



IMPLEMENTATION OF THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION

REGIONAL REVIEW

SPAIN



1 METHODOLOGY FOR PREPARING THE VOLUNTARY GCM REVIEWS

Spain has a long experience in dealing with international migration. In last decades and especially since the migratory crisis in Canary Islands 2005-2006 the country has developed a comprehensive migratory policy based upon a global 360 degrees approach to migration. This national approach embodied, avant la lettre, the core of the vision, principles and objectives of the Global Compact for Safe, Orderly and Regular Migration (GCM). Therefore in practical terms Spain is implementing the GCM well before its adoption.

The GCM and its framework for cooperation, as a milestone in approaching migratory challenges and opportunities by international community, represent a major source of inspiration for Spanish national migratory management. Spain is committed to the implementation of the GCM at national level. To the extent of its possibilities Spain also contributes -both bilaterally and as a member of the European Union- to ease the execution of the GCM at regional levels (Latin America, Northern Africa and Subsaharian Africa).

The success of the Global Compact for Safe, Orderly and Regular Migration, being a non-legally binding instrument, relies to a relevant degree on the existence of true high-level political engagement from the side of the governments.

Spain remains strongly committed with the Global Compact on Migration. The Spanish Head of Government Mr. Pedro Sánchez attended the Intergovernmental Conference held in Marrakech on 10-11 December 2018 where the GCM was adopted. In UN New York Spain voted in favour of UNGA Resolution 73/195 which endorsed the GCM. Spain acted as a Co-facilitator, together with Bangladesh, of the UNGA Resolution on Modalities of the (International Migration Review Forum (IMRF)). In UN Genève Spain is part of the group Friends of Migration. Within the European Union, where there is not full consensus as regards the GCM, Spain is an active advocate of the Compact. Spain participated in the session devoted to the follow up of GCM organized at the Summit of the Global Forum of Migration and Development (GFMD) held in Quito in January 2020.

Political commitment to the pact is paramount. National implementation plans and elaborated procedures of follow up -especially useful in countries with limited resources and tools supported by UN Country Teams- are certainly a valuable proof of engagement but not necessarily an outcome in itself.



Without excluding the possibility of drawing in the future a national plan for GCM implementation Spain fulfills so far the recommendations of the GCM in an horizontal and transversal way. CGM objectives and guiding principles (paragraphs 8-15) are present in the daily implementation of the Spanish migratory policy.

Spain developed a very dynamic method of coordination during the phases of preparation and negotiation of the Global Compact held respectively in 2017 and the first half of 2018. After the adoption of the GCM an activity of dissemination and information on the contents of the Compact was equally undertaken. Some of these activities were developed in close cooperation with IOM Bureau in Spain.

This methodology applied beforehand the whole-of –government and whole-of society approaches. It worked smoothly assuring coordination without overwhelming administrative and civil society capacities. As far as administration is concerned, the Bureau for Migratory Affairs within Ministry of Foreign Affairs, European Union and Cooperation is the focal point on GCM which proceeds with the permanent day-to-day coordination with other national departments, very especially with the Ministry of Interior and the Ministry of Inclusion, Social Security and Migration. These three ministries constitute the troika within the Central administration as far as migratory issues are concerned (at national, EU and multilateral levels) including the GCM implementation. Other ministries involved are the Ministry of Infrastructure, the Ministry of Labour and the Ministries of Education and Universities.

Two conferences on the GCM with regional (comunidades y ciudades autónomas) and local authorities (diputaciones y ayuntamientos) and with civil society were respectively organized in 2018 in coordination with IOM Bureau in Madrid. In 2019 a meeting with thirty organizations of civil society was organized on the follow-up of the GCM and on the modalities of the IMRF. Existing fora (ia. Tripartite Dialogue, State-Regions Conference, Forum for the Social integration of Migrants) deal regularly with GCM-related objectives as well.

In 2020 it was scheduled to reinvigorate and reshape these experiences to make the follow up of GCM at national level as broad and participative as possible. This strategy was slowed by affected by the reshaping of some departments dealing with migratory issues at state, regional and local levels following different electoral cycles during 2019. The outbreak of the covid pandemic in 2020 has slowed down this strategy. It will be recovered as soon as the pandemic will allow. As our previous experience has shown, face-to face meetings are indispensable to enable an effective, dynamic and oriented-based debate and exchange of views on GCM implementation (on its outcomes and



gaps) taking into account the diversity and density of administrative levels and civil society layers involved in Spain. This is not possible in covid times.

2 POLICY AND ENABLING ENVIRONMENT

As far as the extent of involvement of whole-of-government and whole-of-society approach is concerned see section 1.

Migration issues and indirectly the GCM implementation are taken into account in the appropriate SDGs in the National Strategy on Agenda 2030 (last 231 pages Report 2020 on national implementation is available in internet).

Budgetary constraints and limited human capacities (at state, regional and local levels) are the main obstacles encountered when proposing or putting in place fresh initiatives regarding implementation of GCM objectives. Concerning mixed flux, the historical record of asylum applications received in the country during 2019 (110.000 places Spain at the top of EU member states) has obliged to concentrate efforts in proceeding and assuring international obligations derived from Genève Conventions. On the contrary the relative good behaviour in terms of irregular entries in 2019 has freed capacities for preparing new cooperation and legal migration initiatives. Covid 19 has had a very high sanitary impact in Spain and it has so affected every sector of administrative life. Nevertheless the covid 19 crises is too an opportunity since it has enhanced the visibility of the contribution of migrants to daily life and productive economy and it has pushed for the adoption of positive migratory measures mainly in the protection against subsequent irregularity.

The covid pandemic and the need of short-term measures has had a negative impact on the effectiveness of the work at regional level as far as discussion and implementation of mid-term regional plans and strategies. The majority of activities scheduled in Rabat, Khartoum, Prague or Budapest processes have been cancelled or postponed. The same happened with the EU-Africa summit which should have discussed the new framework of the partnership of migration and mobility. Within the EU the pandemic has obliged to postpone several times the presentation of the European Commission proposals for a new European Pact on Migration and Asylum that finally took place on 23rd September. That has had negative effects on planning at national level.



3 PROGRESS ON GCM OBJECTIVES

At the request made to member States by the UN Secretary General, Spain submitted last June a forty - pages report on the progress on the implementation of the GCM at national level. The report contained a description of the measures undertaken in each of the 23 objectives of the GCM.

Spain believes that the implementation of the GCM should be as comprehensive as possible. Even recognizing and understanding the limitation of means and capacities (human, administrative, financial) all countries have at national levels, governments should prove interest in all the objectives of the Compact. Not all the objectives are equally relevant and not all of them can be faced with the same timing. Therefore prioritizing appears as an unavoidable task especially when the resources are not enough. Nonetheless politically-funded cherry-picking approaches should be avoided. We should equally prevent unbalances in GCM implementation that could lead to gaps in the credibility of the very Compact, its principles and its main and most relevant goal which remains to make migration ever safer for migrants and orderly and regular for the countries of origin, transit and destination which must manage human mobility

Spanish Migratory policy was already in line with the majority of the contents that the Global compact assumed. Nonetheless since the approval of the Compact Spain has developed several initiatives linked to the national implementation of GCM. These actions combine new fresh projects with already on-going measures. Whole-of-government and whole of society approaches are especially encouraged. The national report delivered in May is still valid and a reference to its full version is advisable. Some highlights of it are included herewith:

- **Objective 1** (ia. improvements on contents and public access regarding statistical migration-related databases in the Ministry of Interior, Ministry of Inclusion, Migration and Social Security and the National Institute of Statistics-INE; national contributions to the currently ongoing works to upgrade migration databases at EU level; statistics on migratory fluxes updated every 15 days are publically available in the webpage of the Ministry of Interior; national statistics are shared with EU agencies (FRONTEX, EASO) and international organizations (IOM, UNHCR); enhancement of migration-related databases at regional and local governments' levels).

- **Objective 2** (enhanced and ongoing bilateral projects –with especial reference to the ones developed by the Spanish Agency of Cooperation AECID- in Latin America, Northern Africa and Subsaharian African countries; Spain leads 13 projects for a value of 190 million euros in several Western African countries



financed by the EU Emergency Trust Fund for Africa embracing several sectors like work generation, social inclusion and reintegration; information of risks of irregular migration, strengthening local capabilities, fighting women and children vulnerabilities; bilateral projects in Central America mainly in integration and regional development activities –contributions to Plan Integral Desarrollo in Central America and MIRPS platform-).

- **Objective 3** (the Ministries of Interior; Inclusion –Social Security-Migration and Foreign Affairs-EU-Cooperation had free public access pages in their respective official websites with updated information on regular migration options to Spain; AECID develops projects of awareness on the risks of irregular paths of migration in three North and Western African countries).

- **Objective 4** (enhancing the access of migrants to the information on conditions for documentation and administrative services provided by the public bureaus for citizens documentation at local, regional and national levels; ratification of UN Convention on Stateless persons in September 2018; in the realm of its competences Spain broadly facilitates the work of foreign Consulates on documentation of their own nationals).

- **Objective 5** (on top of the activities concerning the information on legal paths referred in objective 3, the Report includes three pages devoted to the improvement of the existing projects on circular migration with Morocco (agriculture almost 13.000 women workers in 2020), a new circular migration project with Senegal (agriculture), the improvement on legislation on the projects of labour recruiting at origin (ia. Order TMS/14267/2018) or a new scholarships scheme with Morocco (100 post graduates). These programs are developed by the Ministry of Inclusion, Migration and Social Security in close cooperation with other departments (ministries of Foreign Affairs; Agriculture; Interior; Labour and High Education) in a whole-of-government approach. Especial references to the additional measures undertaken to limit the challenges generated by covid pandemic affecting these projects in terms of health control, return, internal mobility, living conditions and e-learning).

- **Objective 6** (ia. implementation of the National Strategy for Decent Work 2018-2020 in particular its measures 28-29 and 30; whole of society approach assured by the Tripartite Dialogue –government, employers´ associations and trade unions and Forum for Social Integration of Migrants –where diasporas associations are present too).

- **Objective 7** (in the report almost five pages are devoted to illustrate the measures undertaken by different departments and especially the Ministry of Inclusion, Social Security and Migration in this objective with ia. especial attention paid to the most vulnerable like women (many legislative and



regulatory positive discrimination measures in favour of migrants abused or victims of sexual trafficking and domestic violence) and non-accompanied minors (adoption by Instruction 1/2020 of the Ministry of Inclusion, Social Security and Migration of the permit to work for NAMs aged 16 onwards); new additional measures taken to combat new vulnerabilities caused by covid pandemic among others the creation in 2020 of a permanent national scheme of Minimal Vital Income (“Ingreso Mínimo Vital”) adopted by overwhelming majority in the Spanish Parliament, accessible for nationals and for foreigners with at least one year of legal and interrupted residence in Spain; adoption of measures to facilitate the work of resident migrants in economic sectors especially affected by covid pandemic (ia. Royal Decrees 13/2020 and 19/2020), facilitation of the automatic extension of validity of residence and work permits expired during the administrative closure due to the pandemic; facilitation of elements of proof and documentation in the procedures to acknowledging “arraigo social” (social rooting); adoption in 2019 of the Action Plan for combatting hate crimes and creation of a National Office for Hate Crimes within the Ministry of interior); subsidies granted by the Oficina de Asuntos Humanitarios (Humanitarian Affairs Bureau) within the ministry of Foreign Affairs, EU and Cooperation in favor of projects to alleviate the situation of internal displaced people in Central America and México)

- **Objective 8** (ia. statistics on the SAR activities developed by SASEMAR - National Service for SAR- within the Ministry of Infrastructures in the Spanish SAR zones in the Mediterranean Sea and Atlantic Ocean -50.000 immigrants saved in 2018 and almost 18.000 in 2019-; improvement of cooperation with coastal neighbouring countries; solidarity in disembarkations from Central Mediterranean).

- **Objective 9** (ia. ongoing and new projects developed by the Ministry of interior both at bilateral level and in EU-led projects with third Western Northern African and West African and Sahel countries ia. Spanish led and EU financed GARSI project in the five countries of G5 Sahel plus Senegal).

- **Objective 10** (ia. ongoing and new projects developed by the Ministry of Interior with third Northern African and Subsaharian African countries and Latin America at bilateral and European levels; National Strategies to combat human trafficking; creation of free-toll 24/7 telephone contact numbers and email-addresses both in Policía Nacional (National Police) and Guardia Civil (Civil Guard) for public access to fight human trafficking).

- **Objective 11** (ia. new measures to improve Integrated Border Management – IBM- in the national -and at the same time EU external- coast borders; cooperation with FRONTEX; projects with third countries in the Caribbean and Western Africa to assist them to improve their IBM strategies).



- **Objective 12** (see objective 3; especial reference to the relevance in practical terms of the whole-of society approach).

- **Objective 13** (ia. information on the functioning and legislation of the existing non-penitentiary retention centers –Centros de Internamiento de Extranjeros- ; for sanitary concerns CIEs remain closed and empty since the outbreak of covid pandemic; national legislation does not permit neither long time detention nor closed uncommunicated detention centers).

- **Objective 14** (ia. implementation by the Ministry of Foreign Affairs, EU and Cooperation of existing measures for the protection of nationals and delivery of consular services in its 115 embassies and 89 general consulates; new measures adopted in the framework of covid –organization of repatriation, Emergency Office and Emergency central telephones open for assistance to both nationals and foreigners having residence in Spain)

- **Objective 15** (ia. Royal Decree 7/2018 July 27th on universal access to national public health system; enlargement of the current access to other services included education; measures implemented in close attention to whole-of government and whole-of society approach –close cooperation with regional and local authorities and civil society-)

- **Objective 16** (ia. inclusion and cohesion related activities are traditional priorities in national migratory strategies as it is reflected in the very wording of the new Ministry of Inclusion, Social Security and Migration; well advanced works for the renewal of the national strategy for citizenship and integration – including migrants-; whole-of- government and whole-of-society approach solidly applied in the design and execution)

- **Objective 17** (ia. reinforced new projects of the National Observatory for Countering Xenophobia and Racism –OBERAXE- within the Ministry of Inclusion, Social Security and Migration in strong cooperation with regional observatories, academia and civil society; Interministerial Framework –whole-of-government approach- adopted in September 2018 to evenly implement the 2011 National Strategy to Combat Racism, Xenophobia and other forms of Discrimination; in prosecuting and punishing hate crimes Spain is in the international forefront both in terms of legislation -reform of article 510 Penal Code in 2015- and implementation -State Attorney General Guidelines May 2019)

- **Objective 18** (ia. projects in phase of preparation within the Ministry of Inclusion, Social Security and Migration to be framed in the future new EU blueprints on legal migration; improvement of the public information pages



within the Ministry of Education and Vocational Training and the Ministry for Universities

- **Objective 19** (ia. project “Volvemos” to facilitate the return of national young migrants; diasporas organizations participation in the formal national Forum for the Social Integration of Migrants –whole-of society approach- led by the Ministry of Inclusion, Social Security and Migration).

- **Objective 20** (ia. project InclusionFI with EU financing; Minimal Vital Income Scheme see objective 7 helps indirectly to prevent drops in remittances sent to home countries).

- **Objective 21** (ia. ongoing implementation of the National Resettlement Program; ongoing partnership with IOM in both resettlement and accompanied returns and reintegration; AECID projects in some countries in Sahel and Central Latin America to promote the integration of returned people).

- **Objective 22** (ia. implementation of the 24 bilateral agreements and the Multilateral Iberian American Convention on Social Security).

- **Objective 23** on top of the bilateral projects and EU financed projects led by Spain, the Ministry of Foreign Affairs, EU and Cooperation pushed for the organization of the second Summit on Migratory and Asylum challenges derived from the Venezuelan crisis which took place online simultaneously from Madrid and Brussels in May 2020 and currently holds the Presidency of MIRPS on the mixed fluxes challenges in Central America and Mexico).

4 MEANS OF IMPLEMENTATION

As it has been highlighted in the previous chapter, Spain is politically committed in practical terms with the GCM and its implementation will continue to be a reference framework when discussing, deciding and executing the national migratory policies both in strictly national terms and European Union level.

The migratory policy is a very complex policy to be implemented everywhere. It involves many dimensions and need to be focused in several perspectives at the same time that are driven through very different procedures that require ambitious means of implementation at all levels. Implementing the 23 objectives and taking into consideration the more than a hundred invitations to action included in the GCM is not an easy task since it requires the use of a well provided toll-box.



In the phases of their actual implementation the migratory policies are very demanding in terms of use of resources (humans, administrative and financial). On top of that, some measures can only attain relevant degrees of effectiveness with the cooperation of third partners.

In this context and due to the forecasted serious economic impact of covid pandemic in the country a limitation of additional financial resources is expected for 2021. That will not affect already decided migratory policies and mechanisms or assumed national contributions to UN agencies and programs but could influence the rhythm of implementation concerning some measures foreseen, the level of ambition in the adoption of new partnerships and the financial contribution to multilateral migratory funds. On top of that, and in this context of limited budgetary resources, the new dynamics of the resumption of mixed fluxes in the phasing out of covid pandemic in 2021 could play a role in the orientation of the use of the national means available concerning objectives within the GCM.

The participation in European Union schemes (new EU Multiannual Financial Framework and new European Pact on Migration and Asylum) could alleviate the extent of these budgetary challenges

No change is expected as far as political will, capacity development and projects generation within Spanish government and administration concerning the GCM. The Whole-of government and Whole-of-society approaches will be enhanced by identifying the scope of actions and competences in a more accurate way in order to gain efficiency and effectiveness in common action.

5 NEXT STEPS

In procedural terms and in the perspective of the first International Migration Review Forum (IMRF) to be held in 2022 a clearer international strategy on how to proceed in practical terms in the remaining time is necessary. In this context indications by United Nations Network on Migration (UNNM) and IOM on the preparation of IMRF would be welcome and useful.

Among the activities to be conducted at multilateral level, an active and preemptive work of public information policy on the Global Compact by UNNM would be welcome. That would help to celebrate the IMFR in 2022 in a more positive environment compared to the one lived in December 2018. The lessons learnt from the Intergovernmental Conference of Marrakech could be valuable. Paragraphs 48-54 of GCM determine the modalities of the follow-up of the implementation of the Compact but so far some degree of uncertainty has somehow been present within the international migratory community and the outcomes have been somehow blurred especially in reference to developments



in some specific geographic regions. Overburden national capacities should be avoided.

As it has been previously mentioned, the covid 19 pandemic has made more difficult -and will still make it for some time- the articulation of these processes of follow-up and implementation of GCM during 2020 at national, regional and national levels. The legal impossibility of organizing presence collective meetings during the pandemic is an objective challenge in order to face the multiplicity of shareholders and complying therefore with the whole-of society and whole-of government approaches of the Compact.

In the case of the member countries of the European Union in 2020 and first half of 2021 the process of further implementation of GCM will develop in parallel with the negotiation and eventual outcomes of the debates on the new European pact on asylum and migration which the European Commission has tabled to the European Council and Parliament on September 23rd.

Spain will continue to implement the GCM in a global perspective in the period up to the IMRF 2022, will assure a good preparation of it and will contribute with specific national migratory policy pledges (as it was the case in the first Forum of the Global Compact on Refugees held in Genève in December 2019). Spain will assure a high level political representation in the gathering.