


Annual Report on Migration and Asylum

Spain 2021



PARTE II



The European Migration Network (EMN) is an initiative of the European Commission. The EMN has been established via Council Decision 2008/38/EC and is cofinancially supported by the European Union.

Its objective is to meet the information needs of EU institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The EMN also serves to provide the general public with such information.

To that end, the EMN has a network of National Contact Points (NCPs).

The Spanish NCP is composed by experts from the Ministry of Inclusion, Social Security and Migration, Ministry of the Interior, Ministry of Foreign Affairs, European Union and Cooperation, and Ministry of Justice and the General Prosecutor's Office, It is coordinated by the Deputy General Directorate for Legal Affairs of the Secretariat of State for Migration.

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ANNUAL REPORT 2021 ON MIGRATION AND ASYLUM
SPAIN
NATIONAL REPORT (PART 2)

EXECUTIVE SUMMARY

The **migration budget** in Spain for 2022 has been increased by 17%. It strengthens the state reception network and reinforces actions devoted to the development of legal pathways.

The **2030 Agenda and the Global Compact on Migration** point to the need to articulate and increase safe, orderly and regular migration pathways. For Spain, the establishment of regular, safe and orderly migration routes is, therefore, an objective and a priority in migration policy in line with these international instruments.

The actions dedicated to safe migration programs are increased by 2 million euros, focusing on the modernization of the collective management of hiring at origin (**GECCO**) program and the improvement of digital management tools and the promotion of strategic sectors.

Furthermore, a big effort will be made in terms of digitalization. EUR 61 million to increase the capacity and efficiency of the reception system for asylum seekers.

The ministry objective is that in 2024 one in three reception places will be from the state network (in 2019 it was only 1 in 10). For this, until the end of 2024, 5,700 places will be deployed.

In addition, the 2022 accounts establish a mechanism that will make it possible to adapt the financial tool that binds third sector entities through social concert.

The future framework will allow the collaborating entities to plan their resources with a multi-annual vision, a change to which the ministry will dedicate 100 million euros".

It is necessary to emphasize that the legal regime of **minors under guardianship** when they reach legal age of majority, has been modified, in order to avoid the situation of supervening irregularity and social exclusion and to favor their integration. The final objective of the reform is to promote inclusion and reduce the vulnerability of these people. <https://www.boe.es/buscar/doc.php?id=BOE-A-2021-17048>

Finally, the **National Strategic Plan against human trafficking 2021-2023 (PENTRA)** has been approved. This Strategic Plan is the first comprehensive tool in Spain to address all forms of human trafficking.

1 INTRODUCTION

The 2021 Annual Policy Report of the Spanish National Contact Point for the European Migration Network (EMN) presents the key developments in migration in 2021 in Spain. The reference period of this report is from 1 January to 31 December 2021. The National Contact Points for the European Migration Network produce annual reports on migration and asylum that describe the development of migration and asylum policy and present annual statistics.

The reporting process has two stages. In the first stage of reporting, the National Contact Points collect monitoring information on migration and asylum matters for the European Commission. The Commission uses the data in compiling an annual report on migration and asylum for the EU as a whole, as well as Norway.

The Spanish National Contact Point collected the monitoring information from official resources and by allocating the responsibility for reporting to the relevant authorities responsible for each area. The participants in the reporting included the Ministry of Inclusion, Social Security and Migration, the Ministry of the Interior, the Ministry for Foreign Affairs and Cooperation and the Ministry of Justice.

This Annual Report on Migration and Asylum is the second part of reporting. It is primarily aimed at the national audience. The key findings of the first part of the reporting process are included in this report. The European Migration Network also publishes a separate statistical review, Key figures on immigration 2021.

The structure and headings of the report are based on a model jointly agreed on by the European Migration Network.

2 LEGAL MIGRATION

Work-related migration

The Order of the Ministry of Inclusion, Social Security and Migration regulating the collective management of hiring at origin for 2022 (**GECCO**) has been approved. This instrument allows the development of circular migration projects with third countries and in sectors where there is a demand for workers and is one of the most valuable tools to promote regular, safe and orderly migration.

It opens for the first time the possibility of promoting circular migration projects in all sectors of activity.

The new projects to be developed over the next year offer the possibility of extending the contracts to a maximum of twelve months from the moment of their signature.

It makes it possible to cover the labour needs of certain sectors and occupations that have been shown to be difficult to cover in the internal labour market, depending on the national employment situation and the country's reception capacity.

And, on the other hand, it strengthens the relations of collaboration with the countries of origin, advancing in the co-management of migratory issues, by always being carried out jointly with them.

Wafira project

WAFIRA is the second pilot project on legal migration that the Spanish Ministry of Inclusion, Social Security and Migration, in co-financing with the EU, is launching with Morocco (the other one is Young as Agents of Change).

The project partners are Cooperativas Agroalimentarias, the International Labor Organization (ILO) and ANAPEC (the Moroccan public employment service), although the Moroccan Ministry of Labor and Professional Insertion and the OFPPT (responsible for occupational training) will also participate.

The project consists of training women seasonal workers who come to Spain each year from Morocco for the strawberry campaign, so that on their return to Morocco they can initiate income generating activities, thanks also to the financial and technical support that the project will offer them.

There will be a total of 250 women, who will be divided into two periods: during the first period in the 2022 campaign only 50 women will participate, the remaining 200 will do so in the 2023 campaign. During the first period only women who have shown interest in starting up in the agricultural sector will be part of the project, while during the second period women willing to start up in other economic sectors will also be allowed. The training in Spain will be supported by Cooperativas Agroalimentarias de Andalucía, which receives several thousand of these workers every year.

Once the women return to Morocco with their initial business plans prepared, they will receive technical support over the next 12 months from project staff and ANAPEC to launch their initiatives. They will also receive start-up funding.

WAFIRA is part of the EU-funded legal migration projects. These projects seek the creation of solid ties with the countries of origin of migration, are framed within the Migration and Asylum Pact, and seek to promote talent, as well as contribute to the socio-economic development of third countries.

In this project, women empowerment is also a key aspect since it is a cross-cutting component of all these projects.

Young Generation as Change Agents

The Project **“Young Generation as Change Agents”** is the first EU-funded pilot project on legal migration developed in Morocco, whose objective is precisely to reduce irregular migration while offering legal, safe, and orderly alternatives.

To develop this project, a temporary mobility program was launched between Spain and Morocco through which up to 100 Moroccan postgraduate students could improve their knowledge and skills by studying a master's degree in Spain in a key socioeconomic sector for Morocco. At the end of the master's degree, the students had to present their master's thesis as an entrepreneurial project and the students with the best projects were awarded with a prize that allowed them to start the implementation of their project in Morocco.

The project was developed in three phases:

1. Preparatory phase (May 2019-August 2019).
2. Mobility Phase (September 2019-July 2020)
3. Reintegration phase (August/September 2020-June 2021).

The reintegration phase was implemented mainly in 2021:

- The awards for the best entrepreneurial project were created. The 23 students with the best projects received between 7,500 and 10,000 euros for their start-up. Ten of these projects were submitted by women.
- The participants returned to Morocco and launched their projects, with the assistance of “Start-up Maroc”.
- Activities were also developed to support the integration of the remaining participants into the local labor market, through contacts and agreements with public and private companies in the sector.

One of the most important elements of this project is the phase of return and reintegration of the students. In addition to generating talent, the idea was that the talent and experience that the participants had acquired was put into practice, and that the students capitalized on their experience.

In summary, this project succeeded in:

1. Converting 100 students into highly qualified workers, who returned to Morocco and applied their knowledge in sectors that are strategic for the country's economy. Therefore, not only was the brain drain prevented, but also regional socioeconomic development was stimulated.
2. Promoting the implementation of a new migration program with one of our neighbouring countries, which encourages talent circulation.
3. Thanks to the project, the students acquired knowledge and skills that were previously lacking, and which turned them into true poles of development, into change agents in their community of origin.

One of the backbones of Spanish migration policy is to strengthen relations with our partner countries, because only by creating solid ties with these countries will it be possible in the future to guarantee regular, safe, and orderly migration, not only to Spain, but also to other European countries.

One of the means to strengthen these relations is the implementation of projects and initiatives to create or improve legal migration channels for third country nationals.

In the implementation of our projects all parties involved should benefit from the action:

- The country of origin because it manages to train its young people and workers who then return and apply what they have learned abroad, stimulating the regional socio-economic development of the country.
- The migrants, who through these projects acquires knowledge and skills that were previously lacking.
- And us as a country, by promoting migration programs with third countries, encouraging the circulation of labor and talent.

Temporary residence permit for work reasons

[Instruction SEM 1/2021](#) on the procedure relating to the **authorizations of temporary residence permit for work reasons** has been issued to clarify the requirements and conditions for the granting of temporary residence permits due to work links of aliens in irregular situation.

The granting of a temporary residence permit for exceptional circumstances shall be accompanied by an authorisation to work in Spain during its validity. The authorisation granted shall be valid for one year and, at the end of the year, a residence permit or residence and work permit may be applied for,

In accordance with article 124 of the Aliens Regulation, a residence permit may be granted for reasons of employment in cases where the following requirements are met: Do not have a criminal record, serve the established period of stay and certify the existence of labour relations.

On 2021, the Supreme Court handed down three judgements interpreting this article. In particular, it specifies that it does not imply that the accreditation of the employment relationship and its duration must be carried out exclusively through the means established therein (judicial decision or act of infringement of the Labour and Social Security Inspectorate), but may be demonstrated by any means of proof valid in law.

On this basis, the High Court emphasises that not all circumstances give rise to "rooting", but that there must be "a special link with our country". For this reason, it expressly refers to the fact that in this case the employment relationship must have been in the two years prior to the submission of the application.

Audiovisual sector

The procedure for the entry and stay of foreign professionals in the **audiovisual sector** has been simplified, within the framework of the "Spain Audiovisual Hub" plan. It enables the possibility that artists or professionals can remain in Spain with their direct relatives.

The concept of professional in the audio-visual sector is expanded, which will benefit companies in the audio-visual sector that encompass a wide range of both traditional content and the multimedia and interactive digital environment.

It will no longer be required to prove work experience of at least three years or to present a degree; nor will it be required to have a previous work relationship of three months with the contracting company.

The deadline for the resolution of applications has been shortened: between 10 and 20 days for the administration to issue a response.

Audio-visual professionals who will stay in Spain for up to 90 days in any 180-day period will be exempt from the obligation to obtain a work authorization.

Audio-visual professionals who will stay in Spain for a period of more than 90 days, up to a maximum of 180, may obtain a visa that will be sufficient for them to stay and work in Spain for the duration of their stay.

A residence permit has also been created as a single permit for foreigners who will reside and work in the audio-visual sector for more than 180 days.

In addition, in all these cases, artists or professionals may stay in Spain with their spouses or partners, minor or adult children and dependent family members. If the professional is a minor, they will be allowed to stay in Spain with their parents or guardians.

Migration policy is conceived as another element of competitiveness of the Spanish economy that allows progress in the digital transformation, removing administrative obstacles to attracting talent.

Students and researchers

The number of resident aliens with permission to stay for studies in force is in 55,395, with an increase of 57 % (20,043 people) compared to a year ago, which shows a reactivation of this type of mobility.

The groups with the highest growth rates in the last year are those of States United States, Peru, Chile and Argentina, almost doubling their size compared to December 2020.

The Spanish Science, Technology and Innovation Strategy (EECTI) is the multi-annual reference framework for promoting scientific, technical and innovation research, which establishes the objectives shared by Spain Public Administrations.

The EECTI currently in force, namely EECTI 2021-2027, is the basic instrument for consolidating and strengthening the Spanish Science, Technology and Innovation System (SECTI) over the next seven years.

Labour exploitation (prevention of)

The Council of Ministers has approved the National Plan of Action against Forced Labour. The Plan of Action focuses, first and foremost, on the protection of victims, which is why it is essential to criminalize forced labour and to adopt measures aimed at better understanding their profile, in order to protect them and improve prevention and detection policies.

It is the first time that a specific plan has been adopted to combat forced labour which, until now, has only been addressed in connection with, for example, activities such as labour exploitation or trafficking in human beings for the purpose of labour exploitation.

The Plan will make it possible to adopt appropriate measures to protect victims of forced labour and to know their needs, as well as to design appropriate policies to combat this scourge.

It will have a duration of 3 years.

The plan responds to the firm determination to fight against forced labour in our country in the defense of human rights and the dignity of people.

The Action Plan allows to comply with the commitments made by Spain and to advance in the fulfillment of the 2030 Agenda, which is a priority for the Government and the whole of our country.

Addressing forced labour and establishing mechanisms for its eradication is not only a concrete target of Sustainable Development Goal 8 (Decent Work), but also contributes substantially to other goals, such as building fairer societies.

Other aspects of legal migration

The procedures for foreigners that could be processed electronically through the MERCURIO Platform were extended to the application for authorization to work,

continuing the advance in the digitalization of aliens' procedures. Digital access to all categories will be permitted, except certain situations in which citizens should be redirected to other authorizations more beneficial to them (case of stay holders for non-working practices) or need advice due to the specific and exceptional of the case (as in the case of crew members in ships or Andorran nationals).

3 INTERNATIONAL PROTECTION

4.1. Reception of applicants of international protection, including information on the reception of applicants from specific third countries (e.g. Afghanistan)

On August 2021, Spain evacuated 2,206 Afghan aid workers and their families who have worked with Spain, Portugal and the US, the EU, NATO and the UN. (47% women and 40% minors).

In October 2021 Spain evacuated 244 Afghan nationals under the so called "**Operation Antigone**". In the last quarter of 2021 Afghan nationals continued to arrive in Spain in commercial flights from neighboring countries such as Pakistan or Iran.

The Ministry of Inclusion, Social Security and Migration and the Spanish Federation of Municipalities and Provinces have agreed to launch a pilot project of local sponsorship that will aim to involve the municipalities in the integration of the Afghan population arrived in the framework of Operation Antigone. The State-owned International Protection System has about 10,000 shelters for refugees, distributed throughout the national territory.

In this new framework of collaboration, the Ministry will continue to cover the costs associated with the reception of these persons, their maintenance, social support, support for their integration, legal advice or language learning through the international protection programme. Municipalities wishing to join this programme will make available to the Ministry the municipal housing resources available to them.

This cooperation will allow the evaluation of a pilot integration model that seeks to foster the rooting of persons seeking international protection with the early involvement of all networks of local communities. Another objective is to promote pathways to achieve the full autonomy of refugees. In short, gradually establish a reception model based on the success of integration models through collaboration between public administrations.

[Law 22/2021 of 28th December](#) of the Asylum Act was amended to introduce concerted action in the management of our reception system, instrument by which the authorization is granted to those entities that meet the conditions previously established in a regulatory way for the provision of reception services of public responsibility.

[Royal Decree 882/2021](#) regulated the direct provision of grants to some NGOs to finance until the 31st December 2022 the National Reception System for Applicants and Beneficiaries of International Protection and the provision of health and social care in the migration centers of Ceuta and Melilla.

A protocol establishing common criteria for professionals **to detect and fight against gender violence** in the Reception System for applicants and beneficiaries of international protection was approved, to fight against gender violence in the reception system for applicants and beneficiaries of international protection

It responds to the necessary priority to continue identifying areas of cooperation and strengthening all appropriate instruments and tools for the protection, security and guarantee of the rights of victims of gender-based violence.

4.2. Resettlement and humanitarian admission programmes.

Spain resettled 543 persons in 2021.

The Spanish Government approved in December 2021 the **National Refugee Resettlement Program**, to be implemented in 2022: It establishes the reception of up to 1,200 refugees over the next year. 658 people resettled will be hosted during the first quarter of 2022.

The reception system is structured around its own places (in the Refugee Reception Centers -CAR-) and centers managed by entities with state funding, with a capacity of more than 10,000 places throughout the national territory.

The Ministry fosters, in addition to the reception of these families, their full accompaniment through the gradual implementation of Community Sponsorship programs, in collaboration with UNHCR and different autonomous communities. The development, consolidation and extension of this reception tool is an essential objective for the Ministry throughout 2022.

Thus, during the next year, six refugee selection missions have been planned by the Ministry of Inclusion, including online interview modalities for families if sanitary conditions prevent physical displacement.

The Government of Spain confirms with the approval of this new program a firm commitment to refugees, which will be maintained throughout 2022.

4 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

5.1. Age assessment

[Organic Law 8/2021](#) on the **comprehensive protection of children and adolescents against violence** provides that when the age of majority of a person cannot be established, he or she shall be considered a minor, pending the determination of his or her age.

Medical tests for the determination of the age of minors shall be subject to the principle of promptness, shall require the prior informed consent of the person concerned and shall be carried out with respect for their dignity and without risk to their health, and cannot be applied indiscriminately. In no case may comprehensive nakedness, genital examinations or other particularly invasive medical tests be performed.

Combating violence in childhood is a human rights imperative. In order to promote the rights of children and adolescents enshrined in the Convention on the Rights of the Child, it is essential to ensure and promote respect for their human dignity and physical and psychological integrity through the prevention of all forms of violence.

This Law also regulates the protocols for action in centres for the protection of minors. These protocols should contain specific measures for prevention, early detection and intervention in possible cases of abuse, sexual exploitation and trafficking in human beings. The gender perspective will be particularly taken into account in the development of these actions.

This organic law also relates to the commitments and goals of the 2030 Agenda in several areas, and very specifically to target 16.2: "End abuse, exploitation, trafficking and all forms of violence and torture against children."

5.2. Transition to adulthood

[Royal Decree 903/2021](#) was approved, modifying the **legal regime of unaccompanied minors who reach the age of majority**, in order to avoid the situation of supervening irregularity and social exclusion and to favor their integration by preventing unaccompanied foreign minors reaching the age of majority to be undocumented, consolidating that they can access the labour market from the age of 16 (and after reaching the age of 18).

The residence of minors who are protected in Spain by a Public Administration or, by virtue of a judicial decision, by any entity, is considered regular. Despite this, the lack of documentation of these minors posed, in practice, significant difficulties not only while maintaining this condition but, especially, at the time when they reach the age of majority.

These difficulties had a negative impact on their inclusion and integration into society, especially in the case of minors girls unaccompanied because of their greater vulnerability.

Until now, the conditions to be met by minors under guardianship who reached the age of majority were those for the non-profit residence permit with a series of particularities. These rules did not conform to the particularities of the collective, as well as to the educational or inclusion programs that public and private institutions direct to these young people, in order to accompany them towards their transition to adulthood and an independent life.

This regulation removes the obstacles that prevent the documentation of the unaccompanied foreign minor supervised by a public entity and design a residence regime for them at the time they reach the age of majority, different from the non-

profit residence regime, which is provided for other purposes far from the situation of these young people.

The final objective of the reform is to promote inclusion and reduce the vulnerability of these young people. The reform approved is expected to benefit approximately 15,000 people.

- A separate regime is created for unaccompanied minors who reach the age of majority. For those who reach the age of 18 being documented a regime of their own is established and the condition to have sufficient financial means has been reduced to a more appropriate amount. Now, it will be necessary a monthly income that exceeds the Minimum Vital Income, or that it is proven that its support is insured within a program developed by a public or private institution. Income from employment, from any social system, as well as other amounts that may be received, will be computable.
- In the case of minors who reach the age of 18 without documentation, a new system is established to document them. They would have access to an authorization to reside and work with the same requirements mentioned above.
- For young people who are between 18 and 23 years old and are undocumented a procedure is launched so that, as for undocumented minors above, they will be authorised to reside and work. This prevents them from remaining in an irregular situation and from being socially excluded as a result. The period for proving the impossibility of return is reduced from 9 to 3 months. When these three months have passed, the aliens offices will document these persons ex officio without this procedure interfering with a possible repatriation. The validity of the initial authorization is increased from one to two years and of the renewal authorization to three years.

In addition, they all of them will be able to have access to the social services as any other foreigner in a regular situation, such as the minimum living income.

Six months after the reform, the new legal framework has led to the granting of authorisations to more than 9,300 people, 3,504 minors and 5,817 young people in foster care.

In addition, the reform has led to the integration into the labour market of many of the young people who received documentation thanks to the new system put in place. In the first four months of the implementation of the reform, the number of minors and ex-custodians in employment had already doubled (4,599 registered with the Social Security, compared to just over 2,700 before the reform).

5.3 Other vulnerable groups (excluding victims of trafficking)

The Ministry of Inclusion, Social Security and Migration issued an [instruction](#) addressed to the Offices of Foreigners by which it has been clarified that all foreign women, regardless of their administrative status (regular or irregular) are also covered by Organic Law 1/2004 of 28 December, of Comprehensive Protection Measures against Gender Violence.

Homogeneous criteria of interpretation have been established to ensure exceptional residence and work authorization for foreign women victims of gender violence whose authorization depended on that of their aggressor.

Aliens Act regulates the temporary residence and work for foreign women victims of gender violence, seeking to encourage the denunciation of their aggressor by women foreigners in an irregular situation. This is because it was understood that the possible opening of an administrative procedure which could lead to expulsion constituted an obstacle to this it did happen. However, the interpretation that had been made of this

precept was unfavourable for those women who are in Spain in a regular situation, with an authorization linked to that of their aggressor.

In these cases, the restrictive interpretation of the Aliens Act could discourage reporting for fear of losing their legal status.

A protocol establishing common criteria for professionals to detect and **fight against gender violence in the Reception System** for applicants and beneficiaries of international protection was approved

Its aim is to give the necessary priority to continue identifying areas of cooperation and strengthening all appropriate instruments and tools for the protection, security and guarantee of the rights of victims of gender-based violence.

5 INTEGRATION AND INCLUSION

6.1 National integration strategy

Even though migrants integration programs are managed by regional administrations, the Secretariat of State for Migration publishes every year a call for grants for NGOs to implement some specific programmes.

In 2021, 29,3 million euros were distributed.

6.2 Fighting racism and discrimination

A Protocol to Combat Illegal Hate Speech Online was approved. Is the first major agreement reached between the public administration, civil society organizations and companies providing hosting services.

The growth of hate speech on the internet has intensified due to the health, economic and social crises caused by the COVID-19 pandemic and this protocol will contribute to strengthening collaboration and cooperation in the fight against the eradication of illegal hate speech online in our country.

6 CITIZENSHIP AND STATELESSNESS

The number of Spanish nationality concessions per residence during 2021 was 202.336, 153% more than in 2020.

This considerable increase, compared to the previous year, is due to the shock plan implemented in 2021¹.

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¹ <https://www.mjusticia.gob.es/es/ministerio/gabinete-comunicacion/noticias-ministerio/211214-NP-E> plan-de-choque-de-nacionalidad-2021-resuelve-mas-160000-expedientes-por-residencia

7 BORDERS, VISA AND SCHENGEN

8.1 Border management at the external border

The Memorandum of Understanding with Gendarmerie Nationale of Mauritania has been updated in order to include further deployments of personnel/means from Guardia Civil in Mauritania.

8.2 Visa policy

In 2021, 469,955 visas were issued, 328,165 short-stay visas (70 %) and 140,447 long duration (30 %). This split between long and short duration represents a consolidation of the substantial change compared to previous years in which long-term ones never reached 10 % of the total.

The number of visas issued during 2021 has increased by 24 % compared to 2020. This much higher increase in long-stay visas (37 %) than short-stay visas (19 %). This increase in the number of visas issued is directly related to the opening of borders and the increase of international travellers as a result of the containment of Covid-19.

However, and despite the remarkable recovery of international mobility by the end of the pandemic in 2021, visa figures do not reach the levels of previous years as a consequence of the regulatory change in February 2020 in the Visa Code.

The above amendment affected frequent travellers within the Schengen area who, since then, they can obtain multiple entry visas for longer periods of validity, which means that people who previously needed to obtain 3, 4 or 5 visas in a particular time period, they will now be able to make the same number of entries as in the past in that same period but with a single visa.

SIS II consultations in visa management was launched. Until March 2021, only SIS I (SIS "people" - alerts regarding specific people) was implemented. Since March SIS II (SIS "documents" -alerts regarding stolen or lost documents, etc.) is also consulted in visa management.

8.3 Schengen governance, including Schengen acquis, temporary suspension of Schengen, etc.

The state of alarm in Spain imposed serious restrictions on mobility within the national territory. Due to the intensification of the pandemic in Spain and Portugal, and after consultation between the authorities of both countries, it was considered necessary to extend the restrictions to the common internal land border, in addition to the measures already in place at the external borders.

The reintroduction of these controls took place between January 31, 2021 at 01:00 and May 1, 2021 at 00:59, and was adopted and extended by successive ministerial orders of the Minister of the Interior, initially on the basis of Article 28 of the Schengen Borders Code and subsequently on Articles 25 and 27.

8 IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

The Ministry of Inclusion, Social Security and Migration finalised the implementation of the **"Canary Islands Plan"** to respond to the irregular arrival of migrants to the Canary Islands (more than 23 000 in 2020).

Six new facilities were opened in three different Islands. More than 7000 reception places are currently available on the Islands, while less than 1000 places were available at the beginning of 2020.

9.1 Fight against facilitation of irregular migration ('smuggling') and prevention of irregular stay.

Four Spanish police officers will be deployed in Mauritania (Operational Cooperation Partnership) from February 2022 (36 months) to fight against migrant smuggling networks and to continue the collaboration with Mauritania, from which good results are obtained.

9 TRAFFICKING IN HUMAN BEINGS

10.1 National strategic policy developments

The National Strategic Plan against human trafficking 2021-2023 (PENTRA) has been approved. This Strategic Plan is the first comprehensive tool in Spain to address all forms of human trafficking

This Plan has a multisectoral character, involving in its development different agencies of the General State Administration, such as the Ministry of the Interior; Ministry of Justice; Ministry of Equality; Ministry of Social Rights and Agenda 2030; Ministry of Inclusion, Social Security and Migration; Ministry of Labour and Social Economy; Ministry of Education and Professional Training; Ministry of Foreign Affairs, European Union and Cooperation; as well as the General Council of the Judiciary and the General State Prosecutor's Office. It has also benefited from the collaboration of specialized civil society organizations and international organisations (IOM, ILO, UNHCR).

The main points of this plan are: to place the victim at the centre of any action of the public authorities, to adapt the attention to the victims to the different situations of vulnerability, to adequately address the gender dimension, to focus on an integral concept of trafficking that covers all the purposes of this crime, to establish a multidisciplinary perspective that guarantees the necessary interaction of all public and private actors, with special attention to civil society, and finally, to carry out an adequate approach to the demand for services of the victims of trafficking in human beings.

1. Detection and prevention of trafficking in human beings
2. Protection, assistance and recovery of the victims
3. Prosecution of the crime
4. Cooperation and coordination
5. Increasing knowledge about this phenomenon

For each of these priorities, action lines (16) and measures (62) have been established that require a prior and fundamental effort in terms of a legislative reform, as well as firm commitment by all stakeholders.

Within the National Strategy against Organized Crime and Serious Crime 2019-2023, approved by the National Security Council, the fight against human trafficking was prioritized, including different lines of action in this matter, such as the reinforcement and improvement of the protection and assistance to victims, the prevention and prosecution of the crime as well as the necessary inter-institutional cooperation and coordination at national and international level.

Guardia Civil continues to raise awareness on its social networks, where the campaigns **#trabajoforzoso** and **Passport** to indicators of trafficking remain.

During this year brochures have been delivered on the different days of action of the operational actions carried out within the EMPACTS. Likewise, they have been handed.

10.2 International cooperation

Regarding international cooperation, Law Enforcement Agencies (Policía Nacional and Guardia Civil) carry out operational and strategic activities both at a bilateral level and within multilateral Institutions and organizations (UN, EUROPOL, INTERPOL, EUROJUST, IBERRED...etc.).

As an example of this issue, we can point out the current participation of Guardia Civil in a project of the Assistance Program against Transnational Organized Crime (El PACCTO) on indicators of victims and situations of trafficking.

Likewise, in relation to the Multidisciplinary Platform against Criminal Threats (EMPACT), Policía Nacional and Guardia Civil have exponentially increased its importance at European level for the next cycle 2022-2025 in the priority of human trafficking.

Guardia Civil also collaborates within the European project "The Training and Operational Partnership Against Organized Crime" (TOPCOP), developed by the European Police College (CEPOL).

The partner countries of the project are Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Guardia Civil was involved in the training sessions aimed at specialists in trafficking from different Moldovan institutions, giving several lessons during the month of December 2021 in Chisinau.

10.3 Detection and identification of victims of human trafficking

The National Police has developed specialized teams of interviewers in the main seaports where boat arrivals are most frequent to gather information about smuggling routes, smugglers and the phenomena in general.

The procedure for the referral of possible victims of human trafficking requesting international protection at the Adolfo Suárez Madrid-Barajas airport continues, to establish the guidelines for action when foreigners of legal age or family units (including minors) requesting international protection arrive at Adolfo Suárez Madrid-Barajas airport.

When any professional with responsibility for this process suspects that they may be victims of human trafficking will proceed, and they will be correctly referred within the framework of the Reception System for applicants and beneficiaries of international protection.

The purpose is to ensure that victims have access, in the shortest possible time, to the resources most appropriate to their situation. The problem is approached from a "victim-centered" approach that seeks to guarantee a coordinated response from the public authorities to ensure the rescue, immediate attention and recovery of the victims, while promoting their protection and the exercise of the rights of those who were deprived.

A noteworthy phenomenon during this period has also been the large influx of small boats arriving in the Canary Islands. We highlight this fact because it has been a very important migratory phenomenon, since from 1 January 2021 to 10 August 2021, 7,678 people were dealt with in the different islands (44.86% in Las Palmas de Gran Canaria). A priori, being a profile mostly of men (6,353 men out of the total of 7,678 people), the cases of indications of trafficking were very occasional but a change in this trend was perceived at the end of the second semester of 2021.

Indications were discovered of transfers of women from the Canary Islands, and their subsequent abandonment of the reception facility assigned to them on the mainland within a few days, leading to the conclusion that it was not a migration process as such, but rather that there were hidden trafficking networks, and that once on the mainland they wanted to take charge of their goods.

In view of this situation, four major measures were taken by the General Directorate of Humanitarian Assistance and International Protection Programmes, which were as follows:

- Detection of possible victims of human trafficking in the CGCs by specialised professionals, prior to the transfer of single women from the Canary Islands to the mainland. Purpose: Detection of possible cases for more appropriate management.

- Set up specific centres for trafficking in the Canary Islands and expand the centres for women.
- As an awareness-raising mechanism, inclusion in the minimum information to be provided according to the Information Provision Protocol.
- Massive training for the detection of possible cases of trafficking to the entities that manage the system's facilities in the Canary Islands, as well as to their service providers.

Incidence of the COVID-19 pandemic

The COVID-19 pandemic has deepened the invisibility of human trafficking and exploitation, with the resulting difficulty in detecting and investigating it.

- A decrease in the number of THB victims.
- An exponential increase in the use of social networks and the internet to recruit victims and facilitate their exploitation.
- The vulnerability of victims has been exacerbated by the closure or limitation of economic activity.
- Online exploitation, especially in the area of pornography, has increased significantly
- The health crisis has opened the way to new scenarios for their perpetration and situations of extreme vulnerability. The criminal industry reinvents itself, proliferating Sexual Exploitation by digital means (sexual webcams, etc.), circumventing lockdown and other restrictions.
- A rise in THB for the purpose of labour exploitation in the sectors of agriculture, construction and domestic work.
- The use of social networks has been detected, seeking profiles of single.
- A very notable shift has been detected in the sexual exploitation of women from clubs to private apartments for prostitution. On the one hand, this facilitates the continuity of prostitution even in situations of restrictions such as those applied due to the pandemic, and on the other, it hinders Law Enforcement's task of inspection and control to detect victims.

Policies and procedures adopted due to the challenges of the COVID-19 pandemic

In the context of the health crisis caused by the COVID-19 pandemic, the following normative instruments and action plans have been fostered to minimise the possible negative consequences in the lives of many women victims of gender violence and victims of trafficking:

- [Extension of the Contingency Plan against gender violence in the context of the COVID-19 crisis: additional measures aimed at victims of trafficking, sexual exploitation and women in contexts of prostitution.](#) This creates strategic and operational measures to prevent, control and minimise the possible negative consequences for the lives of many victims of gender violence resulting from lockdown measures.

This extension specifically aims to guarantee the rights of victims of sexual exploitation and trafficking for purposes of sexual exploitation, as well as to provide services and resources to attend to their specific needs.

The measures included in the Extension include:

- The right to information for victims of trafficking and sexual exploitation and other women in contexts of prostitution.
 - Detection and identification of victims of trafficking and sexual exploitation and cases of extreme vulnerability in contexts of prostitution.
 - Comprehensive assistance and protection for victims of trafficking and sexual exploitation, as well as assistance in cases of special vulnerability.
 - Comprehensive care services and safe accommodation are declared as essential.
 - The right to Minimum Vital Income for victims who need it and who meet the requirements, as well as for those who are in an irregular administrative situation.
 - Alternative accommodation, with public entities able to use tourist accommodation establishments.
- [Contingency Plan against gender violence in the context of the COVID-19 crisis](#) of 17 March 2020, extended with additional measures aimed at victims of trafficking, sexual exploitation and women in contexts of prostitution.
 - [Royal Decree-Law 12/2020 of 31 March on urgent measures in the field of protection and assistance to victims of gender violence](#), which declared essential all aid services, including accommodation services for victims of trafficking and sexual exploitation, as well as including these victims as beneficiaries of the minimum vital income (MVI).
 - [Royal Decree-Law 20/2020 of 29 May, establishing the minimum vital income](#), which has been partly amended by Royal Decree-Law 3/2021, of 2 February, adopting measures to reduce the gender gap and other matters in the spheres of social security and the economy.
 - [Law 1/2021, of 24 March on urgent measures regarding protection and aid for victims of gender violence](#).

Finally, there was the recent approval by the Council of Ministers on 7 July 2021 of the “Preliminary Organic Bill for the Comprehensive Guarantee of Sexual Freedom”, which includes trafficking for the purpose of sexual exploitation in its scope of application, implementing specific measures for prevention, comprehensive aid for victims of trafficking and sexual exploitation (as specific resources), funds for redress to victims (including victims of trafficking for the purposes of sexual exploitation, Art. 55), measures relating to taking statements from victims of trafficking for the purposes of sexual exploitation, in addition to an improvement in the criminal classification of pandering and the introduction of renting space for prostitution into the Criminal Code.

10 RETURN AND READMISSION

Spain continued developing the voluntary return programme with the collaboration of the NGOs and IOM, to whom technical and financial support is provided.

3.864.674 euros were spent and 1.501 persons were helped to return to their countries of origin

11 MIGRATION AND DEVELOPMENT COOPERATION

In the framework of the Spanish-sponsored **EU´s Team Europe Initiative** (TEI) for the Atlantic and Western Mediterranean Routes, new migratory projects were decided in the five pillars of the initiative (fighting migrants smuggling and trafficking; promotion of legal migration; protection and asylum; returns readmission and reintegration and fighting root causes) whose implementation will begin in 2022.

The TEI covers as beneficiaries the 12 priority states on the Western and Atlantic Med routes in three regions: Maghreb (Morocco and Algeria), Sahel (Mauritania, Mali, Burkina Faso, Niger) and West Africa (Senegal, Nigeria, Guinea, Ivory Coast, Gambia and Ghana).

The budget for next two years amounts to 968 million euro covered by the EU Commission (NDIC budget) and seven Member States (besides Spain, Belgium, Denmark, France, Germany, Italy and The Netherlands).

The main objective of the TEI is to help our priority migratory partners on our migratory routes to better manage migration with the aim of reducing in a preventive and sustainable spirit non-voluntary migration to the EU which generates primary movements to Spain as the first external border and secondary movements to other member States.

The aim is to promote safe, orderly and regular migration through three principles of action:

1. prevention at origin (this is the contribution that the external dimension should make to the internal dimension and to the European Pact on Migration and Asylum);
2. comprehensive approach including the five pillars of Valletta and the Rabat Process (legal migration; irregular migration; protection and asylum; root causes and return, readmission and reintegration);
3. "European spirit" which means not only avoiding duplication and promoting partnerships and synergies between nationally funded bilateral programmes but full transparency in the management of the TEI.

ANNEX A: NATIONAL STATISTICS

You can consult national statistics on the Permanent Observatory of Immigration website: [PORTAL DE INMIGRACIÓN. Observatorio Permanente de la Inmigración \(inclusion.gob.es\)](http://portal.inmigracion.gob.es)
