In 2016, the IGO Amnesty International published *El asilo en España: Un Sistema de acogida poco acogedor*; Accem produces a periodical report for the European Council of Refugees and Exiles and their situation in Spain (Accem, 2017-2019), and in 2018 they conducted a study on the conditions and barriers faced by LGBT asylum applicants in Spain (Gutiérrez Hernández, et al., 2018). In this same line, the Spanish Ombudsman (Defensor del Pueblo, 2017) issued an opinion in 2017 on the deficiencies of the Spanish state reception programme with recommendations for its amendment.

Ethnographic works looking at the asylum system in Spain are scarcer. To the best of my knowledge, there have been only two finalised ethnographic studies on asylum screening procedures (Jubany, 2003; Perego, 2017), but there have yet to be any completed ethnographic investigations on the reception of asylum applicants in Spain up to this date. This has, however, been a fructiferous approach in other European countries focusing on the disciplining nature of reception, particularly focusing on the relations between asylum applicants and frontline workers (Kobelinsky, 2014; Hewson, 2022; Corfield, 2008; Humpries, 2004; Cabot, 2013; Darling, 2014a; d’Hallouin-Mabillot, 2012). In recent times, a new line of study has emerged, exploring the interconnection between a ‘politics of discomfort’ (Darling, 2014b) in the imposition of dismal reception conditions to asylum applicants and the increasing labour precariousness that asylum workers experience (Cabot, 2019; Guiudici, 2021). This research is inserted within these last two lines of study, focusing on the role of frontline reception workers in the governance of migration in Spain, providing a unique approach to date to the Spanish asylum regime from an ethnographical perspective.

Thus, in the context of a presumedly ‘welcoming’ asylum reception system in Spain, where asylum applicants are encouraged to ‘integrate’ and gain ‘autonomy’ from state subsidies, this research is set to examine whether -and if so how- the disciplining mechanisms that have been attributed to ‘unwelcoming’ asylum reception models across the Global North reproduce in an allegedly ‘welcoming’ model. To this aim, the thesis opens by problematising what is understood as ‘welcoming’ by looking at how these goals of ‘integration’ and ‘autonomy’ meet with the



material and symbolical reality of asylum reception from an ethnographic perspective. Later, it widens the question to look at asylum reception as a mechanism of migration governance by exploring the construction of asylum from the daily work of reception workers. Consequently, its main goal is not to question the facts or decide whether the asylum reception system functions or not but rather to analyse “how it functions” (Chauvin & Garcés-Mascareñas, 2012) and question the narratives that support it (Murray, 2014). Thus, this research takes an ethnographic approach to the work of ‘reception workers’ as state agents working to bring the reception system to reality through their daily work in a number of public asylum reception programmes and interrogates their position within this system and the position of asylum reception within the governance of migration.

### **Structure of the compilation**

The research is presented here, divided into five parts and eleven chapters. The research results are presented through a compilation of papers and chapters, most of which have been previously published (see table below). The first part defines the starting point of the research, exploring the origins and contextualisation of the research as well as the State of the art. It also includes the theoretical framework, which goes over the literature on asylum and migration categories, approaches to bureaucracy and the state, immigration and the welfare state, and humanitarianism and third-sector organisations in the governance of asylum (Chapter II). In this part, we can also find a presentation of the historical development and structure of the asylum reception system in Spain and its main organisations, as well as an overview of the socio-political and economic framework under which the asylum reception system has developed in recent years.

The second part, entitled *A Patchwork System*, presents the first part of the results through two articles that have been worked on during the research development. These articles have been published in edited volumes and look into the governance of migration in Spain through the asylum reception system. The first explores neglect as a form of governance, while the second looks into creating a parallel welfare system for non-national citizens by looking at the racist underpinnings of welfare deservingness in the asylum system.

The third part, entitled *Reception and “Acollida”*, looks at the second part of the results of this research, exploring the nuances of the work of frontline NGO reception workers in the different programmes that configure Spain’s public asylum reception system. This third part is organised into two chapters, previously published as articles in Open Access publications or as chapters in edited volumes. The first chapter in this section explores the construction of the particular concept of ‘acollida’ within the asylum reception system in Spain, encompassing both notions of hospitality and formal reception prerogatives. The second chapter looks at the rise of the ‘refugee issue’ within the Spanish public debate and its clash with the experiences of providing reception and hospitality to asylum applicants in Spain.

The fourth section, entitled *Playing the State*, presents two more articles. The first is analysing the dissipation of state responsibility towards protecting asylum applicants in the processes of externalisation of the reception system into the third sector and civil society. The second and

final article of the compilation looks at how social workers use their margin of discretion in a bureaucratic field to perform social intervention as desired and how this contributes to shaping asylum.

The fifth section brings together the discussion of the main results presented in the previous chapters in dialogue with the theoretical framework and reports the conclusions and main contributions of this study, pointing at future lines of research.

To conclude, the final sections of the document compile a list of references and an annex with supporting information.

### **Overview of the compilation**

The following articles and book chapters are those that have been included in this compilation<sup>5</sup>:

*Table 1. Articles in the compilation*

Ch.	Title	Author(s)	Publication	Indexed	Year
<a href="#">X</a>	“Real refugees” say gracias. Deservingness, professional knowledge, and efficient bureaucracy at asylum reception	Rué, A.	Under peer review at the <i>Journal of Refugee Studies</i>	Q1 Scopus Q2 JCR	TBC
<a href="#">IX</a>	La deresponsabilización del estado. Una mirada etnográfica a la externalización del asilo desde el sistema de recepción	Rué, A. Jubany, O.	Accepted by <i>Migraciones</i>	Q2 Scopus ESCI	TBC
<a href="#">VI</a>	<a href="#">Whose Welfare State? A racialized logic to [un]protect immigration and asylum in Spain</a>	Jubany, O. Rué, A.	<a href="#">Perocco, Fabio (ed.) <i>Racism in and for the Welfare State.</i> Springer</a>	2nd SPI- Internacional (All disciplines)	2023
<a href="#">VIII</a>	Un imaginario de muerte y de acogida. El “refugiado mediterráneo” y la conceptualización del asilo del sistema de protección internacional en España	Rué, A.	<a href="#">Clua, M., Ventura, M., Mateo, J.L. (ed.) <i>Áreas Culturales. Edicions Bellaterra</i></a>	2 <sup>nd</sup> SPI-España (Anthropology)	2022
<a href="#">VII</a>	<a href="#">“Acollim. Però com acollim?” L’acollida des del sistema estatal de protecció internacional a Espanya</a>	Rué, A.	<a href="#">Rué, A.; Martorell Faus, M. i Ramirez March, Á. Entre el control i la hospitalitat: etnografies, conceptualitzacions i debats al voltant del concepte d’acollida.</a>	A CARHUS+ 2018	2022

<sup>5</sup> All the articles and chapters included are Open Access, are preprints, or I have obtained permission to include them in the compilation except for chapter VI, where only the reference is included due to publication restrictions.

			<a href="#">Quaderns de l'Institut Català d'Antropologia</a>		
<a href="#">V</a>	The [dis]order of the Spanish asylum reception system	Jubany, O. Rué, A.	<a href="#">Sacramento, O., Challinor, E. Gabriel Silva, P. Quest for Refuge. Reception Responses from the Global North. Húmus</a>	-	2020

Beyond the articles and book chapters included in this compilation, other articles have been published partially grounded on the data obtained through the research that is presented here, but that have not been included as they go beyond the scope of the current thesis:

Table 2. Articles excluded from the compilation

Title	Authors	Publication	Indexed	Year
Governing asylum without "being there". Ghost bureaucracy, outsourcing and the unreachability of the state	Borelli, C., Poy, A., Rué, A.	Submitted to: <a href="#">Jubany, O. &amp; Mayblin, L. (ed). The Colonial Legacies in Asylum and Welfare in Europe. Social Sciences 11(10)</a>	Q2 Scopus ESCI	Under peer review
(Des)haciendo el asilo: etiquetajes de los flujos migratorios y categorías de refugio en disputa en el contexto español	Poy, A., Rué, A. Borelli, C.	Jubany, O.; Mancinelli, F. (ed). <i>Jerarquías, categorías y alteridades: usos, discursos y aproximaciones</i> . Edicions Bellaterra	2 <sup>nd</sup> SPI-España (Anthropology)	Forthcoming
Torture, Migration, and State Violence in Contemporary Spain	Jubany, O., Rué, A	<a href="#">Perocco, Fabio (ed.) Migration and Torture in Today's World Edizioni Ca'Foscari</a>	-	2023
Hegemonías sexo-genéricas en los sistemas de asilo y protección social. El caso de las personas refugiadas LGTB+.	Mas Grau, J. Rué, A. Roiha, M.	<a href="#">Jubany, O.; Guasch, O. (ed.) Intersecciones Encarnadas. Edicions Bellaterra</a>	2 <sup>nd</sup> SPI-España (Anthropology)	2020
Vulnerable to the System: Torture and Migration in Spain	Jubany, O. Pascualetto, M. Rué, A.	<a href="#">Perocco, Fabio (ed.) Torture and Migration. Edizioni Ca'Foscari</a>	-	2019

## Chapter II: Bordering, ordering, and othering

### Introduction

This chapter goes through the key theoretical contributions that guide this research. It is divided into three sections that reflect the main pillars of this thesis: 'governance', 'asylum', and 'reception'.

### Governance

This research focuses on the role of asylum reception workers in the governance of migration in Spain. It aims to deepen into how state power is exercised in the particular context of asylum reception. More concretely, it explores the work of its frontline agents, who, in this particular case, are generally not state workers but personnel of non-governmental organisations. Their double engagement necessarily complexifies the approach as it must not only account for inherent contradictions of the state's constant exercise of power to exist and reproduce (Bourdieu, 2012), but also for the ramifications of this power with the apparition of private actors that *exercise as* but are not, state agents. In this first section of the chapter, I will analyse how the concepts of 'governance' and 'governmentality' help us capture this complexity and present different approaches from which migration governance has been analysed in recent times.

Governance is commonly understood as "the prevailing patterns by which public power is exercised in a given social context" (Jenkins 2002: 485). Thus, analysing governance is crucial to understanding how individuals' behaviour is directed by state power. The introduction of the concept of 'governance' also aims to account for a shift from direct state control, classically referred to as 'government', to a form of state control characterised by the fragmentation of state power across levels of government and the introduction of non-state actors in the exercise of state power (Newman et al., 2004). This approach, however, has been criticised for disregarding power imbalances among actors (Beetham et al., 2008). To better account for the circulation of power, I will draw from Foucault's concept of 'governmentality'. This conceptualisation will inform the use of 'governance' in this research, understanding that governmentality refers to the "ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target" (Foucault, 2007:108). Despite international migration was not within the scope of Foucault's analysis of state power, the notion of 'governmentality' has been vital in migration studies (Walters, 2015). 'Governmentality' contributes to understanding the processes by which the state defines human mobility across borders as 'problem' that needs to be managed and to make sense of the spatial and institutional dispersion of migration control.

### ***Migration governance***

The control of human mobility, as we currently know it, has been mainly associated with the surge of the nation-state (Torpey, 2000). The organisation of the world in a nation-state system has led to a global order where people are assumed to have a 'natural' place to be, their nation-state, and movements to other places are considered a transgression of such order. States have developed rules of belonging and mobility and created mechanisms to enforce such distinctions. The problem of regulating who belongs and who does not to a given nation-state and under what conditions has led to a progressive introduction of mobility restrictions and technologies of border control to the point that the state has been said to hold the monopoly over the "legitimate means of movement" (Torpey, 2000:4). Authors like Zolberg (1978) have come to argue that migration governance is, in fact, a constitutive element of the nation-state as it defines belonging to it. However, the current ordering of populations through bordering practices and the inequalities and exclusions in mobility (as well as in "the right to rooting and immobility" [Sanò & Della Puppa, 2020]) that they sustain cannot only be explained by the rise of the nation-state as a global order (Pallister-Wilkins, 2022).

Political and media discourses make evident that a perceived cultural and phenotypical proximity was regarded as the basis for the recognition of rights and the offering of protection, evoking colonial logic in the distribution of rights, in what van Houtum (2010) has dubbed as the 'global apartheid' and Kalir (2019) as the 'departheid'. As Kalir argues, those who are deemed as being 'out of place' by states in the Global North are "overwhelmingly those who fit in what Arendt (1951) referred to as 'subject races'" (Kalir, 2019:22), that is, those regarded by European colonisation as inferior and whose mobility was restricted at the same time that technologies were developed to facilitate the mobility of white Europeans (Pallister-Wilkins, 2022). The differential treatment of *some* migrants makes evident not so much the bureaucratic restrictions on which it is discursively sustained but that despite "powerful actors are unwilling to outwardly *articulate* the exclusion of some human beings from access to equal humanity in explicitly racial or colonial terms [...] those very exclusions continue to occur" (Mayblin, 2017:147). Thus, while controls over human mobility are not a new phenomenon and have been present for almost as long as we have registered, critical aspects of the current regime of border control are traceable to a particular set of events in history, namely, the political, technological, and conceptual development of colonialist rule (Pallister-Wilkins, 2022). Despite bureaucratic exclusion being consciously de-racialised (Masocha, 2015), the narratives that established a hierarchical classification of humans in the colonial system continue to underpin the relationships between migrants and the state today (Jubany, 2020). Considering this, in this research, the governance of migration is understood as the management of movement across nation-states and the differentiated management of particular movements, of particular populations, and through particular mechanisms of control.

### ***Governance through repulsion***

One of the primary mechanisms by which states have tried to govern migration is by preventing the arrival of those who seek to enter their territory. In the last few decades, research has focused on the mechanisms implemented to keep migrants away in what has been known as

‘fortress Europe’ (Kofman & Sales, 1992; Geddes, 2001). This term has symbolically epitomised the repulsion technologies developed by the EU and its member states, more generally in the Global North, to prevent the arrival of migrants and asylum applicants. Studies have looked at the increasingly repressive approach to migration taken by states, particularly those in the Global North, by examining the criminalisation of migration (Bigo, 2004), understood as the “the imbrication, blurring, or even fusion of criminal law and immigration law” (Hudson, 2018:37), the fortification of borders through fences and technologies of surveillance has led to the mounting of violence (Schindel, 2022; Isakjee et al., 2020; Freedman, 2016) and practices of deterrence aimed at discouraging further migration (FitzGerald, 2019). In this sense, Andersson (2014) has argued that such a repressive approach to human mobility is, in fact, productive, in the sense that the restrictive border regime produces ‘illegality’ as “some are deported in order that most remain” (De Genova, 2002:436) as low-cost labour. This thesis understands asylum reception as part of this regime in the production of illegality, as I will explain later in this section, with the introduction of the concept of *probation*. Despite presenting as a technology for ‘integration’, this concept can also be understood as a technology for producing “workers whose particular migrant status may thus be rendered ‘illegal’” (Rygiel, 2011).

### *Governance through neglect*

Associated with this, another form of migration governance analysed by the literature is what will be referred to as ‘governance through neglect’ in this thesis. This refers to the management of migrant populations by taking a *laissez-faire* approach to particular areas of reception policy, mainly the provision of basic needs or by directly or indirectly denying access to basic need coverage. This form of governance has been dubbed as a ‘necropolitics’ (Mbembe, 2003). It depends on an approach to state power that understands sovereignty not only as “the autonomy of the state and its people under the rule of law” but also as “the right to kill, to allow to live, or to expose to death” (Mbembe, 2003:12). In this sense, as Davis, Isakjee and Dhesi (2017) argue, such ‘policies of neglect’ represent a form of violence in the intersection of ‘structural violence’ (Galtung, 1969). That is, the particular form of violence by which a state, a society, or an institution cause harm to particular groups of people due to discriminatory treatment, particularly in access to covering basic needs, with border control. Thus, connections emerge between “political indifference towards refugees and the physiological violence they suffer” (Davis, Isakjee & Dhesi, 2017). The way this specific form of violence manifests and is enacted in, for instance, the prohibition of harbouring rescue boats in the European ports of the Mediterranean; of distributing food among people waiting to cross the English Channel in Calais; or the normalisation and institutionalisation of tent camps as spaces to accommodate migrants across Europe, shows that “there is a practical regime of differential humanity operating” and “that conditions of impoverishment and endangerment are simply more tolerable for some human beings than for others” (Mayblin, Wake & Kazemi, 2020:120).

### *Governance through emergency*

There is a further research avenue, particularly relevant for this thesis, as it argues that migration, and asylum in particular, has been governed by an ‘emergency’ approach. Migratory movements towards the Global North have often represented a continued displacement that

has constructed “a politics of invasion and a moral panic” (Mainwaring and Bridgen, 2016:250), which have legitimised the implementation of “rapid, informal and flexible policy instruments” (Zapata-Barrero, 2020:12). Yet, these have often disregarded critical democratic principles and attempted against fundamental rights. This ‘crisis’ approach is at the root of the normalisation and perpetuation of allegedly temporary solutions such as the retention of migrants in ‘hot spots’ (Rygiel, 2011), the closure of regular channels for international mobility (Ansems de Vries, Carrera & Guild, 2016), the expansion of states’ influence beyond their geopolitical borders (Mountz and Hiemstra, 2014). However, as the emergency approach reveals itself as the norm, these mechanisms of migration control can no longer be understood as a crisis-response situation but need to be analysed under historically embedded state-forming processes of racial governance, where migrants have come to be regarded as ‘non-persons’ (Goldberg, 2009). Following these debates, this thesis problematises approaches of ‘exceptionality’ and ‘newness’ to migration governance mechanisms and explores their consequences to look at the underlying dynamics that come to define migration policies.

### *Governing through bureaucracy*

Bureaucracy has become one of the main mechanisms of migration governance. Scholarship has noted that the criminalisation of migration, the tightening of border controls, and the devaluation of asylum have increased the importance of bureaucracy in migration control. This is mainly as irregular migrants are asked to compile evidence of their irregular stay (Chauvin & Garcès-Mascreñas, 2014); asylum claims require growing amounts of evidence (Berg and Millbank, 2009); ‘experts’ are brought in to ‘certify’ life stories (Fassin, 2001; Fassin & d’Halluin-Mabillot, 2005); or maintaining regular status requires draining efforts (Duphelia-Mesthrie, 2014). Within this context, paperwork becomes central to bureaucracy. Tuckett (2018) analyses the ‘documentation regime’ to which migrants are subjected, as papers come to define the reality of their lives more than their actual life stories, as a way “to hold the ‘truth’” (Tuckett, 2019). The relevance of paperwork has become clear with the Windrush scandal in the United Kingdom<sup>6</sup>, where the lack of a particular type of documentary evidence imposed over a whole life lived in the country and people’s understandings of being British citizens, leading to severe consequences. These included destitution, deportation, years of estrangement from home and family, worsening health and lack of medical treatment, and nightmarish bureaucratic procedures. Thus, the centrality of paperwork for bureaucracies lies in their content but also, as argued by Hull (2012), in paperwork as an artefact. How records are kept, the organisation of information in them, the signs and symbology used, the use (or not) of digital technologies, or even the quality of paper tell stories about governance. This research underpins the importance of looking at bureaucratic governance through the materiality of paperwork and how frontline agents manage this.

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<sup>6</sup> The Windrush scandal started in 2018 when the “hostile environment policy” towards migrants led by Theresa May’s government saw numerous people, particularly from the Caribbean, who had arrived in the UK previous to 1973, many of them as British citizens, have their right to stay in the UK put into question. They had to prove their residence before that date despite having Leave to Remain or other legal statutes. Consequently, many lost their jobs and entitlements to welfare while others were denied entry to the UK, wrongfully detained, threatened with deportation, and even deported.

## Governing migration from below

This take on governance, however, often approaches the state as a monolithic entity with a unified intent, bypassing its inner contradictions and struggles. As Mountz argues, there has been a tendency to perceive the state as a unified entity separated from society with an overreaching and homogeneous power that is not located in time and place (Mountz, 2010). In this paradigm, bureaucracy is often perceived as either the peak of efficiency or as the very opposite. As masterfully represented in *Asterix's house that drives you mad*, bureaucracy often appears as an absurd, unattainable, unyielding, and painfully slow machinery (Hoag, 2011), particularly when looking at migration governance that regards it as a coherent and unified 'apparatus' (Feldman, 2011). Yet, the state is socially constructed through networks of relations (Bourdieu, 2012), so locating the state in a particular time and place allows to demystify state power and problematise what is taken for granted (Mountz, 2010). As Sharma and Gupta (2006:12) argued, the "state comes to be imagined, encountered and re-imagined by the population" through particular bureaucratic practices and encounters with state agents. So, as Shore (2010) proposes, it is possible to analyse governance 'from below'. That is, understanding governance from the performative aspect of policy through its day-to-day implementation, production and reproduction in the work and interactions of frontline agents by approaching the state from an ethnographic perspective.

An ethnographic perspective of the state serves to problematise the understanding of public policy as created by government elites, managed by civil servants in the state structure, implemented by street-level bureaucrats, and passively accepted by the population (Shore & Wright, 2003). Thus, an ethnographic approach also allows going beyond perceptions of the state as a monolithic entity driven by the rule of law. By looking at the work of reception workers as indirect state agents, we can pay attention to "those aspects of the bureaucratic ecology that complicate the legal realism of bureaucratic discretion" (Hoag, 2011:85) as the gaps between the formal and the informal become spaces for the articulation of "discrete but interconnected semiautonomous social fields [where] law is imposed with uneven and indeterminate consequences" (Sandvik, 2011:12). That is, we can thicken the description by not taking the 'state' for granted but looking at how it comes to be (Sharma & Gupta, 2006) looking at it through "the people who comprise it, their everyday work and [its] social embeddedness in local relationships" (Mountz, 2010).

This implies incorporating the sociocultural and affective dimensions into the production of policy (Shore, 2010), with which we will gain a better understanding of the "quieter registers of power" (Allen, 2011:291) that operate in the governance of migration. As pointed out by Borrelli and Lindberg (2018), understanding the state as a conjunction of social relationships helps us drive away from the idea that there is a coherent 'migration apparatus' (Feldman, 2011) that all involved actors work to maintain. We ought to recognise the power of the state and its workers while also revealing the bureaucratic and ethical complexities, affects, moral dilemmas, and particularities of the work of different actors within the migration and asylum regimes (Borrelli & Lindberg, 2018).



### ***Street-level bureaucrats***

The study of the “people who comprise it [*the state*] and their everyday work” (Mountz, 2010) has mainly been framed under the studies on ‘street-level bureaucrats’ (Lipsky, 2010), defined as any frontline state agent in charge of the final implementation of policy. This line of research has mostly focused on the encounters between ‘street-level bureaucrats’ performing the implementation of legislative intention and their clients, particularly on their ability to make decisions within the ‘law-implementation’ gap through their ‘margin of discretion’. While the ‘street-level bureaucracy’ approach to state power has also contributed to the shifting of the understanding of the state as an array of everyday practices, Lipsky’s contribution was crucial to complexify and bring back the ‘human factor’ into the analysis of bureaucracy, often very focused on management levels. It is by looking at the work of frontline state agents vested with the responsibility of deciding over migrants’ lives through apparently menial decisions that we can explore how migration governance becomes embedded in the daily reality of migrants’ lives. Nevertheless, as pointed out above, policy is not always enacted by state agents. Through processes of externalisation and subcontracting, states have vested the management of certain border control practices upon third-party actors, such as airline workers or humanitarians. While NGO asylum reception workers could be perceived as falling within what Lipsky refers to as ‘street-level bureaucrats’, in as much as they are working at the frontline in the enforcement of state policy on migration control, they are not actual state agents. As this research will show, the ambiguity of their position between humanitarian actors and state agents is crucial to understand their role in the governance of migration. In Mountz’s words, “work in the field of immigration challenges easy divisions between state and non-state actors, policy and practice, and state and civil society. A variety of people work across institutions in collaboration, collusion, conflict and contradiction.” (Mountz, 2010:xxiv). Third-party actors contribute to the construction and reproduction of migration regimes through the exercise of their duty and in their relationship with their clients. They assert their power and the power of the institutions they work for, or, contrarily, they participate in resisting and rejecting this power by acting independently beyond the margin of discretion foreseen by law (Lipsky, 2010).

### ***Deservingness***

Through their daily activities, frontline workers make their clients ‘legible’ to the state (Scott, 2008) by assigning bureaucratic labels that define their access to rights and services while helping their clients navigate “an otherwise impenetrable bureaucratic maze” (Tuckett, 2018:59). Yet, their implementation of bureaucratic categories is not neutral, on the contrary, under scrutiny, frontline workers’ appraisals reveal moral judgements, social and racial stereotypes, and prejudice, as it has been extensively shown by labelling theories (Goffman, 2009) and the study of law enforcement and frontline bureaucracy (Loftus, 2015), particularly, in relation to migration (Guiradon & Joppke, 2001; Maril, 2004; Mountz, 2010; Fassin, 2013; Jubany, 2017). These findings intersect with the literature on ‘deservingness’ (Katz, 2013), which has focused on the intertwining relationship between social policy and perceptions of recipients of social aid through a meritocratic approach (Guetzkow, 2010). In migration studies, these have been used to interpret social welfare policies beyond legal categorisations of migrant subjects

(Sales, 2002) to “account instead for the criteria that concretely define who gets what and why” (Novak, 2021:452).

This thesis argues that categories of deservingness managed within social work significantly impact asylum applicants’ access to asylum and welfare rights (see Chapter VII). Social workers’ uses of categories such as ‘employability’ in job-finding programmes for migrants, asylum applicants and refugees have consequences on their possibilities to find a job and the type of job they will find (Arqueros-Fernandez, 2022; Shutes, 2011). Similarly, the discourses of professionals, volunteers, and users of asylum reception programmes around ‘integration’ also contribute to determining how refugees foresee their lives in the country of asylum (Kirkwood et al., 2015). Performances and assessments of ‘vulnerability’ and ‘refugeeness’ are a crucial tool of negotiation to access asylum recognition and welfare services (Malkki, 1996; Cabot, 2013; Szczepanikova, 2010; d’Halluin-Mabillot, 2012). In this sense, particular ‘deservingness frames’ (Chauvin & Garcés-Mascareñas, 2014) are mobilised more often in the context of migration both by state agents (and other quasi-state actors) or by migrants themselves. Chauvin & Garcés Mascareñas (2014) distinguish between the frames of ‘vulnerability’ and ‘performativity’ as the main ones that are mobilised in relation to migration.

The acquisition of refugee status has traditionally been linked to the frame of ‘vulnerability’ as the (ideal) refugee is the person who has been forced to migrate, despite preferring not to, due to exceptional circumstances of persecution or conflict in their country of origin. In opposition to this notion of deservingness, through ‘vulnerability’, it is possible to find a ‘performance-based’ understanding that is often mobilised by migrant movements and their supporters to present them as ‘good citizens’ either (or both) in cultural or economic terms. That is, showing high levels of cultural assimilation may place migrants in a better position to obtain regularisation (Chauvin & Garcès-Mascareñas, 2012), while the same may be true through showing economic integration or presenting as a gain to the country of settlement or some of its citizens (Bonizzoni, 2018). The tension and the interplay of these main discursive frames in the construction of migrant ‘deservingness’ provides a critical stance to understand how the assessments of desirability of frontline reception workers mediate access to asylum and reception rights for asylum applicants. This is particularly in contexts such as that of the Spanish asylum reception system where both ‘vulnerability’ and ‘performativity’ play a crucial role to define refugee deservingness, as will be discussed in Chapter VII and as it has been discussed elsewhere (Mas Grau, Rué & Roiha, 2020). These expectations of desirability within asylum are strongly defined across gendered and racialised terms, despite this is rarely made explicit as exclusionary and discriminating laws are carefully de-gendered and de-racialised (Masocha, 2015). Street-level bureaucrats, especially those in the social field, show careful disassociation with explicitly racist and gendered discourses (Humphries, 2004) but readily participate in “the reproduction of national and other boundaries that contribute to the exclusion of particular groups and to the facilitation of others” (Christie, 2002:196). However, the framework of ‘deservingness’ has been regarded as simplistic in the sense that it reduces complex negotiations of positionality and power and may be regarded as positioning the researcher on a higher moral ground than that of frontline workers as it is presented as a critique (Cabot, 2019).

This thesis hinges on the framework of ‘deservingness’ to account for the conditions under which asylum applicants are granted or rejected access to certain rights and services. This is both by problematising seemingly neutral bureaucratic categories and accounting for the social, cultural, political, and moral charge these categories take in frontline workers' decisions. Through this analysis, the research seeks to account for *emic* descriptions of asylum applicants' rights and access to services as ‘deservingness’ and other correlates are used to describe these by actors in the field. It also strives to “go beyond critique” (Cabot, 2019) and show the nuances of the bureaucratic field in asylum reception.

### ***Professional knowledge***

These categorisations are often framed as ‘professional knowledge’ (Jubany, 2017). Namely, they become reified as technical and objective knowledge rather than being understood as shifting cultural, emotional, or experiential responses to their relationship with clients and other workers. Through the professional socialisation of asylum workers and the interactions with ‘clients’, subcultural worlds and particular labelling practices emerge within the workplace. Thus, when frontline workers seek to make sense of their roles within the asylum system, resolve moral dilemmas in their daily work or respond to the ‘impossible situations’ of bureaucratic work in contexts lack of resources (Zacka, 2017) ‘professional knowledge’ is mobilised to rationalise their moral choices. As Borrelli and Lindberg argue, asylum officers are often conflicted by policymaker expectations, the general public, and migrants, having to take “ethically and emotionally sensitive decisions” (2018:174). In this context, mobilising their ‘professional knowledge’ allows them to go beyond their duty to do their job according to their moral stances and do work as they believe to be ‘correct’. Thus, walking this tightrope, frontline social workers readily reproduce state categories, implement restrictive policies, and exercise control over migrants (Vrăbiescu & Kalir, 2018). Conversely, they also work to subvert bureaucratic labels, make evident and confront gendered and racialised bias, work around and challenge restrictive policies or aid migrants to elude state surveillance (Ataç & Rosenberger, 2019), often at the expense of their own time, efficiency, and well-being (Borrelli and Lindberg, 2018). This is particularly the case for those who work for humanitarian and activist organisations, as they are less the object of surveillance from the state structure, even if they work in state-funded programmes (Tuckett, 2015).

Within this framework, ‘professional knowledge’ is thus used in this research as an analytical concept to characterise the instances in which asylum reception workers rationalise their decisions. These result from learnings derived from their professional training or work experience but reveal negotiation processes between resources, moral and political positionings, beliefs about social work and asylum and particular workplace subcultures.

### ***Moral economy***

Popularised by James Scott (1977), the concept of ‘moral economy’ captures the “desire to make sense of complex human dilemmas and predicaments of various kinds and at varying levels of analysis, by training an empirical gaze on the conjunction among political processes, moral commitments, and the lived experience of individuals and groups.” (Willen, 2014:72). In this

sense, to research the particular field of humanitarianism, Fassin (2009) proposes to use the concept of ‘moral economy’ to make sense of the “production, expansion, circulation and use of moral sentiments, emotions, values, norms and obligations within the social space” (Fassin, 2009:1257). Thus, in researching the refugee regime through the work of frontline asylum reception workers, the notion of ‘moral economy’ helps us understand the interplay of restrictive policy frameworks, the lack of resources, and the humanitarian stance of asylum personnel at their workplace in conditioning access to asylum rights through assessments of ‘deservingness’ by bringing into the picture affects, values and social norms and obligations.

In Fassin’s account, central to the ‘moral economy’ of humanitarian work is what he refers to as a ‘humanitarian reason’ (Fassin, 2010). That is, on the importance that is given to the assessed moral value of the subject and the importance of saving their life, rather than on the experience of persecution or the need for social protection expressed by asylum applicants, as some lives are given more moral value than others (Mbembe, 2003; Butler, 2004). Thus, the question of why some foreigners are seen as more legitimate than others (Akoka, 2020) speaks back to why some lives are perceived as more worthy of saving than others. Thus, the concept of ‘moral economy’ becomes crucial to make sense of the responses, decisions, and explanations of these questions by reception workers in fulfilling their daily duties, as it will be shown in the following chapters (particularly in Chapter X).

### ***Bordering***

Popular imaginaries associate the border with passport controls at ports of entry, the fortification of states at their edges with the construction of border fences and the violent deployment of police forces to contain the entrance of ‘unwanted others’. However, despite the pre-eminence in the border imaginary of fortification and surveillance of territorial state limits, state borders are not only found at geographical confines and ports of entry, nor are they limited to material and bureaucratic presence. State borders expand beyond the states’ territorial domains into grey zones “where international and domestic policy, law, and jurisdiction are blurred” (Johnson et al. 2011:65) and linger within the states’ territories as bordering activities become pervasive to all spheres of life for those whose belonging to the citizenry is called into question. From ‘rescue’ operations in international waters at the Mediterranean by Frontex to ID checks by bank clerks, borders are found “wherever selective controls are to be found” (Balibar, 2002:84-85). At the same time, their presence is symbolic, as they are part of how we understand and construct the world, our existence, and others within it (Nayak, 2011). In this sense, they also act as an ordering mechanism beyond bureaucratic and administrative categories in as much as they construct imaginaries of belonging and thus determine the inclusion and exclusion of individuals and communities.

It is through the concept of ‘borderwork’ that Rumford (2008) aims to capture this multiplicity of practices and apparatuses that come into play in the continuous production and reproduction of the nation-state’s borders in day-to-day encounters. ‘Borderwork’ often happens in state-controlled spaces and lays in the hands of ‘street-level bureaucrats’ (Lipsky, 2010), like border guards, social workers, asylum officers, police forces or schoolteachers. Non-citizens’ belonging

is continuously questioned as these actors conduct identity checks, implement policy through racial profiling or construct access through 'deservingness' (Ratzmann and Sahraoui, 2021).

Nevertheless, there is also a myriad of other non-state actors to which the state has outsourced part of its authority on the control of citizens' access to rights and services and who, therefore, also engage in borderwork. These include private actors such as NGOs, air personnel, bank clerks, real estate agents, or supranational institutions such as IGOs or the European Union (Rumford, 2006). Thus, street-level bureaucrats and third-party actors *acting as* governmental agents in their daily encounters with citizens and non-citizens alike redefine the state's borders in their decisions on how to implement state policy by reinforcing and subverting state categories of belonging.

### **Probation**

The materialisation of borderwork has been fittingly illustrated through the "snakes and ladders" metaphor (Goldring & Landolt, 2013). In the traditional Indian game of "snakes and ladders", the player must reach the topmost right square by navigating a board full of snakes and ladders that can greatly facilitate or hinder the player's advances in the game by bringing them several squares forward or backwards. In Goldring and Landolt's metaphor, the snakes and the ladders represent migrants' encounters with the state. Despite legal frameworks, rules, regulations and procedures, street-level bureaucrats, and third-party actors, using their margin of discretion and relying on their 'professional knowledge' and assessments of 'deservingness' can propel a particular migrant several steps forward in their path from irregularity to citizenship or take them back to the starting square through return or deportation. Although the metaphor is severely limited in scope, it provides a fitting illustration of the non-linearity and delocalisation of the border that accounts for the 'human factor' in implementing migration control policies.

These non-linear processes of incorporation triggered by bureaucratic intervention have been interpreted as a form of migration governance through 'probation' (Moffette, 2018). Building on Simon's (2020) expression 'governing through crime' in his analysis of criminal law and punishment as disciplining mechanisms in the United States, Moffette draws a parallel with the penal figure of probation to illustrate how migrant's belonging is continuously put into question by their encounters with the state. Moffette analyses the multilevel governance of migration through the uncertainty of non-citizens belonging from arrival to the recognition of citizenship. Even after that, where no step forward can be fully understood as such, like in the case of penitentiary probation, any assessment of 'undesirability' can challenge the whole process of incorporation. This reveals the "ongoing screening and assessment of desirability" (Moffette, 2018:167) that understands the border as a disciplining apparatus that seeks to discriminate between 'desirable' and 'undesirable' migrants through an elongated process of bureaucratic borderwork, in what Mountz (2010) has called 'the long tunnel'.

## Asylum

### *The Right of Asylum?*

The second pillar of this thesis is asylum. This research deepens into asylum reception systems and their frontline workers as part of the apparatus of migration governance in the Global North. As such, a primary objective of this study is to explain how different institutions and actors within these systems answer to what it means to be a 'refugee' and what entitlements derive from it. Central to this issue is the distinction between the 'refugee' from other non-citizens, as asylum reception systems offer welfare services and support to those that are identified as 'refugees' but not to other foreigners and, within this, between 'refugees' and other international protection categories such as that of 'asylum seeker', among others. These distinctions raise a crucial question, namely, why some foreigners are seen as more legitimate than others (Akoka, 2020) to benefit from this form of 'reception'.

### *The concept of asylum*

Labels help us make sense of reality, defining social categories which imply sets of rules, expected behaviours and positions in society, becoming enablers, barriers, tools for liberation, and grounds for prejudice (Goffman, 2009). Emerging from criminological studies, labelling theories (see, for instance, Becker, 2008; Goffman, 2009) have been crucial to understanding how social labels and institutional categories shape human relations. In human mobility, these theories have been used to make sense of how institutional agents use their legitimacy to define classificatory orders and assign them to people and groups to make them objects of policy intervention, particularly border control (Zetter, 1991; 2007). For instance, having refugee status recognised by a state in the Global North will make a migrant 'legible' for that state (Scott, 2008) as someone in need of protection. This will lead to certain rights, such as residence and work permits, access to welfare protections or fast-track citizenship, and legitimise a past status as an 'asylum seeker'. Yet, being denied asylum may turn an 'asylum seeker' into an 'undocumented' or 'irregular' migrant, understood as someone who does not have or cannot obtain valid documents to live in their country of residence. This will entail a loss of rights, particularly concerning work and residence, and may lead to deportation. Becoming 'undocumented' will question the migrant's past status as an 'asylum seeker', and they may be dubbed a 'bogus asylum seeker' or an 'illegal migrant'. Thus, despite any given individual can go through all these categories at different points in time, they are often used in essentialist terms (Crawley & Skleparis, 2018). That is, media, popular and political discourses, as well as academic analysis, often use these categories as if individuals could *be* 'asylum seekers', 'refugees', or 'undocumented migrants' or as if a certain quality of 'refugeeness' could be found in a given individual under due scrutiny (Szczepanikova, 2010)<sup>7</sup>.

Within this context, the figure of the 'refugee' is commonly construed in opposition to that of the 'economic migrant'. Migration literature has analysed international migratory movements in regard to 'push' and 'pull' factors (O'Reilly, 2015), defining migrations either as 'forced' when

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<sup>7</sup> As it will later be discussed, this latest assumption is, in fact, at the core of asylum screening and determination by countries in the Global North.

push factors related to causes such as persecution or natural disasters or as ‘voluntary’ when the central motivation for migrating was an economic one. Migration processes, however, rarely have a single motivation, and causes are often a mixture of those traditionally considered as ‘forced’ and those considered as ‘voluntary’ (Zetter, 2007). Similarly, motivations cannot be easily pinpointed and can shift during the migratory journey (Collyer & De Haas, 2012). This differentiation, however, has often been used to support hierarchic classifications of legitimacy. ‘Refugees’ needs are often privileged over the needs of ‘migrants’ in policy and discourse as their cause is considered more legitimised by their migration being interpreted as ‘forced’ (Crawley & Skleparis, 2018). Yet, as it will be discussed later in this chapter, not only do political turmoil, conflict, natural disaster, and economic difficulty often occur together (Bissell and Natsios 2001), but not considering economic motivations as a form of ‘forced’ migration reveals a particular bias of the right of asylum regarding what is considered as a risk and the nature of the protection that it is offered (Puggioni, 2017).

Thus, as posed by the example above, all individuals can go through all these categories at different stages, revealing how they are not as clear-cut or straightforward as they may seem but grey zones in constant negotiation (Sigona, 2003; Zetter, 2007). Therefore, when talking about the ‘refugee’, it is crucial to look at how the category has come to be configured in its current interpretations, critically reviewing the different uses and understandings it may take in a variety of contexts.

### ***The development of the modern asylum regime and its colonial underpinnings***

*“As a result of events occurring before 1 January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”*

(UN General Assembly, 1951)

As is common in Western culture, the etymological and mythical origins of asylum are often traced back to ancient Greece’s tradition of sanctuary where, in the isle of Kos, people fleeing war and political persecution would find shelter and protection in its temple (FitzGerald, 2019). But well beyond any mythical and etymological origins, the contemporary ‘right of asylum’ can only be traced back to the interwar period between the two world wars in the 20th century (Hathaway, 2021). In the 1920s-30s, as the League of Nations sought to manage the particular flows that had emerged in Europe in the period, the ‘refugee’ label developed as a legal category to identify migration, particularly that which steamed for political causes that served the interests of the West (Jubany, 2020). However, by the end of World War II, with the large displacements caused by the conflict in Europe, the ‘right of asylum’ was institutionalised at the international level through the 1951 Refugee Convention. Its enactment set the grounds for the current prevailing understanding of the ‘refugee’ as someone in need of international protection

due to fleeing political persecution. It continues to be the main frame of reference upon which most actors base their interpretations of the 'refugee' label.

The 1951 Refugee Convention was envisioned as an instrument of protection against the particular kinds of persecution that had occurred during the Second World War. As such, its definition of 'refugee' was strongly informed by the geopolitical context of the time. In a world still mostly under colonial rule by European states, the Convention fabricated implicit and explicit exclusions from the right of asylum, which continue to define and condition the right of asylum today (Krause, 2021). The most common example is the explicit exclusion of non-Europeans from the right of asylum. The text of the Convention included a clause by which states could opt to restrict this right to Europeans only or take a more expansive option that did not restrict persecution geographically but still limited it to events related to the Second World War. In the context of the displacements caused by decolonisation in 1967, this was partially amended by the Protocol of New York by removing temporal restrictions. Yet, while the Protocol is commonly framed as the tool that removed the geographical restrictions of the Convention and expanded the right of asylum to all, only four states adhered to the Europeans-only clause in the first place. The Protocol left the door open to these four states to preserve this restriction (United Nations General Assembly, 1951). Among them, Turkey was the only state to ratify the Protocol and continue to adhere to the geographical restriction, which is still in force today<sup>8</sup>. This means that while, in practice, none of the signatory states of the Convention (except for Turkey) limits protection temporarily or geographically to Europeans, the principle that grounded those restrictions is still alive in allowing for the Turkish exception.

Similarly, the right of asylum carries other non-explicit exclusions. The 1951 Refugee Convention emerged in a context of the expansion of international legal frameworks. Its enactment was deeply intertwined with the notion of humanity and the enactment of the 1948 Declaration of Human Rights. On the one hand, it has been argued that the notion of humanity, on which the right of asylum is based, is both understood as "humans as a group, sharing a common condition (that of humanity)" and "as an affective movement towards equals (showing humanity)" (Fassin, 2010:8), is however, in practice, contingent to other requirements, such as those of nationality and citizenship (Balibar, 2004; Arendt, 2017) or those of victimisation and deservingness (Fassin, 2010). On the other hand, as shown by Mayblin (2017), the negotiations leading to the 1948 Declaration of Human Rights and the 1951 Refugee Convention reveal how Western powers opposed the extension of these rights to colonial subjects. This illustrates how "countries which had experienced colonialism were well aware of perceived racial hierarchies which rationalised their exclusion from human rights instruments and fought against them at every opportunity" (Mayblin, 2017:146).

The international right of asylum was also consolidated during the Cold War. If political persecution became a defining element in the construction of the 'refugee' in the international arena, it was partly because it served Western interests in evidencing the superiority of

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<sup>8</sup> The other states were Congo, Madagascar, Monaco, and Turkey. Both Congo and Monaco abandoned the geographical restriction upon signing the Protocol, while Madagascar has not ratified the Protocol (United Nations High Commissioner for Refugees, 1967)



democratic rule while delegitimising communist countries (Loescher, 1992). In this context, those fleeing from communist countries were generally welcomed as refugees in Western countries and were offered protection without much scrutiny (Akoka, 2011). Other situations that create displacement, such as generalised violence, poverty or natural disasters, were excluded as legitimate grounds for refugee protection in the 1951 Refugee Convention and most Western states' national legislations (Reed, Ludwig & Braslow 2016:619)<sup>9</sup>.

The economic crisis in the late 1970s and the end of the Cold War in the 1990s and changes in international migratory movements were taken as grounds for change towards more restrictive policies (Mayblin, 2017; Sainsbury, 2016). These changes may have ended a "convergence of interests" (Koser, 2001) and a relatively positive attitude towards the expansion of the right of asylum and specific migratory movements (Joly, 2001). However, these restrictions are not to be understood as a *new* phenomenon emerging as the Cold War ends. It is commonly argued that these policy changes have come in response to the emergence of more prominent refugee flows from developing countries (Hansen, 2003) together with the development of international travel (Gibney, 2003). However, these arguments ignore that exclusionary policies that seek to control mobility towards the Global North and the technologies used to do so in contemporary border regimes reproduce technologies of mobility and immobility of the colonial period (Malkki, 1996) which permit the unrestricted mobility of some while heavily restricting the mobility of others. This hierarchical regime cannot be understood without referring to the notions of 'otherness' embedded in colonial history (Mayblin, 2017) that become 'deracialised' in bureaucratic requirements (Masocha, 2015).

### ***The legitimacy of naming and defining***

#### *Asylum as a legal category*

Despite their normalisation, legal and bureaucratic labels classifying migrants are not fixed identities but temporary and situated positions in migratory trajectories (Zetter, 2007) and which have different and shifting meanings depending on the context in which they are elicited and the actors that elicit them. Despite their indeterminacy, the construction of these concepts plays a central role in the current border management system, migration control and citizenship (Crawley and Skleparis, 2018). The legitimacy to determine who is regarded as a refugee lies on a handful of actors, particularly states signatories of the 1951 Refugee Convention and the UNHCR. Thus, in the international legal framework and national arenas, asylum functions as a legal category determining certain rights and entitlements within particular states and supranational bodies. In this sense, the obtention of this category is mediated by bureaucratic processes of determination by which asylum applicants must present a particular narrative and 'evidence' (Fassin & d'Hallouin, 2005) of their life stories that fit the requirements to obtain a recognition of the need of international protection and gain refugee status.

These determination processes create the fiction that it is possible to assess whether a person is a 'refugee' and legitimise state authorities' decisions in a way that those recognised as

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<sup>9</sup> Other international agreements on the right of asylum do, however, recognise this as grounds for international protection, such as the 1984 Cartagena Declaration on Refugees

'refugees' see their claim validated. In contrast, the process reveals those not recognised as 'bogus asylum seekers', delegitimising their claim and presenting them as 'system abusers'. State decisions have been shown not only to follow widely different criteria across states under similar legislative frameworks (Thränhardt, 2021) but also to be informed by racial and gendered bias, as well as a general predisposition to disbelieving asylum applicants' stories (Jubany, 2017).

### *Asylum as a social and political category*

As explained, officially becoming a refugee requires the recognition of such status by the UNHCR or any of the States signatories of the 1951 Geneva Convention. Yet, in practice, despite signatory states and the UNHCR being the only two actors with attributed legitimacy to grant refugee status with legal and bureaucratic recognition, many other subjects can claim such a label for themselves or others, with practical consequences. Migrant support groups, NGOs, activists, political parties, local and regional authorities, migrants themselves and other relevant actors will also use the 'refugee' label in ways that do not correspond to those defined by legal parameters. Migrants themselves may consider they are 'refugees', 'exiles', 'immigrants', 'citizens' or else, often depending on the particular context or situation, and mobilise these categories for their interests. Thus, social uses of the category expand the boundaries of the use of bureaucratic labels and can be appropriated to call for the enlargement or restriction of rights for a particular group of people. For instance, media, political and social actors spoke of the 'refugee crisis' at the increase in the number of arrivals to the European Union in the 2014-2016 period. While not all those arriving would later be recognised as refugees, popular discourses read them as victims of conflict and persecution and were therefore popularly categorised as refugees. However, while those arriving were delegitimised by some political voices by categorising them as 'economic migrants', an idea of 'real refugees' was mobilised by either side of the political spectrum to assert the legitimacy of 'refugee' claims over economic migration, be it to defend the rights of those arriving or to advocate for the closure of borders. Thus, social uses of this label extend from broad approaches in line with border-abolitionist positions to reductionist views based on imaginaries of an 'ideal' refugee.

## **Reception**

Debates around asylum reception have taken a main clear avenue of investigation. A large body of literature has focused on analysing the institution of reception as part of the international asylum regime, where those recognised as refugees or those applying for asylum are provided with socioeconomic endowments. Within this, the analysis has experienced a clear division between those examining refugee reception in the Global South (Agier, 2011; Malkki, 1995; Harrell-Bond, 1986, to name a few), where it is placed within the framework of humanitarian activities and those examining refugee reception in the Global North, where it has been framed within the context of the welfare state (Schuster, 2011). While this is not a clear-cut distinction, the differentiation between these as separate debates reveals, once more, the colonial underpinnings of the institution of asylum. Research breaching this division has often applied the humanitarian framework to asylum reception in the Global North, revealing how despite a pretension of constituting a rights-based system, socioeconomic provisions linked to

asylum are almost always framed from a charity logic (Fassin, 2015). The first part of this section will thus review these approaches and how they are relevant to the investigation presented here.

## ***Governing through welfare***

### *Welfare and migration*

In the expansion of the welfare state after the Second World War, and particularly since the social and civil rights movements in the 1960s, European States have purported universalistic stances towards welfare that determine access to benefits depending on residence rather than on belonging to the nation-state (Hollifield, 1992). This extension of welfare benefits to non-nationals was interpreted as a loss of significance of citizenship and borders (Soysal, 1994). However, despite universalistic stances and the extension of social protection rights to non-citizens, the limitation and even exclusion of migrants from welfare benefits and other rights on the grounds of citizenship is a persistent reality (Schuster & Solomos, 2002). Some categories of non-citizens, such as migrants in administrative irregularity, continue to be directly excluded from accessing these rights, even when rights are granted by law. In this sense, ethnographic approaches show that there are still significant differences in access between citizens and non-citizens (Sainsbury, 2016).

Throughout Western democracies, immigration has been at the centre of exclusionary debates on welfare. Discrepancies on the degree of welfare provisions across the European Union have been argued to be a “pull factor” for migrants deciding their country of settlement, despite no objective evidence to support such an argument (Guiraudon, 1999; Bloch & Schuster, 2002; Kvist, 2004; Guiletti, 2014; Muñoz de Bustillo Llorente & Grande Martín, 2017). This discussion has also been at the core of the European Union’s efforts to harmonise asylum reception conditions and the Dublin regulations, regulating which state among all member states is responsible for studying an asylum claim. These provisions have been based mainly on the assumption that better reception conditions (rather than other factors such as colonial links, language or family and ethnic ties) were a crucial factor in determining in which Member state asylum applicants would make their claim (Block & Schuster, 2002; Nancheva, 2015). In a similar vein, and defying the universalistic stance to welfare, nationalistic and xenophobic approaches to state’s social protection contend that the welfare state is put at risk by the arrival of immigrants, perceived as being mainly receivers of benefits instead of contributors (Banting, 2000), despite evidence shows that immigrants net contribution to the welfare state tends to be comparatively higher than that of citizens (Muñoz de Bustillo Llorente & Grande Martín, 2017; Sciortino, 2014).

Despite the convergence of welfare exclusionary discourses regarding immigration and asylum policy approaches, these two cases have been addressed very differently. Welfare provisions for migrants who have not applied for asylum have commonly been interpreted as seeking to promote inclusion (Bank, 2000; Bloch & Schuster, 2002) even if, in their implementation, they tend to contribute to creating further exclusion in the same areas they aim to positively influence (Vrăbiescu & Kalir, 2018; Arqueros-Fernandez, 2022). In contrast, despite vast

differences across European countries, asylum welfare policy has tended to take an increasingly exclusionary approach, having been explicitly used as a deterrence device and to avoid promoting integration into the local community that could then hamper future deportation in the event of a negative outcome of the asylum claim (Geddes, 2000). Typical images of the refugee in popular culture and political debates, but also in academic discussion (Akoka, 2011), construe them primarily as victims and, as such, their access to welfare has been conditioned to their history of ‘vulnerability’ (Bloch and Schuster, 2002). Furthermore, refugees’ social protection has been regarded as a temporary and reversible measure (Puggioni, 2017)<sup>10</sup> despite often being legally recognised as a right. Linking asylum applicants’ welfare to their alleged ‘vulnerability’ as refugees has opened the door to restrict access to welfare by denying their condition of refugees through not being readable through the lens of ‘vulnerability’.

Along these lines, as mentioned, interactions with asylum and welfare agents (NGOs, social services, asylum officers, among others) have become a ground for negotiation of ‘vulnerability’ and ‘refugeeness’, most often through gendered and racialised expectations (Szczepanikova, 2010; Cabot, 2013; Jubany, 2017). Under this logic, asylum applicants have increasingly been portrayed as ‘bogus’ and described as ‘economic migrants’ that illicitly choose the asylum route in order to gain access to the social protection that is linked to the right of asylum and which would otherwise be restricted for them (Sales, 2002). This has led to increasingly limiting policies to cut social rights for asylum applicants, allegedly to protect the welfare state from ‘system abusers’.

In turn, European countries’ welfare provisions for asylum applicants have been progressively reduced since the 1980s, often paired with restrictions on movement, labour, and rights (Sainsbury, 2016). These constraints may include the loss of benefits due to mobility under the premise of maintaining an equal share of asylum applicants in different territories or avoiding secondary travel to other European countries, especially within the Schengen space. Other limitations applied to asylum claimants relate to the restriction of access to work and language courses or training, effectively reducing their chances to become independent from state support (Geddes, 2000; Martin et al., 2016), as their stay is defined as temporary. Asylum applicants are, thus, placed in an increased precarious situation, reinforcing the perspective that they constitute a ‘burden’ for the welfare state.

### ***Externalisation of welfare***

As part of a broader dynamic of outsourcing the implementation of asylum policies to third countries and non-state actors in the Global North (Kritzman-Amir, 2011), in many European countries, including Spain, the provision of reception services has been vested in non-governmental organisations. The sub-contracting of welfare services for asylum applicants to non-profit organisations is at the intersection of several processes. First, a neoliberal approach to welfare that leads to the privatisation of public services, particularly in the provision of social services to non-citizens (Lacomba & Aboussi, 2020), which has been defined as a form of

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<sup>10</sup> In fact, UNHCR has always defined the condition of refugees as temporary, as return is set as the “preferred solution” (United Nations High Commissioner for Refugees, 2018).

‘disaster capitalism’ (Franck, 2018) “in which market logics of efficiency and rationalisation are mobilised to manage ‘bad things’ and restore order, while simultaneously expanding the market” (Pallister-Wilkins, 2022).

Under this logic, the provision of social services for asylum applicants is excluded from the ‘normalised’ welfare system and vested upon ‘emergency response’ actors that intervene there where the state does not, as humanitarian organisations. Second, in the case of Southern European countries, and Spain in particular, the development of its welfare model has long relied on non-state actors to provide care, predominantly within the family structure but also in religious and civil society organisations. This tendency understood as a marker of a particular form of the welfare state that combines high with low levels of protection (Climent, 2011) has, however, drawn a line in the provision of welfare between those deemed as ‘desirable’ and those deemed as ‘undesirable’ through the limitation of state-managed welfare along the line of regulated labour. That is, allowing access to state-managed welfare only for those registered as workers and, sometimes, their dependants while leaving everyone else in the care of non-governmental institutions, charities, and the family (Lacomba & Aboussi, 2020). This has had a particular impact on non-nationals, as mechanisms that keep them at the fringe of the labour market also prevent them from accessing state-managed welfare.

Ethnographic approaches to this issue show that even with regular administrative status and regular work, many non-nationals consider that it is only through non-governmental organisations that they can find access to socioeconomic entitlements, revealing that effectively there are ‘parallel social services’ (Lacomba, 2020). This also has consequences along racial and gendered lines, as access to welfare continues to be mediated by constructions of ‘deservingness’ that rely on racist and gendered assessments of desirability (Masocha, 2015). Similarly, welfare policies continue to exclude women and non-white populations, particularly across states in the Global North, so they rely more on non-state actors and informal welfare networks (Mink & Gordon, 1990; Kornbluh & Mink, 2018). Finally, as mentioned above, states in the Global North have tended to outsource the implementation of asylum policies to other states and non-state actors to reduce costs and avoid responsibility for the consequences of increasingly restrictive policies (Kritzman-Amir, 2011). Thus, states have instated ‘carrier sanctions’ on airlines and vested the confinement of migrants in reception camps to NGOs, cutting the economic and political costs of sending representatives for passport screening to other states or of managing the accommodation of large numbers of migrants at ports of entry and ‘hotspots’ with scarce resources. Within this context, and as proposed by Kritzman-Amir (2011), this research approaches the externalisation of welfare as a particular mechanism of migration governance.

### *Integration and (dis)integration*

‘Integration’ programmes have been shown to have disintegrative outcomes. Portes and Zhou (1993) contended that the question to be raised about ‘integration’ is never that of attainment or lack thereof, but rather that of ‘into what’. Studies on ‘integration’ (Ager & Strang, 2008) have tended to consider the society of settlement as a homogeneous unit, disregarding internal differences and segregation. Nevertheless, it has been shown that the homogeneity between

‘native’ and ‘migrant’ populations tends to come much earlier in most areas of analysis (labour market, school performance, income, house ownership, among the most common) when the standard of comparison is not the white middle class (Portes & Zhou, 1993). This brings to the fore the need to question not if welfare programmes such as the Spanish reception programme are achieving their goals of ‘autonomy’ and ‘integration’ but how ‘autonomy’ and ‘integration’ are being defined. It is crucial to ask what mechanisms are set to promote ‘autonomy’ and ‘integration’, which are the structural inequalities within that state configure newcomers’ opportunities, and how welfare and ‘integration’ programmes are designed, as this thesis aims to do. This allows us to shift the gaze from migrants and their performance in the society of settlement to the migration regime.

In most states in the Global North, asylum reception has tended to follow a ‘direct provision’ model that isolated asylum applicants and avoided their socioeconomic incorporation into the country of asylum. While the politics of migrant ‘integration’ have occupied a central space in policy development and academic literature, asylum applicants’ ‘integration’ has been considered unnecessary by policymakers (Michalowski, 2016) as their stay in the country was framed as temporary. The perception of their stay as provisional and the subsequent disregard towards the promotion of their socioeconomic incorporation has been interpreted as one more mechanism of ‘deportability’ (Peutz & De Genova, 2010) as social and economic incorporation of migrants at the local level has proven as an effective tool to avoid deportations at a case-to-case level (Ataç, Rygiel, & Stierl, 2016). Within this framework, activities towards socioeconomic incorporation, such as language learning, work permits or independent living, are reserved for those that gain recognition of some form of international protection. This premise does not only overlook that most asylum applicants will continue to live in situations of irregularity in the country where they applied for asylum after their application is rejected (Schuster, 2011), but also contributes to situations of increased destitution and welfare dependency among asylum applicants, independently of the outcome of their asylum application (Allsopp, Sigona & Phillimore, 2014). These policies of encampment and isolation of asylum applicants have been interpreted as a politics of ‘disintegration’ (Taübig, 2019), as they are prevented from “participating in various social systems”. Policies of disintegration are thus understood not only as overlooking asylum applicants’ settlement but also as actively discouraging it (Collyer, Hinger & Schweitzer, 2020).

### ***Protection against what?***

As discussed, the arrival of migrants into Europe has recurrently been construed from a ‘crisis’ rhetoric (Tazzioli & De Genova, 2016), especially in recent years. This approach has justified the development of emergency interventions aimed at further border policing. It has also endorsed processes of externalisation of border control (McMahon & Sigona, 2018) and the institutionalisation of areas of encampment in inhuman conditions at Europe’s borders, which continue to operate years after the purported ‘crisis’ has come to an end. This emergency-based response has also impacted how welfare for asylum applicants has been tackled across the EU, particularly in the consolidation and enlargement of asylum reception systems through EU funding. Thus, asylum reception programmes have expanded rapidly in an unplanned manner

while failing to meet the needs of asylum applicants or have become another mechanism of deterrence in trying to avoid further arrivals by offering poor reception conditions to those already in the country.

### *Encampment*

In this context, asylum reception has often been framed through what has been referred to as 'encampment' (Agier, 2011). Drawing from the studies of refugee reception in the Global South, the notion of 'encampment' has also been used to describe the confinement of asylum applicants and refugees in isolated sites without real possibilities to pursue their lives in society (Agier, 2011; Fassin, 2015). In recent years, 'refugee camps', as these sites are often named, have proliferated within Europe, aiming to provide 'emergency' shelter to arriving populations but which have soon become permanent or quasi-permanent features of the refugee reception system in several EU member states such as Italy, Spain, or Greece (Zapata-Barrero, 2020). Similarly, refugee systems based on a 'direct provision' model, where those that apply for asylum are housed in 'refugee centres', where their basic needs are catered for by the state as those applying for asylum are not given the right to access the labour market or only under very a limited number of cases, have also been examined as situations of 'encampment'. This is particularly the case as these lodgements are placed in isolated areas, and asylum applicants and refugees often lack the right or the possibility to work, learn local languages or engage in day-to-day activities like cooking for the duration of their stay.

Research on asylum applicant's reception conditions regarding both camps and 'direct provision' centres (Osazee, 2011; Kobelinsky, 2014; Seeberg, Bagge & Enger, 2009; Corfield, 2008) has largely drawn on Agamben's (2005), and Agier's (2002; 2011) approaches to the refugee camp as liminal spaces. From Turner's reframing of Van Gennep's concept of 'liminality' in ritual (Turner, 1969), time spent as an asylum applicant is understood in this literature as a period of transition between two states of the social being. In this liminal time, they are waiting for a resolution to their application that will mark either their transition into becoming, even if precariously, members of the society that recognises their right to international protection or their expulsion into irregularity or deportation. Within this approach, the uncertainty about the resolution and of release from the reception centre or camp, as well as the suspension of time implied by the liminality of their confinement in the centre or camp, is said to be at the core of asylum applicants' experiences (Corfield, 2008, Kobelinsky, 2014).

This focus on inactivity often overlooks that despite appalling living conditions people are subjected to in refugee camps or centres. Despite the impossibility of accessing the ordinary avenues of life in the country of refuge, people in encampment become involved in a myriad of both mundane and noteworthy activities and continue to pursue their life projects (Felder, Minca & Ong, 2014). These activities can become constitutive of 'acts of citizenship' (Isin, 2008) in as much as they constitute "practices through which claims are articulated, and subjectivities are formed" (Isin, 2008:17) and as people in situations of encampment negotiate their involvement in the ordinary avenues of life of the country of refuge beyond the control of the camp (Agier, 2011). Consequently, citizenship claims are built through these activities at a narrative and experiential level and through bureaucratic recognition. This is mainly in contexts where

laws and regulations are ambiguous or contradictory, creating ‘grey areas’ in legal categories where migrants can articulate their claims and belonging, and where they and their activities can become “less illegal” (Chauvin & Garcès-Mascreñas, 2012).

Going beyond the focus on inactivity as a core constituent of the asylum reception experience in the Global North affords recognition to asylum applicants’ agency in their incorporation process, even in situations of encampment where activity is severely restricted and surveyed. In addition, this allows us to explore bureaucratic incorporation beyond dualistic readings of legal status, as this thesis does by showing how everyday activities and encounters become constitutive of bureaucratic citizenship.

The liminality approach has also commonly assumed that the end of situations of encampment and confinement in isolated refugee centres and camps might bring an end to the liminality, understood as a transitory state of the social being, experienced by those applying for asylum in the Global North. Yet, as it will become apparent through the analysis of the Spanish case this research presents, asylum applicants and refugees continue to experience severe barriers to incorporation into central areas of social life. These include employment or housing, even when reception systems lean towards facilitating asylum applicants’ incorporation into the labour market and their participation in civic life. While gaining refugee status, or another form of international protection, may provide a more stable administrative position and a level of protection against deportation, it does not ensure the possibility of becoming a recognised member of society or continuing a life project (Allsopp, Sigona & Phillimore, 2014). Similarly, the rejection of the claim does not lead to a backward exit to this liminal state into deportation but will most likely lead to further liminality in ‘illegality’ (Schuster, 2011). When looking at reception systems, such as the Spanish one, where despite situations of encampment and confinement exist, they are not the predominant model of reception, but where asylum applicants and refugees experience similar outcomes in their exclusion from becoming fully recognised members of society and pursuing their life projects, the debate around reception conditions should not obscure that the question in point is on the asylum system as a regime and the role of reception within it. Approaching an apparently ‘welcoming’ reception model, such as the Spanish, through the liminality debate exposes that some models of asylum reception may depart from isolating approaches to asylum reception and present better outcomes for certain individuals. Nevertheless, it also shows that they continue to reproduce an essential distinction between ‘deserving refugees’ and ‘undeserving economic migrants’ that subjects those applying for asylum to the disciplining scrutiny of the state.

### *Discomfort*

Asylum applicants have been met around the Global North with poor reception conditions through situations of encampment, lack of services and opportunities, attacks on their property by public authorities, and miserable material and living conditions. As discussed, access to welfare provisions has been regarded in policymakers’ narratives as a decisive factor in deciding in which country to claim asylum (Thornton, 2020), despite no clear evidence in this regard, where proximity, past colonial ties, labour market opportunities and shared language have been shown to have a much clear weight in determining the desired country of settlement among



migrants (Bloch & Schuster, 2002; Di Iasio & Wahba, 2022). Jonathan Darling (2014b), among other authors (see, for instance, Sitaropoulous, 2002), has analysed how asylum reception conditions have developed into a mechanism of deterrence. Poor asylum reception conditions can be understood, in what Darling (2014b) has dubbed as a 'politics of discomfort', as the direct consequence of an intentional and programmed policy of neglect, where asylum applicants are met with dismal reception conditions in order to deter further migration and convey a message of unwelcomeness (Davis, Isakjee & Dhesi, 2017). This has clearly been the case under the 'Hostile Environment' policy in the United Kingdom, where public officials have in recent years explicitly expressed their intention of providing poor reception conditions to migrants perceived as 'illegal' -which has often included asylum applicants, framed as 'bogus' in political discourse- in order to deter further migration (Tyler, 2018). Although explicit recognition of intentional neglect towards asylum applicants and refugees by public officials may be relatively new and particular to several countries, it has built up on the long-standing policy of repulsion and mistrust (Sales, 2002; Jubany, 2017), which has been common among most states in the Global North (Affolter, 2021; Borrelli, Lyndberg & Wyss, 2021; Every & Augoustinos, 2008).

Puggioni (2017) has argued that the reception conditions that have steamed from these politics of 'discomfort' and 'neglect' call for examining the idea of 'protection' within the right of asylum. While those who apply for asylum or are recognised as refugees are offered protection in political terms, socioeconomic protection continues to be progressively withdrawn, subjecting them to dismal living conditions and challenging any understanding of asylum as hospitality. This reflection speaks back to the conceptual separation between 'economic migrants' and 'refugees' embedded in the very definition of the refugee as per the 1951 Refugee Convention, where economic deprivation is explicitly excluded as a legitimate ground to access the right of asylum. Beyond establishing a hierarchy among reasons to migrate, in which some are considered more legitimate than others, this opens the door to making any socioeconomic protection of refugees a charitable act rather than an intrinsic feature of the right of asylum. It is precisely this distinction and its consequences that are at the core of the research questions that inform this investigation.

## Chapter III: Spain as a country of asylum

This chapter presents an overview of the socio-political framework in which the Spanish asylum reception system is inserted. The chapter is divided in four different sections. The first analyses the legal framework guiding Spain's asylum regime, emphasising the aspects that guide the creation and development of an asylum reception system. The second section looks at the historical development of the asylum reception system, focusing on the state's reception programme and explains the structure of the state's reception programme. The third section focuses on the three key organisations within the Spanish asylum reception system and their constitutive role in developing and implementing asylum rights and social provisions for asylum applicants both in Spain and internationally. Finally, the fourth section provides a wider look at Spain's asylum and immigration policy in the studied period.

### Legal framework

#### *The Right of Asylum in Spain*

The right to seek asylum was first recognised in Spain by the 1978 Constitution; art. 13.4 reads: "The law will develop the rules under which citizens from other states and stateless people might enjoy the right of asylum in Spain" (Título 1. Artículo 13)—the first asylum legislation, however, dates of 1984. Ley 5/1984 regulated the right of asylum and the status of the refugee. An amendment to this law was passed in 1994, and a subsequent regulation issued in 1995. This new text introduced the possibility of "inadmissibility" of asylum cases before they were studied. While most of the grounds to argue the "inadmissibility" of an application were administrative, applications could also be rejected for being "unsupported". Some analysts considered this lawful, arguing that giving decision power to properly trained front-line bureaucrats would simplify the cumbersome Spanish asylum procedure that puts all asylum decisions in the hands of a commission of ministers (Manzanares Samaniego, 1995). However, most agreed that this challenged asylum applicants right to have their cases duly examined as it opened the door to front desk rejections of applications (Calatayud, 2004; De Lucas, 2011; Morgades-Gil, 2015). The "inadmissibility" procedure has been framed as the main cause for the drop in applications from 1994 to 1995 and for kept the number of asylum applications in Spain significantly low (Jubany, 2002), particularly when contrasted with Spain's immigration rates for the same period and asylum applications in comparable neighbouring countries with legislations without an inadmissibility caveat, such as France or Italy<sup>11</sup>.

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<sup>11</sup> In the first decade of the 2000s Spain was among the three main countries of immigration in the world in absolute numbers together with the United States and the United Arab Emirates (Moffette, 2018). In the meanwhile, the number of asylum applications was consistently under 8.000 per year while countries such as Italy or France, with lower immigration numbers, were receiving an averages for the period of 17.000 (Italy) and 40.000 (France) per year. (Ministerio dell'Interno [1990-2020]; La Cimade [2018]). Despite many other factors can play into this differential gap, the large discrepancy seems to point at the inadmissibility caveat.

### ***The 2009 Asylum Law***

In 2009, a new law on asylum (Ley 12/2009 of the 30th of October) was approved. This legislation brought a significant change in the conceptualisation of asylum as it eliminated most causes for “inadmissibility” in the procedure which had been introduced in 1994 for applications filed within the Spanish territory. This has been seen as one of the main factors allowing for asylum applications to rise again in Spain after being stagnated for almost two decades. While some of these causes for “inadmissibility” were translated into causes for a direct “rejection” of the asylum application in practice, this has prevented asylum applications from being unadmitted or rejected as “unsupported” without having been duly studied (Morgades Gil, 2015), thus amending what had been regarded as a crucial violation of asylum applicants’ rights. The “inadmissibility” clause, however, continues to apply to any application filed at a port of entry. However, from 2009 to 2022, no regulatory disposition was passed, developing the particularities of this piece of legislation. While the previous regulatory disposition (Real Decreto 203/1995 of the 10th of February) was still applied, the lack of a specific development of the 2009 Law had serious consequences for asylum applicants’ and refugees’ rights, creating divergencies in the interpretation of the law by different public bodies and delays in the enforcement of some of its articles, such as those concerning family reunification (García Vitoria, 2018).

Another relevant consequence of this lack of regulation is the limitation of movement of those who apply for asylum in the autonomous cities of Ceuta and Melilla. Despite Ceuta and Melilla being part of the Schengen space, the exception of visas for Moroccan citizens living in Nador and Tetuan to access Ceuta and Melilla subjects the autonomous cities to a set of special rules, placing passport controls for crossing from Ceuta or Melilla to the Spanish mainland (Ferrer-Gallardo & Planet-Contreras, 2012). This has been interpreted by some Spanish authorities as a restriction of movement for asylum applicants who have filed their claim in Ceuta or Melilla. Several national courts and the Spanish ombudsman have issued opinions against this practice, but it continues to be enforced (García Vitoria, 2018). This implies that asylum applicants filing their claims in Ceuta and Melilla do not have access to regular asylum reception programmes but are hosted in Centres for the Temporal Reception of Foreigners (Centro de Estancia Temporal de Inmigrantes, CETI). The conditions in these centres are below the standards in reception and are often overcrowded due to the constant inflow of migrants through the border. This lack of access to the Spanish mainland leads many asylum applicants to avoid applying for asylum in Ceuta or Melilla in order not to be trapped there until the end of the procedures (Comisión Española de Ayuda al Refugiado, 2016).

Under the current Asylum Law, Spain recognises two different forms of international protection, ‘refugee status’ and ‘subsidiary protection’. Refugee status is granted to “anyone who, due to fears of persecution on the grounds of race, religion, nationality, political opinion, belonging to a certain social group, gender or sexual orientation, is outside their country of nationality and cannot or, due to these fears, does not want to be protected by said country or, being stateless and without a nationality and outside of their country of usual residence, cannot or, for these

same reasons, does not want to go back to it.”<sup>12</sup> (Article 3). Conversely, subsidiary protection is offered in cases where: “nationals from other countries and stateless people who do not fulfil the requirements to be recognised as refugees, but the state has grounds to believe that if they were returned to their country of origin or to their country of residence if stateless, they would be at risk of suffering serious harm as defined by article 10” (Article 4)<sup>13</sup>. There are no differences in rights to these two types of international protection, and those recognised are granted a renewable five-year residence permit in both cases.

### ***Reception within the 2009 Asylum Law***

The 2009 Asylum Law consolidates asylum reception as it incorporates, for the first time, the social rights and reception conditions for asylum applicants.

The text establishes that “international protection applicants lacking economic resources will be granted the necessary social and reception services to ensure their basic needs are met in conditions of dignity” (Ley 12/2009:Capítulo III). The text also consolidates the existing subcontracting model, stating that reception can be given in public facilities or externalised to a non-governmental organisation. Finally, the document states that the responsibility for defining reception conditions lies within the relevant ministry and that a regulatory disposition will establish these.

However, the regulatory disposition was not issued until 2022. The lack of definition of protocols of action for those identified as “vulnerable cases” as included in the Law left their rights in reception open to the interpretation of all the different actors involved, leading to changes of criteria over time and perceptions of arbitrariness (García Vitoria, 2018), as it will be later explained in more detail in Chapter X. Similarly, no clear protocols were drawn for the sanctioning and withdrawing of social benefits (García Vitoria, 2018) with similar consequences to the perception of arbitrariness in the implementation of such measures.

Within this context of regulatory absence, the ‘Management Handbooks’ [Manuales de Gestión], which are issued by the Ministry of Labour, Migration and Social Security as a guide for NGOs to the management of the public tender for the asylum reception programme, became an informal substitute for the regulatory framework that the Asylum Law should have provided in what refers to the definition of reception conditions.

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<sup>12</sup> Translation by the author, the original reads: “La condición de refugiado se reconoce a toda persona que, debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, opiniones políticas, pertenencia a determinado grupo social, de género u orientación sexual, se encuentra fuera del país de su nacionalidad y no puede o, a causa de dichos temores, no quiere acogerse a la protección de tal país, o al apátrida que, careciendo de nacionalidad y hallándose fuera del país donde antes tuviera su residencia habitual, por los mismos motivos no puede o, a causa de dichos temores, no quiere regresar a él.”

<sup>13</sup> Translation by the author, the original reads: “El derecho a la protección subsidiaria es el dispensado a las personas de otros países y a los apátridas que, sin reunir los requisitos para obtener el asilo o ser reconocidas como refugiadas, pero respecto de las cuales se den motivos fundados para creer que si regresasen a su país de origen en el caso de los nacionales o, al de su anterior residencia habitual en el caso de los apátridas, se enfrentarían a un riesgo real de sufrir alguno de los daños graves previstos en el artículo 10 de esta Ley.”

### ***The asylum screening procedure***

Before looking at the asylum reception system in more detail, this sub-section will briefly explain the asylum reception procedure as per the 2009 Asylum Law. While the object of this research is the asylum reception system, the screening procedure is intertwined by design with access to social services and benefits within the asylum reception programme and (see also Chapter V) the asynchrony of both procedures in their implementation has come to have severe consequences for reception conditions and asylum applicants' access to reception rights.

People looking to apply for asylum must first obtain an appointment at one of the National Police stations or Foreigners Offices that take asylum applications. Notably, not all National Police stations or Foreigners Offices will take asylum applications. As a rule, only the main provincial offices will take them. At the height of the growth of asylum applications in the 2014-2020 period, this was one of the leading causes of the long delays in accessing the right of asylum, as the lack of frontline personnel to take applications created a bottleneck. The centralisation of administrative procedures in a minimal set of National Police stations and Foreigners Offices has also been partially responsible for the concentration of applicants in big cities. Dispersal has been discouraged as applicants can expect several trips each time an administrative procedure is required, such as the renewal of permits, due to continuous delays in processing applications and the need for more frontline personnel. This was partially amended in 2019 when additional National Police stations were authorised to process asylum applications, particularly in big provinces with high numbers of applications.

The application appointment must be obtained one month after they arrive in Spain unless the applicant has a more extended permit for their stay, in which case, they must apply before the permit expires. Exceptionally, people living in Spain can apply for asylum at any moment provided events in the country of origin have developed so that the applicant is now in fear of persecution but must also apply within one month since the inception of the events that ground their fear of persecution.

Once an asylum application has been filed, the case is sent to the Asylum Office (OAR) in Madrid to undergo a first screening. This screening will decide whether the case has been filed correctly and if Spain has the authority to study the case under the Dublin III regulations. As seen in figure 3, this process should take 20 days if the application has been filled within the Spanish territory or four days if the application has been filled at the border or a detention centre (CIE).

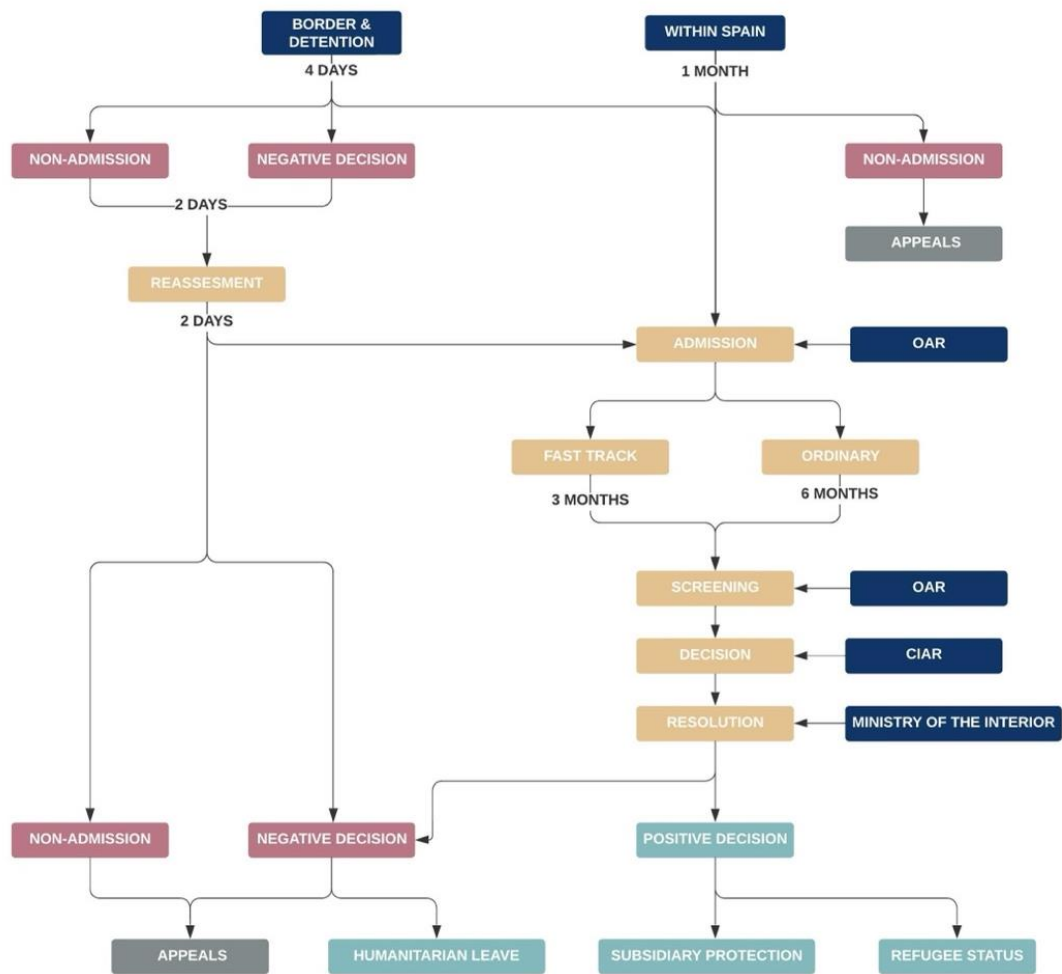


Figure 2. The asylum screening procedure

Conversely, for applications filled within the Spanish territory, the 20-day period has often been exceeded, and, as it has transpired during the fieldwork conducted for this research, some applicants have been waiting for up to eight months for this first screening to be resolved. During this period, asylum applicants receive what is known as *tarjeta blanca*, a DIN A-4 white paper stating they are asylum applicants protected by *non-refoulement* (see figure 3).

**MINISTERIO DEL INTERIOR** **DIRECCIÓN GENERAL DE LA POLICÍA**

**RESGUARDO DE PRESENTACIÓN DE SOLICITUD DE PROTECCIÓN INTERNACIONAL**  
**(Art 18.1 a) Ley 12/2009)**

**NIE:**  
Nombre:  
Apellidos:  
Hijo de:  
Fecha Nacimiento:  
País:  
Nacionalidad:  
Sexo:

Nº de Pasaporte:  
F. Exp: F.Cad:

Dirección:  
Localidad:  
Teléfono:

Nº EXPEDIENTE OAR: \*\*\*\*\*

FOTO

HUELLA

Si transcurrida la fecha de (----/----/---- *solic+1 mes*) no se ha notificado la resolución de no admisión a trámite, quedará en este caso prorrogada la **fecha de caducidad** de este documento hasta el día: ----/----/---- **solic+9 meses** .

Expedido en (PROVINCIA), a ---- de --- de 20\*\*\*\*.

**ADVERTENCIAS:**

- En virtud de la disposición adicional vigésimo primera del Real Decreto 557/2011, de 20 de abril, el solicitante de Protección Internacional estará **autorizado para trabajar** en España con las condiciones descritas en la propia disposición adicional a partir del día (----/----/---- **solic+6 meses**).
- A la fecha de caducidad el titular deberá comparecer ante la dependencia que lo expidió. En caso de incomparecencia o de no atender las comunicaciones que se le efectúen en su domicilio se procederá al archivo de la solicitud. Cesará la validez de este documento si antes de finalizar su vigencia se produce la resolución de la solicitud de Protección Internacional.
- Este documento garantiza la "no devolución" de su titular.
- Este documento carece de validez para el cruce de fronteras (reglamento UE 399/2016 de 9 de marzo Código de Fronteras Schengen y Acuerdo de adhesión de España al acervo Schengen).

Figure 3. Tarjeta Blanca during the COVID-19 lockdown. Source: Policía Nacional

Once the case is accepted, the applicant is granted a first six-month residence permit, commonly known as *tarjeta roja* [Red Card] (see figure 5), as the document provided is printed on dark red cardboard. After six months, if no decision has been reached, the *tarjeta roja* is renewed, with a residence and work permit. Later, if the decision is still pending, the applicant will continue to renew the *tarjeta roja* every six months, always including both residence and work permit.



Figure 4. Asylum documents timeline

Constant delays in the processing of asylum applications had the validity of the *tarjeta blanca* extended to six months in order to avoid asylum applicants becoming undocumented. The impossibility of issuing *tarjetas rojas* and their renewals during the COVID-19 lockdown, as the Asylum Office remained closed and provincial National Police and Foreigners Offices moved their non-essential activity online, forced another extension of the validity of this document. The extension also applied to those holding a valid *tarjeta blanca* when the lockdown started. This implied that many asylum applicants had this piece of thin white paper as their only valid documentation in Spain for up to nine months and, in a context of heavy street policing for the enforcement of lockdown, the document, despite having had its validity extended, stated an elapsed expiration date. Additionally, it has transpired from fieldwork that many asylum applicants needed to be made aware that this document did then allow them to work so they continued to wait for the *tarjeta roja*.



Figure 5. *Tarjeta Roja*. Source: <https://www.ccar.cat/el-sistema-de-proteccion-internacional-durante-el-periodo-de-estado-de-alarma/>

Once a favourable decision has been reached, the applicant will be granted either ‘refugee status’ or ‘subsidiary protection’. Negative decisions will lead to an order of expulsion, but applicants have the right to appeal the decision in court. Under some particular circumstances,



the state can reject an applicant’s petition for international protection but grant them a ‘humanitarian leave’ to remain in Spain. Until 2020, when it was decided that all Venezuelan nationals were granted ‘humanitarian leave’ this had hardly ever been used (Comisión Española de Ayuda al Refugiado, 2004-2022 [2012]).

Spain’s recognition of refugee status is among the lowest in the European Union. Despite the exception marked by a momentary rise in the recognition of subsidiary protection in the 2013-2019 period, primarily due to applications from Syrian nationals, the rate of positive decisions has been consistently low, falling under 10% in four of the last twelve years (Ministerio del Interior, 2008-2022). The recognition of refugee status has been consistently low, and despite the spike in applications, it has never risen above 10% of the total number of decisions.

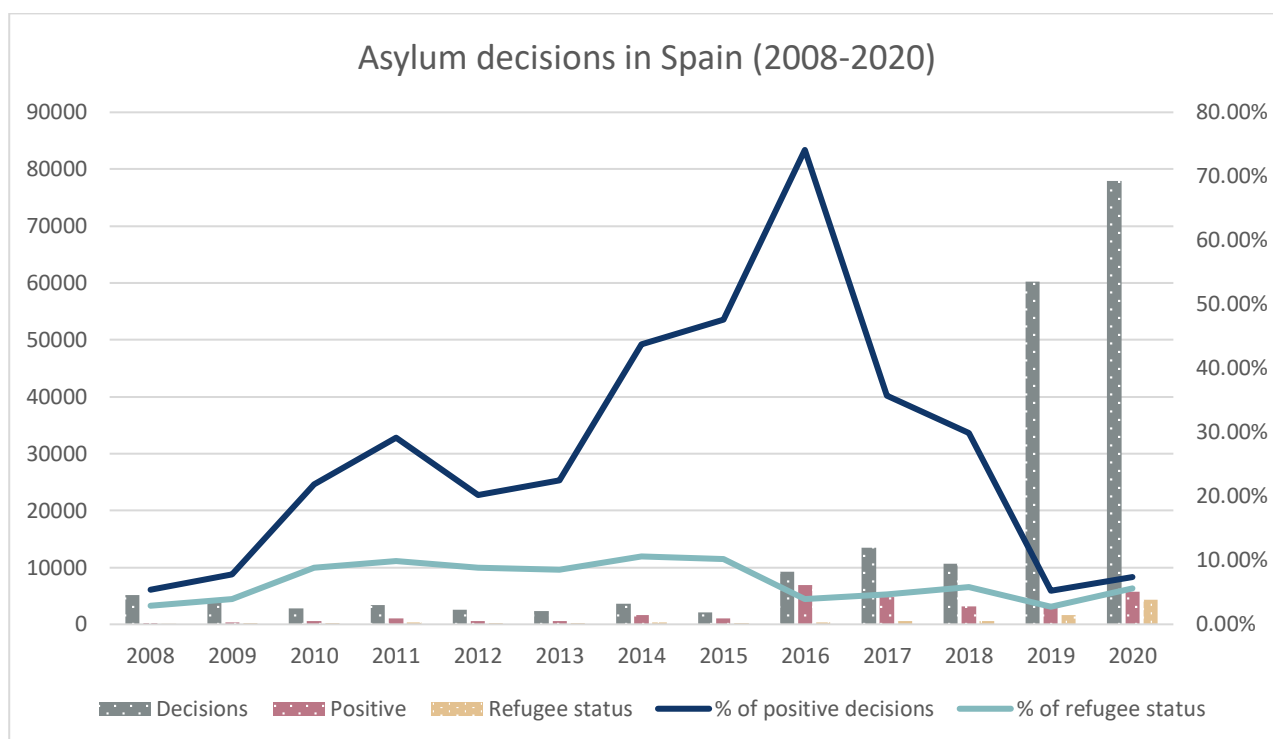


Figure 6. Asylum decisions in Spain from 2008 to 2020 considering the total number of decisions (including positive and negative), positive decisions (including subsidiary protection and refugee status) and refugee status. Visual Representation by the author. Source of data: Ministerio del Interior 2008-2022.

### ***The evolution of asylum applications in Spain***

From the recognition of the right of asylum in Spain, in 1984, to 2020, Spain received almost 500,000 asylum applications. Looking at the evolution of asylum applications in Spain (see Figure 7), we can distinguish three different periods. During the first period right after the introduction of the right of asylum, between 1985 and 1994, applications rose steadily only to drop significantly after the approval of the 1994 Asylum Law, which, as will be explained in the following section, introduced the “inadmissibility” clause making it possible to reject applications at a first screening if deemed “not well-founded”. In the second period, from 1995 to 2014, Spain registered a steady number of applications with a couple of shy peaks in 1999 (with 8,405 applications) and 2007 (7,664 applications) and an average of 5,300 applications per year. This compares with the number of applications received by countries such as Ireland and Portugal in the same period, both with significantly smaller territories and populations and lower immigration net rates, which made for Spain’s asylum exception. This exception was particularly significant in the first decade of the 2000s, as Spain ranked consistently among the three countries in the world with the highest level of annual net migration, just behind the USA and the United Arab Emirates (United Nations, 2013). This exceptionality has been explained due to the “inadmissibility” clause in the Spanish 1994 Asylum Law.

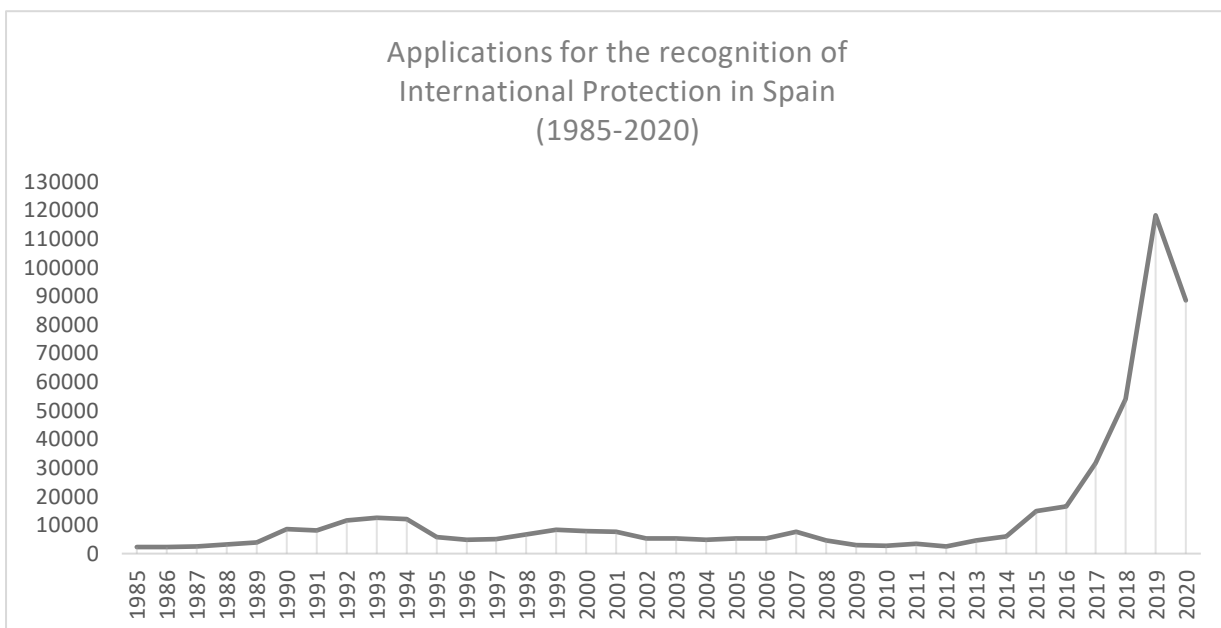


Figure 7. Applications for the recognition of International Protection in Spain (1985-2020). Visual representation by the author. Source of data: Anuarios del Ministerio del Interior 1985-2020.

This increase in applications in 2014 was co-occurrent with sharp increases in asylum applications in other EU countries, particularly Germany, in what has been popularly known as the 2015-16 “refugee crisis”. Nevertheless, Spain was again an exception to the broader European tendency. There are three main factors to this. First, asylum applicants in most of the EU arrived from Syria, Pakistan, and Afghanistan, while in Spain, despite a peak in arrivals from Syria, applicants continued to arrive from the Spanish ex-colonies, mainly Venezuela and

Colombia. Consequently, applications kept rising after the surge subsided in the rest of European Countries after the EU-Turkey deal and the Italy-Libya agreement. Second, the rise in applications in Spain was permitted by the abolition of the “inadmissibility” clause in the 2009 Asylum Law, although this increase did not manifest until five years after the law came into force. Likely, coinciding with the economic recession and five years (2010-2015) with a negative migratory balance, the effect of this new legislation on applications was not visible until immigration into Spain started to grow again above emigration. Finally, the increase in investment in the asylum reception system may have also been significant to this increase, not as a pull factor, as it is commonly argued by media and political discourse, but as one of the few open pathways to obtain access to welfare and legal rights available to people having migrated into Spain.

## **The reception system**

### ***The development of the state’s asylum reception programme (1984-2021)***

The year 1979 marked two significant benchmarks for asylum reception in Spain: UNHCR opened its Spanish branch and, in a joint effort by different civil society organisations, political parties and NGOs, the first organisation in the country devoted to promoting refugee rights was created: the Spanish Commission for Refugees (Comisión Española de Ayuda al Refugiado - CEAR). However, it was not until 1982 that the Socialist government launched the Social Service for Refugees, Asylees, Stateless and Displaced People (Servicio Social de Refugiados, Asilados, Apatridas y Desplazados – SERAD), controlled by the Ministry of Labour and Social Security (Bel Adel, 1990). A year later, in 1983, the UNHCR also started funding social assistance for refugees (López et al., 2006) and, in 1984, coinciding with the enactment of the first Asylum Law, the state budget included, for the first time, welfare assistance for refugees and stateless people (Camarero Santamaría, 1985). A few years later, in 1989, the state opened the first four, and only ever, public Refugee Reception Centres (Centros de Acogida de Refugiados - CAR) with a total of 416 beds and located in the municipalities of Alcobendas (Madrid), Vallecas (Madrid), Mislata (Valencia) and Seville (Andalusia), to accommodate a growing number of asylum applicants (López et al., 2016). In addition to these, for asylum applicants who applied outside Madrid, the Red Cross operated first reception through a direct contract with the Ministry of Labour (Vega Pascual, 1996) to “aid refugees and facilitate their incorporation” (La Vanguardia, 1986). Housing was possible through the CARs or reception facilities (including hotels, hostels, and flats) subcontracted to the Spanish Red Cross, CEAR or Accem when there were no available places in the CARs or when the application had been made in a province with no CAR (Vega Pascual, 1996).

In 1995, the regulatory development to the first amendment of the original Asylum Law from 1984 recognised the right of all asylum claimants to follow integration programmes in Spain, providing they lacked sufficient economic means (Real Decreto 203/1995). To guarantee this, the state signed a collaboration contract with three NGOs to participate in developing the reception and integration programme for asylum applicants and refugees. These NGOs were the Spanish Red Cross (CRE), CEAR and the Asociación Comisión Católica Española de Migraciones

(ACCEM)<sup>14</sup>. From the mid-1990s to 2014, the management of the asylum reception programme was split between the state, which managed the 416 beds in its four reception centres, and the three NGOs that participated in the development of the integration programme – CEAR, Accem and the Spanish Red Cross – which managed approximately 502 additional beds (Defensor del Pueblo, 2016).

Despite the low number of asylum applications between 1995 and 2013, reception facilities were insufficient. According to the available data, about 90% of the people who applied for asylum in this period did not have access to any form of state welfare during their application (Jubany, 2006). Reception centres were unevenly distributed across the territory, with no housing facilities beyond the main Spanish cities. This prevented many asylum applicants from accessing the system as all available welfare provisions were linked to a compulsory stay in a reception centre, which implied forced mobility within Spain. For many asylum applicants, this meant losing jobs or networks, so many preferred not to apply for admission. The lack of reception facilities also meant that information about the reception programme was not always communicated to applicants by public and private agents involved in asylum procedures, especially when applications were filed in places with no reception centres. This was often because support NGOs and public officials were not aware of or had no up-to-date information about the reception system and were thus unable to offer these services (Fieldnotes, 2014).

This situation worsened following the global economic downturn in 2008. The state reception programme was drastically reduced with an increasing curb of government spending. As it can be seen on the graph below, the national budget for the reception programme was progressively abridged from 2008 to 2013.

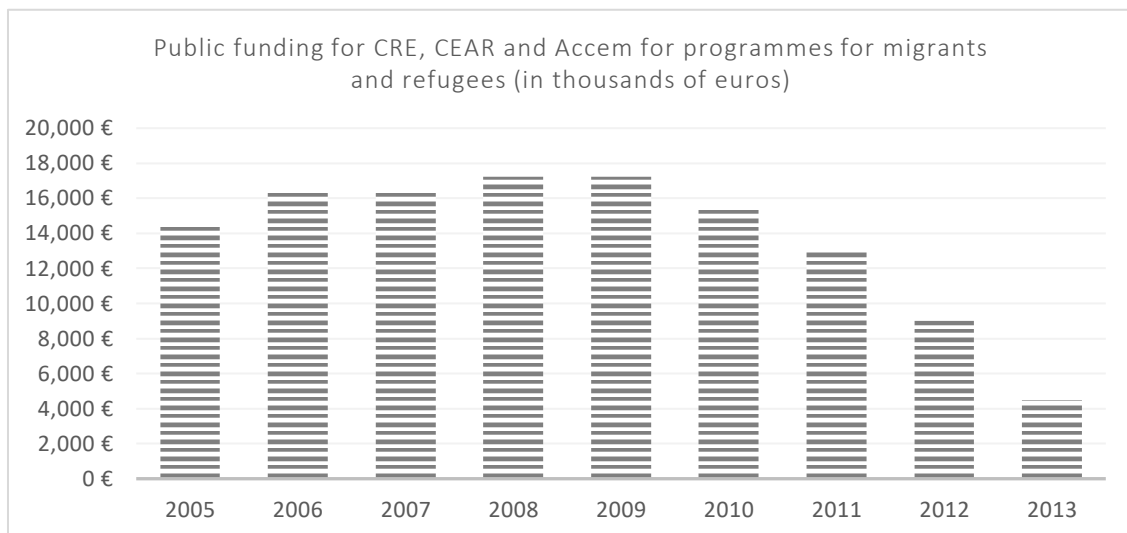


Figure 8. Public funding for Cruz Roja Española, Comisión Española de Ayuda al Refugiado y Accem for programmes for migrants and refugees. Visual representation by the author. Source of data: Presupuestos Generales del Estado 2005-2013

<sup>14</sup> Currently, the official name of the organisation is the former acronym, Accem.

The consequences of the budgetary reduction on the reception programme were evident. Austerity measures led to the shutting down of several of the existing reception facilities. In the 2010 to 2014 period, one of the three NGOs in the system – CEAR – which was the only one that had asylum reception services as its main activity, had to resort to three layoff plans that dismissed 50% of their staff and led to the closure of several of their reception facilities and creative measures to avoid bankruptcy (Hoy, 2010)<sup>15</sup>. This also had consequences on reception conditions, as more applicants were left without access to reception facilities upon arrival, and the long-term challenges faced by the reception programme were exacerbated.

From 2014 to 2020, the Spanish asylum reception system expanded. As previously explained, the number of applications raised exponentially from 2012 to 2019 and the state’s reception programme had to adapt to this increase by expanding the reception system. Funding increased drastically, particularly after the EU’s injection of resources to member states in the hope of homogenizing reception conditions and spread-out reception responsibilities in a context of increased arrivals across the Union<sup>16</sup>.

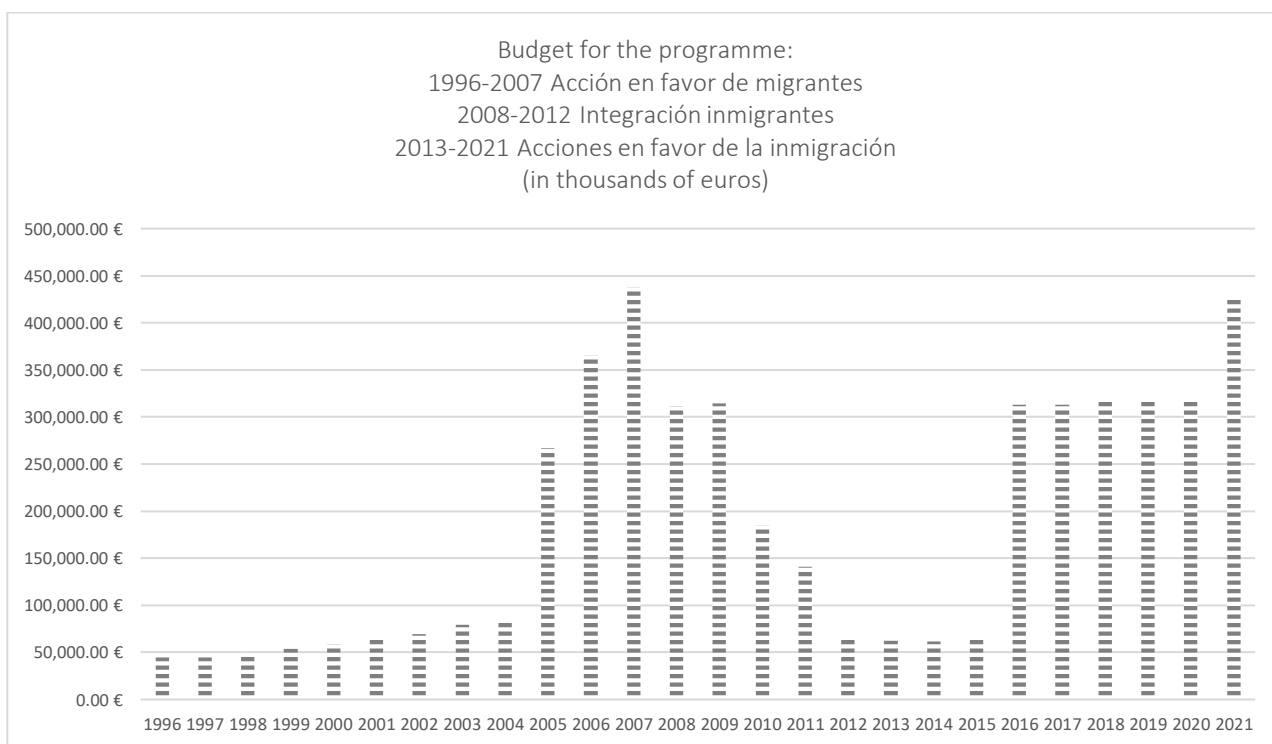


Figure 9. State budget for the programme “actions for migrants” from 1996-2021, which includes funding for the asylum reception programme. Visual representation by the author. Source of the data: Presupuestos generales del estado.

<sup>15</sup> CEAR’s president participated as a contestant in the Spanish edition of “Who wants to be a millionaire?” in the hope of capturing funds and raising awareness among the public about asylum (Carrillo, 2013).

<sup>16</sup> Efforts towards the Common European Asylum System work with the underlying assumption that the uneven distribution of asylum applications across the EU is related to uneven reception conditions. For this reason, one of the EU’s key responses to the arrival of increased numbers of asylum applicants in the 2014-2016 period was increasing the funding of national reception systems and forcing a resettlement quota (Vianelli, 2018).

As expected, this increase in funds led to an expansion of the number of reception places within the state programme, but more was needed to lead to an upturn in reception conditions. Different sources provide different numbers on the increase of beds in reception facilities in this period but rounded up, the 800 initial reception places in the first decade of the 2010s became more than 9,000 by the end of 2019 (Garcés-Mascareñas & Pasetti, 2019). Figure 10 shows this evolution, although data has been inconsistent over the years. For instance, there is no data on CRE places between 2001 and 2013, Accem from 2019 to 2011 or CEAR from 2005 to 2010. For these years, I have assumed that the number of places was the same as the previous year with available data.

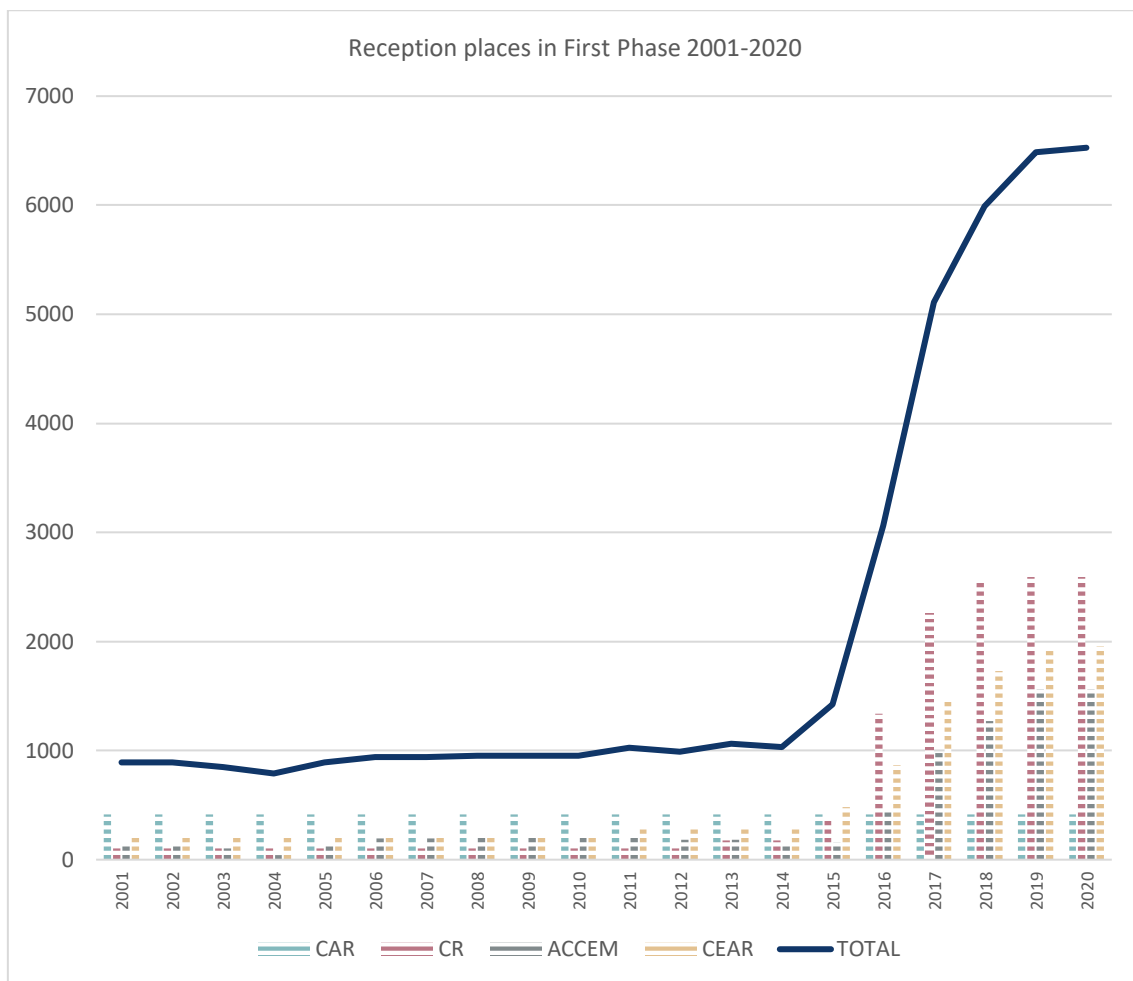


Figure 10. Reception places in First Phase 2001-2020. In years with no data, the same amount of places as the previous year has been assumed. Visual representation by the author. Data retrieved from: IMSERSO, Informe Anual, 2001-2004; CEAR Informe Anual 2006-2021; Cruz Roja Española, Memoria Integrada, 2013-2021; Accem, Informe Personas Refugiadas 2012-2021

Another significant change to the state programme brought by the necessity to increase the number of beds was the opening of the tender. As mentioned above, until 2015, the management of the reception programme was vested in three non-governmental organisations -CRE, CEAR and Accem- through a direct funding line (López et al., 2016). From 2016 onwards, the direct contracting of these three NGOs was circumscribed to first screening services, while

the rest of the reception programme was offered on a yearly open public tender. By this change in the funding system, other non-governmental organisations accessed the reception system (to a total of 22 in 2019), but CRE, CEAR and Accem continued to accumulate the majority of reception places.

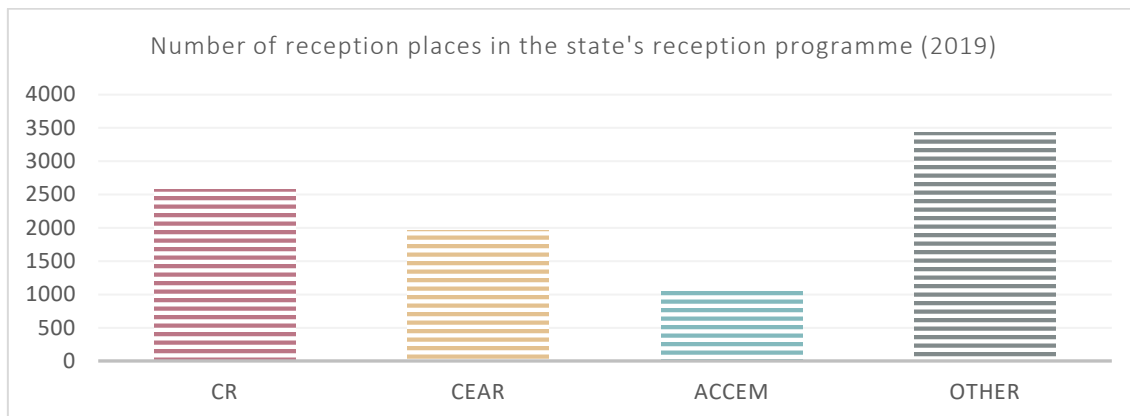


Figure 11. Number of reception places in the state's reception programme (2019) by NGO. Visual representation by the author. Data retrieved from: CEAR Informe Anual 2006-2021; Cruz Roja Española, Memoria Integrada, 2013-2021; Accem, Informe Personas Refugiadas 2012-2021.

Despite a few changes in those that applied for the tender annually, the core organisations in the *Sistema de Acogida e Integración* (SAI) stayed the same since the opening of the first public tender in 2016, which led to the introduction of a direct tender in 2021 in order to “ensure the continuity of the system’s resources managed by non-governmental organisations”<sup>17</sup> (Real Decreto 1114/2020, de 15 de diciembre).

Table 3. Non-governmental organisations in the SAI (1992-2021). Visual representation by the author. Source of the data: [www.subvenciones.es](http://www.subvenciones.es)

	1992-2015	2016-2020	2021
<b>SUBCONTRACTING</b>	CEAR		CEAR
	CRE		CRE
	Accem		Accem
<b>PUBLIC TENDER</b>		CEAR	
		CRE	
		Accem	
		Adoratrices	
		PROGESTIÓN	
		SJD	
		CESAL	
		CEPSS	
		DIACONIA	
		ANDALUCIA ACOGE	
	RED ACOGE		

<sup>17</sup> The original reads: “poder garantizar la continuidad de los recursos del sistema gestionados por organizaciones no gubernamentales”. Translation by the author.

		APIP-ACAM	
		CEPAIM	
		LA MERCED	
		MPDL	
		PROVIVIENDA	
		Hijas de la Caridad	
		RESCATE int	
		YMCA	
		CRUZ BLANCA	
<b>DIRECT TENDER</b>			Adoratrices
			PROGESTIÓN
			SJD
			CESAL
			CEPSS
			DIACONIA
			ANDALUCIA ACOGE
			RED ACOGE
			APIP-ACAM
			CEPAIM
			LA MERCED
			MPDL
			PROVIVIENDA
			Hijas de la Caridad
			RESCATE int
			YMCA
			CRUZ BLANCA
			COLUMBARES

In 2020, the global COVID-19 pandemic had significant consequences for the asylum system and the reception programme. Between March and May, the hard lockdown imposed on the Spanish population to curb the expansion of the pandemic and the closure of borders to international travel limited the number of asylum applications. Despite provisions being taken to accommodate the system to this new situation, the general restrictions made it almost impossible to claim asylum or access reception for several months. Similarly, many bureaucratic adjustments, such as lengthening the validity of permits, postponing appointments or issuing automatic work permits, were not efficiently communicated to asylum claimants and other actors, leading to multiple situations of unprotection.

However, the pandemic had some positive outcomes for the asylum system. While claiming asylum was restricted as the Asylum Office was closed to the public, work continued behind closed doors. In combination, this reduced the increasing backlog of applications substantially. While in March 2020, when COVID restrictions started, there were 140,615 pending applications



in Spain. By December 2020, these had reduced to 103,410 (Eurostat, 2022), falling for the first time since 2015.

By the end of that year, the Spanish government announced a radical change in the reception programme, ostensibly addressing the *colapso* [collapse, jam, blockade] in reception (Ministerio de Inclusión, Seguridad Social y Migraciones, 2021). The government's goal was to adapt the stay the first part of the reception programme to the resolution times, making the second part of the programme, as it will be explained later, “only available for applicants who are recognised some form of international protection” (Instrucción SEM 6/2020)<sup>18</sup>. The proposed solution to the waiting times in reception was, thus, to restrict the second phase of reception to those recognised as refugees or granted subsidiary protection and accelerate decisions to meet the six-month limit established by EU regulations. This would prevent asylum applicants from transiting into the second phase of reception, as the system initially foresaw, but which had been made impossible by the backlog of cases and excluding them from the work permit that EU Reception Directive (2013/33) imposes if the case has not been resolved after six months. Researchers and advocates quickly reacted to this, framing it as the end of an era in the Spanish reception system as it would mean the end of the “integration and autonomy” priority. Although the Ministry ensured this was done to “strengthen integration efforts for those beneficiaries of the System who have been granted international protection” (Instrucción SEM 6/2020:2)<sup>19</sup>, it soon becomes clear that the main consequence of this would be that asylum cases would be resolved in bulk. Spanish NGOs have been raising concerns for a long time over negative decisions being taken based on country-of-origin related arguments rather than over individual examination of cases (Defensor del Pueblo, 2017). In the 2014-2017 period, the Spanish Ombudsman compiled numerous complaints among asylum support NGOs that applications from countries like Ukraine or Mali, where conflict, violence, and persecution were acknowledged by Spain but not generalised in the country, were being shelved by the OAR waiting to see if and how the situation developed and later, as the situation in the country improved, rejected applications in bulk without considering individual cases of persecution, such as compulsory conscription or LGBT discrimination. The general understanding among this research’s participants was that this lack of thorough individual assessment would be exacerbated by the need to solve the *colapso* in reception. That is, by means of reaching more asylum decisions and addressing the growing backlog of cases, the government would aim to limit the number of asylum applicants in reception. Reinforcing these suspicions, in June 2020, the Interministerial Commission, the highest asylum body in Spain, which is in charge of “examining all asylum cases that have been admitted, as well as the positive or negative recommendations delivered by the Asylum Office” (Comisión Española de Ayuda al Refugiado, 2021), passed 19,775 decisions in a single session<sup>20</sup>.

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<sup>18</sup> In the original: “Integración y autonomía” Translation by the author.

<sup>19</sup> In the original: “Se pretende así mismo reforzar el esfuerzo de integración de aquellos destinatarios del Sistema que han obtenido la protección internacional en España” Translation by the author.

<sup>20</sup> The number of decisions has been growing year after year: 11,875 in 2018, 58,035 in 2019 and 124,795 in 2021 (Eurostat, 2022). The number of decisions reached in a single session in June 2021 was reported by LaVanguardia, quoting Ministry sources (available here; last accessed 02/02/2023):

### ***The structure of the state's asylum reception programme (1992-2020)***

All these shifts brought about changes in the structure of the programme. This section will review the temporal changes in the configuration of the asylum reception programme in their provision of social services to asylum applicants and refugees. The analysis presented in this section will cover the development of social provisions within the state-dependent reception system broadly since its beginnings in 1979 up to 2021. However, it will focus particularly on the programme known as System of Reception and Integration of Applicants and Beneficiaries of International Protection [*Sistema de acogida e integración de solicitantes y beneficiarios de protección internacional* – SAI-SBPI], later renamed as System of Reception of International Protection [*Sistema de Acogida de Protección Internacional* – SAPI] in the 2014-2020 period, that is the focus of this research.

From the opening of the CARs until 1995, the asylum reception consisted mainly of accommodation in the state reception centres or, if these had no available places, in a subcontracted accommodation with the Red Cross, CEAR or Accem (Vega Pascual, 1996). Asylum applicants had access to other reception services, such as health care or cultural activities, available from the moment of application to the resolution of the asylum case. Some of these services, such as health care, were provided privately, albeit under the same conditions as national citizens. While this rule has never really changed, asylum applicants in need are to be offered reception services from the moment they apply to the resolution of their case, the time taken to resolve the application has changed in two ways. First, the maximum time to consider asylum cases was set to 6 months by the 1994 law. Second, most of the time, this deadline has not been met, so the asylum reception system has needed to adapt. With the “autonomy and integration” cue, Spain found an innovative solution. Instead of extending reception prerogatives indefinitely to match the real duration of the screening process, Spain understood that screening was a separate process from reception, so the failure to resolve cases in time did not imply an obligation to continue providing reception services beyond this time. That is, asylum applicants would be entitled to support for the duration of the screening process, which is, at most, six months. If, after six months, no resolution had been reached, as provided by EU regulations, the asylum applicant would get a work permit and would not need to be provided with any further support.

With this understanding, from 1995 to 2014, the reception programme had a duration of six months, extendable to twelve if the person was in a “situation of vulnerability” (Vega Pascual, 1996). Before 1994, the programme consisted of accommodation in an asylum reception centre. Nevertheless, from 1995 onwards, the subcontracting of CEAR, Accem and CRE became institutionalised through a yearly tender, and conjointly, the three organisations started managing about 50% of the asylum reception places in the state programme. Complementary services such as language learning, cultural activities or vocational training were also offered, and healthcare became accessible through public social security (Vega Pascual, 1996). The institutionalisation of the NGOs in the state reception programme had a key drawback. It

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<https://www.lavanguardia.com/politica/20200707/482184390141/espana-resuelve-este-ano-casi-las-mismas-peticiones-de-asilo-que-en-todo-2019.html>

concentrated reception services to provinces with enough applications to maintain a reception facility permanently, making access to the reception programme more difficult for those who applied in provinces without reception facilities.

In 2014, the reception programme started to change rapidly, not only due to the increase in applications, accommodation places and reception teams but also due to the constant adaptations of the reception system to the Asylum Office's failure to resolve applications in six months as the number of applicants and the backlog of cases continued to grow. The following paragraphs will overview the different "phases" that structured the programme from 2014 to 2021 and the changes they experienced.

As explained previously, once an asylum application has been filed, the case is sent to the Asylum Office (OAR) in Madrid to undergo a first screening. This screening will decide whether the case has been filed correctly and if Spain has the authority to study it. This process should take a maximum of 20 days. In principle, as mentioned before, any asylum applicant can access the reception programme as soon as they have applied. However, this 20-day period is in limbo. While the applicant has applied, Spain still needs to acknowledge it. Before 2014 and later, as the applications started to rise, those who did not have enough economic resources would be given emergency housing by the NGOs in the programme. Hostels, pensions, homeless shelters, or private initiatives were used before the asylum applicants could be moved to a reception centre, often in another province. Nevertheless, the lack of civil servants in the Asylum Office led to a rapid lengthening of the times of this first screening. The 20 days became a month; a month turned into sixty days until, in some regions, the first screening decisions took up to seven months to process. At the same time, the period between requesting an appointment to apply for asylum and the appointment itself, which had previously been almost immediate, now also extended for weeks or even months, leaving asylum applicants in serious situations of deprivation as the time to access reception drew further and further. This meant that temporary accommodation in hotels, pensions and shelters was not viable anymore, so more sustainable solutions had to be found. At first, the programme redefined "asylum applicant" so anyone who had shown "their will to apply for asylum" (Ministerio de Trabajo, Migraciones y Seguridad Social, 2018) by requesting an appointment to apply was immediately eligible for the reception programme. This was short-lived. The lack of accommodation in the reception programme was also contributing to lengthening the time from application to access to reception, so this only increased the situation of *colapso*. Finally, applicants who were not only "lacking enough economic resources" but also found to be in a situation of "serious vulnerability" were deemed to be eligible for emergency accommodation in what was named as "assessment and referral phase" (ECRE, 2019) and more commonly known as "phase zero". For many applicants, the lack of a "serious vulnerability" assessment meant spending this time homeless as no official alternatives existed to host asylum applicants without access to "phase zero" (Jubany & Rué, 2020; Ribera-Almandoz, Delclós, & Garcès-Mascreñas, 2020).

Once the applicant had access to the first *tarjeta roja*, applicants fulfilling the criteria of lacking economic resources would be accepted into the reception programme and, within three days, transferred to any reception facility anywhere in Spain with a reception centre that had available

places matching their profile. Profiling through social work and the conditions of deservingness that it carries will be examined further in Chapters VII and X. Access to the reception centre marked the start of the 'First Phase'. Due to delays in the whole procedure, this period of three days was not always kept, mainly due to the systemic lack of reception accommodation places in the 'First phase'.

The 'First phase' is the core of the reception programme and has mostly remained unchanged since 1995. It is a fixed period of six months during which the applicant has the right to be housed in a direct provision facility, which can be either a reception centre or a shared apartment<sup>21</sup>. Asylum applicants identified as in a "situation of vulnerability" have the right to request an extension of up to twelve months, given that their application is not rejected before. In 2017, a caveat was introduced to allow asylum applicants to leave reception facilities before six months, but never before three months, if they and their social worker considered they were ready to move to the Second Phase. This phase includes accommodation, usually in a shared room, food or food allowances, language training, several compulsory short training courses on sociocultural and practical issues and other courses and activities of choice organised by each reception centre. Upon arrival at the reception centre, the applicant and their social worker prepare a working plan together where they set the objectives to achieve during the first phase and, in less detail, during the second phase. These objectives can vary greatly depending on the applicant's personal circumstances, although there are some bureaucratic tasks, such as registering at the municipality and getting a medical card, that everybody will have to achieve during this period. For instance, a native Spanish speaker with high education degree might be assigned the goal of completing a vocational training course and starting the procedure to legalise their foreign university diploma. At the same time, an illiterate person with no or little previous knowledge of Spanish might have a target learning basic reading and writing skills and acquiring a conversational level in Spanish.

After this period in First Phase, in 2014, a 'Second' or 'Integration Phase' was created. The start of this second phase should coincide with the renewal of the Red Card (providing residence and work permits) or, ideally, with the final resolution of the asylum claim, as six months is the maximum time allowed by EU and national legislation to resolve an asylum application. During this phase, which lasts up to 18 months, the programme expects autonomous living outside a reception centre but still provides allowances for rent and basic needs, the amount of which will depend on other sources of income and is expected to be progressively reduced as other sources of income growth. At the beginning of this Second phase, the work plan is revised, and new objectives are set until the end of the programme. Ideally, at the end of the Second phase, it should have been possible for the asylum applicant to find a job and live autonomously from all public subsidies or if in special need, to have moved from the asylum reception programme to generalist social services for people with dependency. In 2021, this Second phase was restricted to asylum applicants and became available only for those given refugee status or subsidiary protection.

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<sup>21</sup> Large families may share the apartment only among the family unit.

From 2016 to the end of 2018, a Third Phase existed, by the name of ‘Autonomy Phase’. In this phase, applicants and those with recognised protection, supposedly already working and living independently, would be entitled to support for extra living costs, which, like glasses, hearing aids or major dentistry, are normally not covered by the public health services. This phase started at the end of the Second Phase only if the end of the maximum number of months in the Second Phase has passed 24 months after the applicant’s arrival in the programme. This phase disappeared by the end of 2018 as, in practice, it was not being used because the number of asylum applicants that managed to become completely independent of asylum subsidies before the 24-month period was very low. The Second Phase was consequently extended up to month 24 for all applicants. Support for extra living costs, as the ones mentioned previously, became a prerogative of recognised refugees only, restricting reception prerogatives to those with status for the first time. Later, in 2021, the Second phase became also restricted to those having obtained recognition of the refugee status or subsidiary protection, thus, as it will be later explained in this chapter, drawing Spain closer to the general European Union “encampment” approach to asylum applicants’ reception and further form the “integration and autonomy” model.

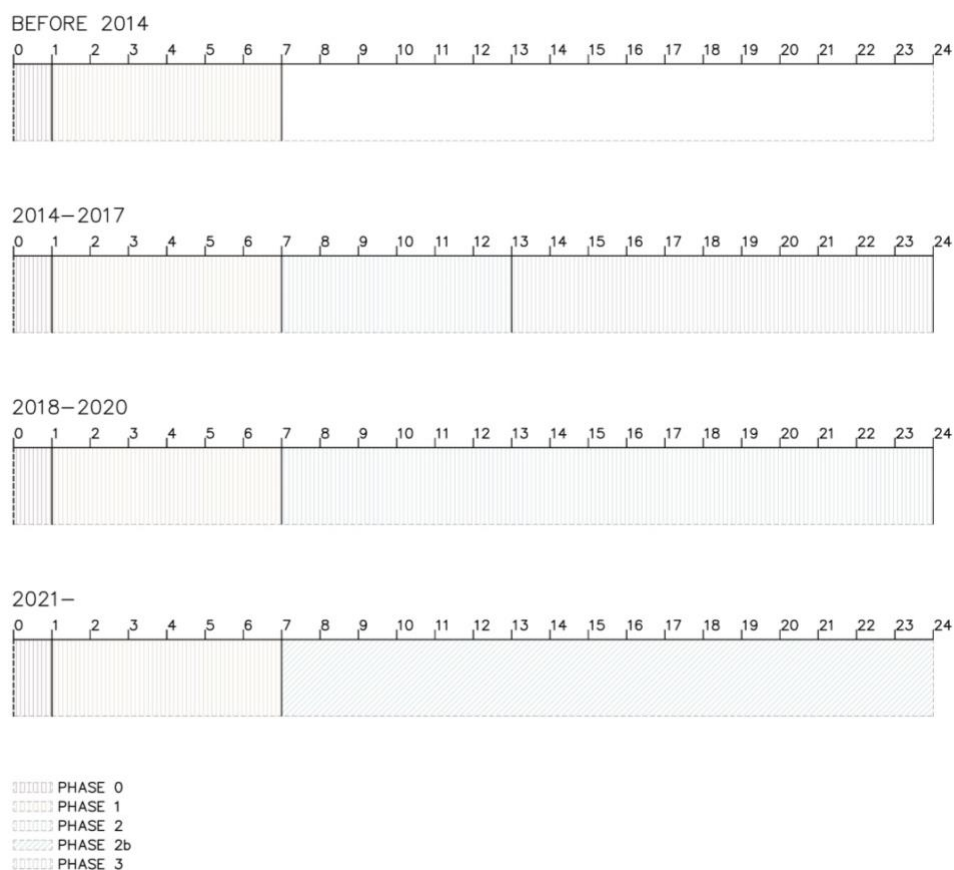


Figure 12. Standard ‘phases’ of the Spanish Asylum Reception Programme 2014-2021 in months. Visual representation by the author and El Passeig Arquitectura. Source of the data: Ministerio de Trabajo Seguridad Social y Migraciones, *Manuales de Gestión del Sistema de Protección Internacional, 2013-2021*.

This design presupposes that asylum applicants’ incorporation will be linear and cumulative. It assumes that if all steps are taken correctly, by the end of the programme, the asylum applicant

will have achieved a sufficient level of autonomy from all public subsidies by accessing the labour and housing markets independently or will have been able to find another welfare programme suited to their particular needs. This positivistic notion of migrant incorporation does not consider that inclusion can happen into the most precarious spheres of society (Portes & Zhou, 1993), nor that “integration” into the country of asylum is a complex and non-linear process in which many factors and other than labour market incorporation play crucial roles (Ager & Strang, 2008). This is especially relevant considering that the social reality in Spain is today marked by high rates of unemployment, particularly for non-nationals, an unstable labour market with a pre-eminence of temporary and part-time jobs, inflated rental prices in major cities, and structural racism and xenophobia (Calvo Buezas, 2013) that set insidious barriers to asylum applicants life paths.

### ***Other asylum reception programmes***

While competencies over asylum are exclusive to the state, other public institutions have launched asylum reception plans that supplement the state’s reception programme. From the start of the state’s reception programme, the decentralisation of the Spanish state has meant that some social attributions depended on the Autonomous Communities, creating disparities in what provisions asylum applicants could access. Previously to 1995, for instance, medical services for asylum applicants were provided privately by the Red Cross, albeit the medical coverage they had access to was equal to that of nationals. In the region of Valencia, however, as per its internal regulations, asylum applicants had access to public medical services (Vega Pascual, 1996). In this sense, while the attribution of competencies on asylum has always fallen exclusively upon the central government, the decentralisation of social attributions has meant that autonomous communities, *diputaciones*<sup>22</sup> or municipalities had always had particular provisions outlined for asylum applicants when it was within their competence. Yet, it is far beyond the goal of this section to deepen in the historical development of these provisions or to provide a systematic and thorough presentation of the existing endowments at different government levels. Nonetheless, this section will outline the current structure and development of the most recent and relevant programmes to the discussion of the results of this research.

Having gone under the radar for decades, the Spanish asylum reception system came onto the political, academic, and journalistic spotlight in 2015, as the number of asylum applications in the European Union rose to historical heights and the situation of asylum applicants and refugees worsened in the so-called ‘hotspots’ in Greece, Italy and the Balkans, bringing asylum to the fore of media attention. In Spain, this period coincided with an exponential rise in the number of asylum applications that led to the *colapso* of the state reception system. The concurrence of these two factors led to the emergence of a number of asylum reception programmes organised by different public institutions. Yet, as the responsibility of protection still fell with the central government, their actions were limited to the perimeter of the state’s reception programme. Nonetheless, the gaps in the state’s programme, which will be discussed at greater length in chapter V in more detail, left plenty of room for other institutions to step in.

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<sup>22</sup> Beyond the Autonomous Communities, Spain is divided into 17 provinces. The *diputación* is the administrative institution at the province level in most of them.

Many municipalities declared themselves ‘welcoming cities/towns’ and developed plans to facilitate the settlement of refugees in the area. As these plans mushroomed across Spain, some supra-municipal institutions such as *federaciones de municipios* [federations of municipalities] and *diputaciones* developed their own plans, mostly aiming to include smaller towns and villages to the trend, many of which are experiencing serious problems due to the loss of population and, by this, hoped to attract new inhabitants. Larger municipalities, like Barcelona or Madrid, also developed their own plans, mainly offering reception services to asylum applicants that were being left out of the state programme due to the lack of reception slots and the delays it was experiencing. As explained by a Barcelona’s city hall representative interviewed for this research (PU-PL-1), municipalities were being made *de facto* responsible for the reception of asylum applicants as they were facing situations of homelessness in the city’s streets “not at the Ministry’s corridors”. In 2016, Barcelona developed a reception programme by the name of Nausicaa, that aimed to provide reception services to asylum applicants that, for different reasons, had no access to the state’s reception programme, had already ended the state programme’s subsidies or had been expelled from it. In Madrid, the main asylum reception plan named Mejía Lequerica, after the old Youth Hostel where it was placed and managed exclusively by CEAR, aimed to host asylum applicants who, despite having access to the state’s programme, were not able to access it yet due to the lack of sufficient reception slots and emergency reception slots and people in transit who wished to apply for asylum in other EU countries, among some other non-asylum applicant profiles. The programme in Madrid was later expanded in 2018 and 2019 as the number of asylum applicants facing homelessness was growing insistently.

Parallely, several Autonomous Communities also developed their own reception plans, mostly also targeting the gaps in the state’s reception system. In Catalonia, the *Pla Català d’Acol·lida* [Catalan Reception Plan] organised mentorships pairing asylum applicants and citizens and early access to the *Renda Garantida* [Minimum Income Subsidy] for asylum applicants that ended the state’s program subsidies without sufficient income. Both the mentorships and access to the minimum income subsidy faced significant barriers in their application, and the mentorship was discontinued after one year with several failed attempts to revive it and a mass opt-out by the non-governmental institutions that had collaborated with it. One of the main issues with the mentorship was that volunteers were led to believe that they would be participating in a public-managed programme but later found out they had to sign up as volunteers at one of the collaborating non-governmental institutions. Access to the subsidy was also impeded by several of the access requirements of the subsidy, which had not been amended to accommodate the situations of asylum applicants, so, in practice, most applicants did not have the right to access this subsidy at the end of the state’s programme, although this was later amended. Another key problem with the subsidy was that asylum applicants lost the right to it if their application was rejected, but due to the lack of communication between the different public authorities, they continued to receive the subsidy if they did not expressly communicate to the Catalan Government that their asylum application had been rejected. As the Catalan Government realised this was happening, many failed asylum applicants were left with large debts towards the Catalan Government.

Facing great popular pressure to “welcome refugees”, the Catalan Government tried to develop a more comprehensive reception plan. Yet, as explained before, the responsibility of reception falls within the duties of the central Spanish government. The Catalan Government took this assumption to the courts, arguing that most welfare duties were decentralised to the regional governments and, as such, the provision of reception services for asylum applicants would fall within their responsibilities. Finally, the courts ruled in favour of the Catalan Government, but nothing ensued of this. As the ruling affected all regions, not only Catalonia, several expressed their opposition to taking responsibility for the state reception programme, and the central government made it clear that they were happy to transfer the responsibility but that no additional funding would be transferred to the regions, which led to a stagnation of the Catalan Government’s ambitions for a more comprehensive reception plan.

### ***Other sites of reception of asylum applicants***

Beyond publicly funded and led asylum reception programmes, several private organisations also provide reception services specifically for asylum applicants and others that provide reception services, mainly housing, to asylum applicants in wider programmes. Large NGOs such as Caritas or the Jesuit Refugee Service, both Catholic church organisations, have specific programmes for people in need during their migratory paths and settlement projects. Other, more local groups, like local or neighbourhood associations, have also developed campaigns to support asylum applicants in Spain through different activities that are analogous to those offered by public reception programmes such as shelter, economic subsidies and material resources or pairings with citizens.

Several civil society initiatives stepped in at a more informal level where the public and private reception programmes were failing. In Barcelona and Madrid, activist groups such as Emergencia Frontera Sur, Casa Africa or Parroquia San Carlos Borromeo squatted buildings or offered churches to host asylum applicants and other people experiencing homelessness while blaming the city hall and the state for their inaction in providing a dignified reception as granted by the 2009 Asylum Law.

### ***The asylum reception system***

As will be later explained in the methodological section, the combination of all these public and private programmes will be here referred to as the “asylum system”. However, the results of this research focus only on the programmes that work on public funding and are led by public institutions, irrespectively if they are managed by private organisations.



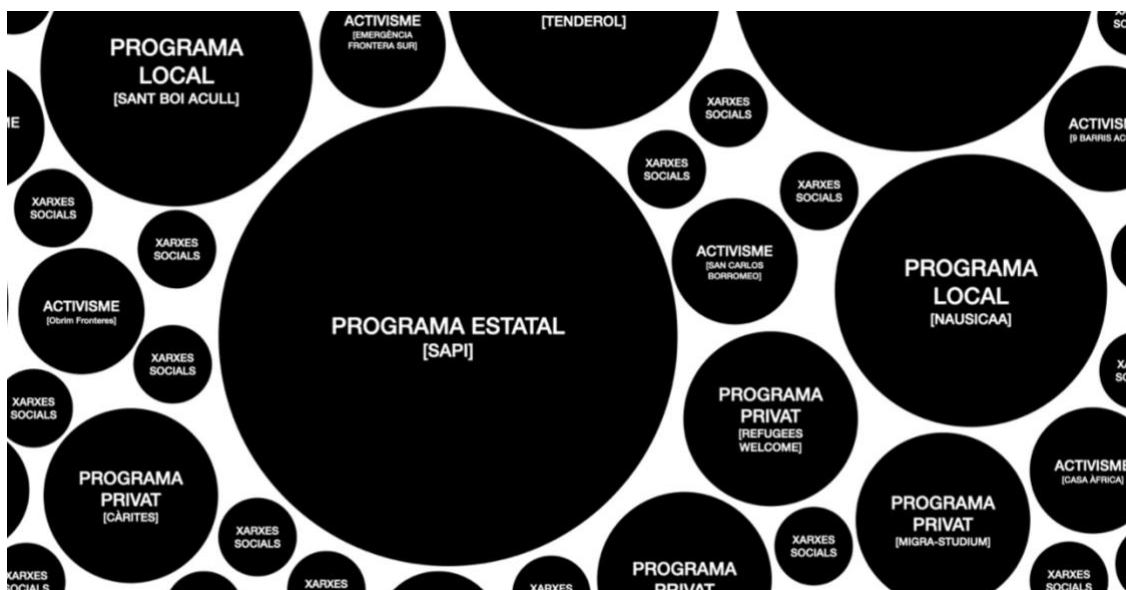


Figure 13. A patchwork system. A graphic representation of Spain's asylum reception system and its gaps. Designed by the author for an undergraduate lecture

## Asylum NGOs

As explained above, asylum reception in Spain has relied, from its inception, on the work of three non-governmental organisations, the Comisión Española de Ayuda al Refugiado (CEAR), the Cruz Roja Española (CRE) and Asociación Comisión Católica Española de Migraciones (Accem, previously CCEM). These organisations continue to control most of the State's asylum reception programme, and other public bodies have relied on them to develop and maintain other asylum reception programmes. The history of the asylum reception system is thus intrinsically related to the history of these organisations, and it cannot be denied that their presence at crucial decision-making moments has played a role in developing the right of asylum in Spain. In this section, I will briefly examine these organisations' embeddedness within Spain's history as a country of asylum.

### *The Red Cross and the right of asylum*

The story of Spain as a country of asylum and that of the Spanish Red Cross are intertwined twice. First, the Red Cross, as a global institution, has played a crucial role in developing the right of asylum, a significance often misrepresented in accounts that centre on the League of Nations and the UNCHR. Second, in its Spanish branch, the organisation has also had a key role, mainly through its collaboration with public institutions in providing welfare services.

Through its participation in war relief, the Red Cross' mission has always involved providing different types of protection to those that would later be framed as refugees. As a promoter and appointed guarantor of International Humanitarian Law, the International Committee of the Red Cross (ICRC) was among those endorsing the creation of the Nansen office for the protection of refugees within the League of Nations and supported the formation of the first International Refugee Office and, later on, of the UNHCR. The involvement of the ICRC, among other private voluntary organisations, in funding and promoting the League of Nations' refugee protection

defined the philanthropic character that the figure of refugee protection has had since its inception (Nyers, 2006). On the field, the ICRC has been involved in numerous actions to protect refugees in armed conflicts, including the Spanish Civil War. Often choosing to act where the UNHCR was not (Forsythe, 2005), ICRC's actions have not been without controversy, and the institution has faced severe backlash over many of its interventions, mainly targeting its principle of neutrality and the practical implications this has had in field interventions. As analysts observe, the ICRC is “a product of, and generally sustained by, western (Judeo-Christian) culture” although it aims to present itself as “non-denominational, non-sectarian humanitarianism” (Forsythe, 2005:2)

As separate entities from the ICRC, the national societies of the Red Cross have become, over time, quasi-governmental institutions, taking on key governmental functions, mainly in the provision of health and other social services and becoming less likely to deviate from national policy (Forsythe, 2005:14). The national Red Cross societies present their work as stepping in where the state does not fulfil its obligations or leaves significant gaps in the protection of its citizens. In Spain, however, instead of reducing the roles of the Spanish Red Cross as they are progressively assumed by the state, there has been an opposite process of externalising social services into this and other NGOs in later years. Among these, as explained above, reception services in Spain for asylum applicants have, since the start of the refugee social protection programme in 1992 have relied on the Spanish Red Cross to provide reception. The role of the Spanish Red Cross as an auxiliary institution to the state was consolidated in the Real Decreto 415/1996, of the 1st of March as an “humanitarian and voluntary institution of public interest that develops its activities under the protection of the State as a collaborator and partner of Public Authorities in their humanitarian and social activities”<sup>23</sup>. Consequently, to this privileged role in its collaboration with public bodies, among the three non-governmental organisations in the asylum reception programme, the Spanish Red Cross has consistently been given more budget and reception slots. It has also become the first contact point for anyone arriving in Spain irregularly across sea borders as it has been vested with emergency support at the Spanish coasts. Thus, on many occasions, as potential asylum applicants have been found not to have been informed of their right to claim asylum or been deported in a pushback operation without having had the chance to claim asylum, civil society organisations and activists have criticised the Red Cross' complicity with state institutions in the violation of fundamental rights.

### ***CEAR and refugee rights in Spain***

The *Comisión Española de Ayuda al Refugiado* (CEAR) was formally created in 1979 by a group of well-connected human rights activists, including members of the Spanish aristocracy with the support of a variety of religious organisations, political parties, and workers' unions. Despite this, the main actors that later founded CEAR had already been campaigning for Spain's ratification of the Geneva Convention and the New York Protocol during the final years of Franco's dictatorship. As stated in its foundational documents, the organisation's goal was to “defend

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<sup>23</sup> The Spanish original text reads: “Institución humanitaria de carácter voluntario y de interés público, que desarrolla su actividad bajo la protección del Estado, como auxiliar y colaboradora de las Administraciones Públicas en las actividades humanitarias y sociales impulsadas por las mismas”. Translation by the author.

and protect the right of asylum and the rights of international protection applicants, refugees and stateless persons in Spain” making sure that “the Geneva Convention of 1951 is correctly and fully applied in Spain and the rest of the world” (Presno Linera, 2019). Since the start, the main activity of CEAR has been accompanying asylum applicants, refugees, and stateless persons in Spain through the provision of socioeconomic services and legal support. However, as Spain was emerging from a dictatorship, the organisation held a privileged position to try to influence the development of the yet-to-be-defined asylum and foreigners’ laws for the new democratic period.

In 1980, the Board of CEAR started to work on a bill that would regulate the right of asylum in Spain with UNHCR’s funding. From then on, until the passing of 1984’s Asylum Law, CEAR led a lobbying and awareness-raising campaign mainly targeting policymakers and government ministers. Their efforts led to the inclusion of several amendments to the asylum bill in a parliamentary discussion through the support of various political groups. After the 1984 Asylum Law’s passing, CEAR continued promoting its proposals for the development of the law’s regulatory dispositions.

As the 1994 Asylum Law was being developed, CEAR resumed its lobbying activities with political groups. The negotiations of the new law had a main source of contention in ensuring that the new legislation would prevent “the illegitimate use of asylum protection as means of economic migration” (Proposición no de Ley, 9 de abril de 1991 in Camarero Sánchez, 1992). Significantly, CEAR did not oppose this goal but worked to widen the scope of the right of asylum to include those fleeing from widespread conflict in their countries of origin. The organisation also raised concerns over several procedural amendments, including the controversial “inadmissibility” clause introduced in 1994’s reformulation of the asylum law. This time, however, CEAR’s claims were not heard, and the law was passed without their main amendments. This led to a court unconstitutionality appeal promoted by CEAR, which the Constitutional Court finally rejected.

A similar situation repeated in 2009 with the passing of Spain’s latest Asylum Law when CEAR and Amnesty International requested the Spanish Ombudsman to raise an unconstitutionality appeal to the Law as the two organisations understood that the text failed to keep critical constitutional rights, particularly the right to asylum. Nevertheless, the Ombudsman rejected their arguments, and no unconstitutionality appeal was filed.

CEAR had more success in its appeals to international courts. On several occasions, the European Court for Human Rights has ruled against Spain in cases brought up by CEAR, including two instances of the violation of the right of asylum in pushbacks at Spanish borders.

### ***Accem and the protection of refugees in Spain***

Accem, with its origins as a Catholic Church non-profit, became a non-governmental organisation in 1990. In 1992, with the creation of the state’s asylum reception programme, it became one of the three organisations vested with its management, alongside CEAR and CRE.

Parallely, they participated in special reception programmes in Spain at the arrival of refugees from the Bosnian and Kosovan wars in the 1990s and the resettlement programmes from Libya,

Jordan, Italy, and Greece in the 2010s, also along CEAR and CRE. At a broader level, Accem is Spain's reference organisation for the Asylum Information Database (AIDA) of the European Council on Refugees and Exiles. It is responsible for writing its periodic report on "asylum procedures, reception conditions, detention and content of protection" (Asylum Information Database, 2022) in Spain.

## **Asylum policies and politics around asylum (2014-2020)**

This section describes a series of events illustrating Spain's double-game policy towards the protection of the right of asylum in the 2014-2020 period to provide the reader with a contextual understanding of the political environment in which the data informs the research results presented here were obtained.

### ***Not a country of asylum***

Up to 2018, Spain has never been considered a country of asylum. The number of applications remained significantly low since the recognition of the right of asylum in 1984 up to 2014. Thus, up to 2015, asylum received very little media and public attention. In the Spanish political arena, asylum was, and continues to be, far more preoccupied with debates over "irregular migration" and mobility through the Southern border. Asylum, however, has occupied a marginal space in the political debate, far from the relevance that it has achieved in other European countries. Nevertheless, these are not isolated areas of discussion. As asylum has gained relevance in the public eye, the political arguments and policy tendencies that had dominated Spain's approach towards the governance of international migration, characterised by policies of deterrence and neglect, documentary precariousness and violence (Moffette, 2018), particularly at the border, were redirected towards asylum, despite staged political gestures to the contrary.

### ***The construction of an asylum crisis and symbolic forms of reception***

As was pointed out earlier, 2015 brought about a seemingly radical change to this situation. The onset of the so-called "refugee crisis"<sup>24</sup> started to draw increasing media attention and the emergence of civil society initiatives of solidarity with refugees, bringing asylum to the fore of political debate. Despite asylum had been a contentious topic of discussion in European and national politics of many member states for decades, Spanish media and public debates over migration had been almost exclusively centred on irregular migration and crossings over the Southern border (Leach & Zamora, 2006). While the surge in applications that Spain experienced from 2014 onwards was much less related to the "refugee crisis" than it would first seem, the incorporation of Spain to the European Union-wide controversy on the situation on the Egean and the Balkans at the time had direct consequences on the Spanish asylum system and the

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<sup>24</sup> Despite it is here referenced as 'refugee crisis' this is a highly contested term. While it gained popularity in media and public debates at the time, it has been increasingly questioned by academics, arguing that the 'crisis' narrative reinforces the criminalisation of migration, the retrenchment of migrant rights and the securitization of borders. Furthermore, it has also been argued that if a 'crisis' existed it was rather due to the European Union's inaction towards the protection of refugees than related to the raise in the number of arrivals (Krzyżanowski, Triandafyllidou, & Wodak, 2018) This paper does, however, use 'refugee crisis' to highlight how this episode was approached by the Spanish state which lead to the changes that are discussed here.

creation of a reception system beyond the state programme. While in 2014, 2015, and 2016 the rise in cases was driven by Syrian migrants, which became the leading country of origin for asylum applicants in Spain, applications by Syrian nationals never raised above 6.000 per year<sup>25</sup>. They were quickly surpassed by Venezuelans in 2017 and Colombians in 2018, while Syria remained the main country of origin of asylum applicants in the EU in 2021. Afghanistan, consistently the second main country of origin in the EU and in the “refugee crisis” flow, has never been among the ten main countries of origin of applicants in Spain after 2014. Yet, the raise in applications in Spain concurred with the raise in applications in the rest of Europe and this had a direct effect on the expansion of the state’s reception programme, particularly through the injection of EU AMIF funds and on the mushrooming of other reception programmes led by regional and local authorities or NGOs and civil society organisations.

The surge in applications was mirrored by an almost correlating growth in the state’s reception programme. As seen before, a close look at the State Budget for these years quickly reveals that this was achieved through the injection of European Union AMIF funds to tackle the sharp rise in applications across the Union. On the other hand, the rapid growth of the asylum reception programme from 2015 to 2018 becomes evident by looking at the number of beds available for the direct provision stage of the programme. In 2014, there were approximately 800 beds (416 in the four CARs and about 400 managed by CEAR, CRE and Accem) which by the end of 2018 had increased to 8,600 (Garcé-Mascreñas & Pasetti, 2019). This increase relied entirely upon the private sector, and the only beds managed publicly were still the 416 of the 4 CARs that had opened in 1989, that is, a mere 4.8% of the total, while now there were about 20 NGOs within the reception system managing the remaining 95.2% of beds in the First phase. Up to 2019, there was no official data on the number of people who benefited from reception each year, but a Ministerial note from 2020 revealed that in 2019, 30% of applicants had requested to be admitted into the reception programme. This meant that, if that year, there were 8,600 places in the direct provision phase for more than 30,000 applicants, even considering that the average stay in direct provision lasts six months, this leaves more than 12,000 applicants without access to the reception system. Considering that usually, only one family member will apply for asylum, a much larger number of people were left out, often facing homelessness (Ribera-Almandoz, Delclós, & Garcès-Mascreñas, 2020).

This urgent need for expansion brought about two crucial changes in the reception system. First, up to that point, the programme had been funded through a public contract with the three NGOs involved – CRE, CEAR and Accem – but from 2014 onwards, the funding started to be allocated through a yearly public grant. Second, the change in the funding system opened it to the involvement of other NGOs, most of whom had no experience in the field of asylum or, in some cases, in the field of migration altogether. By the end of 2019, there were 21 organisations receiving funding for the management of the asylum reception programme (Real Decreto 1114/2020). Nevertheless, much of the growth was absorbed by the three historical NGOs in

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<sup>25</sup> Compared to, for instance, 268,795 applications in Germany or 127,830 in Belgium in 2016 (Eurostat, 2021)

the system which experienced a significant internal enlargement in economic, human, and material resources, as well as an expansion across the Spanish territory of its reception facilities.

This expansion process was initiated in reaction to the increase in applications and the injection of EU funding and did not respond to any mid- or long-term development scheme (Garcès-Mascareñas, 2019; Estrada Villaseñor et al., 2018). This lack of planning had dire consequences on the asylum system, which came to be immersed in what workers in the reception programme call a *colapso*, translatable as either ‘collapse’ or ‘blockage’. Both definitions become meaningful to describe the Spanish reception programme and its ‘politics of disintegration’ (Collyer, Hinger & Schweitzer, 2020; Täubig, 2019). Despite this being coined on the ground to describe the reception system in a particular period, the situation of *colapso* is a historical and ongoing feature of the Spanish reception system (see Chapter V). The rapid growth of asylum numbers and reception schemes to accommodate the increase in arrivals between 2014 and 2020 aggravated the chronic deficiencies of the reception programme. Amidst this situation of *colapso*, a change in Spanish government added to the difficulties. In 2018, the Socialist Party led an impeachment against the right-wing government in office, which was successful. However, no party could form a government, and the three interim administrations that followed failed to increase the reception budget as the General State Budget negotiations stagnated for three consecutive years. The emergency measures put in place by the Popular Party government to keep the reception system afloat as applications surged had had little impact on the refugee-welcoming public opinion, which focused on the government’s failure to relocate the EU quota of resettlements from Greece, Italy, Jordan, and Lebanon.

In June 2018, the new Italian Home Affairs Minister, Matteo Salvini, refused to accept a rescue vessel named *Aquarius 2*, carrying 629 migrants at any Italian port. The newly appointed Spanish government, led by the socialist Pedro Sanchez, offered to receive the *Aquarius 2* and its 629 passengers at the port of Valencia despite the concerns raised by Médicins Sans Frontières about the risks a journey to Spain would entail for the passengers and the crew, as the ship was above its capacity and lacked enough food for the journey which added to the high economic cost of the operation. Finally, lacking any other options, the passengers were divided into three ships, two offered by the Italian government.

The first ship, *Dattilo*, landed around 7 am. Once they arrived at Valencia, a prominent operative coordinated by the Spanish Red Cross was put in place to welcome and host them. 2.300 people, including translators, volunteers, doctors, police, and more than a hundred journalists, had been waiting the whole night for their arrival. Two hundred twenty-six were to be assisted by emergency services, and 122 were hospitalised.

The Spanish government offered the *Aquarius* passengers a special residence permit of 45 days for humanitarian reasons, after which most applied for asylum. After the first sorting, they were sent to shelters. Due to the significant increase in available arrivals and, more specifically, due to the number of asylum requests in Spain, emergency shelters for asylum applicants were experiencing severe overbooking at the time. The arrival of 630 people in a day (in addition to the usual number of daily arrivals) and the fact that they were given priority due to the extraordinary circumstances of their arrival and the media attention the operation had drawn

increased the waiting times for other people who were waiting to be accommodated at an emergency shelter for asylum applicants.

The Spanish ministry of the Interior argued that accepting the *Aquarius* was both an “extraordinary and humanitarian decision” and a political gesture aiming at “drawing the attention of all EU Member States to stop looking away and taking joint solutions” (Valverde, 2018). Within Spain, the Catalan Government offered to welcome all the immigrants from the *Aquarius*, while the Basque and Navarre governments offered to host 10% each. Later on, the French state offered to interview all the rescued passengers who wished to claim asylum in France and admit those who met the ‘refugee profile’, although the conditions of what constituted this ‘profile’ were not made explicit. Of those that applied for asylum in Spain, the vast majority had seen their applications overturned by 2019 and had been drawn into administrative irregularity.

After the *Aquarius*, various other rescue missions disembarked in Spain with shipwreck survivors that had been rescued in Central Mediterranean, but this was put to an end on January 14th, 2019, when the *Open Arms*, the main non-profit rescue mission in Spain was forbidden from sailing off by the Spanish government under the argument that they had contravened the international rule to disembark at the closest safe port and were, instead, disembarking people in Spain. Despite the initial mediatic gestures toward the “welcoming” of refugees staged by Pedro Sanchez’s government, which could have been interpreted as a shift in migration policy, this decision to ground the *Open Arms* and stop accepting any more shipwreck victims, marked the realignment of the new government with the ongoing Spanish policy towards incoming migration.

On January 16th, 2019, Pedro Sanchez’s government confirmed the ban on the *Open Arms* ship from weighing anchor, arguing “legality and security reasons”. According to media sources (Escrivá, 2019), the ship going to Libyan territorial waters to carry on rescue operations and, not being able to disembark in Maltese or Italian ports, disembarked at a Spanish port, which meant a long-distance trip for which the ship was not suited, and which contravened “all international covenants”, including security and environmental protocols. According to the Spanish Sea Authority, the best option would be to disembark anyone rescued in Libya, coinciding with the European Union’s position that strived to stop NGOs search and rescue operations from disembarking on European soil and, instead, derive them to Libya (Escrivá, 2019). Following this line, on January 18th, 2019, the *Aita Mari*, another Spanish ship managed by the NGO Salvamento Marítimo Humanitario was also denied permission to sail.

Continuing with the restrictive measures, on February 21st, 2019, Spain agreed with Morocco to return any shipwreck victims rescued by Spanish authorities or vessels in the Gibraltar strait to this country unless the closest port were a Spanish one. The bundle of measures, destined to reduce arrivals to the Spanish coasts by 50%, also included a prohibition on the Spanish Coast Guards from actively patrolling the sea looking for shipwrecks and only answering direct calls for help. They were also forbidden to announce rescue operations on their social media accounts, arguing that it added to the ‘pull effect’. This change in politics is said to be grounded

on an internal intelligence document that argued that: “the more rescue ships there are, the more deaths there are” (Escrivá, 2019). According to this report, the presence of rescue ships would encourage smugglers to set sail with smaller, less equipped, and less seaworthy vessels, hoping that passengers would be picked up by humanitarian rescue ships. As Pallister-Wilkins (2022) argues, these narratives show how far the humanitarian logic has become embedded into narratives of migration control, to the point that ‘saving lives’ is framed as possible only by stopping migration.

Continuing to promote a public image favourable to the arrival of migrants, on January 18th 2019, the Spanish government announced they would start to eliminate all the barbed wire from the fences at the Spanish Moroccan border, starting with those sites where migrants try to jump through more often and removing the last fence, installed in 2006. Restrictive policies aimed at curbing migration persisted, however, behind the scenes. Just days after this announcement by the Spanish government, it came to light that the Moroccan government had started installing barbed wire on the Moroccan fences with a joint economic effort of 170 million by the EU and the Spanish government, which also included other security features that would be deployed at the Moroccan side of the border, continuing the violent treatment of travellers trying to access Spain irregularly by both the Spanish and Moroccan states.

All these efforts contributed to making the Ceuta and Melilla and the Gibraltar strait migration routes increasingly dangerous for travellers, particularly if they wished to avoid detection by Spanish or Moroccan public authorities. Thus, migration flows started to shift again to the Canarias route. Having been hardly used between 2010 to 2017 due to the strict policing of the Atlantic waters, arrivals through the Canary Islands started to rise again subtly in 2017, only to spike in 2020 to 23,023 (Defensor del Pueblo, 2021) and stabilising in 2021 with 20,700 arrivals (Ministerio del Interior, 2008-2022 [2022]). This spike in arrivals led the government to extend the travel restrictions that apply in Ceuta and Melilla for asylum applicants to the Canary Islands despite there being no legal fundament to this restriction and jurisprudence to the contrary (Defensor del Pueblo, 2021). Consequently, and as it has long been the case in Ceuta and Melilla, potential asylum applicants have been prevented from accessing the right of asylum in the hope of gaining passage to the Spanish mainland despite this is rarely the case. Reception conditions in the Canary Islands have been dismal, with travellers spending more than 72h confined (against *habeas corpus*) at the harbour of Arguineguín in a situation of overcrowding and lack of access to basic services (Comisión Española de Ayuda al Refugiado, 2022).

### ***The COVID-19 interlude***

The COVID-19 pandemic ended with an exponential rise in asylum applications in Spain. The closure and digitalisation of public offices and the restrictions on international travel made it increasingly difficult for potential asylum applicants to file their claims. Despite the government acting fairly quickly in issuing solutions to the closure of face-to-face appointments in the asylum procedure, a lack of communication with asylum applicants led to misinformation and loss of rights after the introduction of the sanitary lockdown of the population—these issues, as mentioned previously, mainly derived from the impossibility to renew asylum documents. While the government extended *de facto* the validity of all valid documents, there was no widespread



communication to asylum applicants, and many were led to believe their documentation was no longer valid. In contrast, others were unaware that they had gained access to a work permit as six months had passed since their application and no response had been given to their claim. Significantly, as it ensued from fieldwork, no information campaign was made with other actors such as banking institutions, real state agencies, and any potential hiring companies. This lack of information over the lengthening of the validity of asylum documents aggravated an already existing problem with these actors' unfamiliarity with asylum documentation which has seen asylum applicants' access to their rights curtailed as they are prevented from opening or accessing bank accounts, the labour market and housing.

### ***The process of “normalization” of Spain as a country of asylum***

In January 2019, the government planned to increase the budget for screening asylum cases by 165.9% and 26.9% of the budget for the asylum reception system. Nevertheless, the General State Budget was not passed, and President Pedro Sanchez was forced to call for a snap general election on April 28<sup>th</sup>, 2019, where he secured a comfortable victory for his party. However, the general budget was again not approved, and the previous national budget was prorogued for a third time until 2021.

By 2021, with the first approved budget of his mandate, the socialist government in Spain asked the European Council for Refugees and Exiles (ECRE) to help consolidate its asylum system (Micinski, 2022). This led to a series of measures to adapt the Spanish asylum reception state programme to European Union standards and work towards the homogenisation of asylum reception across the EU. The measures included the creation of new state-managed CARs, the restriction of the second phase of reception –the phase that focused on ‘autonomy’ only to those who had had international protection recognised, and changes on the financing strategy for NGOs, consolidating their role in the programme with 4-year tenders (instead of the previous 1-year). This meant ending with the main feature of the Spanish state reception programme, that which sought to promote ‘integration’ and ‘autonomy’, replacing it with a ‘direct provision’ approach, where instead of promoting the socioeconomic incorporation of asylum applicants, their needs are catered for directly by the state until their application is resolved.

## Chapter IV: Methodological Framework

In the context of a presumedly ‘welcoming’ reception system, where asylum applicants are encouraged to ‘integrate’ and gain ‘autonomy’ from state subsidies, this research is set to examine whether -and if so, how- the disciplining mechanisms that have been attributed to ‘unwelcoming’ asylum reception models across the Global North reproduce in an allegedly ‘welcoming’ model, exemplified here by the Spanish case. To this aim, the thesis problematises what is understood as ‘welcoming’ by looking at how these goals of ‘integration’ and ‘autonomy’ meet the material and symbolical reality of asylum reception.

The research focuses on ‘reception workers’ in Spain as state agents working to bring the reception system to reality through their daily work in several public asylum reception programmes and interrogates their position within this system. As Mountz (2010) argues, it is only by looking at those that make the state through their daily work that we can gain a deeper understanding of the actual workings of the state beyond its institutional façade and, in this case, of the mechanisms of migration governance. Through this exploration, this thesis aims to shed light on the implementation of asylum reception, as a technology of migration governance, through an ethnographic approach to the work of asylum reception workers in Spain.

The central hypothesis guiding this research stems from the literature and research gaps in previous chapters. These are not hard-set hypotheses but dynamic ones that have evolved during the research process from the starting research question that asked, “how do asylum reception workers participate in Spain’s migration governance?”:

1. The Spanish asylum reception system works as a migration governance technology that favours subjects performing expected behaviours over rightsholders. This defines hierarchical categorisations of desirability among asylum applicants in reception, determining their access to rights and services.
2. Bureaucratic mechanisms for the governance of migration define material and working conditions, as well as cultural and moral values within the Spanish reception system. These generate and transmit institutionalised practices for the (re)production of structural exclusions.

These hypotheses have been examined throughout all the research, guided by three main axes, discussed in depth on Part II of this thesis, each one addressing a set of specific objectives and sub-objectives, as follows:

### **Axis 1: The asylum system**

Despite the state’s exclusive responsibility to ensure that reception rights for asylum applicants are guaranteed and to provide reception services, which is done through the ‘state asylum reception programme’, there are other programmes, at the regional and local level, that provide reception services specifically for asylum applicants. Beyond that, there are also civil society

organisations, charities, activist groups, and individuals that provide informal reception services specifically for asylum. This research looks at this constellation of actors and the relations between them in how they configure asylum reception. More specifically, it explores the development of this reception system within Spain's migration and welfare regimes, its current configuration, its procedures and gaps between policy and implementation, particularly regarding asylum applicants' access to rights, dignified living conditions, and life-path opportunities.

**Objective 1** Describe and analyse the development, procedures, and actors within the asylum reception system in Spain.

**Sub-objective 1.1** Map the actors in the asylum reception system in Spain.

**Sub-objective 1.2** Describe and analyse the historical development of the Spanish asylum reception system within Spain's migration regime and welfare system.

**Sub-objective 1.3** Analyse the procedures of the state asylum reception programme and the regional and local asylum reception programmes within the Comunidad Autónoma de Madrid and Catalunya and their consequences for asylum applicant's living conditions and reception rights.

**Sub-objective 1.4** Explore the reception system in the Comunidad Autónoma de Madrid and Catalunya beyond public-led programmes and the embeddedness of private reception initiatives within the public reception system.

**Sub-objective 1.5** Reveal the relations between the different actors in the system and how asylum reception is configured within these relations.

## **Axis 2: Governing reception**

As a specific locus between migration governance and welfare, the asylum reception system creates its uses and practices around migration and social work categories. Within this, the construction of reception categories becomes particularly relevant. This guiding theme explores the conditions that make migration governance possible, its contradictions and internal conflicts. For this, it looks at the ambiguities, gaps, and contradictions between reception policy and its implementation through an ethnographic approach to the daily work of reception workers. This guiding theme explores how reception categories are (de)/(re)constructed from the ground in the daily work of reception workers as they negotiate the apparent neutrality and fixedness of state categories, resources, needs and principles.

**Objective 2.** Analyse the gap between policy and implementation within the asylum reception system.

**Sub-objective 2.1** Analyse the implementation of asylum reception policies through reception practice.

**Sub-objective 2.2** Explore reception workers' processes of negotiation between resources, needs, and principles.

**Sub-objective 2.3** Explore the intersection between personal values, organisational culture, and state asylum policy in the implementation of asylum reception services.

**Objective 3.** Reveal the situated construction of asylum and welfare categories in asylum reception.

**Sub-objective 3.1** Analyse the different constructions of migration categories that take place within asylum reception.

**Sub-objective 3.2** Understand how specific categories such as 'vulnerability' and 'autonomy' mediate asylum applicants' access to reception rights and services.

**Sub-objective 3.3** Explore how gender, racialisation, age, sexuality, and other identity categories intersect with the construction of reception categories.

### **Axis 3: Working in reception**

Personal values, activist struggles, biases, organisational culture, and burnout, among many other factors, influence and alter how reception workers approach their work and asylum applicants and will have consequences on asylum applicant's paths through asylum procedures, reception, and beyond. This guiding theme explores reception workers' living and working conditions, their experiences as workers in reception and perceptions of their positionality within the asylum reception system, and their struggles with ideals, practices, and outcomes. This guiding theme also aims to explore broader societal tendencies towards the mounting precariousness of labour and living conditions over the configuration of asylum reception, aiming to go beyond citizen/non-citizen divides in migration studies.

**Objective 4.** Analyse what is it like to work in asylum reception.

**Sub-objective 4.1** Unravel how asylum reception workers use their discretion in the implementation of the asylum reception programmes.

**Sub-objective 4.2** Explore asylum workers own living and labour conditions and whether these have consequences for the conditions of reception of asylum applicants.

**Sub-objective 4.3** Explore wider societal trends over the precarisation of labour and living conditions in the asylum reception system over the configuration of asylum reception.

### **Doing ethnography on institutionalised hospitality**

This thesis aims to analyze the role of asylum reception structures in the governance of migration in Spain through an ethnographic approach to the main actors in making reception, that is, frontline NGO workers. Ethnography has proved to be an essential tool to approach the state in its full complexity (Mountz, 2010; Shore, 2010). Ethnographic approaches to the state

have deviated from perspectives that regard the state as a hierarchical structure and instead approached the state as the repetition and institutionalization of a plurality of social practices through a shared ideological framework (Mitchell, 2015).

In this thesis, data was collected mainly through semi-structured, in-depth interviews with 41 participants selected through a combination of the snowball method through previously established contacts with reception organizations and the direct recruiting of participants from the public listings of the organizations in the asylum reception programmes across Spain. While interviews were the primary data-gathering method in this research, there is always the risk that interviewees may present only a particular representation of themselves to interviewers (Wacquant, 2010), particularly in politicized and ethically sensible fields (Maillet, Mountz & Williams, 2017). Thus, the research also included participant observation at different reception sites, the core number of sessions at a reception centre belonging to the state's reception programme. Participant observation also allows us to see reception personnel in their environment (Wacquant, 2010:70) performing their routinary interactions with colleagues, clients, spaces, and objects. Thus it interacted with the interview methodology as it enabled the researcher to explore the contradictions and negotiations of reception workers between what they did and what they said they did. Their interpretations of the system reveal new ways to understand the "history, ideology and action" of the field (Shah, 2017).

Nevertheless, both interviews and participant observation are always to be understood as performative (Katz, 1992) as actors may also adjust their behaviour when feeling scrutinized by a researcher conducting ethnographic observation (Hammersley, 2006), so unveiling some 'truth' will never be the objective of these methods. As Fassin (2013) notes, however, what the researcher is told and allowed to observe is very informative about what research participants consider to be 'normally acceptable' (Fassin, 2013:17) and provides valuable insight into the participants' interpretations of their work and position, in this case, within the asylum regime. Additionally, relevant documentary research to the results presented in this paper was done through the analysis of the content, flows and lifecycles of asylum identity documents, the 'management handbooks' issued by the Ministry of Inclusion, Social Security and Migration (Manual de Gestión del Sistema de Acogida de Protección Internacional) and organizations' fundraising and awareness campaigns, social media publications and internal management forms and documents. These documents are constitutive of state structures, organizations and their networks and play a crucial role in "the understanding of activities, people, systems and technologies" (Geiger & Ribes, 2011).

Combining these methods through qualitative data analysis, employing memos, transcription, and thematic coding, including co-concurrence tables (in AtlasTi), allowed to construct 'thick descriptions' (Geertz, 1973). This 'thick descriptions' analysis allows to go beyond monolithic understandings of the state (Hansen et al., 2001) but understand it rather as "the people who comprise it, their everyday work and [its] social embeddedness in local relationships" (Mountz, 2010) and thus gain a better understanding of the power operates in the governance of migration. It also helps us drive away from the idea that there is a coherent 'migration

apparatus' (Feldman, 2011) in Europe that all involved actors work to maintain, but rather, while recognizing the power in their positions and in the institutions they work for, it is crucial to direct the gaze to the 'elites of the migration regime' (Cabot, 2019) to complicate the picture by revealing the bureaucratic and ethical complexities, dilemmas, and particularities of the work of different actors within the asylum regime (Borrelli & Lindberg, 2018).

Participants, including all identifying personal characteristics such as age or gender, were fully anonymized. Often, when considering the ethical implications of research on asylum issues, only refugees are framed as vulnerable to the potential consequences of ethnographic inquiry. Asylum workers, however, are also vulnerable to research consequences (Maillet, Mountz & Williams, 2017). Spanish asylum reception workers hold precarious jobs with short-term and project-based contracts, and many are engaged in advocacy activities related to their labour rights, refugee rights or other social issues. At the same time, several of the non-governmental organizations involved in this research consider that their access to state funding has been reduced due to publicly opposing government policies on asylum matters or fear it could be. For these reasons, the full anonymity of the organizations and their workers was crucial to this research. Data on which organizations receive state funding to manage the asylum reception programmes is publicly available information. Still, research data has been anonymized to avoid that any links can be made between organizations and the participation of their workers in this research.

## **Seen and unforeseen**

### ***On accessing the field***

The 2015 so-called "refugee crisis" brought about an unheard-of interest towards the Spanish asylum system. From 2015 to 2020, between the "Mediterranean crisis" and the COVID-19 crisis, interest in the Spanish asylum system soared among social scientists, journalists, and students. The NGOs in the asylum reception system became overwhelmed by the hordes of petitions for interviews they received, and access to the field became increasingly difficult due to an oversaturation of academic and media interest.

As I had previous volunteering experience in the asylum teams of two of the main organisations in the State's reception programme, access had seemed at first quite straightforward. However, as I started to prepare for fieldwork, I soon discovered that the situation had changed significantly since I had started my volunteering activities. Teams that used to have a single part-time worker were now made of more than ten people, the number of asylum applicants had grown exponentially, and requests to interview applicants and NGO representatives poured down on them, probably because they were perceived as more approachable than the state's bureaucracy and as an easy pathway to gain access to asylum applicants. Remarkably, in 2018, during my exchanges with the organisations to gain access to the field, I found it strategically much more powerful to stress early on that I wished not to speak with any of the applicants but with the workers in the asylum programme.

In general, organisations were reluctant to respond to requests to interview asylum applicants, citing ethical issues and the large number of petitions they received, in which they perceived an unnecessary exoticification of asylum applicants, a loss of time or a security breach. As Malkki observed in her research with refugees in Tanzania, ethnographers sometimes need to prove their trustworthiness by “not prying” where they are not wanted (Malkki, 1995:51). Although my contacts proved to be helpful to access the field, I encountered more resistances than I had first envisaged. The lack of response from many of the organisations I contacted or their refusal to engage with researchers, beyond reflecting on my own difficulties in accessing the field, provides a perfect illustration of how the asylum reception system had gone from being a marginal social project of a small number of NGOs to being placed at the centre of attention of a wide array of actors including politicians, media, activists, students, and academics.

It is common in ethnographies on asylum reception for the researcher to work as a volunteer for a non-governmental organisation and work alongside social workers (d’Hallouin-Mabillot, 2012; Cabot, 2013). While this was also the initial approach for this research, especially considering my previous volunteer engagement with two of the prominent organisations providing reception services in Spain, this access method has become increasingly difficult in recent times. It proved unsuitable to gain access to the organisations’ workers. The Spanish reception programme, which had been marginal in these NGOs operations before 2015, became increasingly prominent and professionalised during the period that has been popularly known as the “refugee crisis”. Before this, volunteers could have engaged in critical tasks such as preparing asylum interviews, writing country of origin reports, or even conducting interviews alongside social workers, as I did during my two volunteering positions. However, this professionalisation meant that, albeit still commonly involved, volunteers were no longer required to participate in such tasks. They more often took part in activities additional to the core of the reception programme, such as accompanying applicants to appointments if in need of assistance, teaching additional languages (the teaching of Spanish and the co-official languages was also progressively professionalised after 2015) or organising leisure activities for children and adults.

In short, most of the activities given to volunteers focused on assisting applicants and not workers, for which opportunities to spend time with NGO professionals became increasingly scarce for volunteers. At the same time, the programme was growing at a fast rate, and so were the organisations’ teams for which what had been once the job of a part-time social worker became a team of eleven working full-time, including social workers, psychologists, and lawyers. This radically changed the programme and its management, making access to these teams more difficult for the researcher as they became busier and more dispersed across different locations.

The unsuitability of this first strategy led to a change in approach that would fit the new dynamics of the programme. I decided to first do a round of in-depth interviews with key professionals in as many of the organisations in the programme as possible while exploring the possibility of engaging in observation at a later stage. As it can be seen in the table below, I conducted 34 in-depth interviews with professionals in 10 organisations in the reception system. Three of the organisations worked exclusively within the state reception programme, while

another four worked with local programmes, and the last three worked both in the state and local programmes. In addition to asylum programmes, they operated other public programmes for migrants and “vulnerable” populations. Because the 21 organisations in the state reception programme do not all operate in all regions in Spain, I did not approach the 21 organisations but only the ones that operate within Catalonia and Madrid. I also interviewed an organisation representative that provides essential services to the reception system but does not receive funds directly from the reception programme. The services provided by this organisation within the reception system’s structure are either subcontracted by the NGOs in the reception programmes or financed independently through non-asylum-related funding schemes.

After contacting the teams, they decided who within the team they thought I should speak to instead of pointing to worker profiles I might be interested in talking to. This option gave individual workers more freedom to refuse to speak to me and feel coerced by their superiors to participate, while it triggered exciting results, as I got to interview professionals that would not have been my first choice given the option but who offered alternative perspectives on the system. After completing the first 30 interviews listed below, it was decided that no more would be scheduled as a saturation point had been reached and no new information was appearing in the interviews.

Table 4. Fieldwork Interviews - NGO workers

	Code	Ag	G	Pseudo	Role	Place	Prog.	Date
1	JA-A-1 <sup>26</sup>	50	M	Carles	Lawyer	CAT	State	01/10/2018
2	JA-ES-1 <sup>27</sup>	25	F	Laia	Educator	CAT	State	22/10/2018
3	JA-TS-1	25	F	Eva	Social Worker	CAT	State	22/10/2018
4	JA-M-1	35	F	Fàtima	Monitor	CAT	State	22/10/2018
5	JA-A-2 <sup>28</sup>	25	F	Silvia	Lawyer	CAT	State	10/12/2018
6	JA-P-2 <sup>29</sup>	25	F	Alba	Psychologist	CAT	State	26/11/2018
7	JA-M-2	25	F	Ester	Monitor	CAT	State	19/11/2018
8	JA-TS-2	25	F	Paula	Social Worker	CAT	State	12/11/2018
9	JA-TS-3	25	F	Maria	Social Worker	CAT	State	19/11/2018
10	JA-M-2	25	F	Laura	Social Worker	CAT	State	11/02/2019
11	JA-C-1	40	M	Roger	Coordinator	CAT	State	26/11/2018
12	JA-P-1 <sup>30</sup>	40	F	Eli	Psychologist	CAT	State	09/11/2018
13	JA-SA-C-1 <sup>31</sup>	50	F	Cinta	Coordinator	CAT	Both	08/02/2019
14	JA-C-2 <sup>32</sup>	40	M	Marc	Coordinator	CAT	State	12/12/2018
15	JA-SA-TS-1	45	F	Pau	Social Worker	CAT	Both	08/02/2019

<sup>26</sup> Previously, JA/B/A/1/F03

<sup>27</sup> Previously, JA/L/ES/1/F1

<sup>28</sup> Previously, JA/L/A/2/F03

<sup>29</sup> Previously, JA/LL/P/2/F03

<sup>30</sup> Previously, JA/B/C/1/F03

<sup>31</sup> Previously JA/B/SA/C/1/F0

<sup>32</sup> Previously CE/BL/C/1/F1



16	JA-CC-1 <sup>33</sup>	35	F	Lucía	Communications Manager	MAD	State	10/07/2019
17	JA-SA-TS-2 <sup>34</sup>	40	M	Oriol	Social Worker	CAT	Both	12/04/2019
18	BY-I-1 <sup>35</sup>	40	F	Olga	Social Integrator	CAT	Local	21/11/2018
19	FS-D-1	20	F	Cris	Communications Manager	CAT	Local	23/11/2018
20	AH-TS-1 <sup>36</sup>	30	F	Carmen	Social Worker	CAT	Local	30/11/2018
21	AH-TS-2	30	F	Fernanada	Social Worker	CAT	Local	02/04/2019
22	BN-TS-1	35	F	Lola	Social Worker	CAT	Local	19/12/2018
23	CE-I-3 <sup>37</sup>	35	M	Pol	Labour officer	CAT	State	15/02/2019
24	CE-TS-2	35	M	Sergi	Social Worker	CAT	State	07/03/2019
25	CE-TS-1 <sup>38</sup>	45	M	Dani	Social Worker	CAT	State	15/02/2019
26	CE-I-1	30	F	Celia	Housing	CAT	State	22/02/2019
27	CE-I-2	50	F	Mercè	Language training	CAT	State	15/03/2019
28	CE-P-1	30	M	Pere	Psychologist	CAT	State	15/05/2019
29	CE-C-1 <sup>39</sup>	40	F	Patricia	Coordinator	CAT	State	09/05/2019
30	CE-TS-3 <sup>40</sup>	45	F	Miriam	Social Worker	MAD	State	10/07/2019
31	PR-C-1	45	M	Juan	Social Worker	MAD	State	09/04/2019
32	KF-TS-1 <sup>41</sup>	25	F	Lis	Social Worker	MAD	State	08/07/2019
33	EX-P-1	35	M	Francesc	Social Worker	CAT	State	05/04/2019
34	FI-TS-1	35	F	Alexandra	Social Worker	CAT	Local	17/04/2019
35	RA-TS-1	45	F	Miriam	Social Worker	MAD	State	10/07/2019

As I started fieldwork, most of the teams had worked for less than a year in the state reception programme. The workers I had the opportunity to meet were typically women under 30. For a significant share, this was their first placement after finishing their studies or the first job in social work after having had a wide range of low-skilled employment in other sectors. Many of them had finished their degrees amidst the austerity years, with severe cutbacks in welfare spending that heavily reduced contracting in the sector, particularly of inexperienced young workers. They regarded their current positions as an “opportunity” to “gain experience” in their field of expertise.

Most of these workers were unaware of the existence of an asylum and reception system before they started working in it. It was common for them to have become acquainted with the right to asylum through mass media during what they referred to as the “refugee crisis”. It was not uncommon for them to have been among the groups of volunteers travelling to Greece, Italy,

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<sup>33</sup> Previously, JA/M/CC/1/F03

<sup>34</sup> Previously, JA/B/SA/TS/3/F0

<sup>35</sup> Previously, BY/B/TS/1/F13

<sup>36</sup> Previously, AH/B/TS/1/FN

<sup>37</sup> Previously, CE/B/TS/3/F2

<sup>38</sup> Previously, CE/B/TS/1/F2

<sup>39</sup> Previously, CE/B/C/1/F13

<sup>40</sup> Previously, CE/M/CC/1/FN

<sup>41</sup> Previously, KF/M/TS/1/FN

or the Balkans to provide humanitarian aid or having organised and joined local actions for this cause before starting their job in the reception system. A smaller group of interviewees, significantly those in managerial and coordination positions, were almost all men between 35 and 45 (only two of the team coordinators in the sample were women), with long-term experience in the asylum system. They had been involved in social and legal work with migrants before the economic crisis in 2008, most having started at the peak of the immigration flows into Spain during the first decade of the 2000s. Although asylum cases were a tiny share of their workload previous to 2014, they all had some experience with asylum applications and were familiar with the reception programme, even if they had not worked directly before. The smallest group were women in their 40s and 50s, having worked in their field of expertise before (law, psychology, or social work) but in fields unrelated to migration or asylum, although some of them had been long-term volunteers in the organisations where they worked.

This hierarchy created a situation in which most of the knowledge of the asylum and reception system of the newer workers was mediated by the team coordinator's knowledge, viewpoint, and experience of the system. Beyond expectable differences in work practices among teams, it was not difficult to find patterns of opinion on key topics among team members that differed in other teams. Similarly, most frontline workers had an experiential and partial understanding of the asylum and reception system. In the first months of my fieldwork, I was constantly stricken by the contradictory information I received from different teams on the reception system's procedures, structure, and functioning. While this was partly due to the repeated changes imposed by the Ministry on the state's reception programme as it expanded to cope with the growing demand, there was a general sense of confusion among frontline reception workers, who struggled to get a clear grasp of the asylum system procedures and the different programmes beyond their immediate area of work.

Further in-depth interviews were conducted with other actors in the reception system to gain a more comprehensive understanding of all its nooks and crannies. I had the opportunity to speak to a union representative for reception workers and three programme coordinators of organisations providing reception services to asylum applicants who had refused participation in any public programmes despite having been directly invited to apply to state and local programmes by public officials (Fieldnotes, 8/02/2019). I also interviewed a civil servant coordinating one of the local reception programmes included in this research and a policymaker that had been involved in the development and implementation of a local reception programme also included in this research. Finally, I also spoke to a researcher working on asylum and migration issues in Spain.

Table 5. Fieldwork Interviews - Other

	Code	Ag	G	Pseudo	Role	Place	Date
36	CO-O-1	n/a	M	-	Union Representative	Telephone	06/03/2019
37	JA-C-1	30	F	-	Coordinator	Main Headquarters	30/01/2019
38	PR-C-1	60	M	-	Coordinator	Migration congress	08/04/2019
39	PU-SA-1	45	F	Neus	Coordinator	NGO headquarters	17/04/2019
40	PU-PL-1	50	M	-	Policymaker	City Hall	27/11/2018
41	EX-R-1	40	M	-	Researcher	Public space	06/02/2019

Although no interviews were planned with asylum applicants, as the research focuses on the structures of migration governance, some applicants' experiences were collected through observant participation in reception sites and public discussions about reception in different contexts and included in the analysis.

The observation took part in two different times and contexts. First, as most interviews were conducted in the organizations' offices, I had the chance to spend time in these spaces in between interviews, while waiting for the interviewees or even during them as the interviewees left me standing for periods as they attended their duties. After the conclusion of the interviews, I was granted permission to conduct extended observation in an asylum reception facility in Catalonia, where I could shadow two reception workers while performing their usual duties two afternoons a week for a period of three months. The observation period was planned to start on March 14th, 2020. However, as COVID-19 spread, the Spanish government mandated a lockdown which postponed the start of participant observation until September 2020. The restrictions imposed to lower the spread of COVID-19 also cut short the participant observation period at the beginning of November 2020, as partial lockdowns continued. However, these lockdowns and their consequences were also very informative on how asylum is governed, as will be explained in the following chapters, particularly Chapter VII.

### ***On a crowded field***

As the Catalan anthropologist Lluís Mallart (Nisa, Romagosa & Rué, 2012) used to say, ethnography is the art of losing time. Nevertheless, how is it possible to lose time in a field immersed in the cumulation of cases, overtime, and stress? The interviews and observations that ground this research were done under the pressure of a ticking clock. They were interrupted once, twice or ten times by phone calls, room changes and emergencies. They were conducted in cafeterias during the interviewees' (or the ethnographer's) lunch break. They took place in rooms cramped with filing cabinets, spare chairs, and old computers. Conducting interviews and participant observation in workplaces can be challenging in their own particular ways. While some offices may have meeting rooms or private bureaus for their workers, this was rarely the case in these NGOs. Of all the organisations' offices I visited, only the Red Cross's main headquarters in Barcelona, which had been completely renovated in 2016, could be regarded as a dignified workspace. All the other offices were dark, too small for the number of workers,

and cramped with tables and filing cabinets. Opening doors or going up flights of stairs often required other workers to stand up or change position in their workstations. The offices lacked waiting areas, or these were far too small for the number of people waiting to be called in. I often found myself standing in the middle of corridors, next to a photocopier, while workers rushed past me with questioning faces. If the ethnographer's work is always uncomfortable (Van Maanen, 2006), this was, indeed, the predominant sensation during fieldwork. All this, the lack of physical space, the material precariousness of workspaces, and the rushedness in which everything had to be done, was particularly revealing of the working conditions of reception workers, as it will be explored in some depth in Chapter X.

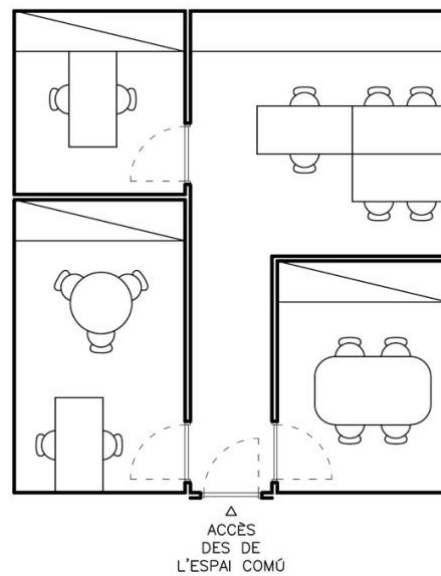


Figure 14. Local office NGO\_1. Based on the researcher's sketches and digitalised by Lo Passeig Arquitectura

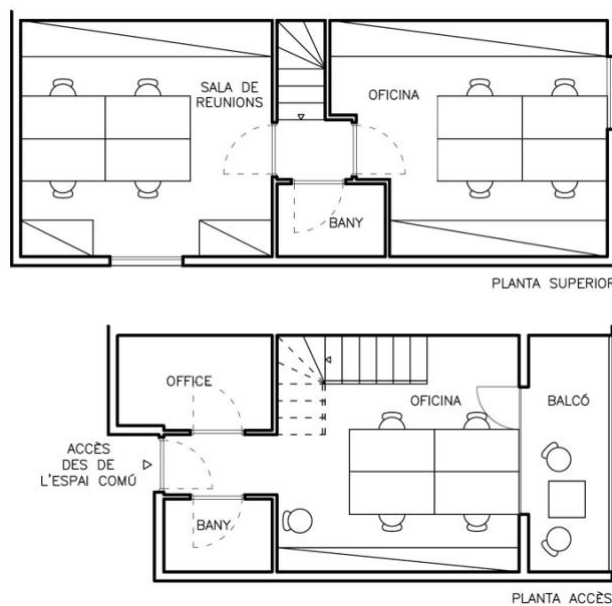


Figure 15. Offices at reception facility NGO\_1, where participant observation took place. Based on the researcher's sketches and digitalised by Lo Passeig Arquitectura

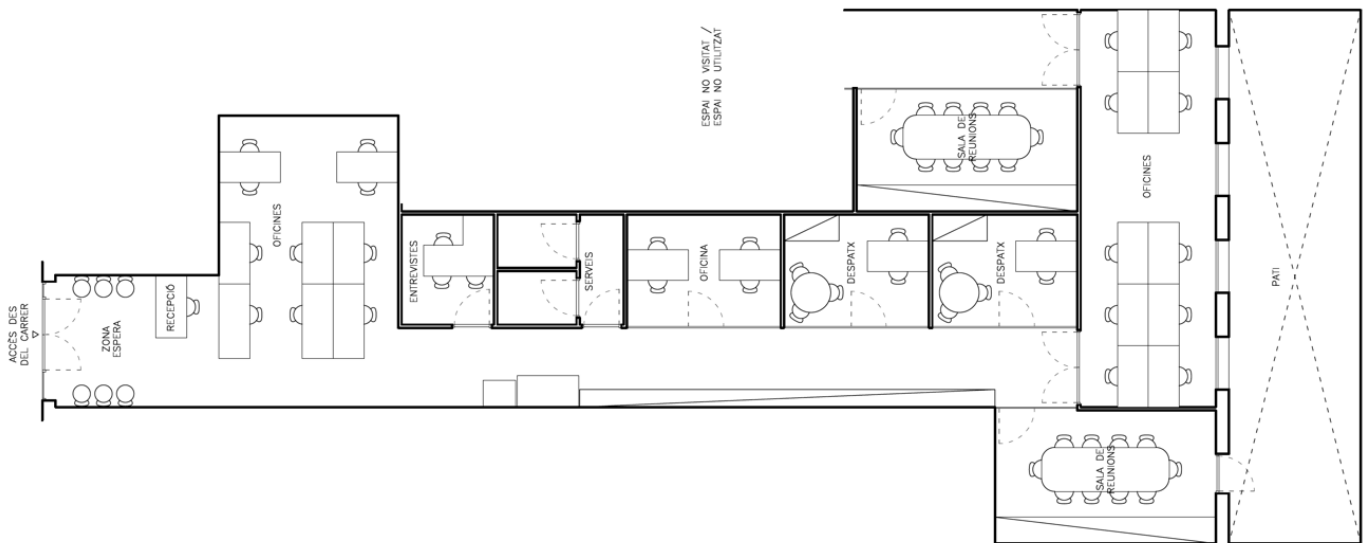


Figure 16. Regional Headquarters NGO\_2. Based on the researcher's sketches and digitalised by Lo Passeig Arquitectura

Conversely, all the people I interviewed and shadowed during the time spent in the field were amicable and welcoming and, for the most part, happy that someone would take an interest in what they considered boring daily routines, such as filling repetitive forms in 2014 interface or to complain about all the problems they faced at work. However, there was always a lingering feeling of being out of place, of being one more nuisance in their already far too busy days. They apologised in advance for having only a brief half an hour for me. However, they often stayed for longer, continuously complained about their lack of time to do their work as scrupulously as they would like to, highlighted that they had been working overtime for weeks and kept on saying sorry for the many interruptions to our conversation when I could not help but feel that I was the one who was interrupting their work. However, on occasions, time was also lost, and some of the interviews went on for hours on end as the conversation became less and less formal while we sipped cold coffee from a paper cup. A few lucky encounters happened outside the workplace. Some reception workers preferred to meet after work, and we sat in cafés and pubs with much better-quality coffee and the occasional beer. These conversations were always the most informative, ridden of the constraints of the institution; there was always one more level of relaxedness and confidence. We bantered, and the discussion got personal much faster. Burnout, tiredness, political stances, and labour precarity became central in these conversations and procedures. Bureaucracy, and work difficulties, which dominated at-the-office talk, became marginal topics.

After this first round of interviews, I maintained regular contact with the regional coordinator of one of the three major organisations, who, in February 2020, agreed to allow me to shadow a local reception team for an initial period of three months, starting on Monday, 16th of March 2020. Nevertheless, two days previous, the global COVID-19 pandemic led to a “stay at home” order from the Spanish government, cancelling all non-essential activities. On the 14th of March, as the COVID-19 situation appeared to worsen, in conversation with the reception team and my

supervisors, we decided to postpone my time doing participant observation until the situation was safe for all. The “stay-at-home order” was extended until May 2020, when it was progressively lifted, but we did not consider it safe to resume the intensive participant observation activities until September 2020—the time in lockdown paralysed the observation phase but not research. Every contemporary social phenomenon has its development in the online world, and asylum reception is no exception. NGOs, activists, academics, and State agents have a pervasive online presence. Official statements and criticism alike are issued on Twitter, raising-awareness campaigns crowd Instagram, Facebook and YouTube, and websites fill up with statistical data, art, or reception experiences. While the online world is often framed as a different reality due to its dynamics and particularities, it is essential not to forget that there is an unescapable embeddedness between the so-called “online” and “offline” worlds that makes it unreasonable to analyse them as separate (Jubany & Roiha, 2018) or to ignore either of these arenas in one’s field of research.

Since the beginning of the project, I had been keeping a field diary following the online traces of as many of the actors on the reception system as I could handle, especially those at the fringes of it—grassroots movements, migrant support networks, squats, charities, activists, and advocates. One of my main interests was in the web of relations that constituted the reception system beyond its official façade, and social networks provided an ideal setting to explore the activities of all these actors beyond the reach of the face-to-face fieldwork of this research. Among the vastness of the Internet, however, the main problem the researcher faces is to set boundaries to relevant information. For this reason, I limited my searches to posts referring directly to the public reception apparatus, following hashtags such as  *#(des)proteccion-internacional [international (un)protection]* or  *#acollidadigna [dignified reception]*, or movements and groups explicitly providing reception to asylum applicants such as Casa África or Okupa Casa Cadiz in Barcelona. During the COVID-19 lockdown, this became a more prominent aspect of the research, as some of the organisations in the State and local reception programmes started bringing additional information online, such as interviews with their social workers working about their experiences during the pandemic or testimonies of living in confinement in reception centres. In addition, I tried to maintain contact with some of the workers I had interviewed during the first phase of fieldwork. I had some informal conversations with them over the phone over how the pandemic had changed (or not) their work and which had been the consequences of the lockdown for the reception system.

In September 2020, the regional coordinator, the facility coordinator, my supervisors, and I agreed it was safe to resume participant observation. From September 2020 to the end of November 2020, when COVID-19 cases started to surge again, putting an end to my fieldwork phase, I joined the team of a reception facility in NGO\_1 two afternoons a week<sup>42</sup>. Despite this being the smallest of the offices I visited, and I was asked to go there in the afternoon exclusively because there was no room when the entire team was in the office in the mornings, they made

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<sup>42</sup> From 15h00 to 19h00. All the workers worked part-time. They formed two teams, all of them working from 9h00 to 14h00 from Monday to Thursday and each team working on alternate Fridays and alternate afternoons -15h00 to 19h00- from Monday to Thursday. None of the workers at this facility worked on Friday afternoon, Saturdays, Sundays or outside the mentioned working hours.

me feel very welcome. From the first day, they always treated me like one more in the team. I was shocked to see how readily they volunteered confidential information about asylum applicants, such as their sexual orientation or health status. I was always presented to asylum applicants as another reception worker who was “helping” or “learning”. I was never given the occasion to explain my position as a researcher to applicants, while workers all knew about my role. Asylum applicants never objected to my presence as we toured the apartments or in interviews, but some were notably uncomfortable having an additional person in the room while they discussed personal issues with their assigned social worker. Sensitive topics were brought up by the social workers in interviews where I was present, even when it was the first time I got to meet the asylum applicant they were interviewing. Several people showed signs of discomfort at the mention of specific topics. Thus, for ethical reasons, all personal information about applicants given by applicants or social workers has been entirely omitted from the presentation of results, despite already being anonymised. That is, no information on countries of origin, health, gender, sexuality, marital status, religion, or any other personal characteristic from particular asylum applicants gathered during the ethnographic fieldwork has been included. Conversely, generic references like: “people from \*country of origin\* face increased difficulties” have been included.

## **On naming and defining**

### ***Refugees, asylum, reception, protection***

The categories that describe human mobility across borders are multiple, mutable, and politicised. Governments, media, activists, migrants, and academics incur in what has been called 'categorical fetishism' (Apostolova, 2015 in Crawley and Skleparis, 2017). 'Categorical fetishism' refers to a tendency to label the complexity of peoples' lives and migration paths, engaging in fruitless discussions over the specificity of each category while handling them as if they had a fixed and clearly defined existence as if objective criteria could be found to establish whether someone *is* an “economic migrant”, a “tourist”, a “refugee”, an “asylum seeker”, an “expat”, or else. Western democracies' asylum system is perhaps the epitome of this: an entire government apparatus based on the assumption “refugee” status can be proven and objectively established through the careful scrutiny of documents, bodies, emotions, and experiences of those categorised as “asylum seekers” (Fassin & d’Hallouin-Mabillot, 2005; Jubany, 2017; Kobelinsky, 2012). Evidence, however, points in the opposite direction. Migration movements answer to complex, multiple and combined reasons (Crawley & Skleparis, 2017), and most people arriving in Europe could be found to have grounds to be recognised as a “refugees” under the parameters of the Convention and the Protocol. At the same time, the Convention is far from being applied consistently across Western democracies (Thränhardt, 2021), and while it can be applied in a restrictive manner, it has also proved to be able to accommodate a wide variety of particular cases (Fassin, 2015; Gabrielli, Garcès-Mascareñas & Ribera-Almandoz, 2022), showing its arbitrariness as a frame of reference. Thus, although the Convention and the Protocol are the main frames of reference, it is impossible to refer to a single definition of ‘asylum’. 'Asylum' takes different meanings in its different contexts of use, as discussed further

in Chapter II. Therefore, any research within this area needs to address the ideological and political weight of the concepts and categories in use and how they will be used.

Despite “asylum seeker” being the most commonly used category in English to define people who claim asylum in Western democracies, in academia, media and policy contexts, I will avoid its use for several reasons<sup>43</sup>. First, this category falls far from any of the categories used in the Spanish context. There is no literal translation of “asylum seeker” into Spanish or Catalan, at least not in everyday or academic use. The phrase that would translate “asylum seeker” is “solicitante de asilo/sol·licitant d’asil” [*asylum applicant*], and its use is mainly limited to formal contexts such as official documents and communications, NGOs literature or academia. Although not unheard of, it is rarely used by the media and is mainly limited to referring directly to legal status or asylum procedures.

The category most commonly used in politics, media and popular debates is “refugiado/refugiat” [*refugee*], which is used with a wide array of meanings across the political spectrum. Demonising expressions equivalent to “bogus asylum seeker” or “real refugees” have not penetrated the public discourse to the same extent as in other EU countries such as Germany, the UK or France, despite the underlying discourses to these expressions are present and are becoming increasingly preeminent in the public and political debate, having been part of Spanish politics for a long time in reference to “irregular migration”. Second, in the context of the Spanish asylum reception system, “asylum seeker” may lead to confusion as it could refer indistinguishably to people who have formally claimed asylum, people who have the intention to do so or people who are attributed an intention to do so, even if they do not have such intention.

The main focus of this thesis is the asylum reception system. Thus, it will, for the most part, speak only of those who have officially filed an asylum application or been recognised under some form of international protection, for which I will use “international protection applicants” or “applicants” for conciseness and “international protection beneficiaries” or “beneficiaries” when relevant. When not referring exclusively to those who have formally filed an asylum application or are in the process of doing so and, thus, fall within those that the state recognises as “asylum applicants”, I will use the more generic term “migrant”. This I will do, on the one hand, to try to avoid engaging in the ‘categorical fetishism’ of distinguishing between “economic migrant”, “forced migrant”, “irregular migrant”, “asylum seeker”, or “refugee”. On the other hand, the term “migrant” has its own caveats, particularly since it has been used expansively to include people who have long settled, not being currently engaged in a migration process despite having been in the past, people who do not have a personal history of migration but are associated to migration through family ties or even people who do not have a personal or traceable family history of migration but who are read as such by nationalist gatekeeping discourses. Within the context of this research, when used as an *emic* concept, the term “migrant” refers exclusively to people who have a personal history of migration. When used as an *etic* concept, it refers to ‘people who are categorised as “migrants”’, either by research

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<sup>43</sup> Two of the articles in the compilation (Chapter II and Chapter VI) use “asylum seeker” rather than “asylum applicant” due to editorial choices.



participants or other official categories. In occasions, “non-citizens” are used to refer to exclusions linked to the lack of citizenship.

Finally, by not using “asylum seeker” or “refugee”, I also hope to avoid some of their negative connotations. In this regard, it is true that, as has happened with “asylum seeker”, “asylum applicant” could be understood as essentialising in the sense that it can be read as referring to a defining feature instead of as a transitional state. Yet, I believe that, in this case, “asylum applicant” stands at an advantage over other alternative categories such as “asylum seeker” or “refugee” in as much as it more clearly refers to a particular bureaucratic procedure rather than to a potentially permanent state of being. It is chiefly due to its reference to the bureaucratic procedure that the concept of “asylum applicants” is not neutral nor free of complexity. As mentioned above, this is the closest to the official terminology used by the Spanish state, which refers to *solicitantes y beneficiarios de protección internacional* [applicants and beneficiaries of international protection] contributing to reproduce and legitimate State categories and the state’s power to create and enforce categories of mobility. Yet, it is the objective of this research to precisely scrutinise how this power is implemented within the asylum reception system and, specifically, by asylum reception workers for whom the use of the official category represents a neutral standpoint. As it is discussed in Chapter II, this category is represented as a ‘neutral standpoint’ by reception workers means it is rarely employed by them, allowing them to better highlight ‘emic’ uses of other categories such as *refugiado/refugiat* [refugee].

### ***The asylum reception system***

Similar concerns relate to using the ‘asylum reception system’ concept. So far, I have been using this in reference to the state’s official reception programme known as *Sistema de acogida para solicitantes y beneficiarios de protección internacional* (before 2019) / *Sistema de Acogida e Integración* (from 2019 onwards) or SAI-SBPI / SAI (for its acronyms in Spanish).

Nevertheless, the reality is significantly more complex. Despite, on paper, the state being the sole responsible for asylum applicants’ reception, the multiple protection gaps in the SAI-SBPI are patched up by the intervention of other institutions, public authorities, NGOs, and civil society organisations. Within Catalonia only, to the best of my knowledge, there is both a reception programme managed by the regional government and at least three specific local reception programmes in the municipalities of Sabadell, San Boi and Barcelona that operate as ancillaries or parallelly to the state’s programme. The same situation is mimicked in other Autonomous Communities with supplemental reception programmes and in regions where municipalities or other supra-municipal bodies have launched reception programmes. Despite not being part of the state programme, these cover specific reception needs of asylum applicants and refugees, and most of them target those who have either not (yet) been able to access the SAI or those who have either graduated or been expelled from it.

Thus, when speaking about the asylum reception system, I am referring to the SAI and to the network of public and private actors that have taken on the provision of specific services for asylum applicants and refugees; either by being directly funded by one of these projects or through subcontracting of specific services. I exclude from my analysis all civil society,

grassroots, and activist organisations or NGOs that do not have a direct funding link with any asylum-specific public reception services. I also exclude all public services that provide services to asylum applicants but do not have a project for this specific aim or are not part of the recognised path for asylum applicants' reception. That is, it excludes, for instance, local homelessness programmes. However, it may include other non-specific public services such as the Servei d'Atenció a Immigrants i Refugiats (SAIER) in Barcelona, which is a generalist service for all migrants but which acts as a one-stop-shop for anyone wishing to apply for asylum in the city, who will be referred to this service for a first assessment.

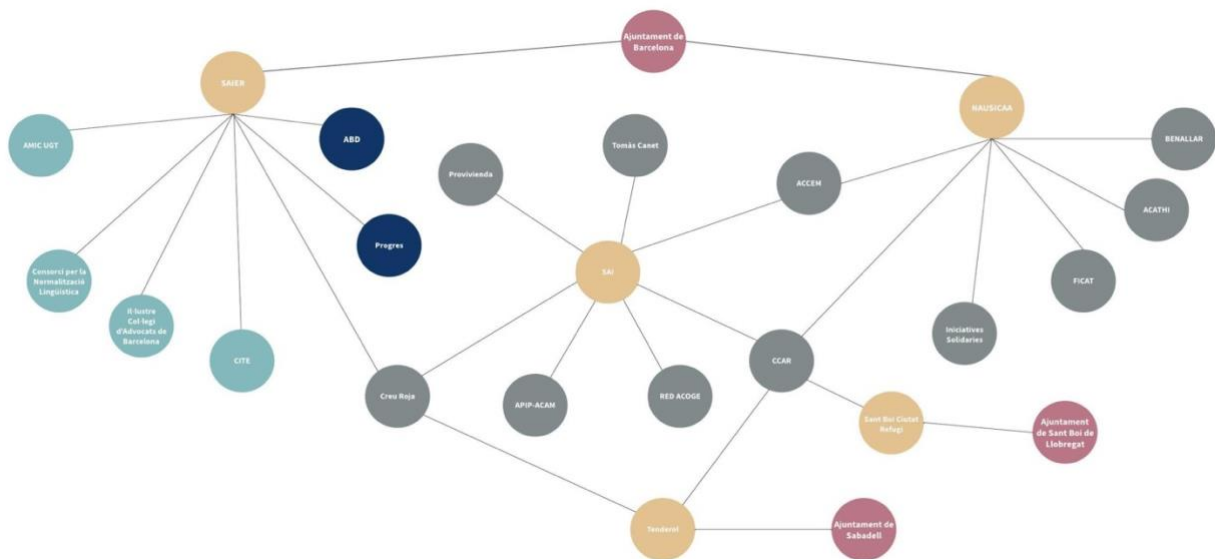


Figure 17. Asylum reception system in Catalunya, considering only public programmes that provide housing services (or are a necessary step to access these) for asylum

All the interviews were conducted with representatives of these public bodies in charge of reception programmes and the NGOs working within these public programmes. These were conducted within the SAI-SBPI in Catalonia and Madrid, the regional programme in Catalonia, and the local programmes in Barcelona and Madrid. However, one of the interviews was conducted with an organisation not involved in any of the public programmes. Its inclusion in the sample was motivated by their overt rejection to participate in the publicly funded programmes despite having been instilled to participate in the state programme by public officials (Fieldwork notes, 30/01/2019).

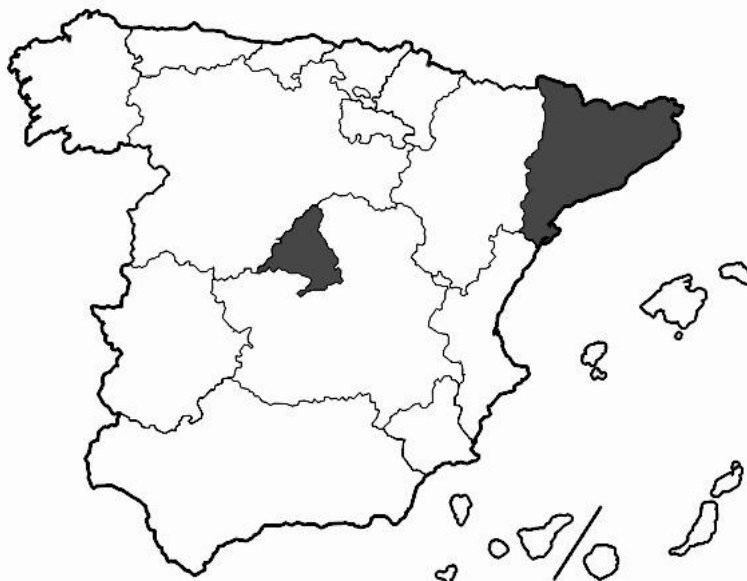


Figure 18. The ethnographic fieldwork was conducted in the regions of Catalonia and Madrid

### **Asylum reception workers**

The central focus of this research is NGO workers in the Spanish asylum reception system. Reception teams in the state programme include three different categories of social workers, distinguishable by their level of training [*trabajadores sociales*, *integradores*, and *monitores*], lawyers, and psychologists. Teams may also incorporate other workers from diverse backgrounds, such as business, social sciences, or communication. Despite their specialisations, their primary role is to provide ‘reception services’ to asylum applicants, and their insertion highly defines their work in one of the asylum reception programmes.

The first articles written for this thesis (Chapters V, VI and VIII) refer to these participants as ‘asylum professionals’ while later publications label them as ‘asylum workers’. Lexical distinctions between ‘worker’ and ‘professional’ distinguish between manual and so-called ‘skilled’ labour. While the first choice of ‘professionals’ aimed at recognising expressions at use for their positions, the choice of ‘worker’ was both a linguistic and political one. Again, as in the case of ‘asylum seeker’, the translation of ‘professional’ is not fully comparable between English and Spanish/Catalan. However, more importantly, the use of ‘worker’ reflects better the positionality and struggles of being employed in the asylum reception system.

The rapid expansion of the state’s reception programme required building teams almost overnight, so organisations drew from their pools of interns and long-term volunteers. Researching the job offers on the organisation’s websites, as it was done as part of the documentary research for this thesis, shows that employment in the sector is dominated by part-time and short-term contracts. Additionally, as it steamed from fieldwork, most reception workers are expected to work overtime without compensation and see their positions as underpaid. In the research period, the main organisations that participated have gone through strikes and union negotiations to improve workers’ conditions, some more successful than

others. As mentioned above, the sector is also pointedly gendered. Teams are made mostly of young women, generally white, while managerial positions, where contracts are fixed-term and full-time, are disproportionately held by middle-aged white men.

As Shore (2010) has argued, an ethnographic approach to governance allows us to regard this performative aspect of the policy, observing how policy is implemented by looking at what people do, in contrast to what they say they do. Looking at the work of NGO practitioners in externalised reception programmes, an ethnographic perspective also allows us to understand the density, uncertainty, and contradictions of their ambiguous positionality in acting both as state agents and humanitarians. Their ambiguous position makes them agents of state control over asylum applicants' lives. They are restricted on their scope of action by limited budgets, strict and tedious bureaucratic procedures (Zacka, 2017), and labour precariousness (Simonet, 2012), but also have large margins of discretion, privileged knowledge of asylum procedures, and a brokering position towards the state (d'Hallouin-Mabillot, 2014) that allows them to negotiate rights and services for the subjects of their intervention. Thus, as Alison Mountz points out, ethnographic observation allows us to document the "frustrations, subversions, and networks among governmental and nongovernmental players, which can contribute to political breaking points with the state, theorised as an institutional arrangement of social practices" (Mountz, 2010:xxiv). An ethnographic approach to bureaucracy, however, also presents limitations as much as it will never provide a complete analysis of the social field under study. As Hoag argues, "we analyse and evaluate the ways that social actors (bureaucrats) analyse and evaluate other social actors (clients), ours are partial perspectives of partial perspectives" (Hoag, 2011:88). However, the ethnographical approach's significance lies in gaining a deep understanding of the social significance of these partial perspectives in context, as opposed to providing faithful and complete descriptions of immutable facts. Beyond that, approaching the asylum regime from daily practices of implementation and its bureaucratic construction allows us to go beyond studies of 'the suffering other' ( Ticktin 2017) that has been a constitutive interest of recent ethnographic work ( Robbins 2013), especially in the field of migration (Holmes & Castañeda, 2016). Nevertheless, as Heather Cabot argues, anthropological work has tended to engage in 'critical' analysis that reproduces the same "worlds of knowledge and practice that we critique" (Cabot, 2009:268) by asserting a high moral ground over the power actors in the asylum regime by depoliticising our work. Thus, an ethnographic approach will be crucial to approach the "elites of the asylum regime" but must do so by "going beyond critique to document the ethical, moral, bureaucratic and political complexities of this world" (Cabot 2019:271).



## PART II: A PATCHWORK SYSTEM

## Chapter V<sup>44</sup>

### The [dis]order of the Spanish Asylum Reception System

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#### **Introduction: from hospitality to abandonment**

While Spain was for the most part of the first decade of the 21<sup>st</sup> century one of the main migration gateways to Europe, the number of asylum seekers in this state had always been well below the European Union average (Ferrero, 2016). In a context of a growing economy, coupled with a relatively accommodating immigration law, during this decade refugees often opted for more accessible paths of regularisation even if they would have probably been eligible for asylum. However, the Venezuelan crisis, the increased difficulties to reach other ports of entry in the Mediterranean, and the hardening of immigration policies across Europe, among other factors, contributed to Spain becoming one of the main asylum receiving countries in the European Union (Eurostat, 2019a).

During the last decades within the European Union the Spanish asylum reception system has tended to be perceived as particularly hospitable, mainly due to its focus on integration and autonomy (Garcés-Mascreñas, 2019). Common approaches to asylum reception in the EU have tended to promote direct provision and isolation for the duration of the administrative procedure. Conversely, on paper, the Spanish programme put great emphasis on the incorporation of asylum seekers into the labour and housing markets, prioritizing reception centres in urban enclaves over rural ones. However, the rapid growth of asylum numbers and reception schemes to accommodate the increase in the number of arrivals of the last five years, has aggravated chronic deficiencies of the reception programme, exposing its flaws, and creating new ones.

This surge in applications has also raised academic interest in a historically under-researched Spanish asylum system (Jubany, 2006), although ethnographic and qualitative studies of reception in general remain scarce (see, however, Gutiérrez Hernández, Carrillo Palacios, & Alboreca Fernández, 2018; Iglesias-Martínez & Estrada, 2018; La Spina, Vicente, Urrutia, & Morondo, 2018). To address this gap this chapter presents an analysis based on an original ethnographic research, focussing on the everyday reality of the reception system that asylum seekers and professionals experience in Spain. The investigation included 40 in-depth interviews with professionals working in reception, both from public bodies and NGOs in the state reception programme and additional reception programmes, across Spain. Drawing on the

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<sup>44</sup> Published as: [Jubany, O., & Rué, A. \(2020\). The \[dis\] order of the Spanish asylum reception system. \*Quest for Refuge: Reception Responses from the Global North\*, 149-170.](#)

results of this research, the chapter exposes the paradox of such an apparently hospitable system, which has been rendered inhospitable by the state's abandonment of the duty of protection towards asylum seekers. The conjunction of the politics of "non-doing", alongside the bureaucratic maze that has been created and a meritocratic approach to social services, have contributed to this relinquishment of the framework of protection for one of neglect, grounded on the outsourcing of reception responsibilities to a wide array of actors. As the chapter shows, rather than offering protection to those in situations of special vulnerability, the current reception system in Spain fosters the exclusion of those who are unable to keep up with the requirements of the system and pass the barriers that the reception programme sets.

### **Chaos within a clockwork design**

Whereas for two decades, from 1994 to 2014, the number of international protection applicants was consistently below 10,000 (Ministerio del Interior, 1989-2018), by 2015 there was a change of pattern and the number of applications has kept on rising since, resulting in Spain becoming one of the main countries of asylum reception in Europe. Whilst in 2014 there were 5,947 asylum applications, in 2019 there were 117,795 (Eurostat, 2019b). The response to such rapid growth was articulated by a reactive— rather than planned- approach to the asylum reception programme<sup>45</sup>. In 2014, there were barely 800 beds available in the first phase of the programme, whilst by the end of 2018, there were approximately 8600 (Garcés-Mascareñas & Pasetti, 2019). This rapid expansion critically relied on the outsourcing of responsibilities and implied a proliferation of the number of organisations that work in the management of the programme.

From the mid-1990s to 2014 the management of the asylum reception programme was split half-and-half between three NGO<sup>46</sup> and the state. By the end of 2018, there were more than 20 organisations involved<sup>47</sup> in the reception program for asylum seekers, and the role of the state had become marginal, managing only 6% of the available reception slots (Garcés-Mascareñas & Pasetti, 2019). Before this expansion, there were certain differences among the three organisations managing the state's asylum reception programme, essentially due to different approaches to social work and to the role of the organisation in society. With the expansive transformation the diversity in approaches multiplied as the number of organisations in the system increased, many of which had no experience in the fields of asylum or migration prior to 2014.

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<sup>45</sup> Called Sistema de acogida e integración de solicitantes y beneficiarios de protección internacional - SAI-SPBI [System for the reception and integration of international protection applicants and beneficiaries], the Spanish reception programme is managed by the Ministerio de Trabajo, Migración y Seguridad Social - MITRAMISS [Ministry of Labour, Migration and Social Security] Official information on the programme can be found here: <http://extranjeros.mitramiss.gob.es/es/ProteccionAsilo/informacion/index.html> and a visual explanation of it can be found here: <https://www.cear.es/persona-refugiada/proceso-de-asilo/>.

<sup>46</sup> The three NGOs are the Comisión Española de Ayuda al Refugiado (CEAR), Accem and the Spanish Red Cross (CRE).

<sup>47</sup> The 2018 grant was given to 21 organisations, 18 of which provided full reception programme services whilst the other three provided additional services (Ministerio de Hacienda, 2018). Despite this, the three NGOs that have been involved in the reception programme since its creation, CEAR, Accem and CRE, still managed the vast majority of the reception places. By the end of 2018 CEAR had 1,727 (CEAR, 2020), Accem 1,026 (Accem, 2020) and CRE 2,593 (Cruz Roja Española, 2020) out of the approximately 8,600 total reception places.



A main intention in the initial design of the Spanish asylum reception programme was to encourage the asylum claimant to become autonomous, by progressively withdrawing social benefits and facilitating the claimant's incorporation into the housing and labour markets. This was envisioned as parallel and synchronised to the gradual access to legal permits that could support this path towards autonomy. That is, the first residence permit would go hand in hand with access to a direct provision programme, giving asylum seekers time to settle and learn the language. In this framework, obtaining a work permit would concur with the abandonment of direct provision after six months and the start of a period of subsidised but independent living, including vocational training, internships and job seeking support. Within the context of the current asylum reception programme, however, these goals of "integration and autonomy" have lost their initial aim and are currently understood through a narrow definition that refers mainly to achieving financial independence from public subsidies, which is to be attained by fostering incorporation into the labour and housing markets. Thus, as shall become evident below, the conjunction of a politics of "non-doing", a bureaucratic maze and the outsourcing of reception responsibilities to a wide array of different actors, converted the seemingly welcoming system into chaos.

The first evidence of the chaos that reigns in the asylum reception programme in Spain comes precisely from the realisation that the synchronicity between the legal and reception procedures has never existed, except on paper. In June 2019, there was an accumulated backlog of approximately 120.000 cases at the Asylum Office (Martín, 2019), which created delays on first interviews and on permits' renewals, leaving some asylum seekers without valid documents for periods of up to two months. In addition, the lack of accommodation in the direct provision phase implied that asylum claimants needed to wait for periods of six to seven months to access subsidised accommodation. This is coupled with a lack of emergency accommodation within the reception system, with the few available slots provided only to those identified as "extremely vulnerable"<sup>48</sup>:

*To access certain resources, which are scarce, really limited, beyond being in a situation of vulnerability, they have to present a series of additional problems. 100% of people who come here are vulnerable; but beyond this situation of social or economic vulnerability you need to face additional problems, which are the ones that give preferential access to certain scarce resources. A family unit with minors, physical or mental health issues... (Social worker, reception emergency services – JA/B/SA/C/1/F0)<sup>49</sup>.*

Within the asylum reception system, the category of "vulnerability", as mostly addressed by the debate of the category of "victim" (Christie, 1984), tend to be essentialised and generalised by cultural discourse often mediated by normative perceptions and stereotypes that contribute to the exclusion of those who do not fit within the hegemonic parameters (Mas Grau, Rué, & Roiha,

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<sup>48</sup> The e inverted commas here are intended to acknowledge the debatable, complex and contested nature of this category. Its uses within the context of the Spanish asylum reception system are addressed in the paragraphs to follow.

<sup>49</sup> All interviews have been codified to guarantee the anonymity of the interviewees. Our own codes are included in reference to each quote for access and data management purposes.

2020). This has direct repercussions in the development of asylum policies, with the granting of asylum increasingly presented as a charity granted by the host countries, rather than as a right of the refugees (Jubany, 2017). On the ground, this leads to high rates of homelessness and destitution of those who are not perceived as complying with specific parameters, yet do not have the means to provide for themselves (Garcés-Mascreñas, 2019). This is evidenced in the everyday work of social workers that receive asylum seekers, possibly more clearly than in the common categorisations established:

*Getting access to emergency reception is a real tragedy. The requirement is for you to be vulnerable, but not only vulnerable from the vulnerability list, but also having minors in the family or being a single parent or having a recognised disability. Otherwise, you become homeless. So, what happens? A single man will never access emergency accommodation. [...] Yet, isn't a single man from Afghanistan travelling alone and who has suffered torture as vulnerable as a family? (Social Worker, programme NGO – CE/B/C/1/F13).*

The consequences this has for local emergency and homeless shelters often means that general services are being mostly occupied by asylum seekers, especially in larger cities, where most applications are filed, and can end up collapsing:

*They [asylum seekers] have not become homeless because the [local emergency services] have denied them a roof. [...] They are homeless because City Hall hasn't done anything to prevent it and, above all, because the Ministry hasn't done anything. When the Ministry does not comply, they [asylum seekers] become 'homeless people', then it's the City Hall [who has to take responsibility]. But the City Hall cannot deal with everything, so they are sleeping in a church (Social Worker, NGO Local Reception Programme – KF/M/TS/1/FN).*

In July 2019, the Madrid authorities had decided to close an emergency facility that had opened just a few months before, to cope with the growing need for emergency housing. With no accommodation options, a few asylum-seeking families ended up sleeping in the hall of the emergency service office. Unable to provide solutions, many of the emergency social workers joined in a three days protest until the City Hall housed the families. This lack of an efficient and prompt response from the state and other public administrations to the rising number of asylum seekers in situations of destitution has led activists and charity groups to take over in providing emergency accommodation. Professionals in these public services, facing the impossibility of offering solutions to homelessness situations with the existing public resources, have resorted to making informal referrals to these activist groups and charities. Conversely, the more actors become involved in covering up for the failures of the official reception system, the more the responsibility dissipates from the hands of the state.

In this situation, many asylum seekers arrive to the direct provision programme without having gone through the first asylum screening interview, whilst having spent time homeless. Often, they leave this direct provision period holding only provisional documents and without a work permit. With a limited time of 18 months before the public subsidies end, any delays will lead

asylum seekers to abandon the reception programme without having achieved a minimum degree of autonomy, leading to a chronic situation of vulnerability and exclusion.

To address this, some local and regional authorities have created specific programmes that asylum seekers can apply for, after having exhausted the state reception system. These programmes, however, do not exist everywhere, and when they do, they vary widely from one place to another. The Barcelona City Council, for instance, has a continuity programme for asylum seekers who have left the state programme but have not been able to achieve the expected level of autonomy. In Madrid, in contrast, the City Council launched a programme to provide short-term emergency shelter for asylum seekers who had not yet had access to the state reception programme. On the other hand, some smaller councils and institutions across Spain organise services such as access to subsidised housing for asylum seekers who have completed the state's reception system, whilst other municipalities with a significant presence of asylum seekers have not launched any specific services targeting this group.

In any case, the coordination between the reception and administrative systems is not only unsynchronised but also lacks homogeneity between how each case is dealt within the administrative procedure. This is not due to the diversity in the nature of the cases themselves but depends on factors such as where the application was filed, or the time spent in emergency accommodation. This means, for instance, that two persons in the same stage in the reception programme can have very different administrative situations, while two persons with the same administrative situation can be in different reception stages:

*We have seen lots of people who only have a paper with an appointment for their interview, but this does not mean they have been accepted into the procedure. We had many people with this little piece of paper they were giving out in [National Police Station], just with the date of the appointment but it did not have an ID number, so they had not had their first screening interview yet. There is barely any of them left now really, but we had many and we have had many of them in the direct provision stage... many of whom left without having had the first screening interview. So yes, it's a time of chaos... (Coordinator, NGO State Reception Programme – JA/M/CC/1/F03).*

As evidenced by the first-hand experience of the programme coordinators, the inability to cope with the increase in asylum applications has compromised the functioning of the whole system. What was designed to function with the synchronicity of a clockwork machine has become immersed in a systemic chaos. This general failure, however, has more to do with the consequences of a chronic lack of political interest, funding and resources, than with the surge in applications and needs.

## **Politics of “non-doing”**

Following a long tradition of a “politics of non-doing”<sup>50</sup> in regard to asylum (Estrada Villaseñor et al., 2018; Ferrero, 2016; Jubany, 2006), the reception system in Spain experiences a chronic lack of attention, funding, and resources (López et al., 2016). The main evidence that a politics of “non-doing” defines an asylum policy in Spain is that although the Asylum Law<sup>51</sup> was passed more than ten years ago, no subsequent regulation has yet been approved (García Vitoria, 2018). This has had critical consequences on the legal asylum procedure but also on the asylum reception system, especially concerning the lack of definition of protocols of action regarding vulnerable cases as contained within the Law (Estrada Villaseñor et al., 2018). In this context, it must be noted that Spain is yet to transpose Directive 2013/33/EU on asylum reception conditions and, consequently, it has not introduced the substantial changes that this directive incorporates. Such lack of regulation means, as professionals recognise, that the ‘Management Handbooks’ (*Manuales de Gestión*)<sup>52</sup> have become an informal substitute for the development of the Asylum Law, at least for the concerns of the reception programme:

*In truth they are not changing the concept [of asylum seeker in the Handbook] but they are using the Management Handbook as a Royal Decree and it is not... it is a Handbook that the Ministry creates for grant management... Then the NGOs, we are bound to the grant, so we are obliged to follow it because we accept the grant knowing that its regulatory framework is the Handbook. So, they use it as a Royal Decree, but it is not a Royal Decree... (Coordinator, NGO State Reception Programme – CE/M/CC/1/FN).*

In addition to the Management Handbook further efforts have been devoted to trying to put some order in the chaos, without much success. Many rules, criteria and changes are created through regular coordination meetings between the ministry and the representatives of the organizations, who also make use of these occasions to ask for clarifications on the latest handbook or to push forward revisions of the system. The results of these meetings are distributed by means of an official document of agreements, which is sent to the organisations. In addition, there is an informal horizontal communication among frontline workers of different organizations in the same territory, or even in the same organization but in different regions across Spain, that promote the sharing of useful practices and strategies to answer the needs that arise within the framework of the programme. This constant change and ambiguity of rules makes the work of professionals even more challenging. Furthermore, it exposes not only the current lack of coordination and improvisation but also the lack of political interest to prove an effective framework to improve reception conditions:

*Our impression is that the programme is always lagging behind... [...] the number of asylum seekers keeps rising and we keep opening new facilities, but every time this*

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<sup>50</sup> By “politics of non-doing” we refer to those political approaches and policies that whilst reaching a high level of visibility are characterised by an intentional lack of action, as the many illustrations included in this section expose.

<sup>51</sup> Law 12/2009 of the 30th of October.

<sup>52</sup> The *Manuales de Gestión* are issued by the Ministry as a guide to the management of the public subsidy for asylum reception. The latest version can be found here: [http://extranjeros.mtramiss.gob.es/es/Subvenciones/AreaIntegracion/proteccion\\_internacional/sociosanitaria\\_cetis\\_2018/documentos/1\\_Manual\\_de\\_Gestixn.pdf](http://extranjeros.mtramiss.gob.es/es/Subvenciones/AreaIntegracion/proteccion_internacional/sociosanitaria_cetis_2018/documentos/1_Manual_de_Gestixn.pdf)

*happens the number of applications has risen again, and we feel we are not keeping up with the needs (Coordinator, NGO State Reception Programme – JA/B/C/1/F03).*

The general situation of improvisation which, as the ethnography shows, all organisations in the reception system experience, extends to the Asylum Office and the legal procedure. In 2016, to cope with the ongoing increase in applications, the government called in a group of 94 temporary workers to the Asylum Office (Martín, 2019). In November 2018, the government failed to renew the contract of these workers, which amounted to 70% of the Asylum Office's staff. At the time, the backlog of cases was of nearly 80.000, while asylum seekers were spending days and nights queuing, under adverse weather conditions, to be able to get an appointment for their first asylum interview. Whilst the dismissed asylum officers were progressively substituted by 176 new recruits over the following months (Vargas, 2018), effectively raising the total number of workers at the asylum office, they were not trained to the duties of this particular office. The consequence of this was that the backlog of cases grew by 8% to 10% per month in the months from January to March that year (Eurostat, 2019c).

Also, along the lines of the politics of “non-doing” would be the practice of generating unnecessary delays on the managing of the cases to postpone asylum decisions. In this regard NGOs (CEAR, 2015-2017) have repeatedly raised concerns about the Asylum Office shelving bulks of cases without fully reviewing them, hoping that the situation in the country of origin would change to a point that decisions would be clear-cut in a dubious application of what has been known as “caution criteria” (*criterio de prudencia*) (Orejudo Prieto de los Mozos, 2016). Similarly, the Spanish Ombudsman confirmed that decisions on certain countries were being postponed by the Asylum Office arguing that not enough information was available for a founded decision. While this practice is within regulations, the Ombudsman noted that asylum seekers had to be notified about the delay and the reasons behind it (Defensor del Pueblo, 2016), which they were not:

*[About Ukraine cases] It's very difficult to know if they have actually studied the claim duly [...]. They first explain the general situation of the country and then the reasons for the asylum seeker to claim, which are almost always forced conscription. Then they reject the claim with a form, they are all very similar... the quality... well... the resolution should be well founded and express [...] but the lack of fundament is clear. They are not exactly the same, because they change the name of the asylum seeker and perhaps a Country of Origin Report they add or remove, right? But in the end, they are all the same. (Lawyer, NGO State Reception Programme – JA/L/A/2/F03).*

While the raise in the number of applications has certainly played a part in straining the asylum screening system and the reception programme, the precarious situation of asylum is not new. Before 2015, when there was the first large injection of funds by the European Union and applications started to rise, the Spanish reception system was close to breakdown. One of the three organisations working in reception at the time (the only one that had this as their main activity) had engaged in three layoff plans that dismissed 50% of their staff and closed several reception centres. From 2015 onwards, there has been a substantial increase of funds and

resources, but it has continuously fallen short of meeting the needs of the increasing number of asylum applications: “Efforts are being made, they open new reception facilities and raise the number of civil servants, but it’s not enough for the number of applications we receive” (Lawyer, NGO state reception programme – JA/B/A/1/F03).

In this context, the Spanish government’s public demonstrations of “good will” towards refugees in accepting to harbour those rescued by the Aquarius and the Open Arms<sup>53</sup> clearly appear to be more a political strategy to conceal the policy of “non-doing” and chaos, rather than an intention to provide effective policies. The debate on asylum seekers has assumed the narratives of “crisis” (Jubany, 2017) and, as Bauman argues, has become a tool for political advantage building on the increasing intolerance towards the other (Bauman, 2007). Beyond this political facade, however, both left and right-wing governments in Spain have implemented restrictive approaches towards migration and refugees, neglecting the international protection system (De Lucas, 2011; Sánchez Alonso, 2011). With the surge in applications, the chronic deficiencies of the protection system have deepened even more. At the same time, the continuous changes imposed by the system to address these deficiencies have created a bureaucratic maze and limited asylum seekers’ access to rights and social support, which are exploited by the system to promote deterrence.

### **The bureaucratic maze and practices of deterrence**

Faced with this lack of planned development the asylum reception programme in Spain has struggled to keep up with the growing numbers of applications of the last five years. The inability to manage the stress of the system has created a veritable bureaucratic maze with obstacles that set barriers to asylum seekers’ access to rights and services, as well as professionals’ ability to manage asylum applications effectively:

*Another problem is the workload and incompetency of the National Police. Surreal things happen. Like someone who applied for asylum in Murcia but was sent to a reception centre here in Barcelona was told that they had to go back to Murcia for the interview. This is obviously not so. They make asylum seekers believe they are responsible for these situations, and they are not. Sometimes, when they have been there one, two or three times to no avail, we tell them, somewhat jokingly: “You need to be patient, the police are stupid”. We need to work on this a lot, it’s not your fault, it’s the administration’s fault (Social Worker, NGO State Reception System – JA/L/ES/1/F1).*

A clear illustration of such a maze can be found at the very first step of the asylum process. Gaining entrance to the asylum reception programme is mediated by either one of the three historical NGOs in the reception programme (CEAR, Accem and the Spanish Red Cross) or by the Asylum Office in Madrid. Whilst the only formal criteria for deciding access to the asylum

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<sup>53</sup> The socialist Spanish government accepted to harbour migrants rescued in the Mediterranean by humanitarian vessels, which had been denied entry in Italian and Maltese ports. The first of these gestures, a few days after the socialist party had come to office, caused a political, public and media stir and more than 1,500 people, including translators, police, social workers and media, were mobilized to receive the 700 migrants.

reception programme is not having enough resources to support the family unit for the duration of the administrative procedure, the *Management Handbooks* state that “projects are to prioritize vulnerable cases for the distribution of asylum reception places” (Ministerio de Trabajo, 2018b, 6). However, guidelines for the assessment of vulnerability are not legally defined nor harmonised due to the lack of development of the Asylum Law and the ongoing changes in management directives. This means that the methods for assessing vulnerability are left to the organisation’s own protocols and to the official directives issued depending on the availability of reception places. This not only contributes to creating management differences among territories and organisations, but also to the perception of obscurity and ambiguity of the system’s rules and criteria:

*Well yes, there are certain criteria, but they are quite general. What happens then is that if yesterday A was vulnerable tomorrow A may not be vulnerable anymore, but B is. [...] So, there are some people we see as vulnerable, who end up not being labelled as vulnerable. We have some room for evaluating vulnerability, but the Asylum Office takes the final decision. It’s their money. So, yes, there are some criteria, but nobody truly understands them (Social Worker, State Reception Programme – BY/B/TS/1/F13).*

Within this context, going through the programme “successfully” will be subjected to a number of factors that have less to do with the capacity of the reception programme to foster this autonomy, and far more with the asylum seeker’s agency and the organisation’s ability to guide them through the process. The system fosters autonomy and integration only for an “ideal type” of asylum seeker who is vulnerable enough to be deserving of the reception system resources:

*Truth is this is a programme that in general is quite good, it offers all the possible resources and which, well, a certain profile values greatly, but not everybody adapts to this programme. And the programme is not flexible enough to adapt to all profiles. [...] A single-parent family with a baby, well, even if the baby goes to a crèche, it’s a full-time job, so often they cannot keep up with professional training. [...] And then, you have people in the street for four, five, six months because they are men and have no assessed vulnerability (Housing Officer, NGO State Reception Programme – CE/B/TS/3/F2).*

This “ideal asylum seeker” (Jubany, 2017) also has to be proactive enough to follow the reception programme as expected in order to gain autonomy from public subsidies for up to a 24-months period after arrival, as this ethnographic data illustrates:

*The system blames asylum seekers. You come here and you need to check some boxes. This means you are doing things right. “You’ve been to the Spanish lessons? Good”. “You’ve gone to events all week? Good”. But also: “They’ve been here for three months and haven’t done a thing (Social Worker, NGO Local Reception Programme – AH/B/TS/1/FN).*

In addition, changes in the *Management Handbooks* have been common in the last five years, with a new handbook being issued approximately every six months. As the interviews show,

these adaptations impose constant changes to key aspects such as eligibility for services and resources or decisions on the entitlement to asylum benefits, amongst others:

*They change paragraphs and articles [of the Handbooks] [...] We get like two or three versions per year, they are constantly changing the rules of the game. [...] You think you have certain rules and all of a sudden, everything changes. It's something else. Now there has also been a change in government and all the bureaucracy has changed, all the documents have changed. They have changed it all, the logos even. Everything that was one way yesterday is different today. Even simple things like the name of the Ministry, it used to be called Ministry of Employment and Social Security, now it's the Ministry of Labour and Social Security (Lawyer, NGO State Reception Programme – JA/B/A/1/F03).*

Clearly, this bureaucratic maze has an impact on every necessary step asylum seekers have to face, from making specific appointments to the final decisions. For instance, difficulties to get appointments at the Office of Foreigners has led to extreme situations. As the empirical evidence demonstrates this situation has generated a black market of appointments, with law firms amassing slots to later offer to clients to speed things up, and public officials issuing appointments and documents of unlikely validity<sup>54</sup> to get rid of long queues and patch bureaucratic inefficiency.

Moreover, the impact of administrative difficulties to access asylum and reception rights intensifies at the outer borders of Spain, particularly at the Mediterranean. The special status of Ceuta and Melilla regarding the Schengen agreement (European Union, 2000) has been used to restrict right of movement of asylum seekers who apply at the Spanish enclaves. Regardless of several rulings against the practice, asylum seekers who apply there are required to stay in the autonomous cities until their application has been processed, which can take years. This restriction is often recorded on the identity card that asylum seekers receive despite there being no legal grounds for such practice (Sentencia del Tribunal Superior de Justicia de Madrid, 2020). This limits their access to the asylum reception programme and they are placed in Temporary Centres for Immigrants (*Centros Estancia Temporal para Immigrantes* - CETI). Although asylum seekers have the right to cross to the peninsula and access the reception programmes, this is a slow process and they are often not informed about it. This has meant that many asylum seekers refuse to apply in these enclaves in order to be eligible for humanitarian leave to reach the peninsula, a rare but open option for undocumented migrants (Tyszler, Julinet, Aguilon, Maire, & Nagy, 2016).

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<sup>54</sup> In November 2018, long queues formed at Aluche's (Madrid) National Police Station, at the time the only place in Madrid where an asylum claim could be filed. As each day, the office gave out a limited number of appointments, so people had to queue earlier and earlier to secure an appointment, and waiting lines extended for days. This situation drew up media attention and eventually all asylum seekers were offered hand-written appointments for December 2020 (more than a year later than the regular appointments that had been issued that same morning). Some abandoned the line with these unlikely appointments but most considered these were not to be trusted and kept queuing to get one of the following day's dates. Similarly, NGO professionals explain that often new identity documents fail to arrive on time for renewal from Madrid to the regional police station, for which police officers have turned to extending the validity of the asylum identity cards with a handwritten note on the back of the document or on a piece of paper.



Clearly, the strict rules coupled with the one-size-fits-all system that remains unyielding to the diverse realities of asylum seekers, restricts the possibilities of reaching the programme's goal of autonomy. The constant unplanned changes to the system to try to address the growth of applications has created the perception that the rules of the game are constantly changing and difficult to grasp. In this scenario, the mediation of reception professionals becomes crucial for asylum seekers to find their way through the bureaucratic maze and interpret 'new' rules. Yet, their access to resources and rights within the system greatly depends on where and when asylum seekers file their application and to which organisation they are assigned.

## Asylum lottery

In addition to the bureaucratic maze and the politics of "non-doing" a further critical aspect of the externalisation of responsibilities and the increasing number of non-governmental organisations, without a solid regulatory framework, has been the creation of a system immersed in what has been known as an 'asylum lottery' (Thomas, 2008) or 'refugee roulette' (Ramji-Nogales, Schoenholtz, & Schrag, 2007). As has been argued and evidenced, whilst the system in Spain is envisioned as a single structured path towards autonomy and integration, the organisational and the territorial differences significantly alter the asylum seeker's access to rights and, as we will discuss, opportunities of gaining autonomy from public subsidies.

There is a wide margin of discretion for organisations to define the social programme that each one will offer to asylum seekers. Factors such as the organisation's approach to social work or the overload of cases and personal relations will influence how this set of rules is followed or how far it can be bent or circumvented if needed. Debates on discretion have long highlighted the fine line between the professionals' freedom to take decisions crucial to their daily work beyond law enforcement, and the coming into play of discriminating practices (Evans, 2011; Jubany, 2011; Lipsky, 1971; Ticktin, 2011). In the Spanish asylum reception system these two aspects of the margin of discretion are evidenced in how different organisations approach "support reports"<sup>55</sup> are. NGOs have the possibility of providing "support reports" for asylum seekers, which will then be considered by the Asylum Commission for the decision over the asylum case. Whilst it is unknown to what extent these reports actually play a role in the final decision, all organisations and professionals place great weight on them. However, different organisations have divergent approaches about how often these should be completed and who are the specific applicants that "need" them. Some organisations, especially those that are more prone to taking a critical stance towards the state's management of asylum, tend to fill them out for as many cases as possible:

*A: [...] we can do these reports for the legal case from the psychological and social departments. [...] So then when we consider that somebody is in a situation of vulnerability... which is most people really, most are in a situation of vulnerability... we do this.*

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<sup>55</sup> "Support Reports" are documents written by social, legal and psychological professionals in the reception programme to support the asylum seeker's legal case.

*Q: Do you write them often?*

*A: Yes, as often as we can. I mean, we have a lot of work and these we like to look at them carefully [...] as we are taking the time to write them, we do it thoroughly (Social Worker, NGO State Reception Programme – CE/B/TS/1/F2)*

Contrary to this, other organisations prefer to write such reports only for “clear cases”, “especially vulnerable cases” or “those who stand a chance”. Professionals argue that this is done in order not to compromise their reputation and relationship with the State, and not to add to the already over-burdened workload they face:

*The cases, you need to choose them, and right now we are being very selective because before we did lots of reports but what I cannot do is, as a psychologist, is support many cases and then my professional criteria... when they [the Asylum Office] see my number they will say, well, this one is saying the same thing again. So, they have to be cases you really believe in, cases you... you... can fight for (Psychologist, NGO State Reception Programme – JA/LL/P/2/F03).*

The design of the system encourages the development of these organisational differences, generating problematic and detrimental margins for discretion. The underdevelopment of the regulatory framework generates a reception programme with a strict one-size-fits-all policy, which, due to the diverse territorial contexts within Spain, leads to severe inequalities amongst asylum seekers in the programme. For instance, while the monthly allocation for accommodation rental for asylum seekers is the same all across Spain<sup>56</sup>, housing prices vary greatly from one area to another, having recently reached an average of 1005€ per month in Barcelona (Generalitat de Catalunya, 2020), while being less than 400€ per month in most predominantly rural provinces (Ministerio de Fomento, 2019).

In addition, it must be taken into account that, as in other European countries, in Spain practices such as dispersion are used as a means of deterrence (Schuster, 2005; Perchining *et al*, 2012) in order to discourage asylum seekers with means of livelihood to enter the reception programme. The rationale behind this policy is that when there is a “genuine” need of assistance, an asylum seeker will accept relocation to any reception centre in Spain. Thus, under this view, not accepting this relocation will be read as evidence that the asylum seeker does not need the protection programme:

*I would allow people to stay where they have applied for asylum, because they [the Asylum Office] are not taking into account whether they [the asylum seekers] have family or not... [...] But I also understand them [the Asylum Office], if somebody does not have resources and the programme is the same all over, they shouldn't mind being in Madrid, Barcelona or Andalusia, right? (Social Worker, Local Emergency Services – JA/B/SA/TS/3/F0).*

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<sup>56</sup> From 376€ per month for family units of a single member to 717€ per month for family units of 1ve or more members (Ministerio de Trabajo, Migraciones y Seguridad Social, 2018a)

Decisions on direct provision placements across the Spanish territory are made by the Asylum Office based on availability and do not consider previous processes of settlement, existing support networks or asylum seeker's choices. Due to the increasingly long waiting times between the asylum application and the allocation of an accommodation placement, most asylum seekers spend several months living in the region where they first applied, to be then relocated to any reception centre or shared flat with availability in Spain. Consequently, an asylum seeker who applies in Barcelona can be sent to an accommodation centre a thousand kilometres away several months after, and will not be permitted to leave that area for the rest of the duration of the programme:

*As there are so many people, filters to distribute direct provision places are very weak. You can get someone who had their placement interview four months ago, yet they have been in the street for the last two months, and during his time this person may have been suffering an addiction or a mental health problem, and this is not the place for them. Same way, you can't send someone with a high degree of autonomy to a reception centre where they are fed and cleaned for. But as the system is under stress they just send them wherever (Social Worker, NGO State Reception Programme, direct provision – CE/BL/C/1/F1).*

To handle this disparity there are also contrasting approaches as different organisations will offer different types of accommodation (reception centres, apartments...), and will provide a diverse range of training and employment opportunities or will dedicate an uneven ratio of social workers per case. This impacts even those apparently simple decisions, such as whether organisations accept shopping bills or only invoices for financial justification, which can make a significant difference to asylum seekers' experience and finances<sup>57</sup>. Consequently, which organisation and region an asylum seeker is allocated to, will have a significant impact on their opportunities to reach and maintain a level of autonomy, having nothing to do with the actual case, generating the so called 'asylum lottery' situation.

## **Conclusion: the leftovers**

Arguably, the externalisation of services to NGOs has allowed the Spanish state to relinquish responsibility over the asylum reception programme's goal of 'autonomy' and 'integration' of asylum seekers. Organisations are given not only the task to design their own programme within the budget and loosely defined guidelines of the grant but are also expected to make up for the deficiencies and lack of investment by the state. The Spanish reception system heavily relies on the humanitarian approach of organisations, and the extra efforts that professionals are prepared to make, as well as on volunteer work, to make up for the gaps in the state programme and offer the necessary services. Whilst the state has vested the management and responsibility of the asylum reception programme to a number of NGOs, in order to cope with this main

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<sup>57</sup> Failing to provide the right shopping bills will mean that the asylum seeker's subsequent allowance can be reduced to compensate for the unjustified expense. Having to obtain invoices from shops, which are not used to providing them, whilst facing language barriers publicly highlights their dependency on state subsidies and their asylum-seeking status.

charge, the organisations have had to externalise certain services to other NGOs, public bodies and enterprises, such as language courses, vocational training or psychological support. This situation is aggravated by the rigid design of the programme that creates a one-size-fits-all system, generating the exclusion of all those who are not able to keep up with the requirements of the reception programme, creating critical prejudicial inequalities for asylum seekers. In this framework, the fate of an asylum seeker in Spain will not depend on their case, rights or needs but rather on chance. In other words, the itinerary that asylum seekers follow will have nothing to do with their personal situation, their backgrounds or their requirements, but rather it will depend on the territory and organisation they are placed under, and the capacity of this organisation to go beyond the duties it has been assigned by the state.

This system of dispersed responsibility and contributes to asylum seekers being left over by the reception programme. In a context of “chaos” and limited resources, those who do not have access to the tools and means to pass through the bureaucratic maze successfully are abandoned by the reception system, which, despite the best efforts of frontline professionals, is ill-equipped to address the complexity of the situation. As the analysis and empirical findings presented have revealed, the reception system in Spain is grounded on the politics of “non-doing”, which has generated a framework of dispersion and neglect, contributing to the reproduction and chronification of asylum seekers’ social exclusion in Spain. What was once seemingly designed to encourage the integration and autonomy of asylum seekers has today become a main problem for their reception and incorporation. This has left asylum seekers in Spain to face an asylum system immersed in ‘chaos’, a bureaucratic maze and a discriminating asylum lottery, with dramatic consequences on the future of both asylum seekers and the Spanish society as a whole.

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## Chapter VI<sup>58</sup>

### Whose Welfare State? [Un]protected immigration and asylum in Spain

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### PART III: RECEPTION AND *ACOLLIDA*

## Chapter VII<sup>59</sup>

### “Acollim. Però com acollim?” L’acollida des del sistema estatal de protecció internacional a Espanya<sup>60</sup>

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#### **Introducció**

En el marc de l’asil i el refugi, “l’acollida” rep conceptualitzacions molt diverses. Si bé a nivell de les institucions s’ha entès com una obligació legal derivada de la necessitat de protecció que s’assumeix de la persona refugiada (Puggioni, 2016), en altres contextes és també entesa com un imperatiu moral (Agier, 2016) o com una forma d’acció política i resistència enfront el sistema de control de les migracions globals (De Genova, Garelli, i Tazzioli, 2018). En línia amb aquestes aproximacions a “l’acollida”, si bé trobem molts tipus d’iniciatives a diferents nivells que podem entendre com mecanismes per a l’acollida de les persones refugiades, aquest article es centra en aquelles que es desprenen de l’obligació legal d’oferir serveis de recepció a les persones que sol·liciten protecció internacional (Directiva 2013/33/EU). En el cas d’Espanya, aquesta prerrogativa legal de recepció es fa realitat principalment a través del programa estatal d’acollida (Ley 12/2009). Fins a la seva reformulació el 2021, el programa de recepció espanyol havia estat vist com un model a nivell europeu (Garcés-Masareñas i Pasetti, 2019) per la seva ambició de promoure “l’autonomia i la integració” de les persones que sol·licitaven protecció internacional. Tanmateix, la realitat sobre el terreny ha mostrat una cara ben diferent en la que “l’acollida” ha estat posada en dubte per les situacions de greu desprotecció a les que s’enfronten moltes de les persones sol·licitants, amb situacions de carrer, extrema pobresa i greus vulneracions dels seus drets bàsics (Amnesty International, 2016; Comisión Española de Ayuda al Refugiado, 2020; Estrada Villaseñor et al., 2018), una situació que es repeteix a la majoria de països membres, independentment del model de recepció que proposin (Davies, Isakjee i Dhesi, 2017; Levy, 2010; Schuster, 2011, entre altres). Així, el sistema de recepció espanyol, més que com un locus d’acollida, s’ha conformat com un laberint burocràtic al que una política reiterada del “no-fer” en relació a l’asil (Jubany i Rué, 2020) ha fet que una política dissenyada per a facilitar la incorporació de les persones sol·licitants d’asil al país de destí resulti en situacions de major vulnerabilitat socioeconòmica (Iglesias, Rúa i Ares, 2020). En aquest context, es fa necessari explorar què s’entén per “acollida” des d’aquests sistemes de recepció públics més enllà de l’obligació legal de proveir serveis de recepció. Així, aquest article s’interroga sobre com aquesta “acollida” ha estat conceptualitzada des de la primera línia del sistema públic de recepció a l’estat espanyol durant el període 2014-2020.

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El present treball es situa, així, en un cos creixent de literatura que centra la mirada en els dispositius de recepció a través de les persones que els administren (Christie, 2003; d'Hallouin-Mabillot, 2012; Fassin, 2013; Hayes i Humphries, 2004; Kobelinsky, 2008; Masocha, 2015). Aquesta literatura beu d'una llarga tradició d'aproximacions crítiques a la intervenció humanitària en el règim d'asil internacional (Harrell-Bond, 1986; Malkki, 1996; Agier, 2011) així com dels estudis etnogràfics sobre els règim d'asil basats en els processos de determinació de l'estatut de refugiat (Fassin, 2011; Jubany, 2017), que han mostrat com una aproximació etnogràfica a les treballadores<sup>61</sup> de primera línia dels sistemes d'asil ens permet dirigir la mirada envers «les elits del règim d'asil, per anar més enllà de la crítica i documentar les complexitats ètiques, morals, burocràtiques i polítiques d'aquest món» (Cabot, 2019, p. 271, traducció pròpia).

## Metodologia

Les reflexions que es presenten aquí es basen en una investigació etnogràfica duta a terme entre 2017 i 2020 a Catalunya i la Comunitat de Madrid, per la que s'han realitzat 41 entrevistes en profunditat a treballadores del sistema de recepció per a sol·licitants i beneficiaris de protecció internacional, així com observació en un centre d'acollida i altres espais de gestió dels diferents programes de recepció. Les entrevistes s'han dut a terme principalment amb el personal de primera línia d'entitats que treballen en la gestió del programa estatal però també en altres programes regionals i locals que proporcionen serveis de recepció addicionals als del programa estatal<sup>62</sup>, així com amb treballadores d'entitats del tercer sector a les que les pròpies entitats d'acollida subcontracten serveis per a les persones sol·licitants d'asil. L'anàlisi presentat en aquest article respon a la realitat d'aquest sistema durant el període de 2014 a 2020, en el que el sistema d'asil i el programa de recepció es trobaven en expansió a causa de l'augment de sol·licituds i mentre el programa de recepció tenia, com s'ha esmentat abans, l'ambició de promoure "l'autonomia i la integració" de les persones que sol·licitaven protecció internacional. Els canvis en el programa el 2021 han restringit les iniciatives per promoure "l'autonomia i la integració" per a les persones sol·licitants, fent-les només accessibles per a les que han vist la seva sol·licitud de protecció internacional reconeguda.

L'article es divideix en quatre apartats. Després d'aquest apartat introductori, el segon apartat es centra en explorar com es concep l'acollida des de l'aparell estatal que conforma el sistema de recepció a partir de l'anàlisi dels dos programes de recepció públics: el Sistema de Acogida e Integración (SAI), i el NAUSICAA. El tercer apartat, en canvi, proveeix una aproximació etnogràfica a l'acollida a través de les experiències de les treballadores de les entitats del tercer

<sup>61</sup> S'utilitza el femení genèric. Més del 90 % de les entrevistades són dones a causa de l'alta feminització d'aquest sector.

<sup>62</sup> Per qüestions d'anonimat de les persones participants no es mencionen els programes d'àmbit més reduït, definits com aquells en els que treballen dues o menys entitats o que són particularment identificables per les seves característiques. A les cites només es farà la distinció entre programa estatal, en referència al SAI-SBPI, i programa d'àmbit local, en referència tant a organitzacions que treballen en la gestió del NAUSICAA com d'altres programes d'àmbit local. És important notar, també, que algunes de les organitzacions treballen en la gestió de diversos programes al mateix temps, especialment aquelles que formen part del SAI-SBPI, que acostumen a treballar també en la gestió d'altres programes d'àmbit local i regional.

sector que gestionen aquests programes públics. Aquest tercer apartat pretén examinar com les treballadores de primera línia construeixen, reproduïxen i practiquen formes divergents d'acollida des d'una posició conflictiva entre la defensa dels drets de les persones refugiades, la intervenció humanitària i la implementació de polítiques públiques restrictives des de dues mirades: com acollim i a qui acollim. Per concloure, es presenten algunes consideracions finals.

## **El sistema de recepció**

L'expressió sistema de recepció pretén donar compte del complex entramat de programes i entitats que proveeixen serveis socials específics per a sol·licitants i beneficiaris de protecció internacional sota el paraigües de les institucions públiques. D'acord amb els marcs legals vigents, la responsabilitat de proveir serveis d'acollida a les persones sol·licitants i beneficiàries de protecció internacional recau exclusivament sobre l'estat (Ley 12/2009). Així, el sistema de recepció consisteix principalment en el programa d'àmbit estatal, l'anomenat sistema d'acollida i integració per a sol·licitants i beneficiaris de protecció internacional (SAI-SBPI) que, per evitar confusions, anomenaré programa estatal. El programa estatal, en la seva forma actual, sorgeix l'any 1995 després de l'entrada en vigor de la Llei d'Asil aprovada aquell mateix any a Espanya. Amb l'objectiu de promoure "l'acollida i la integració" de les persones sol·licitants d'asil i refugiades, la seva direcció recau sobre la Secretaria de Estado de Migraciones, depenent de l'actual Ministerio de Inclusión, Seguridad Social y Migraciones. Tanmateix, la gestió del programa està externalitzada, en la seva majoria, a diferents entitats del tercer sector. Entre 1995 i 2014, són tres organitzacions no governamentals —la Comissió Espanyola d'Ajuda al Refugiat, ACCEM i Creu Roja— les que seran les encarregades de gestionar el 50 % de les places d'acollida a través d'una subvenció directa. L'altre 50 % es trobarà en mans dels 4 Centres d'Acollida de Refugiats (CAR) públics, gestionats directament des del propi ministeri. Amb l'augment exponencial de les sol·licituds d'asil a Espanya a partir de 2014, s'ampliaran ràpidament les places del programa estatal a partir d'un canvi en el model, passant de la subvenció directa a la subvenció competitiva. En conseqüència, s'incrementarà també el nombre d'entitats del tercer sector involucrades en la gestió del programa fins a sobrepassar les 20 el 2019. En aquest procés les entitats passaran a gestionar més del 95 % de les places de recepció, mentre els CAR representaran ara només al voltant del 5 % del total. Alhora, el sistema de recepció no s'esgota amb el programa estatal sinó que trobem altres programes locals i regionals que proveeixen serveis d'acollida destinats a persones sol·licitants d'asil i refugiades, com és el cas del NAUSICAA de l'Ajuntament de Barcelona, i que també proveeixen aquests serveis a través del finançament d'entitats del tercer sector. Per bé que, com apuntava abans, la responsabilitat de proveir serveis de recepció recau exclusivament sobre l'estat, les diferents mancances del programa estatal han fet que sorgissin altres programes que busquen oferir serveis a aquest col·lectiu que intenten donar-hi resposta. Així, si bé l'estat és el responsable últim de l'acollida d'aquestes persones, els serveis d'acollida es realitzen des de les entitats del tercer sector a les que s'externalitzen aquests programes. Això fa que ens trobem, ja d'entrada, amb dues aproximacions diferenciades a l'acollida des del propi sistema de recepció: la de l'aparell estatal que defineix que és i per a qui és l'acollida, i la de la seva implementació a través de les entitats del tercer sector i la societat civil.

Cal notar però, que per bé que aquesta investigació es centra en el sistema de recepció aquest no és l'únic ni el més important locus d'acollida a l'estat espanyol. Segons les últimes dades facilitades pel Ministerio de Inclusión, Seguridad Social y Migraciones (2020) només un 30 % de les persones que van sol·licitar asil el 2019 van demanar alhora accés al programa estatal. L'altre 70 % o bé no va rebre ni necessitar cap tipus de servei d'acollida o bé no va sol·licitar accedir al programa estatal però va poder cobrir les seves necessitats d'acollida a través d'altres mecanismes. Com en el cas de les persones migrants que no sol·liciten asil i, al no fer-ho, son excloses d'accedir a programes públics de recepció, aquesta acollida es dona principalment a través de xarxes informals de familiars, compatriotes, moviments activistes, grups de caritat a través de serveis socials accessibles universalment o a través del padró<sup>63</sup>.

### **Els processos de recepció**

Des del seu propi nom, el programa estatal es defineix com “d'acollida i integració”. Fins al gener de 2021, aquest programa estava plantejat com un itinerari de diverses fases que preveien que, després d'una primera acollida d'emergència (fase zero o de avaluació i derivació), les persones sol·licitants d'asil passessin progressivament d'una situació de provisió directa (primera fase), en la que totes les necessitats bàsiques estan cobertes directament per l'estat, a una situació d'autonomia (segona fase) en la que s'espera que la persona cobreixi les seves necessitats bàsiques independentment però alhora gaudeix d'accés a un cert nombre de complements econòmics, com poden ser ajudes al lloguer, i que es van reduint a mesura que la seva independència econòmica és major.

Així, a diferència de la majoria d'estats membres de la Unió Europea, on els sistemes de recepció han tendit a seguir un model de provisió directa fins que es resol la sol·licitud d'asil (Caponio, Ponzo i Giannetto, 2019), fins a principis del 2021, Espanya apostava per un model en el que es promovia la incorporació socioeconòmica de les persones sol·licitants. Aquest model ha estat considerat un estàndard positiu dins la UE (Garcés-Mascreñas, 2019) ja que significava trencar amb una perspectiva que considera que no és necessària la incorporació socioeconòmica de les persones sol·licitants d'asil en vistes a mantenir-les en una situació de “deportabilitat” (Peutz i De Genova, 2010) en tant que la seva sol·licitud d'asil pot ser denegada i, així, les accions envers la incorporació socioeconòmica es reserven per a aquelles persones a qui els és reconeguda alguna forma de protecció internacional<sup>64</sup>. Aquesta premissa, tanmateix, no només ignora que la gran majoria de les persones a qui es denega l'asil continuen vivint en situacions d'irregularitat (Schuster, 2011) sinó que alhora promou que les persones sol·licitants caiguin en situacions de desprotecció i pobresa extrema al finalitzar el procés d'asil, a l'impedir la seva incorporació socioeconòmica mentre s'estudia la sol·licitud.

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<sup>63</sup> Els serveis socials bàsics disponibles a través de l'empadronament poden variar en cada municipi, tanmateix, com a mínim suposarà el dret a l'assistència sanitària pública, a serveis bàsics d'atenció social primària, a serveis de centres oberts per a menors i a ajudes d'urgència social.

<sup>64</sup> Espanya reconeix tres tipus de protecció internacional, l'estatut de refugiat, la protecció subsidiària i la protecció per raons humanitàries. A partir de 2021, l'aproximació del programa estatal ha canviat per a adaptar-se al model europeu i les mesures per a la incorporació socioeconòmica es reserven ara a les persones a qui ha estat reconegut aquest tipus de protecció.

Per bé que el model espanyol ha diferit d'aquesta visió excloent sobre les condicions d'acollida, les conseqüències que es deriven de la implementació del programa tenen uns resultats molt similars als sistemes de provisió directa, com a mínim, per a una part de les persones que hi accedeixen. D'acord amb la Llei d'Asil de 2009, l'acollida es defineix com els serveis "necessaris amb la finalitat d'assegurar la satisfacció de les seves necessitats bàsiques en condicions de dignitat" (Art. 30). Tanmateix, tot i els seus objectius envers "l'acollida i la integració" el programa estatal espanyol no aconsegueix cobrir les necessitats bàsiques a la majoria de persones sol·licitants d'asil. Segons les últimes dades del ministeri (Ministerio de Inclusión, Seguridad Social y Migraciones, 2020), com s'apuntava abans, si bé el 2019 només un 30 % de les persones sol·licitants d'asil van demanar l'entrada al programa d'acollida, el nombre de places en la fase d'acollida disponibles en aquell moment permetia, com a màxim, l'accés a centres de recepció del 60 % de les persones que havien sol·licitat accedir al programa. És a dir, si el programa disposava d'aproximadament 9.000 places d'acollida, segons les dades del Ministeri, al voltant de 31.000 persones havien sol·licitat accedir-hi. Bo i comptant que l'estada en primera fase té una durada mitjana de sis mesos, el programa pot allotjar com a màxim 18.000 persones a l'any. A més a més, estudis recents indiquen que part de les persones sol·licitants d'asil que no demanen accedir al programa estatal d'acollida no ho fan per falta d'informació sobre l'existència d'aquest programa, quedant en greus situacions de desprotecció (Poy, 2022), pel que el nombre de persones amb dret a accedir al programa que quedarien fora per la manca de places podria ser molt més elevat. Alhora, les poques dades disponibles, coincidents amb els relats de les treballadores de les entitats d'acollida recollits per aquesta etnografia, semblen indicar que la limitació temporal dels programes de recepció fa que a la seva finalització les persones sol·licitants experimentin un deteriorament significatiu en la seva situació socioeconòmica (Iglesias, Rúa i Ares, 2020). La situació global a l'estat espanyol, amb altes taxes d'atur, especialment per a la població migrant i la inflació en el preu dels lloguers contribueixen a que aquests processos ideals "d'acollida i integració" previstos pel programa — basats principalment en la incorporació al mercat laboral i de l'habitatge — no s'esdevinguin. Tanmateix, un dels principals esculls és el propi règim d'asil, que presenta diferents barreres burocràtiques que obstaculitzen la inserció laboral de les persones sol·licitants i la seva incorporació als canals generalistes de l'estat del benestar. La precarietat dels documents d'asil, les dificultats per a la renovació d'aquests, la desincronització entre les diferents fases del programa d'asil i l'obtenció de la documentació i, molt marcadament, les denegacions de protecció internacional contribueixen de forma significativa a que les persones sol·licitants es vegin empeses a treballs informals, precaris, inestables i de curta durada (Comisión Española de Ayuda al Refugiado, 2020; Iglesias Martínez et al., 2020). Més enllà de les barreres del sistema de determinació d'asil, el propi programa d'acollida també dificulta aquesta incorporació amb les exigències burocràtiques per la justificació econòmica, la dispersió territorial obligatòria, amb un enfocament únic que deixa poc marge d'actuació davant la diversitat de casos y la casuística del dia a dia. Alhora, tot i que es fa més difícil de quantificar, el procés d'asil i acollida també té conseqüències en la salut, física i mental, de les persones sol·licitants (Sandalo, 2018) a les quals el programa no està preparat per donar resposta i complica amb terminis i exigències

burocràtiques<sup>65</sup> (Comisión Española de Ayuda al Refugiado, 2019). Aquestes limitacions del programa estatal han motivat l'aparició d'altres programes públics dedicats exclusivament a l'atenció de les persones sol·licitants d'asil, gestionats per les comunitats autònomes i municipis. L'existència d'aquests altres programes però és només un petit apòsit a una ferida sagnant que ens fa qüestionar el model "d'acollida i integració", probablement no per substituir-lo per un de provisió directa que exclogui a les persones sol·licitants de les provisions per a la incorporació socioeconòmica, com el que es comença a aplicar a l'estat espanyol des de gener de 2021, sinó per posar en qüestió, un cop més, els significats de "l'acollida" i la "integració".

### **Construir acollida des del sistema de recepció**

Tal i com afirmava Michel Agier (2016), per bé que a nivell teòric i moral es pugui aspirar a una acollida incondicional, a la pràctica, l'acollida és sempre condicional i és precisament per les condicions que (de)limiten aquesta acollida que s'interessa l'antropologia. Resulta essencial, doncs, explorar com aquesta idea d'acollida és entesa des del propi sistema de recepció i fer-ho des de dues vessants: a què ens referim quan parlem d'acollida des del sistema de recepció i a qui es dirigeix aquesta acollida i sota quines condicions.

#### ***Com acollim?***

Seguint a Redfield la intervenció humanitària pot ser entesa com aquelles pràctiques que "sorgeixen del desig d'alleujar el sofriment d'altri" (2005, p. 330). Les entitats que participen del sistema de recepció poden ser descrites en la seva majoria com a organitzacions de caire humanitari que treballen en la intervenció social allà on l'estat del benestar no arriba. En certa forma, això és indicatiu de com l'estat del benestar conceptualitza i exclou a certs sectors de la població i, en especial, la població sol·licitant d'asil i refugiada (Schuster i Solomos, 2002), també a partir de l'externalització d'aquests serveis a entitats del tercer sector, eludint així la responsabilitat directa sobre l'acollida (Humphris i Sigona, 2019; Kritzman-Amir, 2011). Així, una primera cosa que podem afirmar sobre aquesta acollida és que es dona de la mà d'entitats humanitàries a través de subvencions competitives. Més enllà de les conseqüències que la pròpia externalització i el model de subvenció competitiva tenen sobre la capacitat del programa de poder garantir unes condicions mínimes de recepció a les persones sol·licitants —cosa que s'ha discutit en un altre lloc (Jubany i Rué, 2020)—, es crea una bretxa entre l'estat i les entitats i entre les entitats i les persones sol·licitants per la qual l'estat, responsable únic i últim de l'acollida, es torna inaccessible per a les persones sol·licitants (Darling, 2016) mentre les organitzacions es converteixen en responsables de facto de l'acollida i són percebudes com a tal.

Les entitats del tercer sector s'erigeixen, així, com a interlocutors experts entre l'estat i les persones sol·licitants d'asil. Des d'aquesta posició exerceixen d'intermediàries per a les

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65 A tall d'exemple, a les persones sol·licitants de primera i segona fase se'ls requereix documentar qual- sevol despesa en la que incorrin i es limita tot allò que no tingui a veure directament amb l'objecte de la subvenció. Tot i que aquesta mesura s'implementa per afavorir la transparència de la despesa pública, suposa una càrrega adicional per a les persones sol·licitants que han de recollir proves de totes les seves despeses alhora que se'ls nega l'accés a productes d'oci i cures més enllà de l'alimentació i la higiene.



persones sol·licitants en la traducció de les complexitats burocràtiques del sistema, difícils de navegar sense la mediació d'algun tipus d'experts (traductores, advocades, treballadores socials, etc.) (Kobelinsky, 2008; Mountz, 2011). Alhora, possibiliten la "llegibilitat" (Scott, 1998) de les persones migrants per a l'estat i viceversa, és a dir, tradueixen la complexitat dels fenòmens migratoris i la realitat diària de les trajectòries vitals de la població migrant a través de la classificació d'aquestes sota categories determinades i comprensibles per les formes burocràtiques com són "vulnerabilitat" o "sol·licitant d'asil" alhora que fan llegibles els processos i requeriments de l'aparell estatal per a la persona que sol·licita asil. Aquesta posició de les entitats en la seva tasca d'acollida pot ser entesa alhora com un instrument disciplinador que permet a l'estat una major facilitat per exercir un control sobre aquesta població (Foucault, 1976).

*El propi sistema, al gestionar-se amb una subvenció, ens obliga a revisar el que comprem. Per exemple, a la primera fase els hi donem diners per a les necessitats bàsiques, el menjar i la higiene personal. [...] Hem de revisar els tiquets que ens porten. Per poder justificar-ho només pot haver-hi menjar i higiene personal. Al final és comun Gran Hermano, hem d'anar mirant si s'han comprat un pintallavis o un llibre pels nens, que no es pot, en comptes d'una maquineta d'afaitar o un xampú, que si que es podria. (Treballadora social, programa estatal)*

Alhora pot ser entesa com una eina per a l'apropiació, subversió i resistència davant d'aquest mateix control estatal (Isin, 2008):

*Jo per ètica professional sempre treballaré per l'usuari encara que el finançador sigui el que sigui. Hi ha unes normes establertes i jo crec que la nostra feina és ser el màxim intel·ligents possible per arribar a fer el que volem [...] hi ha algunes coses més flexibles i altres no tant. [...] La manera des del meu punt de vista de fer-li la volta és tenir clar molt bé quines són les normes del joc i després jugar de la manera més intel·ligent. (Coordinador local, programa estatal)*

A diferència dels jutges d'asil, funcionaris d'estrangeria o agents humanitaris en camps de refugiats, amb qui s'han fet la majoria d'etnografies sobre professionals dels sistemes d'asil, oficialment, les treballadores dels sistemes de recepció no tenen cap pes en les decisions sobre la concessió (o no) de la protecció internacional<sup>66</sup> a les persones sol·licitants i és així com perceben el seu propi rol dins del sistema. Alhora, en principi, tampoc tenen poder de decisió sobre qui accedeix i qui no al propi sistema d'acollida, decisions que són preses, en el cas espanyol, per la Unitat de Treball Social (UTS) de l'Oficina d'Asil i Refugi (OAR). Tanmateix, en la

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<sup>66</sup> En el cas d'Espanya el procediment de determinació de protecció internacional, incloent l'estatut de refugiat, es un procés de tres fases que comença amb la presentació de cas davant la policia nacional o l'Oficina d'Asil i Refugi (OAR). Aquesta última estudia el cas i emet un criteri (favorable o desfavorable). Aquest s'eleva a una Comissió Interministerial amb presència de l'ACNUR, que avalua novament els expedients, juntament amb el criteri emès per la OAR i, finalment, formularà una proposta al Ministeri de l'Interior que emetrà la decisió final.

gestió del dia a dia tenen un ampli marge de discreció per prendre decisions sobre la gestió del programa, l'atenció directa i els recursos.

Així, les treballadores del sistema perceben "l'acollida" com un espai de grisos. La possibilitat d'oferir situacions d'aprenentatge, dotacions econòmiques, oportunitats d'inserció laboral, cures, descans, etc., a les persones que passen pels programes ofereix la cara optimista d'aquesta "acollida" en que les persones que accedeixen al programa poden trobar suport als seus projectes vitals a través de "un programa molt complet, molt ben dotat econòmicament, de professionals, i amb un suport molt proper", especialment si es compara amb altres programes d'estrangeria on "hi ha situacions molt dramàtiques i no tenen dret a res en especial per a ells [...] els recursos són molt justos i les ajudes són molt petites" (Coordinadora regional, programa estatal). Alhora, però, els programes es presenten allunyats de la realitat, amb barreres, normatives i tràmits burocràtics que dificulten que aquesta "acollida" es faci realitat ja que si bé sobre el paper [el programa] està bastant ben dissenyat [...], si l'assoliment de l'autonomia és gradual, també té lògica que els recursos s'adaptin a aquesta gradualitat, llavors, [els] primers sis mesos [estàs] 'molt assistit' amb un recurs propi, després busques pis [i] ets més autònom fins que al final ets súper-autònom. Això sobre el paper té molta lògica però després costa molt de materialitzar. (Treballadora social, programa estatal).

Especialment en un context en el que el mercat d'habitatge i el mercat laboral presenten un difícil accés, en particular per a les persones migrants (Iglesias Martínez i Estrada, 2018). Però són les pròpies barreres del règim d'asil les que fan que "l'acollida" que les treballadores dels programes aspiren a donar no es faci realitat. És aquí on la distància entre les treballadores d'acollida i l'estat es fa més palpable, més que no pas en el disseny i objectius del programa, que com reflectia la coordinadora regional, majoritàriament es considerat com un "programa molt complet" i "ben dissenyat" sobre el paper. En la implementació, però, moltes normatives estatals, tant del règim d'asil com del programa de recepció, imposen situacions que per a les treballadores del sistema desdibuixen les possibilitats "d'acollida" a través de frágosos procediments burocràtics, temps d'entrega estrictes, incompliments per part de l'estat i inflexibilitat normativa per adaptar-se a la complexitat de la seva feina i de la vida de les persones que accedeixen al programa. Per exemple, una de les qüestions que més preocupa és la precarietat de la documentació d'asil, tant en la seva forma física<sup>67</sup> com en les seves limitacions a l'hora de garantir l'accés als drets que comporta. El desconeixement per part de serveis tant públics com privats de l'existència d'aquest tipus de documentació i dels drets als que dona accés fan que una part significativa de la feina de les entitats es dediqui a fer pedagogia davant de Serveis Socials, Centres de Salut, advocats d'ofici, entitats bancàries o empreses sobre l'existència de l'asil i la documentació associada. Així, com es mencionava abans, gran part de la feina de les entitat és fer "llegibles" a les sol·licitants d'asil per a els diferents tràmits pels

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<sup>67</sup> Existeixen dos documents per a sol·licitants de protecció internacional, la targeta blanca i la targeta roja. La targeta blanca és un full DIN-A4 blanc que s'expedeix al moment de realitzar la sol·licitud i que, en principi, té una validesa de 20 dies, però que amb successives adaptacions del reglament a les dificultats de renovació dins els terminis (a causa de l'acumulació de casos i les restriccions imposades per la pandèmia del COVID-19), s'ha arribat a estendre fins als 9 mesos. La targeta vermella es concedeix un cop la sol·licitud s'ha admès a tràmit i és una quartilla plegada de cartolina de color vermell intens, que ha de ser renovada cada sis mesos fins a la resolució de la sol·licitud.

que han d'anar passat. D'aquesta forma, "l'acollida" implica sovint una necessitat d'acompanyament directe per part de treballadores o voluntàries de les entitats a través del que es transmet la legitimitat de la entitat a la sol·licitant, el discurs de la qual es constantment posat en qüestió:

*Es dona aquesta idea a les persones que és culpa seva la situació quan no ho és. Molts cops els hi diem, mig en broma, quan ja la situació passa de volta i mitja i hi han anat una, dues o tres vegades sense cap resultat: 'La policia son tontos, hay que tener paciencia'. Treballem molt aquesta qüestió, que no és culpa de la persona, sinó de l'administració. (Educadora social, programa estatal)*

L'estructura del programa de recepció també imposa barreres a aquesta acollida. La distribució de les places de primera fase, per exemple, fa que persones que porten mesos realitzant processos d'incorporació en un territori mentre esperen l'accés al programa, es vegin forçades a desplaçar-se a una altra part de l'estat per a poder accedir als recursos del programa de recepció. En aquesta mateixa línia, els canvis de primera a segona fase normalment comporten també desplaçaments territorials ja que rarament les ajudes al lloguer de segona fase poden cobrir l'arrendament d'un habitatge al mateix barri o poble on han estat allotjades en el pis o centre d'acollida de primera fase. Per a les treballadores del sistema aquests moviments territorials estronquen la possibilitat d'oferir "acollida":

*La sortida serà 99 % en un altre barri o fora de la ciutat [...] llavors això és un desarrelament que el sofreixen especialment les famílies, tots, però especialment les famílies, que els nens van l'escola i al casal d'estiu i els pares a l'AMPA, tot el que és la vida de barri. [...] Llavors si jo he de fer tot un procés d'aterratge però sé que després haurà de marxar, doncs no el podré fer aquest procés. (Treballadora social, programa local)*

Aquestes barreres burocràtiques constants són interpretades per les treballadores del programa bé com una falta de planificació i connexió amb el treball sobre el terreny — "[e]stic segura que no hi ha hagut cap educador social ni treballador social en la redacció d'aquestes normes ni en el disseny del sistema, perquè no s'adequa gens al que és la realitat" (Educadora Social, programa estatal)— bé com una estratègia explícita per limitar l'accés als recursos d'acollida — "com a que posen més burocràcia, més obstacles, a la dificultat que ja és poder accedir [al programa]. Ho anem fent més difícil per a que la gent ja no entri." (Treballadora social, programa estatal)—.

Així, per les treballadores del sistema "l'acollida" és, generalment, una aspiració a la que el programa i les institucions públiques, allunyades de les problemàtiques de la vida diària, no poden assolir i que elles, des de la seva posició alhora dins i fora d'aquestes institucions, treballen per imitar aconseguir contra les limitacions. Així, donar "acollida" es converteix, per a les treballadores del sistema, en una "lluita", com deia la primera treballadora social, en la que "l'acollida" no ve donada pels programes ni la voluntat de proporcionar-la sinó que ha de ser

teixida a través del treball diari, gestionant els diferents recursos que tenen a l'abast, tant dins com fora del sistema de recepció, i negociant els tràmits burocràtics i les normes (sovint vistes com irracionals i absurdes) que imposen els diferents programes i el propi règim d'asil:

*Estem aquí per aportar solucions on l'administració no arriba [...] Crec que la coherència que hem trobat és que res d'això afecta a com atenem a les persones. El nostre model d'atenció és un. Els finançadors estan per a que, en funció del que necessitis segons la teva situació personal, t'oferim un recurs o un altre. Per nosaltres una frase molt comú és dir: 'Ei —als administratius— això per on ho passo?' Saps? 'Però, té NIE? No té NIE? Té passaport...? Bueno, pues ho podem passar per aquest finançador'. És una cosa molt comú entre nosaltres saber que tinc un recurs que vull donar [i després trobar] per quin finançament ho puc passar, com ho puc cobrir. (Coordinadora, programes local i estatal)*

### **A qui acollim?**

Els programes d'acollida públics estan reservats a les persones que sol·liciten i són beneficiàries de protecció internacional. Així, mentre existeixen un programes d'acollida per altres grups de migrants més enllà de sol·licitants d'asil, com per a víctimes del tràfic de persones, menors o aquelles que són considerades “d'especial vulnerabilitat”, des de la perspectiva estatal “l'acollida” és quelcom que s'atorga de forma selectiva a un grup específic de persones migrants i no a unes altres. Aquesta distinció d'origen separa i atorga drets específics a les persones que tenen accés a aquests programes, en aquest cas, a sol·licitants d'asil, i reforça la distinció de l'imaginari popular entre “refugiats” i “migrants econòmics” en què els primers són presentats com a víctimes i mereixedors d'una protecció específica i els segons no. Si les lògiques del règim migratori global determinen que “l'acollida” és una prerrogativa reservada a uns pocs és essencial comprendre com es configuren, en diferents contextos, diverses “economies morals” de l'asil (Fassin, 2009)<sup>68</sup> que determinen qui és considerat mereixedor d'aquesta “acollida” i qui no. En el context particular del sistema de recepció, ens trobem amb una situació particular que confronta expressions aparentment contraposades sobre l'accés a “l'acollida” però que no fan més que reflectir com es fa sentit de la posició ambigua i sovint contradictòria de les entitats d'acollida com a responsables directes de la implementació de polítiques estatals excloents, la intervenció humanitària i la defensa dels drets de les persones migrants.

Si a l'apartat anterior es deia que, a diferència d'agents de fronteres i funcionaris d'estrangeria, sobre el paper, les entitats d'acollida semblarien no tenir un paper clau en els resultats dels casos d'asil ni en l'accés als recursos de recepció, com ja apuntava d'Halluin-Mabillot (2012) a través del seu estudi de les entitats de recepció a França, es dona tanmateix dins dels sistemes de recepció una distinció meritocràtica entre els casos que són percebuts com “casos d'asil” o “bons casos”, que centren més esforços de les treballadores d'acollida, i la resta. En una situació en la qual els recursos i el temps són limitats, aquestes distincions en l'atenció poden marcar

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<sup>68</sup> Seguint a Fassin, entenem com a “economia moral” la “producció, circulació i apropiació d'unes normes i obligacions, valors i afectes relatius a un problema específic en un temps i espai determinats”. (Fassin, 2015, p. 279)

una diferència clau per a l'accés a serveis o, fins i tot, envers a la resolució del propi cas d'asil. Així, per exemple, les entitats socials que gestionen el programa poden emetre "informes de suport" que seran tinguts en compte amb la sol·licitud d'asil. Tanmateix, aquests no es fan en tots els casos sinó que només:

*Si són casos que valen la pena... s'apoyen. Però claro, ja has de gestionar llavors... perquè claro, l'informe d'apoyo no és una fulla. Són un plegote de 40 fulles allí, i necessites esforços i temps... i cap problema, però llavorens això vol dir que la gent aquesta de 'lo intento, lo intento...' pues joder, saps? Per això hem dit que hem de començar a tallar-ho". (Coordinador recurs local, programa estatal)*

Alhora, qualsevol situació que aportï nova informació sobre el cas, o que posi en dubte el que s'ha dit, ha de ser reportada al ministeri: "fer informes d'apoyo o no, val? Sobre el dia a dia dels pisos. Nosaltres als pisos veiem coses, i tenim que notificar-ho a l'estat si veiem alguna cosa estranya" (Coordinador recurs local, programa estatal).

Més enllà dels informes de suport, també es sol·liciten tot tipus d'aprovacions i tràmits, com pròrrogues a les estades en centres de recepció, que han de ser aprovats pel ministeri. Com s'ha vist en els estudis sobre funcionaris de primera instància en les administracions del sistema d'asil (Jubany, 2011; 2017), els informes que s'emeten des de les entitats tendeixen a ser sempre ratificats perquè es confia en el criteri de les entitats i, alhora, es donen situacions d'autocensura per a evitar que no ho siguin, perquè "jo el que no puc fer com a psicòloga és apoyar molts casos i que després el meu criteri professional, quan vegin el meu número de col·legiada diran *bueno* aquesta torna a dir lo mateix, és a dir han d'anar a casos que realment tu creus que... que... hi pots lluitar..." (Psicòloga, programa estatal)

És a dir, que en general les sol·licituds només s'envien al ministeri si ja es té la certesa que seran aprovades, perquè s'adeqüen als criteris interns establerts, o si es considera que és un "cas clar" pel que les treballadores estan disposades a lluitar contra el criteri del ministeri en cas d'una resposta negativa. Així, per bé que el responsable últim de la decisió és l'estat, són les entitats d'acollida les qui decideixen per quins casos apostar i per quins no, i quines argumentacions passaran davant de l'estat.

La limitació de l'acollida es trasllada, doncs, a primera línia on la distinció entre "refugiats" i "immigrants econòmics" es repeteix una i altra vegada, però alhora entra constantment en xoc amb un ideal de l'acollida universal. D'aquesta manera, un coordinador d'un recurs local pot considerar que el programa estatal:

*[E]stà funcionant bé? Sí, és un sistema que funciona bé. Funciona bé sempre i quant hi hagi el perfil que toca. Per exemple, per una família o una persona purament sol·licitant d'asil, serveix? Sí. Hi ha casos d'èxit? Sí. Per aquella persona que aprofita aquest boom de l'asil, s'inventa una història d'asil, però realment ve per unes circumstàncies econòmiques al darrera, serveix el recurs del sistema? No.*

*Però el problema, o qui no s'adapta, qui n'està fent un mal ús, és el sol·licitant d'asil. (Coordinador recurs local, programa estatal)*

Però alhora pot també creure que “una altra cosa és qui és sol·licitant d'asil o no per l'estat” perquè hi ha “casos d'asil” que no són reconeguts com a tal i, així, també d'altres que tot i considerar-los “immigrants econòmics”, si poden accedir al programa estatal d'asil i beneficiar-se dels recursos que s'hi ofereixen “dius, ostres, pues perfecte, perquè aniran treballant i aniran fent i quan puguin saltaran a la llei d'estrangeria i brillo” (Coordinador recurs local, programa estatal). O una altra treballadora social pot creure que “un dels problemes del sistema [és] que no es filtra d'entrada, que s'accepten tots els casos a tràmit” però ella no és ningú “per dir qui és un refugiat i qui no, i pot ser molt complicat començar a posar-se en aquestes qüestions” perquè alhora qualsevol persona que “ha passat dos anys en un programa d'acollida i ha aconseguit tot el que ha aconseguit, està en una millor situació i té molt de guanyat a l'hora de demanar un *arraigo*<sup>69</sup>” (Treballadora Social, programa estatal).

Com a treballadores de les entitats que gestionen els programes d'acollida, es troben en la primera línia de la implementació d'una política pública excloent, en tant, que l'accés a aquests programes no és universal, ni tant sols entre la població objectiu, ni es dona en igualtat de condicions. Tot i que l'accés al sistema de recepció està limitat a unes categories determinades, establertes per l'autoritat competent, aquestes categories no són fixes, ni en quant a quines són, ni en quant a determinar qui forma part d'aquestes. Principalment, el sistema de recepció es destina a persones que han sol·licitat asil. Tanmateix, la distinció entre algú que ha fet el tràmit burocràtic per ser reconegut com a sol·licitant d'asil i algú que no, no està tant definida com podria semblar en un primer moment. Els marcs reguladors a Espanya no són clars sobre quan pot considerar-se “sol·licitant d'asil” a una persona pel que refereix al sistema de recepció. Així, en alguns moments s'ha pogut entendre que una persona que havia manifestat la voluntat de sol·licitar asil demanant una cita per fer-ho a les autoritats competents ja podia ser considerada “sol·licitant” mentre en altres ha estat necessari haver formalitzat la sol·licitud davant les autoritats. Altres categories, com “immigrant en situació de vulnerabilitat”, que han estat incloses entre beneficiaris del programa de recepció estatal de forma intermitent, i la seva definició queda subjugada a la pràctica de les entitats d'acollida que el gestionen i la seva capacitat d'argumentar els casos davant de els òrgans de decisió estatals:

*Bueno, ha de complir uns criteris perquè són els que ens imposen ells des de Madrid però jo crec que normalment els hem pogut justificar i els hem pogut complir i no ens han posat pegues. És a dir, quan hi ha hagut casos molt concrets que... ho hem pogut demostrar dient mira, és que... és així, no hi ha més... nosaltres no podem*

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69 L'arrelament, popularment conegut pel seu nom en castellà “*arraigo*” és una de les poques vies existents per a la regularització i que depèn de demostrar una presència continuada a l'estat espanyol durant tres anys o més, alhora que de l'obtenció d'un contracte laboral a temps complert durant almenys un any així com vincles familiars o un informe d'arrelament social al territori, entre d'altres exigències.

*treure una família amb fills, no es pot, no pots deixar-los "tirats".* (Monitora, programa estatal)

Alhora, l'escassetat de recursos del programa fa que moltes persones que han sol·licitat asil i l'accés al programa d'acollida no acabin tenint accés a aquest programa tot i complir amb tots els requisits per fer-ho. La constatació d'aquesta desigualtat i de les exclusions que es creen en l'accés (sobretot al programa estatal, però també als altres) fa que moltes de les treballadores considerin que s'haurien de clarificar els criteris d'accés i restringir-los, "filtrar", a aquelles persones que "realment ho necessitin". Aquesta falta de "filtre" per accedir al sistema de recepció, en un context amb una clara falta de recursos de recepció suficients crea la percepció que qualsevol persona, tingui "un cas d'asil" o no pot accedir al sistema de recepció, tot i que alhora es defensa que "tothom té dret a demanar asil i està claríssim" (Monitora, programa estatal), que és, efectivament, el que estableix el marc legal vigent. Així, per a les treballadores d'acollida sembla que "pots dir que sol·licites asil aquí a Espanya perquè fa sol i acceptaran la sol·licitud. [...] I això significa que tens accés automàtic a tots els beneficis d'acollida" (Coordinadora, programa local) de manera que les persones que "tenen un cas d'asil" no hi poden accedir perquè "un cas que no és de protecció internacional treu la plaça a una persona que realment ho necessitarà i que s'haurà d'esperar més temps a poder accedir-hi o que tot i així no hi accedirà" (Psicòloga, programa estatal). Des de la primera línia del sistema de recepció hi ha, doncs, una percepció estesa de que es dona una injustícia en què gran part de persones que accedeixen al programa no tenen el què elles considerarien un "cas d'asil" mentre que les "refugiades" no aconsegueixen accedir al programa. Alhora, tanmateix, les pròpies entitats defensen que la majoria de persones que arriben en situació irregular a Espanya tenen trajectòries vitals que implicarien el seu reconeixement com a refugiades segons els paràmetres de la Convenció de Ginebra o, en alguns casos, com el dels refugiats climàtics, sota altres paràmetres que, si bé actualment no són reconeguts com a motiu d'asil, al parer de les entitats haurien de ser-ho (Comisión Española de Ayuda al Refugiado, 2020).

Així, la protecció dels drets de les persones migrants sovint es confon amb la protecció del dret d'asil en si mateix; es defensa l'exclusivitat de l'acollida per a les persones que segons criteris personals es conceben com a "refugiades" davant l'accés al programa estatal d'altres persones "sol·licitants d'asil" que s'estima que no presenten "casos d'asil", i, per tant, es considera que estan "abusant" dels recursos que ofereix el programa. Tanmateix, com s'ha mostrat en aquest apartat, alhora, i de forma que podria semblar contradictòria, també es valora l'asil i el sistema de recepció com una possibilitat d'oferir accés a la regularització, serveis socials i, fins i tot, oportunitats laborals a persones que estiguin en situació d'irregularitat administrativa o que, estant dins del programa, des d'aquest es considera que no tenen "un cas d'asil" i, per tant, s'assumeix que no obtindran una resolució positiva. És a dir, per bé que decidir qui és "refugiat" es una prerrogativa de l'estat regulada pel procediment de determinació d'asil, les treballadores de les entitats fan valoracions sobre els casos d'asil de les persones usuàries del programa de recepció amb conseqüències sobre els processos d'incorporació d'aquestes en tant que les treballadores d'acollida tenen la capacitat de facilitar o limitar l'accés a recursos de recepció i d'emetre valoracions expertes que seran tingudes en compte en el procediment de

determinació d'asil. Així, per bé que l'acollida es presenta com un concepte elusiu i contradictori dins del sistema de recepció, reflecteix la posició ambigua de les entitats del sistema entra la implementació de polítiques públiques excloents, la intervenció humanitària i la defensa dels drets de les persones migrants.

### Consideracions finals

Les experiències de les professionals de recepció del sistema d'asil revelen les paradoxes que es deriven de la posició ambigua de programes d'intervenció social dissenyats des de dalt per promoure la "integració i autonomia" de les persones sol·licitants però que en la seva implementació esdevenen una barrera a aquests mateixos processos que es pretenen promoure. En aquest context, "l'acollida" esdevé elusiva, tant en la seva conceptualització com en la seva manifestació en el treball diari dels sistemes de recepció. Les treballadores dels programes de recepció es troben en una doble posició en la que contribueixen a implementar les lògiques estatals excloents alhora que busquen posicionar-se com una eina per a la subversió i resistència contra el control burocràtic sobre les persones migrants. El seu treball diari es converteix en una negociació entre un sistema que posa barreres al dret d'asil i a l'accés als recursos de recepció però que alhora ofereix recursos i possibilitats "d'acollida" i la necessitat d'oferir solucions a les dificultats socioeconòmiques que aquest mateix sistema imposa a les persones migrants a través dels propis recursos dels programes públics. Les diferents formes, sovint contradictòries, d'entendre què és l'acollida, com s'ha de materialitzar i a qui pot ser oferta, revelen l'economia moral particular que sorgeix en aquest context i contribueixen a donar sentit a un règim d'asil opac i hostil en que més enllà de les lògiques excloents del control de la mobilitat, la burocràcia i la gestió del propi sistema acaben passant per sobre de la voluntat d'acollida.

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Chapter VIII<sup>70</sup>

## Un imaginario de muerte y de acogida. El “refugiado mediterráneo” y la conceptualización del asilo des del sistema de protección internacional en España

Alèxia Rué

*Universitat Autònoma de Barcelona***El área cultural mediterránea y los refugiados**

El área cultural mediterránea ha sido conceptualizada desde muy diferentes perspectivas. Aunque el mar se erige siempre como el centro neurálgico de su definición, no es en éste donde se mide y evidencia una realidad mediterránea propia. Los estudios del Mediterráneo han justificado su unidad a través de criterios geográficos, climáticos, políticos, económicos, históricos o de organización del parentesco entre muchos otros (Gilmore, 1982). Sin embargo, esta concepción del Mediterráneo como un lugar con lazos entre sociedades y culturas ha sido totalmente ajena a los estudios sobre las migraciones mediterráneas contemporáneas, que están dominados por una visión del mar como lugar de frontera y «choque de civilizaciones» entre «países del norte-receptores-nosotros» y «países del Sur-de origen-otros» (Zapata-Barrero, 2020).

Esta representación del Mediterráneo como frontera tomó especial importancia durante el período 2014-2016, con la atención política, mediática y popular que despertó la violencia sufrida por las personas migrantes en las fronteras expandidas de la Unión Europea, en una coyuntura que sería conocida popularmente como la «crisis de los refugiados»<sup>71</sup>. Esta atención mediática hacia el fenómeno del asilo llegó en un momento en que, España se encontraba en una situación opuesta: durante las dos décadas anteriores se había registrado un número de solicitudes muy baja y los medios de comunicación habían centrado su atención a otras caracterizaciones de los fenómenos migratorios asociados a «migraciones económicas» como la llamada «inmigración irregular»; por ello, la realidad de las personas solicitantes de asilo y refugiadas en España era relativamente desconocida entre la población (Leach y Zamora, 2006). Esto hizo que muchas personas entraran en contacto con este fenómeno a través de esta coyuntura y llegaran a asociar la situación de violencia que se vivió -y se sigue viviendo- en el Mediterráneo y el fenómeno del asilo. Las organizaciones por la defensa de los derechos de las personas refugiadas en España -algunas de las cuales participan del sistema de asilo a través de

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<sup>71</sup> Lejos de la imagen de excepcionalidad que subyace al constante uso de la etiqueta de “crisis” para describir la situación, la violencia que sufren las personas que intentan cruzar el Mediterráneo hacia Europa por parte de los dispositivos de control fronterizo de la Unión Europea, ésta ha venido siendo una persistente y cruel realidad durante décadas. La descripción de estas situaciones como de “crisis” contribuye a reforzar visiones y políticas restrictivas hacia los movimientos migratorios transnacionales y sitúa el problema en las llegadas en vez de en estas políticas (De Genova et al., 2015).

la gestión de los programas de recepción-, aprovecharon la atención mediática para sus campañas de difusión y sensibilización; el «Mediterráneo» se convirtió entonces en un tema recurrente que contribuyó a reproducir esta asimilación entre lo que llamaremos aquí el «refugiado mediterráneo» y el fenómeno del asilo en general. Sin embargo, esta asimilación ha sido vista con escepticismo, o incluso recelo, desde el día a día de la gestión de los proyectos de recepción de los que, como hemos dicho, participan algunas de estas mismas organizaciones. Desde estas organizaciones, esta imagen del «refugiado mediterráneo» se ha percibido como alejada de la diversidad de sus realidades, contribuyendo a reproducir situaciones de discriminación y exclusión hacia esta población. Las trabajadoras relatan repetidamente situaciones de negativas y dificultades al intentar acceder a recursos, porque las personas solicitantes no encajaban con las expectativas de los proveedores del recurso cuando el «refugiado» se imaginaba a través de este «refugiado mediterráneo». No obstante, como argumentaré aquí, estos imaginarios permean las expectativas y experiencias de personas que trabajan, profesional o voluntariamente, en el sistema de recepción en España e influyen sus percepciones sobre las posibilidades del «asilo» y los significados de la «acogida».

Este capítulo se basa en los resultados de una investigación etnográfica realizada sobre el sistema de recepción para solicitantes de asilo en España y se centra en el trabajo de las personas profesionales que gestionan este sistema desde primera línea desde organizaciones del tercer sector. Por *sistema de recepción* entiendo así, por un lado, el conjunto de instituciones públicas y privadas que forman parte del «Sistema estatal de integración y acogida para solicitantes y beneficiarios de protección internacional», dependiente del Ministerio de Integración, Seguridad Social y Migración<sup>72</sup> -conocido también como «programa estatal»- y que da respuesta al imperativo legal de proporcionar servicios de recepción a las personas que solicitan asilo. Si bien una pequeña parte de este programa está gestionado directamente por este ministerio, la mayor parte ha sido externalizada a organizaciones del tercer sector, que son las que centran esta investigación<sup>73</sup>. Estas organizaciones forman parte del sistema de protección de fronteras extendido de la Unión Europea. Este, por un lado, incluye el sistema de control de fronteras a través de la agencia FRONTEX, las fuerzas de seguridad de los estados miembros, las leyes de extranjería y los procesos de externalización de las fronteras a terceros países y, por el otro, los sistemas de protección internacional.

Por otro lado, también incluyo en el *sistema de recepción* otras instituciones que, al amparo de instituciones públicas sub-estatales, proveen servicios específicos para personas solicitantes de asilo o beneficiarias de protección internacional, pero que no forman parte del «programa estatal». No incluyo, sin embargo, otros actores del tercer sector o la sociedad civil que proveen

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<sup>72</sup> Desde el 13 de enero de 2020, en el que cambió la configuración y nombre de este Ministerio, precedido por el Ministerio de Trabajo, Migraciones y Seguridad Social entre 2018 y 2020, el Ministerio de Empleo y Seguridad Social entre 2011 y 2018, el Ministerio de Trabajo e Inmigración entre 2008 y 2011, el Ministerio de Trabajo y Asuntos Sociales entre 2004 y 2008 y, anteriormente, desde 1993, el Ministerio de Asuntos Sociales.

<sup>73</sup> En 2020 más del 95% de las plazas eran gestionadas por parte de organizaciones del tercer sector. El incremento de plazas en el sistema de recepción que se ha dado desde 2015 ha sido asumido en su totalidad por estas organizaciones. Si en 2014 había un total de 800 plazas de acogida, divididas más o menos al 50% entre cuatro centros de acogida de refugiados (CAR) de gestión pública y distintos recursos de recepción de las ONG, en 2019 las plazas en los CAR representaban menos de un 5% (Garcés-Mascareñas, 2019).

distintos tipos de servicios a personas en situaciones de necesidad socioeconómica - entre las cuales pueden encontrarse personas que han solicitado asilo, o con distintos tipos de autorizaciones de residencia ligados a la protección internacional<sup>74</sup>. Así, los argumentos y conclusiones de este capítulo se basan en una investigación etnográfica que ha incluido más de 40 entrevistas en profundidad a profesionales de organizaciones no gubernamentales en Cataluña y la Comunidad de Madrid, que gestionan los distintos programas públicos del sistema de recepción; también he realizado observación participante en recursos de recepción de estas organizaciones, y el análisis de documentos oficiales.

## **España y su particular «crisis de los refugiados»**

La agenda migratoria de la Unión Europea en el período 2014-2016 estuvo marcada por una mediatización de las violentas consecuencias de los dispositivos de control fronterizo de la Unión Europea en las personas que intentaban acceder a esta a través del Mediterráneo. En España, esta «crisis» marcó el comienzo de un repunte en el número de solicitudes de asilo, alimentado, en parte, por un pequeño aumento en las peticiones de la mano de ciudadanos sirios llegados a través de la frontera sur con Marruecos, o gracias a los planes de reasentamiento desde Grecia, Italia y terceros países lanzados por la Unión Europea<sup>75</sup>. Sin embargo, a diferencia de otros estados miembros, las solicitudes de asilo en España continuaron creciendo después que las diferentes estrategias de securización y externalización del control fronterizo de la UE consiguieran estancar las llegadas a través del Egeo. El incremento de solicitudes en España estuvo marcado por las llegadas de países del sur y el centro de América, especialmente de Venezuela, y continuó creciendo de forma exponencial y sostenida hasta las restricciones de movilidad que la pandemia del COVID-19 impuso a principios del 2020. Así, si en 2012 España recibió 2.588 solicitudes de protección internacional, en 2019 fueron 118.264 (Ministerio del Interior, 2007-2019), convirtiéndose en uno de los tres principales países receptores de la UE.

Este aumento en el número de solicitudes tuvo consecuencias para el sistema de recepción. Aunque España consiguió expandir su sistema de acogida en una proporción similar al crecimiento de las solicitudes, la ampliación de plazas estuvo lejos de ser suficiente para responder a las necesidades reales de recepción (Garcés-Mascareñas y Passetti, 2019). Según los últimos datos del Ministerio, en 2019 un 30% de las personas que solicitaron asilo, es decir, unas 35.000 personas, requirieron acceder al programa estatal de acogida (Ministerio de Inclusión, Seguridad Social y Migraciones, 2020), mientras que el programa dispone de aproximadamente 9.000 plazas habitacionales en recursos de recepción, tanto públicos como privados (CEAR, 2020). Si consideramos que la estancia media en estos recursos es de 6 meses<sup>76</sup>, podemos ver que en 2019 el número de plazas disponibles apenas cubrió el 50% de las peticiones de acceso. A la vez, si bien el 70% de las personas solicitantes no hizo ninguna petición

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<sup>74</sup> Actualmente en España existen tres tipos de permiso de residencia ligados a la protección internacional. El estatuto de refugiado, la protección subsidiaria y las autorizaciones de residencia por causas humanitarias. Una persona que ha solicitado asilo es aquella que ha formalizado una petición para que se le reconozca la protección internacional.

<sup>75</sup> A pesar de que al final del programa España incumplió su compromiso de reasentamiento con la Unión Europea, efectuando menos de un 13% del número total de reasentamientos asignado, por lo que en el 2018 fue condenada por el Tribunal Supremo Español (STS 599/2017, 9 de julio de 2018).

<sup>76</sup> El tiempo máximo de estancia en un recurso de acogida.

de acceso al sistema de recepción, los pocos datos existentes al respecto apuntan a que una parte de estos no habría solicitado estas medidas por no haber recibido información alguna sobre su derecho a requerirlas, a pesar de encontrarse en situaciones de necesidad (Poy-Renau, 2020). Esta falta de plazas se traduce en situaciones de desprotección de la población solicitante. Los tiempos de espera para acceder a una plaza habitacional en un servicio de recepción han llegado a más de 6 meses (Garcés-Mascareñas, 2019) y un reciente estudio apuntaba que el 26,6% de las personas solicitantes en la ciudad de Barcelona habían pasado en algún momento por situaciones de calle (Garcés-Mascareñas y Ribera, 2020).

El aumento de solicitudes y de necesidad de recursos de recepción solo ha hecho que agravar la situación de «crisis» crónica del sistema de asilo español. El histórico bajo número de solicitudes ha contribuido a una falta de atención política hacia el sistema de asilo (Jubany, 2006) que ante el aumento de solicitudes se ha convertido en una «política del no-hacer» (Jubany y Rué, 2019) a la vez que ha formado parte de la dinámica generalizada en los países del Norte Global de externalización y privatización del régimen de asilo (Kritzman-Amir, 2011). Estos procesos han representado una pérdida de acceso al derecho al asilo (Hyndman y Mountz, 2008), la deresponsabilización por parte de los estados y una precarización de los servicios de recepción (Darling, 2016) en que el acceso a estos es visto como un ofrecimiento de caridad en vez de como un derecho (Jubany, 2020; 2011). Es dentro de esta tendencia a la externalización del asilo que España ha conferido la gestión del programa de recepción a organizaciones del tercer sector en las que se basa este capítulo.

## **El «refugiado Mediterráneo»**

Así, si bien el repunte de solicitudes en España y la atención mediática hacia el fenómeno del asilo coincidieron en el tiempo, su vinculación fue relativa. Sin embargo, el «espectáculo de la frontera» (Cuttitta, 2014) llevó a una multiplicación de iniciativas populares por todo el estado que buscaban concienciar a la población o recaudar fondos para financiar rescates en el mar o ayuda humanitaria para quienes se encontraban varados en Grecia e Italia. A la vez, muchas personas comenzaron a viajar a las islas griegas como voluntarias para contribuir a los rescates marítimos y otras iniciativas. Aunque muchas de estas redes no eran nuevas, el creciente interés de los medios de comunicación sobre el destino de los migrantes que cruzan el mar Egeo hacia Europa, y su categorización como «refugiados», contribuyó a la movilización popular y a la relevancia pública del asilo en España (Witkowski, Pries y Mratschkowski, 2019).

En Cataluña, donde ha tenido lugar la mayor parte de esta investigación, tomó mucha preeminencia en la esfera pública la campaña de denuncia y sensibilización organizada por la plataforma Casa Nostra, Casa Vostra. En 2015, esta plataforma consiguió movilizar a más de 500.000 personas (según la propia organización) en una manifestación en Barcelona bajo el lema «volem acollir» [queremos acoger] para exigir a las instituciones públicas el compromiso de poner medios y recursos para proveer de una acogida digna a las personas que, bajo los focos de la atención mediática, estaban llegando y muriendo en el trayecto hacia las costas griegas. La movilización, que también incluyó un concierto para recaudar fondos para los «campos de refugiados» en Grecia, terminó con el compromiso político por parte de la Generalitat de

Cataluña de diseñar un Plan Catalán de Acogida, así como el ofrecimiento, por parte del Ayuntamiento de Barcelona, de recibir en la ciudad a las personas que fueran rescatadas en el Mediterráneo Central por la ONG catalana Open Arms.

Las organizaciones en defensa de los derechos de las personas refugiadas utilizaron esta atención mediática para sus acciones de denuncia, sensibilización y captación de fondos, contribuyendo a consolidar una narrativa que relacionaba el fenómeno del asilo con la frontera mediterránea. En 2016, por ejemplo, la Comisión Española de Ayuda al Refugiado, una de las principales ONG dentro del sistema estatal de recepción, lanzó una campaña de denuncia en contra de la gestión de las llegadas por parte de la Unión Europea y para apelar a la solidaridad ante esta situación. La primera parte de la campaña consistió en una acción en el Parque del Retiro de Madrid, que fue grabada y colgada en YouTube<sup>77</sup>, en la que una orquesta interpretaba una versión sin letra de la canción «Mediterráneo» de Joan Manuel Serrat, ante la curiosidad de los transeúntes del parque a medida que se iban descubriendo imágenes de personas migrantes en situaciones de grave peligro en el mar. El vídeo tuvo más de 500.000 visualizaciones y fue la inspiración para la posterior campaña de la plataforma Casa Nostra Casa Vostra, que reunió a personalidades del mundo de la música en un vídeo promocional con esta misma canción y que obtuvo más de 2.000.000 de visualizaciones en YouTube<sup>78</sup>. La segunda parte de la campaña, bajo el título de «¿Quién da menos?»<sup>79</sup> representaba una subasta de personas ahogándose en el mar mientras representantes de los países miembros de la Unión Europea pujaban a la baja el número de personas a rescatar.

Todas estas representaciones, sin embargo, han sido vistas con escepticismo, o incluso recelo, desde la primera línea del sistema de recepción, desde la que se ha considerado que la voluntad de «acogida» de la población se dirigía a una imagen ideal del refugiado; una imagen asociada principalmente con la guerra de Siria y las muertes en Mediterráneo en la travesía hacia las islas griegas, que no correspondía con, e ignoraba, las realidades diversas de las personas refugiadas que se encontraban en España, a pesar de que éstas también se encuentran con situaciones de violencia y desprotección:

*Que el movimiento ha venido por las imágenes estas de los barcos llegando a Grecia o de los campos en Grecia y porque muchos se han ido a hacer voluntariado a Grecia y la mayoría eran personas de Siria, Irak, Bangladesh, ¿no? Últimamente sí que han variado un poco más... pero que también las personas desplazadas a causa de las maras o de las guerrillas o de la situación de crisis humanitaria en Venezuela también están dentro del programa y también necesitan vivienda, con lo cual, si tú has hecho una moción de «Municipi Acollidor», pues «sigues acollidor» en algo. No me puedes filtrar por país de origen. Entrevista, Integradora social, ONG programa estatal, 2018*

Como explica esta trabajadora social, desde el sistema de recepción muchos han considerado que la existencia de este ideal de refugiado alejado de la cotidianeidad del asilo en España ha

<sup>77</sup> <https://www.youtube.com/watch?v=fMwEL6ppDS4&t=3s>

<sup>78</sup> <https://www.youtube.com/watch?v=HMM0PCYWobw>

<sup>79</sup> <https://www.youtube.com/watch?v=cT52TbhAVzA&t=2s>



hecho que la voluntad popular de «acoger» se desvanezca en cuanto se enfrenta a las necesidades reales de las personas solicitantes de asilo y beneficiarias de protección internacional en España:

*Al principio de todo con Casa Nostra, Casa Vostra también había mucho interés de quiero acoger a personas refugiadas en mi casa... venían y me decían [pone voz dulce, con sorna]: Yo tengo una habitación en casa pues para las personas estas que están en Grecia, pues que cuando lleguen aquí que vengan a casa...[...] Y digo bueno, pues sería para una segunda fase del programa, para pues... un mínimo seis meses y tal... [Pone la voz dulce] Ah... bueno, pues que yo pensaba un mes... cuando llegan de Grecia que estuvieran un mes en mi casa y luego ya... Entrevista, trabajadora Social, ONG programa estatal, 2018*

Sin embargo, la mayoría de las trabajadoras del programa también suscriben un concepto del «refugiado ideal» (Jubany, 2017), entendido aquí como alguien que presenta «un caso de asilo». Si esta construcción del refugiado ideal dentro del programa de recepción mayoritariamente rehúye visiones monolíticas que asocien el asilo al fenómeno de la migración en el Mediterráneo, su conocimiento de los motivos por los que alguien puede ser considerado refugiado bajo los marcos legales vigentes es limitado. Aunque muchas de las personas entrevistadas han hecho un esfuerzo por informarse sobre los marcos legales y aprender los criterios que establece la Convención de Ginebra o la legislación española, muchos muestran tener ideas confusas sobre estos criterios o reconocen no tenerlos claros. Asimismo, se equiparan las prácticas de aceptación y denegación en España -uno de los países de la Unión Europea con las tasas más bajas de reconocimiento del estatuto de refugiado (Eurostat, 2020)- con el ser refugiado o se suele asociar la consideración del derecho de protección internacional con ciertas expectativas respecto a su comportamiento dentro del programa:

*Bueno, es que el sentido nuestro es atender a las personas que han sido perseguidas en origen. No es integrar a todos los demás. Entonces en ese sentido... creo que nos ha dado algún problema eso. Porque es verdad que no es lo mismo que te haya pasado algo en origen, vengas... vienes con una consciencia ya, a compartir espacios, tú tienes una consciencia, tú tienes una sensibilidad... que a lo mejor una persona que es inmigrante económica pues no tiene por qué tener. Entonces yo creo que son colectivos diferentes y tenemos que darles algo diferente. Entrevista, Coordinador local, ONG programa estatal, 2018*

Aunque para muchas de las trabajadoras del sistema de recepción la caracterización de estos «casos claros» es ambigua y se desvanece ante cualquier inquisición sobre su sentido, en general se reproduce constantemente la narrativa de que existe un «refugiado real». Este «refugiado real» aparece como un sujeto inalcanzable que rara vez es el que se tiene delante, ni el que tiene la posibilidad de acceder al sistema público de recepción, mientras se considera que el sistema absorbe a un gran número de personas que no son este «refugiado real».

*Hay casos que dices, es que tú no eres solicitante de asilo... es que todas las entradas que hemos tenido en verano con patera hay muchos que han manifestado ser demandantes*

*de asilo, pero no hay motivaciones... esto hace que el profesional no pueda trabajar con los que son solicitantes de asilo bien, ni detectar aquellos casos en que realmente no se perciben como solicitantes de asilo y sí lo son.* Entrevista, coordinador local, ONG programa estatal, 2018

Si bien, en principio, las personas que trabajan en los dispositivos de recepción no tienen la obligación ni es para nada necesario en su trabajo que conozcan los marcos legales que permiten la determinación del asilo, ya que no recae sobre ellas la toma de decisiones sobre la atribución del estatuto de refugiado u otras figuras de protección internacional -sino que recae sobre la Oficina de Asilo y Refugio (OAR), dependiente del Ministerio del Interior-, sus juicios sobre las narrativas de las personas solicitantes pueden tener consecuencias en el resultado de las solicitudes de asilo. Desde el programa de recepción, los profesionales que hacen el seguimiento de los casos pueden trasladar sus percepciones profesionales sobre el caso a la OAR a través de los «informes de apoyo». Aunque desde el programa de recepción se pone en duda el peso que pueden tener este tipo de informes sobre la decisión final, o incluso sobre si son considerados, normalmente no se redactan para todos los casos o no de la misma forma, sino que se reservan para aquellos que son considerados «casos de asilo». Como bien notaba d'Hallouin-Mabillot (2012) en su investigación sobre las organizaciones no-gubernamentales en el sistema de asilo francés, y como se puede apreciar en la siguiente cita, la falta de tiempo y recursos hace que las organizaciones suelen dedicar mucho más tiempo y esfuerzos a aquellos que consideran «casos claros» o «casos de asilo».

*Lo cierto es que la abogada [...] está un poco frustrada porque [...] casos que vemos así claros que tiene pruebas y tal y cual... en plan pues tortura o cosas muy concretas... estamos allí haciendo los informes como más, ¡venga va! ¡Venga va! Uno de cada treinta o cuarenta te tocan así, pero el resto...* Entrevista, psicóloga, ONG programa estatal.

Sin embargo, muchas de estas mismas trabajadoras consideran no ser capaces ni querer hacer valoraciones sobre quienes son «verdaderamente» refugiadas y quienes no: siguen asumiendo que existe tal distinción, y aún otras, y ponen en entredicho esta distinción entre «migrantes económicos» y «refugiados». Como podemos ver en las siguientes citas, en un sentido práctico y moral, el acceso de personas que no se considera que cumplan el perfil de un «caso de asilo» es visto de forma positiva, ya que permite que tengan acceso a unos recursos que, de otra forma, les serían negados; recursos que contribuyen a dar continuidad a sus procesos vitales a través de solicitar asilo y evitar pasar largos períodos en una situación administrativa irregular, con todas las dificultades que esto conlleva: «Lo que siempre hemos dicho... hay casos que [si tardan mucho en denegar] dices, ostras pues perfecto, porque pueden ir trabajando, luego enlazan con la ley de extranjería y brillo» (Coordinador local, ONG programa estatal). O también:

*Ahí nos movemos como en este equilibrio frágil que te comentaba antes [...] partimos de la base que es que la ley de extranjería es una ley racista. Entonces si es que, si la base es esta, como haces tú un trasvase [después de una denegación] hacia extranjería con todo lo que llevan... y hay denegaciones que es que son muy bestias. Entonces... también es verdad que hay un uso del asilo hoy en día... pero es que es el recurso que tenemos. [Aspira*

*entre dientes] Porque la ley de extranjería si se repensara, seguramente, y fuera más accesible [esto] quizás cambiaría un poco. [Aspira entre dientes] [...] hay personas que quizás no corresponderían al perfil [de] asilo pero que bueno, tiene un margen ahí de poder solicitarlo. Entonces a mi no me compite decir si corresponde o no. Desde fuera puedo hacer un juicio de valor de no me acaba de cuadrar, pero yo ahí no me pongo.* Entrevista, coordinadora local, servicios sociales inmigración.

Como vemos en esta cita, se cuestionan los mismos procesos y decisiones que toma la Oficina de Asilo y Refugio con relación a los casos con los que trabajan porque no coinciden con sus apreciaciones sobre cuales son «casos de asilo». Esta incapacidad de determinar quién es un refugiado es inherente a la propia construcción del régimen de asilo (Thomas, 2008) y crea una «profecía autocumplida» en la que la idea de que existe un abuso del sistema de asilo se ve reforzada por el hecho que la mayoría de las personas que acceden al sistema de asilo ven finalmente denegadas sus solicitudes, mientras las decisiones negativas vienen influenciadas por meta-narrativas de suspicacia ante el posible abuso del sistema (Jubany, 2017). Las situaciones de desprotección y vulnerabilidad a las que no pueden dar respuesta las trabajadoras de sistema de recepción a causa de la falta de recursos y las trabas burocráticas y legales que limitan las posibilidades de acceder al programa de recepción contribuyen a afianzar esta narrativa en la que se considera que la mayor parte de las personas que acceden al sistema de recepción no se corresponden a este refugiado ideal y que, sin embargo, este refugiado ideal no está accediendo al sistema de recepción a causa de estas trabas.

Así, las narrativas y el trabajo diario de las profesionales de recepción reflejan la situación ambigua e incómoda en la que se encuentran muchas de estas profesionales entre ser agentes de la implementación de una política pública excluyente, que define el acceso a recursos socioeconómicos a través de narrativas adecuadas a los marcos del asilo, y una voluntad personal de contribuir con su trabajo a mejorar y evitar las situaciones de exclusión, vulnerabilidad y desprotección. Las contradicciones en sus categorizaciones de las personas que atienden a través del sistema de recepción dan cuenta de una realidad compleja en la que las meta-narrativas del «falso refugiado» y el «abuso de recursos» se entrelazan con las perspectivas humanitarias de las organizaciones del tercer sector y la evidencia diaria de graves situaciones de exclusión socioeconómica, derivadas de violentas políticas de control de fronteras. En este contexto, las distinciones teóricas entre «refugiados» e «inmigrantes económicos» toman sentidos cambiantes, particulares y situados al sistema de recepción, que sujetan a las personas migrantes a sistemas de clasificación en base a percepciones de merecimiento en el reparto de los recursos de recepción.

## **Un imaginario de muerte y acogida**

El aumento de las llegadas y muertes de migrantes a la Unión Europea a través de rutas marítimas en el Egeo captó mucha atención mediática, política y popular entre 2014 y 2016. El área mediterránea tomó mucha relevancia en el discurso público de los últimos años en relación con las personas refugiadas, hasta el punto de que la idea de «refugiado» se ha llegado a asimilar popularmente a este fenómeno tal y como fue reproducido por los medios de comunicación.

Las mayores ONG españolas dedicadas a la asistencia a las personas refugiadas han capitalizado esta atención hacia su sector para sus campañas de difusión y sensibilización en las que el «Mediterráneo» se ha convertido en un tema recurrente. Así, el Mediterráneo se ha presentado como un lugar de conflicto, donde migrantes y refugiados encuentran sufrimiento y muerte a causa de las agresivas políticas de control de fronteras de la Unión Europea y sus países miembros, mientras a la vez, se ha apelado a un imaginario del «Mediterráneo» como un lugar común, de encuentro de culturas y acogida a fin de invocar al sentimiento de solidaridad de la ciudadanía. Dos discursos aparentemente contrapuestos, pero que siguen reforzando la idea de frontera, de separación entre un «norte-receptor-nosotros» que debe ya acoger, ya protegerse de un «sur-otro», y un «Mediterráneo» que, si bien es representado como un todo, pone Europa en el centro de la mirada, se fija en las rutas migratorias «hacia Europa», las «fronteras Europeas», los puntos calientes (*hotspots*) de llegada a Europa, los «esfuerzos de rescate Europeos», etc.

Aunque esta idea del «refugiado mediterráneo» se contrapone de forma evidente con la realidad de las personas solicitantes que acuden a los servicios de acogida en España —donde las personas que cruzan el mar Mediterráneo y solicitan asilo representan una parte muy marginal de las solicitudes<sup>80</sup>—, estos imaginarios han contribuido de forma significativa a crear una imagen popular del ‘refugiado’ en España, donde los debates sobre el asilo habían sido marginales en relación a los discursos alrededor de la inmigración irregular. La implantación de un «refugiado Mediterráneo» y la popularización de la voluntad de «acogida» en el imaginario popular a partir de la llamada «crisis de los refugiados» ha sido vista con recelo desde las organizaciones del sistema de recepción, donde muchos han considerado que respondía a un ideal de refugiado irreal por alejarse de la realidad de las personas solicitantes de asilo en España. Sin embargo, estos mismos imaginarios permean las expectativas y experiencias de las personas que trabajan, profesional o voluntariamente, en el sistema de recepción en España e influyen sus percepciones sobre las posibilidades del «asilo» y los significados de la «acogida». Así, a partir de una investigación etnográfica con profesionales de los recursos de recepción en España, este capítulo ha presentado un ejemplo empírico de como las múltiples configuraciones de categoría histórica del área mediterránea, impregnada en nuestro imaginario, actúa como dispositivo heurístico para el control de las migraciones.

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<sup>80</sup> La mayor parte de las solicitudes de asilo en España las realizan nacionales de países de América Central y del Sur (Ministerio del Interior, 2007-2019).

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## PART IV: PLAYING THE STATE



## Chapter IX<sup>81</sup>

### La desresponsabilización del estado. Una mirada etnográfica a los trabajadores de recepción de asilo en España

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#### **Introducción**

Se podría considerar que las políticas de control migratorio resultan un lugar poco apropiado para observar procesos de privatización cuando la protección de las fronteras se presenta como uno de los puntales del poder y la soberanía estatal (Macklin 2002). No obstante, actualmente nos encontramos con una clara tendencia a la externalización y a la privatización de la gestión del control migratorio, que más allá de su imbricación en lógicas neoliberales de gestión pública, es utilizada por los estados como una herramienta de gobernanza (Darling 2016). Los solicitantes de asilo han sido contruidos como una ‘carga’ y un ‘problema’ a gestionar para los estados del bienestar del Norte Global y una de las formas que los estados han tenido para responder a esta ‘carga’ ha sido la externalización de los programas sociales a entidades del tercer sector. Los movimientos de privatización de la gestión de los servicios sociales del estado del bienestar han sido comúnmente interpretados como formas de incrementar la eficacia y la capacidad de gestión por parte del estado, asumiendo que los gestores privados son más eficaces en la provisión de servicios (Elson 2014; Del Pino y Pérez 2016; Salvador y Riba 2017). La etnografía muestra, sin embargo, como las consecuencias del caso de España contradicen dicho paradigma.

Si la externalización de la gestión de los servicios sociales y económicos se interpreta como parte de una dinámica global de desmantelamiento del estado del bienestar (Gilbert 2002), la reducción de los derechos y la exclusión del estado del bienestar del ‘no-ciudadano’ de los procesos de privatización en el régimen de asilo se revelan como una clara muestra de estos procesos. Las personas migrantes son excluidas repetidamente del estado del bienestar y otros derechos basados en la ciudadanía a pesar de que se ha pretendido que los derechos sociales se extendieran universalmente a los no-ciudadanos (Schuster and Solomos 2002).

Simultáneamente, las aproximaciones xenofóbicas y chauvinistas hacia el estado del bienestar han presentado la llegada de inmigrantes -percibidos como beneficiarios, pero no como contribuyentes de este sistema- como una amenaza a la protección social estatal (Kymlicka y Banting 2006). En las últimas décadas, el asilo y las personas solicitantes de asilo han tomado una marcada preeminencia dentro de este tipo de discursos. En la Unión Europea, los intentos

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<sup>81</sup> Accepted by *Migraciones*

de creación de un sistema armonizado en materia de asilo y los reglamentos de Dublín<sup>82</sup> se han basado en gran medida en la percepción que mejores condiciones de recepción crearían un «efecto llamada» que determinaría el destino de las personas solicitantes (Block y Schuster 2002; Nancheva 2015). Evitar este «efecto llamada» ha estado en la base de las reticencias de los estados del Norte Global a aplicar y extender las prerrogativas de recepción a las personas solicitantes de asilo (Kritzman-Amir 2011). Ante esta lógica, algunos estados han desplegado políticas expresas para limitar los procesos de inclusión de las personas solicitantes de asilo y facilitar su posible expulsión en caso de denegación, extendiendo solo la obligación de recepción a aquellas que son reconocidas como refugiadas o beneficiarias de alguna forma de protección internacional (Darling, 2011; Schuster 2011). En suma, con los procesos de externalización la aparición de nuevos actores en el sistema de recepción, a través de procesos de privatización y externalización del asilo, lejos de debilitar el poder estatal consolidan una forma de gobernanza que permite al estado adaptarse y retomar el control a un coste menor (Kritzman-Amir 2011; Dubois 2013).

Este artículo se pregunta sobre la articulación de estos procesos de externalización en el caso español, a través de un análisis del sistema de recepción<sup>83</sup> para solicitantes de protección internacional y cuales son las consecuencias para los diferentes actores del sistema, particularmente solicitantes de asilo y personas que trabajan en primera línea<sup>84</sup>. El artículo argumenta que los distintos procesos de externalización llevan a una disipación de la responsabilidad estatal hacia una multiplicidad de actores que asumen las funciones de acogida contribuyendo a la reproducción de la pobreza y la dependencia para las personas solicitantes y a la precariedad laboral de las personas que trabajan en el tercer sector.

## Contexto

Después de 6 años con un crecimiento exponencial del número registrado de solicitudes de protección internacional, en 2019 España fue, por primera vez en su historia reciente, uno de los tres principales países receptores de solicitudes de asilo de la Unión Europea. Pese a las altas tasas de inmigración durante la década de los 2000, el restrictivo marco legislativo había mantenido al asilo en un segundo plano con una media de solicitudes anuales significativamente bajas en relación con las tasas migratorias. En este contexto, hasta el momento no se había apostado por el desarrollo de estructuras estatales sólidas para la evaluación de casos ni la recepción de personas solicitantes de asilo (Jubany, 2006). En 2014, al inicio del incremento de solicitudes que culminaría en 2020, ambos sistemas presentaban carencias importantes, que habían sido señaladas durante décadas desde movimientos en favor de los derechos de los

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<sup>82</sup> Los reglamentos de Dublín son regulaciones de la Unión Europea que determinan sobre que estado miembro recae la responsabilidad de examinar una solicitud de asilo dada (actualmente vigente el Reglamento (UE) N° 604/2013, conocido como "de Dublín III" (disponible en DOUE 29/6/2013, N° 180/31-59)). Su antecedente inmediato es el Convenio Internacional de Dublín, que fue aprobado en 1990 (disponible en DOUE 19/08/1997, N° C 254/1-12)

<sup>83</sup> En este artículo, nos referimos a "sistema de recepción" para designar el conjunto de programas públicos llamados de "acogida" en España. Utilizamos el concepto de 'recepción' tal i como se utiliza en el contexto anglosajón contra el de 'acogida' para distinguir entre el derecho al acceso a servicios socioeconómicos de recepción dentro del derecho a la protección internacional y el imperativo moral de hospitalidad.

<sup>84</sup> Siguiendo el marco de "street-level bureaucracy" (Lipsky, 1979), por 'primera línea' nos referimos a personas que trabajan en atención directa al público dentro de los programas de recepción públicos.

refugiados y la literatura académica (CEAR 2004-2014; Jubany, 2006). La falta de plazas y personal, tanto en el sistema de evaluación de casos como en el programa de recepción ha llevado a las personas solicitantes de asilo a graves situaciones de desprotección, con largos períodos de espera para poder acceder a recursos de acogida y para obtener resolución sobre las solicitudes de protección internacional.

Como respuesta al rápido aumento de las peticiones para acceder al programa de recepción entre 2014 y 2020, España optó por externalizar la mayor parte de los servicios de recepción a más de veinte organizaciones no gubernamentales distintas (Ministerio de Hacienda 2021). Desde su creación en 1992 el programa estatal de recepción había contado con organizaciones no-gubernamentales para la gestión de las plazas de acogida, apoyo legal e incluso, en sus inicios, para la asistencia sanitaria de las personas solicitantes de asilo y refugiados. Sin embargo, la externalización de estas plazas se concebía como una medida extraordinaria para cubrir necesidades de acogida «sobrevinidas» cuando las plazas públicas no fueran suficientes. No obstante, durante la mayor parte de dicho período las organizaciones gestionaron hasta el 50% de las plazas. A partir de 2015, sin embargo, el porcentaje de plazas gestionado por las ONG se incrementó exponencialmente hasta pasar a gestionar el 95% del programa estatal. A la vez, comunidades autónomas y municipios crearon sus propios programas de recepción complementarios al programa estatal, la gestión de los cuales también fue mayoritariamente externalizada a ONG.

A pesar de que la externalización de los servicios sociales hacia entidades sin ánimo de lucro, especialmente cuando se dirigen a población extranjera, es una característica común en todo el Norte Global (Jönsson 2014; Salamon 2015; Fehsenfeld y Levinsen 2019), durante este periodo el modelo español pasó a basarse casi exclusivamente en el tercer sector para la atención social a personas extranjeras (Lacomba 2020). Partiendo de un modelo del estado del bienestar basado «en formas institucionales particularistas y en una baja eficiencia en la provisión de servicios de protección social» (Moreno 2001), la crisis del estado del bienestar y la introducción de políticas neoliberales hacia la privatización habrían contribuido a una mayor transferencia de programas sociales al tercer sector (Lacomba 2020). Con el tiempo, hasta hoy día, a este proceso se le ha sumado la descentralización de la administración española, que ha puesto en juego múltiples esferas y niveles de gestión, lo que ha llevado a importantes discrepancias territoriales sobre el número y tipo de servicios disponibles, tanto para nacionales como para población extranjera - mucho más evidente en el segundo caso (Ribas-Mateos 2017). La multiplicidad de agentes en la definición del sistema de atención social para los ciudadanos extranjeros ha conllevado una confusión en distribución de las responsabilidades que, en el caso del asilo, se traduce en un sistema de recepción fragmentado en el que distintas instituciones públicas crean programas para la atención de las personas solicitantes de asilo y refugiadas a través de la externalización a entidades del tercer sector. Sin embargo, ninguno de ellos (ni la combinación de estos) alcanza el mínimo cumplimiento, con la provisión de servicios de recepción, y con un acceso igualitario para todas las personas solicitantes de asilo o beneficiarias de protección internacional, ni en condiciones de dignidad, como establece la legislación española.

Desde una la mirada etnográfica, este artículo explora la articulación, aplicación y consecuencias de los procesos de externalización en el régimen migratorio internacional, en particular a través del caso del sistema de recepción para solicitantes de asilo en España. Una vez expuestas las consideraciones metodológicas, el artículo se divide en tres secciones para examinar los diferentes procesos de externalización dentro del sistema de recepción español. Estas profundizan en la perspectiva del personal de primera línea de las organizaciones no gubernamentales a las que se otorga la gestión de los programas públicos de acogida, y asimismo en cómo los procesos de externalización se convierten en una desresponsabilización de las obligaciones de acogida por parte del estado hacia el tercer sector y la población civil.

## Metodología

### *Recolección de datos, muestreo y análisis*

Los resultados que se presentan aquí derivan de una investigación etnográfica realizada entre octubre de 2017 y diciembre de 2021 en Cataluña y la Comunidad de Madrid. Los datos se han obtenido a partir de una combinación de análisis documental, entrevistas en profundidad semi-estructuradas con 41 personas participantes, todas ellas trabajadoras de organizaciones no gubernamentales que participan en la programas con financiación pública para la recepción de solicitantes de protección internacional o responsables públicos de estos mismos programas de recepción, y observación participante y no-participante en espacios de recepción, incluyendo oficinas y centros de recepción de estas mismas entidades. El muestreo para las entrevistas y la observación se hizo a través de bola de nieve a partir de informantes clave en las ONG de recepción, contactados directamente por la participación de sus organizaciones en estos programas. Los participantes en las entrevistas en profundidad fueron entrevistados sobre su trabajo en el sistema de recepción, su percepción de este sistema y de su rol en él, así como sobre sus presunciones y conocimientos sobre el derecho al asilo y el régimen de asilo nacional e internacional.

ONG		Género	
Madrid	4	Hombres	15
Cataluña	9	Mujeres	26
Rol			
Psicología			3
Intervención Social			20
Abogacía			2
Coordinación			7
Otros			9

La investigación documental, por lo que refiere a los resultados que se presentan aquí, se realizó a través del análisis de contenido del marco legal español de asilo, los manuales de gestión emitidos por el Ministerio de Inclusión, Seguridad Social y Migraciones (Manual de Gestión del Sistema de Acogida de Protección Internacional) y de los presupuestos estatales a través de las publicaciones anuales del Ministerio de Hacienda. Las entrevistas fueron transcritas textualmente por el equipo de investigación con anonimización directa de cualquier información de identificación en el archivo de audio. Posteriormente se codificaron con una combinación de áreas temáticas preestablecidas a partir de las preguntas de investigación e *ad hoc* a través de las cuales se derivó un conjunto de temas y subtemas que luego se reelaboraron para fijar el conjunto final de áreas temáticas utilizado para el análisis.

### **Consideraciones éticas**

Las personas participantes, incluidas todas las características personales identificadoras, como la edad o el género, se anonimizaron por completo. El consentimiento se obtuvo de forma oral o por escrito a elección de los participantes. Parte de la participación de las organizaciones estuvo supeditada a la total anonimización de su institución, por lo que las organizaciones no se identifican de ninguna manera, haciendo sólo referencia al programa de acogida en el que está contratada la persona entrevistada. A menudo, al considerar las implicaciones éticas de la investigación de asilo, solo los solicitantes de asilo se identifican como vulnerables a las posibles consecuencias de la investigación. Las personas que trabajan en el sistema de asilo, sin embargo, también son vulnerables. Las trabajadoras de recepción de asilo españoles tienen trabajos precarios, con contratos a corto plazo y basados en proyectos, y muchas están involucradas en movimientos activistas tanto relacionados con sus propios derechos laborales, como con los derechos de las personas migrantes u con otros asuntos sociales. Al mismo tiempo, varias de las organizaciones no gubernamentales que han participado en esta investigación consideran que su acceso a la financiación estatal se ha visto reducido debido su oposición pública a las políticas gubernamentales en materia de asilo o temen que así sea. Por estas razones, el anonimato total tanto de las organizaciones como de sus trabajadoras fue crucial para esta investigación. Esto significa que, si bien las organizaciones que reciben fondos estatales para administrar el programa de recepción de asilo es una información que está disponible públicamente, los datos de esta investigación se han anonimizado y cualquier dato que pueda ser identificable ha sido omitido en todos los materiales de investigación, a excepción de los archivos de audio originales de las entrevistas, para garantizar que ninguna de las organizaciones ni sus trabajadoras sea reconocible.

### **Un sistema de «patchwork»**

En su análisis de las diferentes formas de externalización del asilo por parte de los estados occidentales modernos podemos identificar, siguiendo a Kritzman-Amir (2011), dos tipos de procesos: «desde arriba», es decir, la cesión de la gestión de las responsabilidades estatales en materia de asilo a terceros, y «desde abajo», cuando terceros asumen funciones estatales en materia de control fronterizo, evaluación y/o recepción de casos de asilo debido a la inacción

del Estado en esta materia. Además, en el análisis del caso español, nos encontramos con un tercer tipo de proceso de externalización, que denominaremos «horizontal», para referirnos a los vacíos de protección dejados por el Estado ocupados por organismos públicos sub-estatales que, sobre el papel, no tienen ninguna responsabilidad en materia de asilo. A partir de esta clasificación, en las siguientes secciones se examinan los diferentes tipos de externalización en el sistema de recepción español. El análisis muestra como estos procesos de externalización se convierten en una desresponsabilización de las obligaciones de acogida por parte del estado hacia el tercer sector y la población civil, creando un sistema de «protección» a pedazos en el que los derechos son paulatinamente substituidos por caridad y voluntarismo. La desresponsabilización es entendida aquí como un el proceso por el cual los estados «incumplen sus obligaciones internacionales» (Crawford 1999:438), en este caso, en relación con las regulaciones de asilo, a través de la negligencia de sus funciones con la externalización de estas a terceros aún cuando son «el responsable último del respecto, la promoción y el cumplimiento de los derechos sociales y económicos hacia los refugiados» (Kritzman-Amir 2011:210).

### ***Externalización «hacia abajo». Externalización de la gestión***

Como hemos apuntado, mientras el estado sigue siendo el principal responsable de proveer servicios de recepción a solicitantes de asilo, como respuesta al rápido aumento de las peticiones para acceder al programa de recepción entre 2014 y 2020, España optó por externalizar la mayor parte de los servicios de recepción a más de veinte organizaciones no gubernamentales distintas (Ministerio de Hacienda 2020), a lo que nos referiremos como un proceso de externalización «hacia abajo». Si bien parte de la gestión está externalizada desde el inicio del programa en 1992<sup>85</sup>, con el aumento de la presión sobre el sistema de recepción a partir de 2014, el formato de contratación de gestión de la recepción pasa de la centralización en tres organizaciones, a un modelo basado en subvenciones anuales de concurrencia pública<sup>86</sup>. De este modo, el número de organizaciones que obtienen financiación para la gestión del programa de acogida aumenta entre 2014 y 2020 hasta las 21, a la par con el aumento de la capacidad del programa, mientras, los centros de recepción estatales (Centros de Acogida de Refugiados - CAR) pasan de representar de un 50% de las plazas a aproximadamente un 4% en 2020 (Garcés-Mascareñas y Pasetti 2019).

Las consecuencias de tal descentralización, poco planificada, se reflejan en el incremento exponencial del número de equipos y de plazas en las tres organizaciones que formaban parte del programa inicial, mientras las nuevas organizaciones, que acceden al programa lo hacen en muchos casos sin experiencia previa en el campo de asilo y, algunas de ellas, sin haber trabajado previamente en el ámbito de las migraciones.

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<sup>85</sup> Hasta 2014 esta externalización recae solamente en tres organizaciones (CEAR, Accem y Cruz Roja) y se encuentra repartida a partes casi iguales entre éstas y el Ministerio de Trabajo, Seguridad Social y Migraciones a través de los cuatro Centros de Acogida de Refugiados (CAR) públicos.

<sup>86</sup> Se mantiene, sin embargo, el modelo de contratación para la primera fase del programa, llamada «fase cero» o «de evaluación y derivación», en la que estas tres organizaciones siguen teniendo asignada la primera atención con un reparto territorial de las diferentes comunidades autónomas.

Es fundamental reconocer que el conjunto de dichas modificaciones ha tenido, y tiene, un impacto directo en el día a día del sistema de recepción. Éstas se evidencian a través de la experiencia de las profesionales que se encuentran en primera línea, cuyas voces y experiencias muestran abatimiento, al verse superadas por la falta de preparación y recursos, así como por el aumento en la carga de trabajo que deben asumir. Como comenta Roger, coordinador de un recurso de acogida dentro del programa estatal, esta rápida expansión del programa estatal de recepción a través de la externalización crea «un sistema fuerte, con muchas plazas, pero débil en cuanto a formación de los profesionales».

Asimismo, este crecimiento e incrementada externalización aumenta la complejidad de la administración del sistema, en un contexto de falta de regulación y de definición de protocolos de acción para la recepción, en que la Ley de Asilo de 2009 ha estado más de diez años sin desarrollo desde su aprobación (Estrada Villaseñor et al. 2018). En el caso del sistema de recepción, a efectos prácticos, esta falta de regulación ha sido suplida por los Manuales de Gestión de la subvención que emite el Ministerio de Trabajo, Seguridad Social y Migraciones. Estos manuales, si bien sirven para regular la actividad y el gasto de la implementación del programa de recepción, no proveen un marco sólido para la gestión del programa en un momento de expansión, tanto en el número de plazas como de equipos de gestión. Además, éstos resultan sumamente imprecisos en cuestiones cruciales como el acceso o la expulsión del programa de recepción estatal. Los cambios y ajustes constantes en las especificaciones y protocolos han contribuido a crear una sensación de desorden y arbitrariedad en la implementación de los servicios de recepción: «Normalmente en un año hay dos o tres versiones. Te están cambiando las reglas del juego constantemente» (Carles, abogado, programa estatal).

Por otro lado, la gestión del programa a través de cambiantes Manuales de Gestión contribuye también a crear disparidades en la recepción entre las distintas organizaciones, lo cual se ve agravado por la falta de un mecanismo de regulación y evaluación estandarizado. Aunque el estado sigue siendo el último responsable de velar por el cumplimiento de la obligación de recepción y de que esta garantice «la satisfacción de sus necesidades básicas en condiciones de dignidad» (Ley de Asilo 2009:30.1), no existe hoy en día ningún mecanismo de evaluación del desarrollo e implementación programa por parte de las distintas ONG más allá de la justificación económica y del proyecto que se presenta a subvención:

*Lo que no acabo de entender es como [...] no hay ningún tipo de indicadores, no hay ningún tipo de evaluación de políticas, ni ningún tipo de evaluación de las entidades, cada entidad le da más importancia a algo que a la otra, con lo que una le dará mucho más sentido a su política de psicosocial que a otra, la otra tirará más por el tema de la inserción socio-laboral. Es un poco desastre, en serio, si no garantizas unos mínimos a tu respuesta no se puede considerar una política de estado, se puede considerar como una respuesta ad hoc a una política que te ha venido de nuevo cuando todo el mundo te estaba diciendo que esto pasaría. (Marc, coordinador, programa estatal)*

A todo esto, se añade que con la expansión del programa estatal de recepción se aplica un cambio de modelo para la atribución económica de la subvención, ya mencionado anteriormente. El programa pasa de un formato de subcontratación directa a tres organizaciones, a una subvención anual abierta<sup>87</sup>. Este nuevo modelo permite un rápido aumento en el número de plazas al facilitar la incorporación de nuevas organizaciones al programa estatal, pero incrementa sustancialmente la carga burocrática para las organizaciones, teniendo que concursar anualmente a la subvención en un contexto de falta de personal.

*Nosotros [ha sido] pasar de 28 plazas hace muy poco, en 2015, ahora llevamos 250 en la provincia de Barcelona y en todo el estado estamos gestionando alrededor de 2500. Ahora es mucha gestión externalizada por parte de las entidades, es el modelo que se ha utilizado. [...] (Carlos, abogado, programa estatal)*

Por otro lado, impone más inestabilidad de la que ya existía en el programa con el modelo anterior ya que se pueden dar discontinuidades en los proyectos si alguna de las organizaciones deja de presentarse u obtener la financiación pública y, por lo tanto, supone más precariedad tanto para solicitantes de asilo como para la gran mayoría de personas trabajadoras del programa, que trabajan bajo contratos de corta duración.

*Por ejemplo, cuando [organización] sufre un ERE gordo, sabes que hubo una época que estuvo a punto de desaparecer, que no había dinero para pagar las ayudas a los usuarios que teníamos en plaza. Y que yo sepa el gobierno no hizo nada, y era su responsabilidad, pero era [organización] que no pagaba, pero [organización] no tenía dinero y el gobierno no le había ingresado la subvención. (Miriam, trabajadora social programa estatal)*

Como vemos en las voces de los distintos profesionales, este formato ha favorecido un modelo competitivo, en el que las organizaciones pueden decidir ofrecer programas más competitivos en los que se procuren más plazas por un coste similar. Esto conlleva un aumento de ratios de casos por trabajador, o una reducción del de los servicios a través de suplirlos con trabajo voluntario, y donaciones materiales, siempre que sea posible, creando, además, la sensación de desatención y caos a las trabajadoras sociales:

*A nivel de acompañamiento técnico cada entidad trabaja de la manera que trabaja y lleva el volumen de casos que lleva y la ratio es la que es..., no hay nada, desde ministerio, desde el programa o desde la subvención, que nos diga debéis tener una ratio de x para x personas. Es al criterio de cada entidad. Pero hasta ahora el tema de las ayudas económicas creíamos que sí, es decir, los máximos estaban recogidos y de alguna manera estas ayudas se tenían que entregar, tenían derecho a estas ayudas económicas y de alguna manera estas ayudas económicas van vinculadas a unos derechos [...] pero, a*

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<sup>87</sup> Se mantiene, en ese momento, sin embargo, el modelo de contratación para la primera fase del programa, llamada «fase cero» o «de evaluación y derivación», en la que estas tres organizaciones siguen teniendo asignada la primera atención con un reparto territorial de las diferentes comunidades autónomas. A partir de enero de 2021 el conjunto del programa se vuelve a reformar y se restablece la financiación directa a las tres organizaciones principales, mientras al resto se les otorga una subvención de concesión directa.



*nosotros nos preocupa que desde muchas entidades se va a empezar a recortar. ¿Por qué? Porque los presupuestos son los mismos para más plazas (Olga, trabajadora social, programa estatal).*

La falta de comunicación directa entre el personal de primera línea y las administraciones que gestionan estos programas, especialmente el programa estatal, contribuyen a que éste sienta que está solo ante esta gestión. Toda la comunicación entre el estado y el personal de primera línea de las entidades sociales se da ya bien a través de la base de datos SIRIA, que agrupa toda la información de las personas solicitantes y es a través de la cual el personal de acogida puede tramitar los diferentes informes, ayudas y solicitudes del programa estatal, o bien de forma indirecta a partir de protocolos de actuación, comunicaciones a la jerarquía de la ONG o los mismos Manuales de Gestión. Como explica Alexandra, trabajadora social en una entidad del programa estatal:

*Nosotros no hacemos consultas directamente al Ministerio, nosotros tenemos que hablar con [jerarquía entidad] y es su oficina técnica de Madrid que hace el contacto con el Ministerio. Entonces es email o teléfono a la compañera, que lo rebota, otra vez a esperar, la comunicación se alarga y ¡bueno! hasta tener una decisión se alarga muchísimo. Y mientras pues decimos, improvisamos, nos la jugamos, y el día que pase algo...*

La unidireccionalidad de la comunicación, junto con la falta de claridad sobre los criterios de decisión, hace que los dictámenes a las peticiones, informes y otros trámites sean percibidos como incomprensibles y arbitrarias. Así, a veces «un caso que tu ves claro te lo deniegan y otras veces te conceden otras que no veías tanto» (Ester, integradora social, programa estatal). Un claro ejemplo de esto lo encontramos con la concesión de prórrogas para personas que se encuentran en una situación de mayor vulnerabilidad y se valora que se beneficiarían de extender su estancia en un centro de recepción o el período de tiempo en el que reciben apoyo económico por parte del programa. En estos casos, el personal de acogida puede realizar un informe que se tramita a través SIRA, para desarrollar los motivos por los cuales el equipo de intervención social considera que es necesaria la extensión. Las trabajadoras entienden que la disparidad entre sus valoraciones y las decisiones ministeriales respecto a estas prórrogas no vienen dadas por una valoración individual de cada caso sino por la inmediatez de la falta de recursos dentro del programa, como explica Eva, trabajadora social en una entidad del programa estatal: «si tu quieres hacer una prórroga de una persona que consideras vulnerable, al final la tienes que elevar al la UTS de Madrid, que es quien valora, tu puedes ver que una causa es de prórroga [...] y que ellos no lo vean así, ven unos números y una necesidad de plazas y no acaban dando esa prórroga y no estás de acuerdo pero es lo que hay». Esto viene reafirmado por los constantes cambios en los criterios ante los que se conceden las prórrogas. A falta de ningún tipo de directrices que expliciten claramente cuales son los criterios en los que se basan las decisiones<sup>88</sup>. Básicamente, a través de la experiencia y el ensayo y error, las trabajadoras

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<sup>88</sup> La Ley de Asilo de 2009 reconoce como personas en necesidad de especial protección «menores, menores no acompañados, personas con discapacidad, personas de edad avanzada, mujeres embarazadas, familias monoparentales con menores de edad, personas que hayan padecido torturas, violaciones u otras formas graves de

construyen perfiles de casos que tienen más posibilidades de recibir una respuesta afirmativa y ven como a medida que incrementan las solicitudes de ingreso al programa los criterios para la concesión de prórrogas se hacen más estrictos, tal y como explica Sergi, trabajador social en el programa estatal:

*El hecho solo de no tener trabajo, o no tener un permiso de trabajo no sería motivo para continuar en un proceso de alojamiento en un centro, por lo cual se está saliendo mucha gente sin haber acabado ese proceso, cosas que antes sí que tenía cabida. Debido a que tiene que entrar y salir gente actualmente sale mucha gente todavía sin haber completado su proceso social a nivel idiomático, a lo mejor a nivel de cargas emocionales o psicoemocionales y a nivel de trabajo. Y esos motivos no son suficientes para decir que quieres una prórroga, y es un problema.*

Como responsables de la gestión del programa estatal de acogida, el personal de primera línea de las ONG ejerce como intermediario entre solicitantes de asilo y el estado. La posición ambigua del personal de los programas públicos de recepción hace que tengan que negociar constantemente entre la implementación de políticas que a menudo consideran injustas, mal diseñadas o excluyentes y el ejercicio de sus funciones como agentes humanitarios. Por bien que son trabajadoras de entidades privadas, su rol en el programa les sitúa como agentes estatales, especialmente delante de las personas solicitantes. Su externalidad les permite contar con un margen de discreción más amplio, en el que pueden elegir «como jugar de la forma más inteligente» (Dani, trabajador social, programa estatal) con los recursos de los distintos programas y la información de la que disponen sobre las personas solicitantes. Si bien éstos se ven limitados por la escasez de recursos y la dependencia de la aprobación por parte del Ministerio de sus decisiones cuando «somos nosotros quienes los ven en el día a día, quienes estamos en contacto cada día» (Fátima, integradora social, programa estatal). A la vez, la burocratización de su actividad diaria, en la que la intervención social pasa a un segundo plano ante la gestión de la subvención, le traslada a una situación que se sienten «como un Gran Hermano» (Miriam, trabajadora social, programa estatal) en el que deben fiscalizar la vida de las solicitantes de asilo hasta el más mínimo detalle.

Mientras que el modelo de la subvención ha permitido el encaje de más plazas a un sistema colapsado con largas colas de espera para acceder a los recursos habitacionales, también ha supuesto que el funcionamiento del programa y la reducción de costes pasen por delante de la dignidad de las personas atendidas y, como veremos en el siguiente apartado, de las trabajadoras, fomentando esta disipación de la responsabilidad de protección por parte del estado y a la precarización de los servicios sociales.

### **1.1.1. Externalización «hacia abajo». Voluntariado y caridad**

El carácter solidario de estas organizaciones hace que sus actuaciones se consoliden sobre una base de personas voluntarias y redes de movilización de solidaridad a través de las cuales

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violencia psicológica o física o sexual y víctimas de trata de seres humanos» (art. 46.1) pero no se desarrolla como debe traducirse esta protección en condiciones de recepción.

pueden cubrir las deficiencias de financiación y recursos del programa estatal. Las limitaciones de esta estrategia de voluntariado forzado resultan obvias y conllevan importantes consecuencias, tanto para los profesionales como para las personas a las que se dirigen. Por ejemplo, las profesionales del programa de recepción estatal se encuentran con que las atribuciones para ropa y calzado que ofrece este son claramente insuficiente para proporcionar abrigo suficiente para el curso de un año, estas ONG pueden recurrir a donaciones o a otras ONG especializadas para cubrir esta necesidad:

*[N]osotros tiramos de donaciones también, pero seguimos implementando lo otro, porque sabemos que lo que se entrega no es suficiente, porque entre calzado y ropa no vistas a alguien por invierno, por ejemplo, aunque tiren de las tiendas más baratas (Olga, trabajadora social, programa estatal)*

En esta misma línea, si la financiación de la subvención del programa estatal no permite disponer de una persona a tiempo completo en la recepción de recurso o de suficiente personal para hacer los acompañamientos necesarios, desde las ONG se puede contar con varias personas voluntarias que suplan esta carencia. A veces, pueden incluso ser las mismas trabajadoras del programa quienes ejerzan a la vez de «voluntarios» en su tiempo libre, ya sea por estar inscritos como tales o para proporcionar ayudas puntuales fuera de su horario de trabajo:

*Yo he hecho incluso canguros. Como el padre y la madre, no trabajaban, pero tenían una formación que era importante dije, como eran las vacaciones de verano o navidad, no me acuerdo, dije, ya vengo yo. Y estuve una mañana allí haciendo de canguro de dos niños pequeños [ríe]. Hacemos un poco lo que podemos. (Lola, trabajadora social, programa local).*

Como vemos las propias trabajadoras perciben su papel como una forma de suplir la falta de previsión y recursos específicos del programa, que no tienen en cuenta las necesidades creadas por los mismos requisitos del programa. La falta de recursos económicos y humanos apela a la implicación solidaria y humanitaria de las propias personas que trabajan en los programas, quienes insisten frecuentemente en su implicación con el bienestar de las solicitantes y en como el cumplimiento de este objetivo personal las lleva a dedicar tiempo y trabajo extra a su asignación laboral, con consecuencias en su bienestar personal. Como explica Miriam, trabajadora social de programa estatal «la frustración de contar con pocos recursos y el convencimiento de que podemos hacer muy poco genera muchísimo desgaste en los equipos, se sienten muy impotentes» por lo que «estamos rompiendo a la gente» y «los equipos acaban con bastantes bajas laborales por el estrés». En consecuencia, el trabajo en pro de la solidaridad y la humanidad acaba desdibujando las líneas entre la «voluntariedad» y la explotación laboral (Simonet 2018).

*[A]quí tienes que meterle horas como el que más y esto no se paga. Al final... bueno, tú lo sabes, trabajamos horas y horas, fuera de nuestro horario, hacemos cosas que no están dentro del plan, pero ¿por qué? Porque nos gusta nuestro trabajo. (Roger, coordinador, programa estatal)*

Resulta evidente que la urgencia y gravedad de las situaciones que sufren algunas de las personas solicitantes, los vínculos personales que se establecen y la percepción de que de su empleo deriva un compromiso humanitario, lleva a normalizar la falta de recursos del programa y, más aún, que dicha falta se supla con trabajo voluntario.

### **Externalización «horizontal»**

En el apartado anterior se analizaba el proceso de externalización de arriba abajo, con la atribución de la gestión del programa estatal al tercer sector. Al mismo tiempo, es importante hacer referencia al impacto del proceso paralelo de externalización que podríamos llamar «horizontal», es decir, hacia otras administraciones públicas.

Las múltiples fallas del programa estatal, especialmente en cuanto a la falta de acceso a los recursos de recepción y los largos tiempos de espera para obtener y renovar la documentación que da acceso a dichos recursos, han hecho que aparezcan una amalgama de instituciones públicas allí donde no llega el programa estatal. Estas asumen varios niveles de la gestión de la recepción, que favorecen la disipación de la responsabilidad sobre la protección social de las personas solicitantes. Las Comunidades Autónomas, Diputaciones, municipios y agrupaciones de municipios han creado sus propios planes de recepción para solicitantes de asilo. Si bien estos no pretenden actuar ahí donde lo hace el programa estatal<sup>89</sup>, sí ofrecen soluciones parciales a las principales carencias de este programa, especialmente, ante la falta de plazas de alojamiento de emergencia, la finalización de las ayudas al término del programa y la escasez de recursos habitacionales a precios asequibles en las grandes ciudades, que limitan el acceso a una vivienda con las atribuciones económicas del programa.

Sin embargo, estas soluciones son dispersas y limitadas, estando circunscritas a un ámbito territorial específico y, por lo tanto, no alcanzan a dar una respuesta sólida a las carencias del programa estatal. Así, por ejemplo, en un municipio existirá un programa específico para personas solicitantes de asilo que no han podido acceder a la acogida de emergencia del programa estatal por la falta de plazas mientras en otro se crea un programa para personas solicitantes de asilo que han agotado las ayudas del programa estatal, pero siguen teniendo necesidad de apoyo socioeconómico y, a la vez, un tercer municipio no tendrá ningún programa específico. De esta forma, dependiendo de dónde se solicite protección internacional, diferirán las oportunidades para sobrellevar las carencias del programa estatal (Jubany & Rué, 2020).

Los procesos de externalización en horizontal revierten también en el personal de primera línea del tercer sector, en cuanto la falta de plazas en los programas de protección social para solicitantes de asilo y refugiados resultan insuficientes pueden seguir responsabilizándose de garantizar unos mínimos derechos para las personas solicitantes de asilo.<sup>90</sup> Sin embargo, la

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<sup>89</sup> En noviembre de 2018 el Tribunal Supremo reconoció que la competencia de «la gestión de los servicios y los programas específicamente destinados a las personas solicitantes de asilo en los ámbitos sanitario, educativos y sociales» recaía en las comunidades autónomas. No ha habido, sin embargo, ningún cambio en este sentido.

<sup>90</sup> Si se seguirán responsabilizando o no dependerá de muchos factores, entre ellos, de categorizaciones de merecimiento cargadas por expectativas de comportamiento en respecto al género u origen o si son

externalización de los servicios sociales hacia el tercer sector se extiende a todas las administraciones y el personal de primera línea de las organizaciones se encuentra al final de la jerarquía de distintos programas en los que no está claro quien ostenta la responsabilidad sobre qué ni quien debe responder ante las múltiples vulneraciones de derechos que se suceden y las que podrían sucederse.

*Habría que darle una vuelta también a la responsabilidad que tenemos las ONG en determinados casos que en realidad son competencia del estado. Por ejemplo, detectar un caso de riesgo para menores... nosotros estamos trabajando con población refugiada con recursos muy limitados y con equipos muy pequeños para el volumen de vulnerabilidad que hay. Si se nos escapa un caso o hemos dado parte a servicios sociales y servicios sociales no les atiende porque ya están siendo atendidos por [organización] y pasa algo ¿de quién es la responsabilidad? Porqué las competencias en protección de menores siguen siendo de las comunidades autónomas. (Miriam, trabajadora social, programa estatal)*

Como vemos, a los equipos de profesionales les preocupa especialmente que «se escapen casos» por la falta de recursos, o que el juego de la patata caliente con las responsabilidades entre las distintas administraciones y organizaciones implicadas tenga consecuencias para las personas solicitantes.

### **Externalización «desde abajo»**

Finalmente, nos encontramos también con una dimensión de la externalización que se sucede «desde abajo», entendida aquí como la toma de responsabilidad por parte de actores no-estatales de las obligaciones de protección del estado hacia las personas solicitantes de asilo y refugiadas (Kritzman-Amir, 2011). En el caso español, ante la falta de respuestas por parte de las administraciones públicas con la mediatización del fenómeno del asilo a partir de 2015, se dieron movilizaciones de la sociedad civil que han tendido a asumir por propia iniciativa parte de la gestión de la recepción de las personas solicitantes de protección internacional. Las personas que no han accedido al programa estatal de recepción o a los programas locales o autonómicos, en ocasiones han podido encontrar soluciones socioeconómicas en diferentes movimientos de la sociedad civil, desde instituciones religiosas hasta movimientos okupa o antiracistas (Ribera Almandoz, Declós y Garcés-Mascareñas 2020). A fin de evitar las consecuencias más draconianas de la falta de recursos dentro de los programas públicos, el propio personal de los programas de recepción participa también de los procesos de externalización «desde abajo» con la movilización de contactos y redes de apoyo. Una activista okupa se preguntaba cómo se había llegado a la situación en que se le estaba llamando a ella desde los programas de recepción públicos para preguntar si podían alojar a alguien en la casa *okupada* unos días ante la falta de recursos de acogida de emergencia cuando «debería ser yo quien te estuviera haciendo derivaciones a ti y no tu a mí» (Notas de campo, julio de 2019)

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percibidos como «buenos refugiados». Esta cuestión, sin embargo, se escapa del alcance de este artículo, pero ha sido tratada en profundidad en Rué, 2020.

El principal -y quizás el más olvidado- actor de esta externalización «desde abajo» son las redes personales de apoyo. Si bien no tenemos información estadística del porcentaje de solicitantes de protección internacional que son acogidos por sus propias redes en España, sabemos que solamente el 30% de quienes solicitan protección internacional solicitan también acceso a los recursos de recepción (Ministerio de Inclusión, Seguridad Social y Migraciones, 2020) y que esta ha sido tradicionalmente la forma privilegiada de acogida entre la población migrante y refugiada (Carrasco y Poblet 2022), en contra del imaginario que una de las principales motivaciones para la elección del país de refugio son los servicios de recepción que este pueda ofrecer. Así, por ejemplo, Hamza, solicitante de asilo sirio, decidió renunciar al programa de recepción porque «tenía que irme fuera de Barcelona». Así, en un principio vivió «en una residencia de estudiantes con una beca de la universidad y luego, haciendo una charla sobre mi historia como refugiado conocí a una familia de aquí y terminé viviendo con ellos» a pesar de que «lo consideré mucho porque si no entraba a vivir en el programa no podía acceder a ninguna ayuda, lo que me parece injusto» (Notas de campo, febrero 2019). De forma similar, Claudia, su pareja y sus hijas decidieron renunciar a un recurso de acogida de emergencia mientras esperaban acceso al programa estatal porque «teníamos un amigo que podía alojarnos” pero luego decidieron acceder al programa estatal «para no abusar de su confianza» (Notas de campo, mayo 2019).

Para los trabajadores del programa de acogida estas ‘redes de apoyo’ son esenciales ya que se considera que sin ellas es «cuando están más vulnerables» (Carmen, trabajadora social, programa local), ya que «hay redes de casi todas las nacionalidades y siempre se intentan ayudar» (Oriol, trabajador social, programa estatal) por lo que desde el propio programa se intenta «una de las primeras cosas que hagan es que si no tienen redes las creen» (Juan, coordinador recurso programa estatal) por que, como indicaba Pol, integrador laboral, entonces «la mayoría se va colocando a pesar de las dificultades burocráticas, más por su propia gracia que por nuestra intervención».

## **Conclusiones: El estado de la (des)responsabilización**

Para el personal de primera línea del sistema de recepción, como hemos visto en las secciones anteriores, el estado se aparece como incomprensible, malintencionado e inalcanzable. La experiencia del personal de primera línea en la implementación de políticas públicas de asilo muestra como estos los procesos de externalización son entendidos como procesos de des-responsabilización por parte de un estado que desaparece detrás de interfaces desfasadas, documentos inciertos y preguntas sin respuesta.

Esta situación en que la externalización de la gestión de los servicios sociales conduce a una externalización de la responsabilidad de recepción es el reflejo de la estrategia europea de externalización del control de migraciones que se viene implementando las últimas décadas (Mountz 2010; FitzGerald 2019; Micinski 2022), por lo que encontramos claros paralelos en otros países del norte global. Como apunta Jonathan Darling (2016) en su análisis de políticas de alojamiento para solicitantes de asilo en el Reino Unido, la externalización de los recursos habitacionales de las autoridades locales a empresas privadas ha llevado procesos de <pasa por

delante de garantizar unas condiciones de vida dignas a las personas solicitantes. Así mismo, podemos conectar esta disipación de la responsabilidad a una política explícita del estado de no intervenir. Como argumenta Nicolas Sitaropoulos (2002) analizando el sistema de recepción griego, el legislador no considera que haya una necesidad de desarrollar una nueva política global sobre la acogida y recepción de las personas solicitantes de asilo porque, a pesar de los múltiples aspectos a mejorar, el «sistema», en su conjunto, aparenta estar funcionando correctamente. Hay subvenciones públicas que son distribuidas, con más o menos éxito y premura, entre el colectivo objetivo del programa y por las organizaciones encargadas de su distribución, se cumple con los trámites administrativos, se redactan informes, hay reuniones de coordinación, etc. En resumen, la maquinaria burocrática del sistema marcha adecuadamente.

Sin embargo, como hemos visto, en el caso de España el contingente permanente de solicitantes de asilo en situación de calle, las dificultades para cumplir con los trámites administrativos, la tardanza en obtener renovaciones de la documentación, las dificultades para acceder a los recursos de acogida y la fiscalización de la vida privada de quienes solicitan asilo se siguen sucediendo. Todo ello se lee como situaciones necesarias o enmendables proveyendo al sistema de más recursos -más dinero, más personal, más plazas de alojamiento, etc.-. Sin embargo, las propuestas para subsanar los «fallos» del programa, no sólo son insuficientes, sino que además no atienden a las condiciones de recepción con las que van a encontrar las personas solicitantes, ni a los factores estructurales que contribuyen a mantener y reproducir las situaciones de desprotección a las que se enfrentan, incluyendo la precariedad laboral del propio personal del sistema de recepción.

Explorando el trabajo diario de las profesionales del sistema público de recepción, bajo la lente etnográfica, se evidencia como las modificaciones del sistema no dan respuesta a las disfuncionalidades del sistema, sino que, contrariamente, contribuyen a los procesos de disipación de responsabilidad a través de la externalización a entidades del tercer sector. Como se ha demostrado a lo largo de este artículo, las prácticas estatales de gestión de las migraciones a través de políticas de la inacción (Davis, Isakjee and Dhesi 2017), encubiertas tras los procesos de externalización y disipación de la responsabilidad, fomentan, además, situaciones de desprotección y vulnerabilidad de las personas solicitantes, que son a menudo interpretadas como disuasorias. Si bien el sistema de recepción en España tiende a presentarse como una política para la «ciudadanía» (Inda 2008), el análisis en profundidad de este expone como dicho sistema *de facto* esconde y legitima el impacto unas políticas de exclusión que niegan acceso al estado del bienestar a parte de la ciudadanía. Un sistema que genera un régimen paralelo en el que el deber público es suplido por la caridad y voluntarismo para aquellos a los que se adjudica la etiqueta de 'no-merecedores'. De tal forma, el sistema de recepción de solicitantes de asilo se transforma en un parcheado de diferentes programas, parciales e inconexos, que no proveen una protección real a procesos de exclusión socioeconómica, sino que más bien ofrecen caridad ante situaciones de emergencia socioeconómica.

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## Chapter X<sup>91</sup>

### “Real refugees” say *gracias*. Deservingness, professional knowledge, and efficient bureaucracy at asylum reception.

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#### **Introduction: the first word**

In December 2018, one of the main non-governmental organisations in the asylum reception system in Spain launched a fundraising campaign called *#laprimera palabra* [hashtag the first word] for asylum applicants to show their 'gratefulness' to the Spanish society for having 'welcomed' them by saying *gracias* [thank you] to people on the street and hand out appreciation cards. The campaign came just a couple of weeks after the Spanish asylum system had made all newspaper headlines due to the days-long queues that had formed at the only police station in Madrid that took asylum applications at the time. After the already commonly lengthy queues to get an appointment for the first asylum interview had started to extend for days in the cold and rain of late November 2022, asylum applicants, migrant support organisations and anti-racist groups organised a demonstration as a call-out of the situation. The demonstration attracted media attention to the challenges that asylum seekers in Spain faced to access the right of asylum and reception services. The lack of enough reception facilities for the number of requests had left many people waiting to obtain a placement for several months, with few alternatives generating high rates of homelessness.

Individual asylum seekers may have appreciated the support given by the organisation that launched the campaign or been relieved to have left the dangers that led them to migrate behind, finding new opportunities through the reception programme. However, considering the difficulties in accessing asylum and the reception conditions faced by most asylum applicants in Spain, it was hard to imagine how most asylum seekers would feel grateful to the Spanish society for their "welcome", as the campaign proposed. As voiced by several activists on social media (see, for instance, El Jebary, 2018; Ouled, 2018), rubbing salt into the wound, the campaign could also be read as an exhibit of the coloniality of humanitarian intervention<sup>92</sup>. In a context where failed reception, barriers to access the right of asylum, explicit and structural violence against migrants and non-white Spaniards, and the criminalisation of migration are the norm, the campaign exposed mostly non-white people from primarily former European colonies being 'grateful' to white Spaniards for being 'welcoming'. This approach is not only overtly racist but also heavily reminiscent of colonial discourses on humanitarianism and charity. The campaign

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<sup>91</sup> Sent to the *Journal of Refugee Studies*

<sup>92</sup> The author is also in debt with the organiser, Prof. Fataneh Farahani, and the participants to the Hospitality and hostility and everything in between in an era of forced displacement conference at Stockholm University between 25-26 April 2019 for pointing at this issue and providing early feedback to the results presented on this paper.

was very revealing of the 'moral economy' (Fassin, 2009) of asylum reception. Non-governmental organisations working in public asylum reception and their workers manage administrative categories that define eligibility within various welfare programmes.

Along with these, their work is guided by personal, institutional, and humanitarian values that often contradict their role as implementers of restrictive welfare programmes and migration control policies. As shown by the literature on humanitarianism, asylum, and the construction of eligibility (see, for instance, Bloch and Schuster, 2002; Agier, 2011; Cabot, 2013; Malkki, 2015; Pallister-Wilkins, 2017), in their efforts to make sense of the inner contradictions of their work and the lack of material and economic resources, reception workers categorise their clients as 'worthy' or 'unworthy' of international protection and the welfare entitlements attached to applying for it. These discourses over asylum applicants' deservingness inform and rationalise their decisions in social intervention but often do so for their personal humanitarian beliefs, which leads to complex relationships between conflicting viewpoints, resources, attitudes, and social intervention practices.

This paper seeks to understand how asylum reception workers make sense of their work and practices, the asylum system they inhabit and their clients. After some methodological notes, the first section approaches the intersection of the literature on asylum, deservingness, and bureaucracy and how this can inform the analysis of work within asylum systems. After briefly introducing the Spanish context, the second section looks at how asylum reception workers make sense of individual values, institutional humanitarianism, and legal frameworks in implementing a restrictive and exclusionary asylum reception programme. Thirdly, the paper examines how different administrative categories determining eligibility for asylum welfare programmes are configured and reconfigured through reception workers' 'professional knowledge'. Finally, the paper concludes with an analysis of how reception-situated ideas of the 'good refugee' bring to the fore the hierarchical categorisations inherent to the right of asylum.

## **The methods and the field**

The results presented in this paper are based on ethnographic fieldwork between 2017 and 2021 in Spain; in Catalunya and the Comunidad de Madrid regions. The research focussed on non-governmental organisations managing public reception programmes at state, regional and local levels. In spite of the multi-sited research design (Marcus, 1995), this research does not aim to compare programmes or NGOs, but it seeks to account for the similarities in reception workers' imaginaries, practices, and strategies across organisations and reception programmes.

The main question that guided this research is a very simple one: "what do reception workers do, how do they do it, and how do they make sense of what they do" aiming to answer Malinowski's three main questions of ethnographic research regarding what people do, how they do it, and what they say about how and why they do it. Participants were asked about their work within the asylum reception system, their perception of it, and their role within it, as well as on their understandings and beliefs about the right of asylum.

Data were collected mainly through semi-structured, in-depth interviews with 41 participants selected through a combination of the snowball method through previously established contacts with reception organisations and the direct recruiting of participants from the public listings of the organisations in the asylum reception programmes across Spain. While interviews were the main data-gathering method in this research, the research also included participant observation at different reception sites. The core sessions took place at a reception centre belonging to the state's reception programme. Participant observation allowed seeing reception personnel working in their environment (Wacquant, 2010:70) performing their routinary interactions with colleagues, clients, spaces, and objects. This method was triangulated with the interviews allowing the exploration of contradictions and negotiations between what they did, what they said they did, and their interpretations of the system, revealing new ways to understand the "history, ideology and action" of the field (Shah, 2017). Yet, both interviews and participant observation are always to be understood as performative (Katz, 1992) as actors may also adjust their behaviour when feeling scrutinised by a researcher conducting ethnographic observation (Hammersley, 2006) or may present only a specific representation of themselves to interviewers (Wacquant, 2010), particularly in politicised and ethically sensible fields (Maillet, Mountz & Williams, 2017). Thus, unveiling some 'truth' will never be the objective of these methods. As Fassin (2013) notes, however, what the researcher is told and allowed to observe is very informative about what research participants consider to be 'normally acceptable' (Fassin, 2013:17) and provides valuable insight into the participants' interpretations of their work and position, in this case, within the asylum regime. Additionally, relevant documentary research was conducted through the analysis of the content, flows and lifecycles of asylum identity documents, the 'management handbooks' issued by the Ministry of Inclusion, Social Security and Migration (*Manual de Gestión del Sistema de Acogida de Protección Internacional*) and organisations' fundraising and awareness campaigns, social media publications and internal management forms and documents. These documents are constitutive of state structures, organisations and their networks and play a crucial role in "the understanding of activities, people, systems and technologies" (Geiger & Ribes, 2011:1).

Combining these methods through qualitative data analysis (employing memos, transcription, and thematic coding, including co-concurrence tables in AtlasTi) allowed me to construct 'thick descriptions' (Geertz, 1973). This 'thick descriptions' analysis allows going beyond monolithic understandings of the state but understand it rather as "the people who comprise it, their everyday work and [its] social embeddedness in local relationships" (Mountz, 2010:xvii) and thus gain a better understanding of the "quieter registers of power" (Allen, 2011:291) that operate in the governance of migration. As Borrelli and Lindberg argue (2018), this also helps us drive away from the idea that there is a coherent 'migration apparatus' (Feldman, 2011) in Europe that all involved actors work to maintain. While recognising the power in the positions of these agents and in the institutions they work for, it is crucial to direct the gaze to the 'elites of the migration regime' (Cabot, 2019). Only then can we examine the full intricacies of the asylum regime by revealing the bureaucratic and ethical complexities, dilemmas, and particularities of the work of different actors within the asylum regime (Borrelli & Lindberg, 2018).

Participants, including all identifying personal characteristics such as age or gender, were fully anonymised. Often, when considering the ethical implications of research on asylum issues, only refugees are framed as vulnerable to the potential consequences of ethnographic inquiry. Asylum workers, however, are also vulnerable to research consequences (Maillet, Mountz & Williams, 2017). Spanish asylum reception workers hold precarious jobs, with short-term and project-based contracts. Many are engaged in advocacy activities related to their own labour rights, refugee rights or other social issues. At the same time, several non-governmental organisations involved in this research considered that their access to state funding had been reduced due to publicly opposing government policies on asylum matters or fear it could be. For these reasons, the anonymity of the organisations and their workers was crucial to this research. While which organisations receive state funding to manage the asylum reception programmes is publicly available information, research data has been anonymised to avoid any links can be made between organisations and the participation of their workers in this research.

### **Efficient bureaucracy**

Bureaucracy has become one of the main mechanisms of migration governance. Its role in governance has mainly been studied in frontline policy implementation through the work of 'street-level bureaucrats' (Lipsky, 2010) and their decision-making ability within the 'implementation gap' by using their discretionary power. Analysing this relationship has brought to the fore the relevance of the 'human factor' in the implementation of policy and its exceptions and contributed to untangling the ethical, moral, and political intricacies of frontline bureaucracy. The 'street-level bureaucracy' approach to state power has contributed to understanding the state structure that spotlight "the repetition and institutionalisation of a plurality of social practices through a common ideological framework" (Mitchell, 2015). This understanding is opposed to monolithic approaches to the state, which understand it as a homogeneous hierarchical structure that obscures its contradictions and struggles and that state knowledge is a social knowledge (Bourdieu, 2012). Yet, policy implementation is not always enacted by state agents. Third-party actors, such as the NGOs that administer externalised welfare programmes, *act as* government agents and play a key role in the implementation of migration policy. Their work and the ambiguity of their position "challenges easy divisions between state and non-state actors, policy and practice, and state and civil society" (Mountz, 2010:XXIV). Particularly through the exercise of their duty and in their relationship with their clients, third-party actors contribute to the construction and reproduction of migration regimes. They assert their power and the power of the institutions they work for, or, contrarily, they participate in resisting and rejecting this power by acting independently beyond the margin of discretion foreseen by law (Lipsky, 2010).

Thus, through their daily activities, frontline workers make their clients 'legible' (Scott, 2008 [1998]) to the state by assigning bureaucratic labels that define their access to rights and services while helping their clients navigate "an otherwise impenetrable bureaucratic maze" (Tuckett, 2018:59). Yet, bureaucratic categories are not neutral, on the contrary, under scrutiny frontline workers' appraisals reveal moral judgements, social and racial stereotypes, and

prejudice, as it has been extensively shown by labelling theories (Goffman, 2009) and the study of law enforcement and frontline bureaucracy (Loftus, 2015), particularly in relation to migration (Guiradon & Joppke, 2001; Maril, 2004; Mountz, 2010; Fassin, 2013; Jubany, 2017). These findings intersect with literature on 'deservingness' (Katz, 2013), which has focused on the intertwining relationship between social policy and perceptions of recipients of social aid as 'deserving' or 'underserving' of such aid (Guetzkow, 2010). The framework of deservingness has been used in migration studies to interpret social welfare policies beyond legal categorisations of migrant subjects (Sales, 2002) to "account instead for the criteria that concretely define who gets what and why" (Novak, 2021:452).

Categories of deservingness managed within social work significantly impact asylum applicants' access to asylum and welfare rights. Social workers' uses of categories such as 'employability' in job-finding programmes for migrants, asylum seekers and refugees have consequences on their possibilities of finding a job, and the type of job they will find (Arqueros-Fernandez, 2022; Shutes, 2011). Similarly, the discourses of professionals, volunteers, and users of asylum reception programmes around 'integration' also contribute to determining how refugees foresee their lives in the country of asylum (Kirkwood et al., 2015). Performances and assessments of 'vulnerability' and 'refugeeness' are a crucial negotiation tool to access asylum recognition and welfare services (Freeman, 2019; Cabot, 2013; Szczepanikova, 2010; d'Halluin-Mabilot, 2012). These expectations of desirability within asylum are strongly defined across gendered and racial terms, despite this is rarely made explicit as exclusionary and discriminating laws are carefully de-racialised (Masocha, 2015). Street-level bureaucrats, especially those in the social field, show careful disassociation with explicitly racist discourses (Humphries, 2004) but readily participate in "the reproduction of national and other boundaries that contribute to the exclusion of particular groups and to the facilitation of others" (Christie, 2002:196).

These categorisations are often framed as 'professional knowledge' (Jubany, 2017). Through their professional socialisation and the interactions with their 'clients', subcultural worlds and particular labelling practices emerge within the workplace. Thus, when frontline workers seek to make sense of their roles within the asylum system, resolve moral dilemmas in their daily work or respond to the 'impossible situations' of bureaucratic work in contexts lack of resources (Zacka, 2017) 'professional knowledge' is mobilised to rationalise their moral choices. As Borrelli and Lindberg argue, asylum officers are often conflicted by policy-maker expectations, the general public, and migrants, having to take "ethically and emotionally sensitive decisions" (2018:174). In this context, mobilising their 'professional knowledge' allows them to go beyond their duty to do their job according to their moral stances and work as they believe to be 'correct'. Thus, while frontline social workers readily reproduce state categories, implement restrictive policy, and exercise control over migrants (Vrăbiescu & Kalir, 2018), they also work to subvert bureaucratic labels, make evident and confront gendered and racialised bias, work around and challenge restrictive policies, and aid migrants to elude state surveillance, often at the expense of their own time, efficiency, and well-being (Borrelli and Lindberg, 2018). This is particularly the case for those who work for humanitarian and activist organisations, as they are

the object of surveillance from the state structure, even if they work in state-funded programmes (Tuckett, 2015).

As I will argue in this paper, assessments of deservingness permeate frontline asylum reception workers' use of their discretionary judgement and, despite asylum workers' best efforts to do what they believe to be 'right', who gets what and why, gets complicated by the particularities of bureaucracy and the inherent exclusionary logic of the asylum regime, revealing its particular 'moral economy' (Fassin, 2009).

### **Managing deservingness**

The fundraising campaign *#laprimerapalabra* exposed three crucial aspects of the 'moral economy' of asylum reception. First, it obscured the endemic lack of resources in the reception system and the extreme difficulties faced by asylum applicants, as well as the struggles of frontline reception workers against labour precariousness. Second, it revealed how, in this context, recognition as a "real asylum applicant" (Roger, local coordinator) is perceived to be conditional to behaviour within reception rather than a mere bureaucratic status given by starting an asylum application. In the following sections, the ethnographic results also show how reception workers' negotiations with the state through these categories also reveal the gendered and racialised underpinnings of asylum and the coloniality of humanitarian intervention that emerged on the *#laprimerapalabra* campaign. Finally, through the particular behavioural expectations over feelings of 'gratefulness' for reception, the campaign made explicit how asylum reception continues to be construed as a charity rather than a right.

### **Navigating precariousness**

*#LaprimeraPalabra* campaign launched in December 2018. As mentioned in the opening section, the Spanish asylum reception programme had barely reached a tipping point weeks before. The number of applications was at an all-time high. In large cities, such as Barcelona and Madrid, there were daily queues to get appointments to formalise an asylum application. Additionally, the time foreseen for each step of the asylum process had started to stretch since 2015 as applications started to rise significantly and the system struggled to keep up<sup>93</sup>. By 2018, this took up to seven or eight months, and the backlog of cases did not cease to increase. Likewise, according to official data from the Ministry, only 30% of asylum applicants also apply for reception services (Ministerio de Inclusión, Seguridad Social y Migraciones, 2020). Despite this, by the end of 2019, the state's reception programme had only 9.129 accommodation slots (Pasetti & Sánchez-Montijano, 2020)<sup>94</sup>. Having received more than 117.000 applications in 2019 (Eurostat, 2022) and considering that the average stay in reception accommodation is about six months, there is a yearly backlog of at least 10.000 applicants waiting to access reception. Between 2017 and 2020, waiting times to access accommodation within the state's reception

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<sup>93</sup> For instance, the maximum time for the first screening of the asylum application is set at 20 days, after which the asylum applicant must receive their first residence permit.

<sup>94</sup> The number of reception slots has remained more or less steady since, by the end of 2021 the reception slots were 9.951 (Comisión Española de Ayuda al Refugiado, 2022).



system went up to almost nine months. While there was an 'emergency' reception programme in place, aiming to host asylum applicants while they waited for slots in the full programme, it was insufficient, and access was mediated by assessments of 'vulnerability' and 'extreme vulnerability' by frontline NGO workers. This situation continued until the restrictions due to the COVID-19 pandemic drastically slowed down the number of applications as offices shut down to the public and travel was severely limited while allowing screening procedures to continue behind closed doors. Similarly, times to access reception were rising exponentially, leaving many asylum applicants with severe destitution. Although the rise in applications worsened the disparity between resources and investment and the asylum system's needs, the lack of funding was endemic to the system that had already been suffering from a politics of non-doing for a long time, as it has been argued elsewhere (Jubany & Rué, 2020). This lack of attention continued to affect reception conditions and screening procedures.

The lack of funding and planning also impacts asylum workers. Between November and December 2018, as the campaign #laprimerapalabra was launched, the contracts of most of the personnel at the *Oficina de Asilo y Refugio* (OAR) (the office in charge of studying asylum cases) were terminated, as they had been hired through an emergency measure when applications started to raise three years earlier. While the redundancies were made due to legal restrictions of their type of contract, those being fired believed the government could have taken measures to extend or renew their contracts and accused the government of not being proactive in all matters related to the asylum system. While the personnel were almost immediately substituted, the OAR remained almost pilotless for a few weeks as the recruits were untrained in the work of the OAR. The layoffs strongly contributed to the increase in the backlog of cases and the lengthening of times. Consequently, they also contributed to further restricting access to the right of asylum and reception services.

Facing a sharp increase in the number of applications, in 2015, the Spanish government expanded the state reception programme. The number of reception slots grew exponentially from 2015 to 2019, going from about 800 beds in reception centres in 2014 to more than 9.000 in 2019 (Pasetti & Sánchez-Montijano, 2020). The expansion, however, relied mostly on NGOs that increased their share of reception slots (against state-managed reception centres) from 50% to 96% of the total. The reliance on the charity and humanitarian sector allowed the Spanish government to respond quickly, even if insufficient, to the increase in applications at a lower cost than building a network of public reception centres. However, it came at the expense of labour rights and work precariousness among reception workers. Work conditions are generally regarded as poor in terms of temporality and low pay.

Nevertheless, working hours, when no overtime is required, are considered one of the main assets of the job, together with "helping people" (Pol, social worker). Overtime, however, is very common, particularly when finishing can have consequences for their clients, such as sleeping rough for the night, not having crucial documentation submitted on time or failing to go to an appointment. Frontline reception workers struggle with the extreme temporality within the sector, with many contracts being project-based, lacking compensation for extra hours, and

lower salaries than public workers in the same category, position, and even reception programme. As Alba, a psychologist in the state programme, explained, "if you have to work 10 hours a day, you do them". However, as Roger, a local programme coordinator, argued, "you have a system built of will and effort, because while you are ready to work as many hours as necessary but won't be paid" and then "people are completely burnout, we have half of the team on depression leave" (Miriam, social worker). So, Roger continued, "if workers are not motivated, they don't do these things [like working overtime or going beyond what is established by the workplan], so you get lots of reception slots but terrible quality because, in our working hours, we can only do the essential but not provide quality" (Roger). In this research period, all of the large organisations that participated have gone through strikes and union negotiations to improve workers' conditions and avoid mass redundancies due to cutbacks in the state's reception programme budget, with different levels of success.

### ***Negotiating reception***

The Spanish asylum system has a two-tier structure where applications are subjected to a first screening to determine whether they will be considered or not. At this stage, there are several grounds under which Spain can reject to study an application<sup>95</sup>. For instance, this first screening would determine whether Spain is responsible for studying the case under the Dublin III regulations or whether the applicant is eligible for asylum considering previous applications in other EU countries. However, it should not assess whether the case is sufficiently substantiated to grant international protection to the applicant. Previous to 2009, when the last Asylum Law reform was introduced, asylum applications could be rejected in the first screening if they were found to be "manifestly unfounded". Under this clause, almost 70% of claims were turned away each year, implying they were not registered as asylum applications in statistics (Jubany, 2002). Yet, the 2009 Law adopted Directive 2005/85/EC and restricted first-screening rejections to administrative criteria in applications filed in Spanish territory (Vallés Ferrero, 2016)<sup>96</sup>. Falling far from their work area, most reception workers who participated in this research were unaware of these developments in Spain's legal framework. Yet, they considered that some sort of screening of whether a case falls within what they referred to as "Convention criteria" (Silvia, lawyer) should be in place before asylum seekers had access to the reception system. Otherwise, as Pau, a local coordinator, complained, "you could state you are applying for asylum in Spain because it's sunny here, and your application would still be accepted". While against the European Union's legal framework and national dispositions, that oblige states to provide reception to all asylum applicants in need, and seemingly in contradiction to the humanitarian stance of their organisations, these requests for a "filtering" (Carles, lawyer) of cases before providing access to reception were very frequent among reception workers that participated in the research. The analysis will show how the conditionality of the "asylum seeker" category is

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<sup>95</sup> The criteria are: Spain not being responsible to study those applications due to Dublin regulations, having legal residency in a country with no risk to their life or safety, having entered Spain through a "safe country", having applied for asylum before in Spain or in another EU country or being a EU citizen (Vallés Ferrero, 2016).

<sup>96</sup> This clause continues apply to asylum applications made at ports of entry, which seriously contributes to hinder access to the right of asylum in Spain.

intrinsically linked to the programmes' lack of resources and, consequently, to the moral dilemmas faced by reception workers in the bureaucratic field.

Despite its many pitfalls, the state reception programme was considered by NGO workers as a privileged site within social services due to the mere existence of the programme "because undocumented migrants are on the street." (Francesc, social worker and psychologist). Additionally, in the experience of most frontline reception workers, the state and local programmes seemed to receive much more funding than any other social programme in which they had worked before. As Ester, a social worker in the state programme, explained, "I've been working in the social field for a long time, and I had never been able to spend as much as I do here. Before, if I wanted to do an activity, I was told, we can't if it costs any money. When I tell other colleagues all we do here, they are like, wow, girl, you're rich there!". Some found that the programme was particularly generous to beneficiaries and that, for instance, the monthly allowances given to asylum applicants were quite opulent, if not excessive. Dani, a social worker in the state programme, would tell me that he "would never raise the amounts we are giving" and he would "perhaps even lower them" because he had "given up to 1700€ to a single family in a month".

As explained above, the programme presents an endemic lack of funding and resources that is constantly suffered by social workers, as they find themselves unable to provide resources to the people in need. Due to the backlog in access to reception, there is a generalised feeling among reception workers, supported by their day-to-day encounters with asylum applicants in serious conditions of destitution and a lack of resources to offer responses to these situations, that those who have had access to the reception programme should "be content" (Dani, social worker) and "make the best of it" (Oriol, social worker). Thus, they consider that part of their job is to prevent an "abuse" (Carles, lawyer) of the reception resources. 'Abuse' was defined by Cinta, a local coordinator, as "people who are not asylum applicants" having access to the asylum reception services due to "the lack of filtering" (Marc, regional coordinator) at the moment of the application of those who "do not have an asylum case" (Roger, local coordinator).

As the fundraising campaign inadvertently revealed, 'gratefulness' and correlates such as "seizing the opportunity" or "doing one's best" are among the most common tropes that reception workers use to talk about individual asylum seekers' worth and their deservingness of international protection and reception services. In reception workers' accounts, "making the most out of the reception programme" (Laura, social worker) is not linked to any particular activity but is understood as general compliance with the programme's rules and expectations. Every applicant has their own personalised goals for their time in reception, which are agreed on arrival with their social worker through the drafting of a 'work plan'. Yet, as the 'work plan' is agreed on and signed by the applicant, not following without due explanation is usually considered a "breach of trust", as applicants are not performing as they committed to.

While the 'work plan' has a basic bureaucratic shared checklist, like registering in the municipality and obtaining a healthcare ID, everything else is decided based on the applicant's

skills and expectations for their life in Spain. Yet, on the one hand, even if this is envisioned to accommodate each applicant's situation, in practice, the programmes' narrow understanding of asylum applicants' social incorporation limits the goals in the 'work plan' to language acquisition and the exploration of possibilities for labour market incorporation. On the other hand, as explained elsewhere (Mas Grau, Rué & Roiha, 2020), the definition of the work plan is heavily influenced by gendered and racialised expectations. For instance, people with particular clothing choices or physical appearance would be discouraged from applying for jobs that required working with the public. This was the case of a trans woman who wanted to start a training programme to be a hairdresser but who was advised to "look for other options" by a social worker as it would be "a risk" (Carmen, social worker) for her. It was also the case of a Muslim man styling a long beard who was advised to lower his expectations because "he has to understand that his wife has a much greater chance than him to get a job, looking like this" (Roger, local coordinator; fieldwork notes).

Within this context, social workers place a lot of weight on Spanish and literacy lessons as the possibility to learn to read in the Latin alphabet or improve one's Spanish during the time applicants spend in reception, with direct state support and not yet being allowed to legally work, is perceived as "a unique opportunity" that "should not be missed" (Celia, social worker). Social workers know "some of them work in the irregular market" (Olga, social worker) and thus fail to "make the best of" the reception programme, although they "understand" it (Alexandra, social worker) as "it is important to save money for the future and the reception programme does not permit that" and applicants are "eager to work as they do not want to live out of charity" (Mercè, social worker). Yet, they believe they "cannot encourage" asylum applicants to work irregularly as they are receiving public allowances, and these are jobs in the irregular market "so we can do very little if their rights are abused" (Mercè, social worker). They also consider these to be "unsteady, very short-term, informal jobs that will not be able to sustain them once they are out of the reception programme" (Olga, social worker) or even while they are in the reception programme as any income that is declared will imply a reduction on reception allowances.

As these last quotes point out, side jobs in the irregular market, while tolerated, are seen as interfering with the thought-through 'work plan' agreed on with applicants. If the 'work plan' is followed thoroughly, the general understanding is that it would increase their chances of getting a job and faring better after leaving the reception programme. Language acquisition is, on the other hand, seen as a basic part of this as knowledge of the Spanish language is considered to be essential to work in Spain<sup>97</sup>, and literacy is found to be "essential to navigate our world today" (Sergi, social worker). Yet, applicants continue to skip Spanish and literacy lessons for multiple reasons that they shall not necessarily share with their social workers. Reservations over asylum applicants' deservingness of social services are raised when the explanations they give for not following the 'work plan' do not match the social worker's expectations, are not given or are

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<sup>97</sup> Knowledge of other languages in Spain, such as Catalan, although encouraged among those who already speak Spanish, it is perceived by social workers as a plus but not a necessity.

considered insufficient or unsatisfactory. For instance, an applicant was reprimanded because despite repeated compromises that she would attend Spanish lessons she kept on skipping these because she "did not have time to go as she had to care for her children" (Lola, social worker). Yet, her social worker was adamant that "other single mothers have time both for taking care of their children and going to Spanish lessons, so I don't see why she would be any different".

While the importance of performing according to the system's expectations becomes more obvious for those that do not comply with them and through reception workers patronising interventions as those exposed in the previous cases, most reception workers tend to be more accommodating in their decisions than the book would require. It is rare for people to be admonished or expelled from reception due to a breach of the programme's rules or underperformance like management regulations foresee. Rather, when confronting 'underperforming' or "trouble-making" (Lola, social worker) applicants, reception workers tend to turn towards *efficiency*, as shown by Osman's case.

I met Osman during a meeting with his social worker, Xavi. Xavi had programmed the meeting to encourage Osman to find his own accommodation and leave the reception centre. While stays in reception can extend up to 12 months for applicants considered to be in situations of 'vulnerability', the standard stay is six months, but it can be reduced to three if the applicant requests it. Osman had arrived at the centre less than three months before that meeting, but as Xavi explained to Osman, he believed Osman was ready to move on. Xavi argued Osman could speak Spanish perfectly and had a solid network through the volunteering organisation he had joined immediately after arriving in Spain. Osman was also planning to start his own business to continue the work he was doing back in his country of origin, and Xavi saw no reason to believe he would not be successful at this enterprise. Yet, after the meeting, as we were alone in his office, Xavi revealed his underlying motivations by suggesting to Osman to take steps to leave the reception centre at that time, only three months after his arrival. While possible, this was unusual as applicants were usually granted a six-month stay in reception. In Xavi's words, social workers "normally try to extend applicants' stay as long as possible". During the summer of 2020, Osman tested positive for COVID and was moved to an apartment to quarantine alone. The apartment happened to be just in front of Xavi's home, from which Xavi, out of boredom being himself also confined, he claimed, passed his time looking out at the balcony. From there, he could see Osman "wouldn't stop taking people into the apartment" and "you are not supposed to do that. Not only because you could pass COVID to someone, but because it's against the programme rules, and breaching the rules implies a breach of trust. [...] When someone breaches our trust, they do not deserve [to stay], and we try to have them go as soon as possible". Osman was not invited to move on because he had breached the COVID quarantine or broken any reception programme rule. The programme foresees this kind of situation and allows for sanctions, which include expulsion from the programme. Yet, the official channels were not followed, and Osman was simply invited to move on because he behaved in a way that his social worker considered "a breach of trust".

These behavioural expectations become conflated with expectations of being a "real asylum applicant" (Roger, local coordinator) or a "real refugee" (Celia, social worker). Most research participants were convinced that there was no clear-cut distinction between 'migrants' and 'refugees', if there was any distinction at all. They were generally supportive of the thesis of mixed flows, which argues that individuals' motivations to migrate often combine both economic and persecution or conflict-related factors (Crawley & Skleparis, 2017), even if they would not frame it as such. They also mostly agreed that it was very difficult to argue that migrating for economic reasons was not a form of forced migration, despite the lack of recognition of these circumstances under the legislative frameworks of international protection. For instance, Paula, a social worker at the state programme, thought that "It does not matter if it's one thing or another. After all, it's just some writing on a piece of paper, but if you want to narrow it, there are people who are [refugees] and don't know what they are and people who aren't and say they are. What are you supposed to do, anyway? You are desperate, economically or because of trauma, what does it matter?" Similarly, they mostly considered, as Neus, one of the few civil servant social workers in reception explained, that while "there may certainly be people who don't have a refugee profile" it is not their "call to determine that". Yet, in the complex negotiations between needing to distribute scarce resources and maintaining a user's-first approach, distinctions between 'economic migrants' and 'refugees' were constantly made.

The particular expectations that triggered these assessments varied slightly across teams and individuals, but two issues were highlighted above others. There was widespread recognition of the idea that performing as expected within the reception programme was strongly linked with being an '(real) refugee' or a '(real) asylum applicant' as opposed to being an 'immigrant'. As Roger, a local programme coordinator, explained, there was an impression that "those who are not asylum applicants, those who use asylum as a mechanism to regularise, they are rarely successful in the reception programme". For most of the informants, this was not seen as something necessarily negative, just as a disconnection between the particular profile the reception programme was aiming at and the actuality of asylum applicants' expectations, goals, and experiences in reception but, rather than a challenge the adequacy of the programme, it would drive assessments of deservingness. Roger would argue he was "very happy" that some of those he saw as 'immigrants' would have access to the reception programme as this meant they could be "documented for a while, work, and move on", and he did not hesitate to encourage people he considered would certainly be denied asylum to apply for international protection in order avoid irregularity. Yet, he also considered that they were "perverting the core spirit of the programme" which, in his view, was to provide reception to refugees. In line with this, Roger, as did most of the other participants in the research, would not encourage anyone in a situation of irregularity to apply for asylum. On the contrary, in a context of overwork, they were very selective when "go[ing] the extra mile" (Claudia, regional coordinator) as they often believed that "with the time I have, I will not spend it in doing this if I cannot fully defend the case" (Eli, psychologist).

## Going a step further

*"I compare our work to board games. There's a set of given rules, and our task is to be as smart as possible to get what we want. There are some rules that are set in stone, but you can work around others. In my view, that's the only way."* (Sergi, local coordinator)

"Tak[ing] great pains" (Sergi, local coordinator), "devoting efforts and time" (Roger, local coordinator), "being motivated" (Eli, psychologist) or "fighting for a case" (Alba, psychologist)<sup>98</sup> were expressions often used by reception workers to describe their personal investment towards asylum applicants in their care. These expressions reflected how they make use of their time and resources in order to favour asylum applicants to navigate the programme. In the quote that opens this section, Sergi, a local programme coordinator, compares their job to a boardgame, as it implies a constant negotiation between the programme's rules and limitations and attending to their clients' needs and petitions, which often entails finding creative ways to work around the rules or turn them into one's favour. Yet, it also speaks about finding a margin of discretion within a highly bureaucratised context that exercises tight control over asylum applicants' lives and their own work. One of the most cumbersome tasks for them is of collecting evidence of all of the expenses of asylum applicants. As Roger explained, "If I give them 700€, it's 700€ in shopping bills, then I have to count them one by one", to which Olga, a social worker in the state programme, felt that not only does she have to "justify it all [but] in the end is like the Big Brother, I need to check if they bought a lipstick or a book for the kids instead of a razor or shampoo. And instead of talking about what you want to do in life and how I can help you go about it, I am here telling you that the shopping bill is incorrect, and I cannot give you any more money until you bring a valid one".

In this context, it is in applying their 'professional knowledge' to vouch for those asylum applicants that they consider to have a "good case" or are "making their best" that they can "go beyond" the strict implementation of the reception programme and perform social intervention as desired. Consider, for instance, the assessment of 'vulnerability'. Gaining an assessment of 'vulnerability' is crucial within the state reception programme to access services such as emergency accommodation or extensions of their stay in reception centres. While final decisions over the case are always taken at the Ministry, reception workers are the ones who build the case by collecting evidence and providing documentation to the Ministry. The national legislative framework fixes a number of criteria of 'vulnerability', and the Ministry also sustains some general guidelines, but which are rarely made explicit and are often discovered by frontline workers through the trial-and-error method. Reception workers, however, often contest and use these criteria strategically on the basis of their 'professional knowledge' to push for the recognition of rights and services for asylum applicants.

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<sup>98</sup> Some of these have been translated rather freely into English as maintaining the original intent of the Catalan expressions used by the social workers has been prioritized: "Dedicarem més esforços" (Claudia); "Hi ha molts esforços" (Sergi); "Posar-hi temps i esforços" (Roger); "Estàs més motivada" (Eli); "Lluitar pel cas" (Alba)

Sergi often refers to the case of Samuel. Samuel does not know how to read or write in any alphabet. Every time he has to fulfil an administrative procedure, he needs to be accompanied by a worker or a volunteer in the organisation, and they need to think of strategies to help him navigate a written language-based world without the ability to write. Additionally, he has been on the move since his early teens and has no friends, family, or acquaintances to rely on in Spain. Yet, he is an adult, single, young man, so in his experience, the state will not consider him 'vulnerable' unless additional issues, such as poor mental health, can be argued:

*"Why, in the end, a single man, from Afghanistan, that has suffered torture in his country of origin, gets here, is homeless... I don't know, why isn't he more vulnerable than a family? After all, the family have a mum and a dad; they have one another; they have emotional support. He doesn't have a network of any kind [...], but then again, how do we distribute misery?"*

So, Sergi got a psychological evaluation of Samuel, enumerating all the risks to his mental health if he was to be denied an extension to his stay at the reception centre and tried to "attach anything possible" to the application in order to build a case for Samuel's extension, which was finally not accepted. This mismatch between their assessments and the final decisions at the Ministry was considered as a form of disrespect to their work by Ester, another social worker at the same organisation, who argued that "after all, it is us [as opposed to ministry workers who take the final decision on the case] who *actually* know them, work with them day in day out".

However, it is not always the case that 'professional knowledge' is mobilised to contest state categories, on the contrary, Pau, a social worker, believed that "criteria are unified and we use them equally across organisations and, in any case, if I have to decide between a young, healthy, strong man, who is alone in the city, and a family with a six-month-old and an eighteen-month-old, well, sadly [smiles apologetically], I will opt for the baby and the toddler. It is not that I think that gentleman does not deserve accommodation, but there aren't beds for everybody and children in the street are much more vulnerable. He can turn to the homelessness resources that exist [...], but I would never send a child there. They are not prepared for families with children". Although she also considered that when people do not fit in any of the established criteria of vulnerability, "even if you have reasonable doubts because the person has not been able to express everything you *sense* is there, your evaluation as a professional should prevail over what is written on any paper".

Frontline workers' moral judgements are constructed through socialisation within the workspace, in their interactions with superiors, colleagues, clients and the bureaucratic structure of the programme, and are attributed to their 'professional knowledge'. Yet, this 'professional knowledge' quickly reveals the fallacy of bureaucratic categories and their gendered and racialised stereotypes that underpin them, whether by reproducing or contesting them, as exemplified by Xavi and Sergi. Both Xavi and Sergi's comments also show how it is through mobilising their 'professional knowledge' that frontline reception workers can assert their position in front of the state structure in a context of high bureaucratisation. These



assessments allow them to employ their margin of discretion and 'go beyond' the mere management of a social services grant to perform social intervention as desired.

## Conclusions

As the results from the ethnographic research have shown, in a context of political neglect, labour precariousness, and an endemic lack of resources, not performing as expected within asylum reception rarely leads to a deficient application of the social programme but rather to an *efficient* one. That is, facing 'underperforming' applicants, social workers often do everything required to implement the reception programme but rarely do *more*. It is precisely in "going the extra mile", that frontline reception workers find their margin of discretion and can negotiate the bureaucratic field to go beyond the mere management of a reception grant and perform social intervention as desired. How and to whom these extraordinary efforts will be directed depends highly on organisational contexts and personal ideas about migration and social work<sup>99</sup>. Yet, categories of bureaucratic intervention, even if seemingly irrelevant to their work, such as distinctions between '(real) refugees' or '(real) asylum applicants' and 'economic migrants', or central to social intervention such as that of 'vulnerability' are mobilised to rationalise their decisions and make sense of the 'impossible situations' faced in their daily work by having to distribute the scarce resources they have at hand. By negotiating reception services and their margin of discretion through these hierarchical categorisations of deservingness, frontline NGO workers unveil the gendered and racialised underpinnings of seemingly neutral bureaucratic labels by challenging and uncritically reproducing them. #LaprimeraPalabra campaign echoed expectations of gratefulness towards the possibility of seeking asylum and benefiting from the reception programme that prevail among the frontline workers that make the asylum system. Perceptions of reception programmes as "an opportunity" that asylum applicants should "make the most of" expose, once more, a prevailing imaginary of asylum as a charity rather than a right. In this way, the contradictions, challenges, and negotiations in the work of frontline reception workers reveal the 'moral economy' of asylum and contribute to exposing bureaucratic and ethical complexities of work within asylum and migration regimes.

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<sup>99</sup> As argued elsewhere (Jubany & Rué, 2020), this contributes to creating a 'lottery' in asylum reception.

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## PART V: CONCLUSIONS

## Chapter XI

### Discussion of results and future scopes

#### **Main contributions**

As discussed in the different articles that compose this thesis, in recent years, academic approaches to the right of asylum and its institutions at the state and supranational levels have emerged, challenging their role as providers of political protection to insert them into the broader framework of the global migration regime. These accounts have looked at the governance of migration as the deployment of mechanisms of state and supranational intervention in a global tendency to restrict the international mobility of specific individuals and groups, particularly from the Global South towards states in the Global North, and the consequences this for the people whose movement is limited.

In the last few years, we have witnessed how the political and mediatic framing of international mobility has impacted the possibilities of developing the life paths of those on the move. Some European Union and European states' policies have contributed and continue to contribute directly and indirectly to the death, enslavement, exploitation, and destitution of people trying to reach the European Union's member states (Andersson, 2014; FitzGerald, 2019). The appalling evidence of this is brought by the deaths caused by the explicit neglect of rescue at maritime borders and the direct intervention of EU and member states forces at both sea and land borders, as has also been discussed in Chapter III. The border 'necropolitics' (Mbembe, 2003) of the European Union and its member states also translate into policies of 'neglect' (Davis, Isakjee & Dhesi, 2017) in what refers to the reception conditions of those that manage to arrive, as the Spanish case has exemplified in the previous chapters.

At the same time, European states have mobilised large amounts of resources to provide shelter and support to other migrants, as evidenced by the 'Temporary Protection Directive' application for Ukrainians escaping the war caused by the Russian invasion of the country. In this sense, the questions over "who gets what and why" (Novak, 2021:452) has been central to recent approaches to the right of asylum, asylum institutions and their mechanisms of intervention. A further line of research has strived to complexify these approaches to migration governance by problematising teleological approaches to state intervention, looking at how policies are implemented on the ground. Going beyond a policy-consequence framework, this line of research focuses on implementation agents in their relations with people moving across borders and the state by examining affects, beliefs, material conditions, informal practices, soft law, technologies and other often overlooked aspects of policy implementation, often from an ethnographic perspective. Within this, asylum reception has been regarded as a site of particular relevance, where the disciplining effects of migration governance policy can be most clearly observed from an ethnographic point of view, as asylum reception beneficiaries are subjected to intensive surveillance by the state through the bureaucratic management of this welfare entitlement.

Taking an ethnographic approach to asylum reception, in this thesis, I have taken this latter approach to examine the asylum reception system in Spain as a technology for migration governance, focusing on NGO workers in public reception programmes. The findings expose a fragmented reception system that draws from programmed and unprogrammed neglect of asylum applicants' socioeconomic needs. In this context, the thesis has shown how the reception system appears as a disciplining tool for asylum applicants whose right to reception services is conditioned to structural and localised constructions of deservingness. Within this, reception workers navigate an ambiguous position in the production and reproduction of bureaucratic migration control mechanisms and welfare discipline and practices and discourses of resistance against reception exclusions.

### ***Stitching a patchwork system***

Through the thesis, I have argued and shown that what I refer to as the 'asylum reception system', that is, the network of public and private programmes destined to provide socioeconomic support to asylum applicants, creates a 'patchwork system'. This research has contributed to making sense of this 'patchwork' by revealing the complex grid of institutions, organisations and agents that create it, often lost for participants in the system themselves. Within this, asylum applicants face homelessness, destitution, and precarious living conditions, despite having a right to reception services. The well-documented failures of the main state programme in providing for the basic needs of asylum applicants as stipulated by the Spanish legislation, as seen in the previous chapters, have led to a process of externalisation of this responsibility. This, in turn, has generated a fragmented network of public and private welfare and charity programmes that have asylum applicants as their main subject of intervention, providing only localised, perishable, and partial solutions to the lack of a unified state-led response. Through this, the thesis has exposed the clientelist perspective of the Spanish system on welfare entitlements and how this distributes access to rights following a charity and 'good will' approach rather than that on recognised rights (see Chapter VI).

### ***Programmed and unprogrammed neglect***

Some countries, including Spain, have framed themselves as an exception to the deterrence approach that has dominated most of the EU's asylum reception policy (Garcès-Mascreñas, 2017). As explained in previous chapters, the Spanish asylum reception programme has often been considered a 'model' within the European Union as, up to 2021, it put great emphasis on the 'integration' and 'autonomy' of asylum applicants. Nevertheless, as has been analysed in depth in Chapter V, and as it has also been pointed out by Gabrielli, Garcès-Mascreñas & Rivera-Amandoz (2021), these cases are no exception to 'governance through neglect'. The analysis of those apparently 'welcoming' asylum systems shows how neglect in the governance of asylum can be understood not only as an explicit policy of deterrence but also as the outcome of the historical development of a combination of policies and practices with contradictory or ambiguous goals, and their potentially failed implementation, "but which turn out to be no less explanatory of how migrants' lives are actually governed" (Moffette, 2018). Consequently, as the ethnographic analysis of the Spanish case shows (see Chapters V and VI), the governance of asylum through reception is not only done with the explicit exclusion of asylum applicants



employing restrictive policies but also with forms of *laissez-faire* and neglect that “end up reinforcing the same politics of discomfort” (Gabrielli, Garcés-Mascreñas & Rivera-Amandoz, 2021:277). This reveals that “states can also be seen to deploy these same definitions of who matters and who does not *while* fulfilling their legal obligations” towards the reception of those that apply for asylum (Mayblin, Wake & Kazemi, 2020:121, emphasis on the original). In the Spanish case, this situation can be understood as the result of *programmed* forms of neglect, eminently through the underfunding and a policy of non-doing towards the asylum system as a whole that has defined Spain’s approach. Nevertheless, it can also be understood as *unprogrammed* neglect due to the development of asylum policies as an ‘emergency’ response, leading to contradictory and shifting regulations with ambiguous goals and their failed implementation. As it is argued in Chapter V, these two approaches -programmed neglect and neglect through the inexistence of a coherent policy and political attention- can coexist in the same asylum structures.

### ***Externalisation of responsibility***

This has allowed the state to relinquish its responsibilities of reception over asylum applicants through a triple process of externalisation in which the state vests, directly or indirectly, the obligation to provide dignified living conditions to those in need to other public institutions and third-party actors, mainly non-profit, humanitarian and charity organisations. In this regard, a main contribution of this thesis (see Chapter IX) has been towards understanding the process of externalisation from above and the implications of the management of public reception services given to non-governmental organisations through public tenders on welfare programmes. Empirical findings of this investigation reveal that the state and other public administrations task these organisations to design their reception programmes within given budgets and loosely defined guidelines but also to make up for the deficiencies in investment by the state. This demonstrates how the state relies on the humanitarian approach of these organisations, allowing them to make up for some of the gaps in investment as they can mobilise human, material, and economic resources by resorting to free labour from their employees, voluntary work, and charitable donations from private parties. For asylum reception workers in public programmes, this has been perceived as a relinquishment of reception responsibility and the consequences of its failures on their shoulders while the state appears unreachable, ill-willed and unresponsive. This retraction of the state behind externalisation to third-party actors is examined at length in Chapter IX.

At the same time, the state also retracts from its responsibilities over reception workers, with consequences for their labour rights and conditions. As they become workers of the social sector, rather than public officers, through processes of externalisation, they experience increased labour precariousness with temporality, uncertainty, lower salaries, lack of resources, and bureaucratisation of their roles, as also shown in Chapters IV and X.

### ***Playing the state***

With the retraction of the state, third-party actors such as NGO workers in asylum reception become *quasi-state* agents as they are tasked with implementing public policy and distributing

public funds. As shown by the ethnographic results presented in previous chapters (see, particularly, Chapter VII, Chapter VIII and Chapter X), social intervention within reception reinforces hierarchical classifications that determine access to services and rights through the (re)production of bureaucratic and social intervention categories. In Chapter X, I have argued that reception workers finding their margin of discretion to perform social intervention as desired in a highly bureaucratised system marked by political neglect, underfunding and labour precariousness is mediated by the modelling of bureaucratic labels as categories of deservingness. Bureaucratic categories are used to make sense of their decisions and rationalise them as they face moral dilemmas or 'impossible decisions' (Zacka, 2017). This happens regarding not only traditional categories of social intervention, such as that of 'vulnerability', but also legal categories that seem irrelevant to social work within asylum reception, such as distinctions between '(real) refugees' or '(real) asylum applicants' and 'economic migrants'.

These categories are mobilised to rationalise reception workers' decisions and make sense of the moral dilemmas faced in their daily work by having to distribute the scarce resources they have at hand among a large population in need. In this context, it is the *efficiency* of social intervention that comes to determine asylum applicants' access to rights and services while in reception, as it is by "going the extra mile," that reception workers find their margin of discretion to go beyond the mere bureaucratic management of a grant to perform social intervention as desired. How and to whom these particular efforts are directed depends on cultural, social, organisational, and personal perceptions of social work. At the same time, these reveal the gendered and racialised underpinnings of bureaucratic and social intervention categories that reception workers contribute to reproducing and challenging in the process of providing reception services for asylum applicants (see Chapter X).

Inspired by a fieldwork quote included in Chapter X, 'playing the state' (the title of this subsection, Part III and the thesis) aims to capture reception workers' practice of bordering in this double relation with the state structure. On the one hand, their role in implementing public policy and the surveillance of asylum applicants' lives. On the other hand, their efforts to 'play' with the rules, regulations and resources at hand to perform social intervention as desired, often to obtain services and assets for asylum applicants that would otherwise not be available.

Looking back at the hypothesis that initially drove this research, the empirical investigation has revealed and confirmed that the asylum reception system works as a migration governance technology. This is particularly evidenced by the combination of a policy of neglect, both as an explicit strategy for migration control and the consequence of political *laissez-faire* and an emergency-response approach to asylum and the surveillance and conditional intervention of asylum applicants across bureaucratic and social categories in response to expected behaviours, values, and incorporation paths in reception. The second hypothesis has also been confirmed as the ethnography allowed to shed light on the processes by which reception workers contribute to the production and reproduction of structural exclusions through their work as welfare providers in a context of externalisation. However, the ethnography also revealed that these negotiations serve to challenge and counter these same exclusions by rejecting state

categorisations and using a wide range of resources to perform social intervention as desired *despite* the limitations of public reception programmes.

### **Future questions**

Beyond the main findings of this research, the conclusions of the thesis also point at several avenues of research that would need further investigation to deepen our understanding of how the governance of migration through asylum reception programmes is articulated, particularly in the Spanish case, but also across the EU and other states in the Global North.

#### ***Who falls through the seams of a patchwork system?***

Despite asylum applicants and their living conditions not being the focus of this research, the ethnographic accounts of asylum reception workers reveal that the ‘patchwork system’ of Spanish reception offers only partial solutions that often contribute to creating further precariousness in the lives of asylum applicants. This reveals a research gap that would call for a longitudinal study following the paths of incorporation of asylum applicants, emphasising what happens before and after they can access reception programmes. Similarly, we know very little about the lives of those who, despite having applied for asylum in Spain and being entitled to reception benefits, do not access such programmes. Two lines of inquiry here would shed new light on reception as a migration governance mechanism. As explained in the previous chapters, there is enough evidence to believe that a large part of those who do not access reception programmes do not because of the lack of information and reception slots. Nevertheless, ethnographic evidence from this research also shows that a significant part of asylum applicants prefers not to request access to reception programmes for many reasons, including forced dispersal or having alternative resource sources. Very little is known about those who opt out of reception and their reasons for doing so, which could shed further light on the limitations and disciplining mechanisms of reception programmes.

#### ***Shared precariousness***

Another productive line of future research would investigate the ‘shared continuum of precarity’ (Cabot, 2018) among asylum workers and applicants. This thesis has exposed the gap in the effects of externalisation on asylum reception and the development of particular mechanisms of social and bureaucratic intervention in the context of labour precariousness among asylum workers. However, further research is needed on ‘shared modes of precarity’ (Cabot, 2018) between social workers and their clients and how the migration regime intersects with neoliberal governance and the retraction of the social rights of citizens to create a ‘continuum of precarity’ among citizens and non-citizens. In this sense, an intersectional approach would be crucial to reveal potential trends in the consequences of precarisation in terms of class, gender, administrative status, and racialisation, both among asylum applicants and reception workers. Similarly, in this regard, it may be of particular interest to explore the role of ‘free work’ (Simonet, 2018) within migration governance, which has already been pointed out in this research (see Chapter IX) as both asylum applicants and reception workers are compelled to work for free in volunteering activities to appear as ‘deserving’ of paid labour. Similarly, the

labour conditions of reception and asylum workers and their insertion in broader tendencies of labour precarisation and welfare shrinking also need further exploration. A fruitful avenue of investigation would explore the transformation of apparently meaningful labour within the asylum system into ‘bullshit jobs’ (Graeber, 2018) or the intersection between “passion” (Zafra, 2017), precariousness, and humanitarianism.

### ***Papers***

While this has been pointed out in Chapter IX, it would be essential to explore further the mechanisms of migration governance through paperwork (digital and physical) within the asylum system in Spain and reception in particular. In Chapter I, I pointed to the particular forms of precariousness that derived from Spanish asylum documents and explored the consequences of the retraction of the ‘human factor’ in bureaucracy in Chapter IX. This opens the field to exploring other critical issues, such as the role of digital interfaces, record keeping, the lack of critical statistical information or the agency of documents and technology (Pickering, 1993; Latour, 1993; 2014). While these may seem very particular and localised issues, a more profound analysis may reveal further dimensions of the bureaucratic governance of asylum.

### ***An ever-changing field***

Finally, in its continuous reforms, during the process of writing this thesis, the Spanish asylum reception system has undergone significant changes in its structure, approach, organisation, and management, partially to continue harmonising reception systems in the EU (Micinski, 2022). This research has shown that this surface of change has underlying layers of stability in which the right of asylum is driven away from those that may seek to apply, whilst those who have already applied are subject to the constant scrutiny of their desirability. However, it is crucial to continue exploring the implications of changes for the governance of migration in Spain and how these changes impact asylum applicants and asylum reception workers, and their jobs require further investigation. The COVID-19 pandemic has also brought significant changes in asylum bureaucracy, with consequences for asylum applicants, reception workers and their lives. Furthermore, in 2022, the response given to Ukrainian citizens fleeing the war has demonstrated that a rapid and effective response to displacement is possible when there is the political will to provide it. In Spain, it has meant a significant increase in the number of reception slots that, if maintained, could be sufficient to host all the asylum applicants that request it yearly, unlike what has been happening so far. Thus, continuous monitoring of the asylum reception system is critical to understanding its role in migration governance.



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This section compiles the references of the thesis compilation; article references are to be found at the end of each article.

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## ANNEX I: INFORMED CONSENT FORM

## Formulari de consentiment informat

El projecte de recerca doctoral *(De)constructing Eligibility in Asylum* es centra en la implementació del sistema de recepció d'asil a Espanya.

Li agraeixo la seva participació voluntària en aquest projecte. A continuació, farà una entrevista que serà enregistrada i l'enregistrament serà transcrit. Tota la informació que ens proporcioni és estrictament confidencial i només serà utilitzada en el marc de la recerca. Si bé es podrien utilitzar algunes cites textuais a l'informe final de doctorat o a les publicacions derivades, tant el seu nom com tota informació que el/la pogués identificar seran degudament anonimitzats.

En cas de tenir algun dubte sobre el projecte, la seva participació o la gestió de dades, si us plau, posi's en contacte amb la investigadora responsable. Ho pot fer per via telefònica ([omitted]) o via correu electrònic (alexia.rue@ub.edu).

Li agraeixo la seva col·laboració i disponibilitat. La seva participació és fonamental per a aquesta recerca.

*En signar aquest formulari de consentiment manifesto estar d'acord en participar en el la recerca doctoral (De)constructing Eligibility in Asylum i entenc que la meva participació és voluntària, que la informació que proporcioni és confidencial i anònima i que sóc lliure de retirar-me en qualsevol moment. He estat assabentat/da que puc contactar amb la investigadora responsable de l'estudi per a qualsevol dubte i per sol·licitar, si ho volgués, que les meves dades siguin retirades del fitxer on s'emmagatzemi la informació.*

Signatura de la persona participant \_\_\_\_\_ Data:

Signatura de la persona investigadora \_\_\_\_\_ Data:

## Formulario de consentimiento informado

El proyecto de investigación doctoral *(De)constructing Eligibility in Asylum* se centra en la implementación del sistema de recepción de asilo en España.

Le agradezco su participación voluntaria en este proyecto. A continuación, realizará una entrevista que será grabada y la grabación será transcrita. Toda la información que nos proporcione es estrictamente confidencial y sólo será utilizada en el marco de la investigación. Si bien se podrían utilizar algunas citas textuales en el informe final de doctorado o en las publicaciones derivadas, tanto su nombre como toda información que lo/la pudiera identificar serán debidamente anonimizados.

En caso de tener alguna duda sobre el proyecto, su participación o la gestión de datos, por favor, póngase en contacto con la investigadora responsable. Lo puede hacer por vía telefónica ([omitted]) o vía correo electrónico (alexia.rue@ub.edu).

Le agradezco su colaboración y disponibilidad. Su participación es fundamental para esta investigación.

*Al firmar este formulario de consentimiento manifiesto estar de acuerdo en participar en la investigación doctoral (De)constructing Eligibility in Asylum y entiendo que mi participación es voluntaria, que la información que proporcione es confidencial y anónima y que soy libre de retirarme en cualquier momento. He sido informado de que puedo contactar con la investigadora responsable del estudio para cualquier duda y para solicitar, si lo quisiera, que mis datos sean retirados del fichero en el que se almacene la información.*

Firma de la persona participante \_\_\_\_\_ Fecha:

Firma de la persona investigadora \_\_\_\_\_ Fecha: