

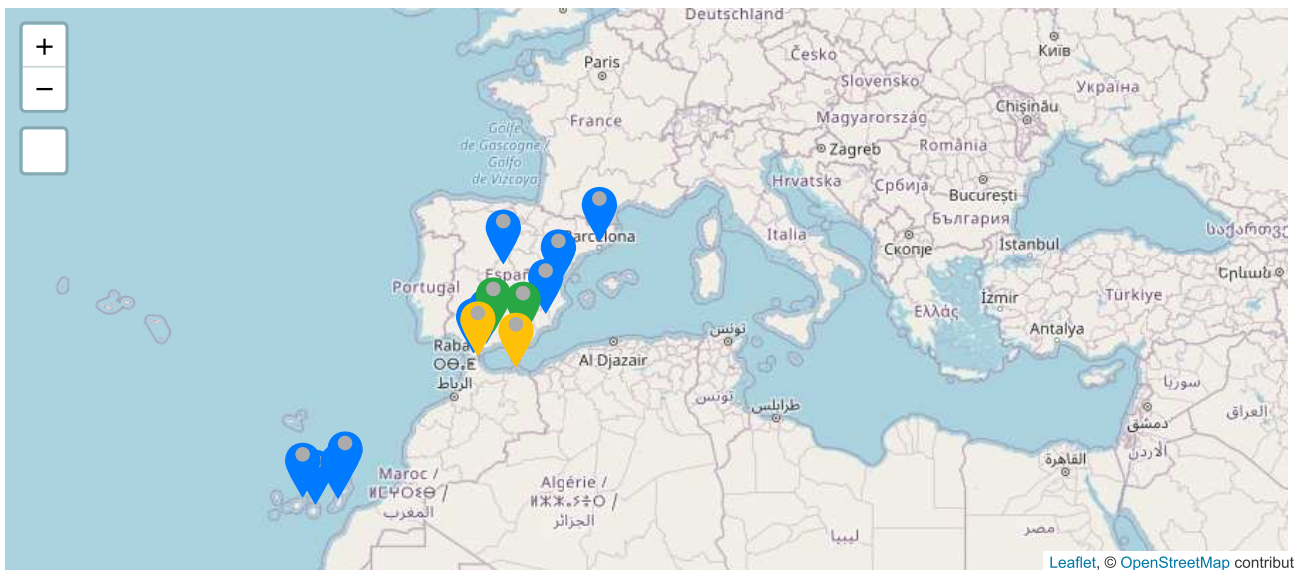
SPAIN

**2,224**Immigration detainees
2020**766**Detained asylum seekers
2020**42**Detained children
2020**118,252**New asylum applications
2019**57,751**Refugees
2019

FEATURED REPORT

OVERVIEW

(May 2020) On 6 May 2020, Spain reported that for the first time in its history, its long-term immigration detention facilities, "Foreign Internment Centres," were empty. These centres had long been the target of activists, local politicians, and human right bodies, who argued that they were unnecessary and abusive. The Covid-19 crisis, which shut down deportation flights, provided a final push. But enormous questions remain, including what is to happen to these facilities if the crisis eventually passes, how are former detainees being cared for, and what is being done to protect the thousands of people stranded in Spain's Moroccan enclaves, where nominally "open" reception centres were placed under lockdown.



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Types of facilities used for migration-related detention

Administrative Ad Hoc Criminal Unknown

COVID-19 UPDATES

COUNTRY REPORT

DETENTION CENTRES

STATISTICS & DATA

LAWS & INSTITUTIONS

HUMAN RIGHTS

BUDGETS & PRIVATISATION

USEFUL LINKS

09 June 2021

Shortly after the onset of the first wave of COVID-19 in early 2020, Spain began emptying its immigration detention centres - Centros de Internamiento de Extranjeros (CIEs) - and by 6 May 2020, authorities had temporarily closed them all (see 15 May 2020 Spain update on the platform). This development was welcomed by human rights organisations including the Campaña Por el Cierre de los Centros de Internamiento de Extranjeros, who also highlighted that detainees were left without support or place of residence, and were not referred to reception

Despite a second-wave of COVID-19 infections sweeping through Europe, the Spanish government ordered the reopening of CIEs towards the end of September 2020. According to the Jesuit Refugee Service (JRS) 2020 annual report, due to a lack of protocols and sanitary measures, the reopening led to the spread of the virus, resulting in detainees being isolated and causing widespread anxiety and anguish. The JRS stated that the government reopened the centres to demonstrate its alignment with the new European pact on asylum and migration presented on the same day as the reopening of CIEs. The new pact on asylum, aims to, inter alia, speed up the timeframe for returns and ensure that detention operations are conducted in centres that would guarantee this. One of the authors of the JRS noted that at that time, "the borders were still very much closed and there was a lot of uncertainty about the possibility of conducting returns. If detention in a CIE is a measure to ensure returns, how can detention be resumed if it is unclear that returns can be conducted?"

The JRS also reported that of the 1,904 people returned during 2020, only 524 were returned from a CIE (27.5 percent), as most people are returned within 72 hours following their arrival. According to the JRS, these statistics reinforce the argument that the use of detention is largely unnecessary and causes unnecessary suffering. According to the report, there were 2,224 people held in CIEs during 2020, of whom 1,767 were held due to a return order being issued against them. In addition, 42 were identified as minors. Nevertheless, according to the JRS, Spain has indicated its commitment to expanding the use of immigration detention through its plan to build a new CIE in Algeciras, which will have a capacity of 500 places and a budget of 21 million euros.

In May 2021, the country returned 4,000 of the 8,000 migrants who arrived in Ceuta during a wave sparked in part by a diplomatic dispute between Morocco and Spain. Around 6,000 people (largely Moroccan nationals), of whom 1,500 were children, swam to Ceuta on 17 and 18 May 2021 and one person died during the crossing. The country mobilised 200 additional police personnel in addition to the 1,200 officers who were already patrolling the border with Morocco.

Due to the large number of arrivals to the Canary Islands in 2020 (see 27 October 2020 and 20 November 2020 Spain updates on this platform), in November 2020, the Spanish government unveiled the "Plan Canarias" which aimed to create 7,000 accommodation places for migrants on the islands of Gran Canaria, Fuerteventura and Tenerife. However, five months later, in April 2021, Amnesty International Spain reported that reception conditions on the archipelago remain worrying, including overcrowding, COVID-19 infections and general hygiene. On 15 April 2021, a Judge in Las Palmas held that migrants stuck on the islands were entitled to travel to mainland Spain if they "proved their identity with a passport" or with an "application for international protection."

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09 February 2021

During the past year Spain's Canary Islands, situated off the western coast of North Africa, have witnessed a surge in migrant and asylum-seeker arrivals, a recurring situation that emerges when migration routes elsewhere in Africa are blocked. According to the Spanish Interior Ministry, the number of maritime arrivals during 2020 was eight times higher than in 2019: 23,023 compared to the previous year's 2,687. In the first two weeks of 2021, 1,069 arrivals were registered. With Spanish authorities refusing to transfer arrivals to mainland Spain during the pandemic, thousands have found

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 Camp Canarias 50 Viewed from Above in Gran Canaria on 26 January 2021, (Borja Suarez, Reuters, Camp Canarias 50 Viewed from Above in Gran Canaria on 26 January 2021, (Borja Suarez, Reuters, "Spain: New migrant camps in the Canary Islands," InfoMigrants, 27 January 2021, <https://www.infomigrants.net/en/post/29909/spain-new-camps-in-the-canary-islands>)

themselves trapped on the islands.

Responding to the restrictions of movement imposed on asylum seekers on the Canary Islands, the Spanish Ombudsman (Defensor del Pueblo) sent a "reminder of legal duty" (or "recordatorio de deber legal") to the Interior Ministry in early February, stating that the police could not limit the right to freedom of movement for people seeking international protection, as established by law in 2009 and reaffirmed by several Supreme Court decisions. The Interior Ministry has pointed to increasing pressures on Spain's asylum system, reporting that between January-November 2020, the country received nearly 85,000 asylum requests, with the majority of requests submitted by people from Venezuela, Colombia, and Honduras.

With the number of maritime arrivals in Gran Canaria on the rise, authorities have opened two new reception centres in unused military facilities, replacing a makeshift camp on Arguineguin Pier. However, according to various reports, rather than providing arrivals with safe and dignified open accommodation, officials are detaining many new arrivals for 10 days at the newly opened Barranco Seco CATE (not to be confused with the long-term detention facility, Barranco Seco CIE), which has had freezing and cramped tented conditions. This far exceeds the 72-hour detention limit in place at the facility. It is unclear whether arrivals placed in the second facility--the "Leon School" in Las Palmas--are facing similar detention situations. However, reports indicate that many migrants and asylum seekers are unable to leave the school out of fear of attacks from the local community (several have complained of locals threatening them with knives and guns).

According to media reports, the opening of these new sites has fueled frustrations and fears amongst the migrant and asylum seeker community, and protests, hunger strikes, self harm, and suicide attempts have been growing increasingly frequent. El País reports that on 5 February, a group of 80 people--mostly from Morocco and Mauritania--were sent to a new Tenerife camp called Las Raíces. When they arrived, they found tents filled with mud and water, and were forced to take refuge on bunk beds under blankets. A Moroccan man scheduled to be moved to the camp and interviewed by the newspaper said, "The center in Tenerife is a freezer. And it's a way of holding us all together in order to deport us to Morocco. We don't want to go back. Ever."

A COVID-19 outbreak has been reported at Tenerife's Hoya Fria CIE detention centre, which re-opened in November 2020 following a nine month closure. As of 3 February, 21 detainees were reported to have contracted the virus--a figure that represents 31 percent of the facility's current population (67 detainees)--and one detainee with underlying health conditions has been transferred to hospital for treatment. The centre was previously criticised for its conditions, and Cáritas Diocesana de Tenerife--which visits the facility--has stated that CIEs such as Hoya Fria are "places that violate human rights." In January, conditions reportedly worsened in the wake of Storm Filomena, which caused flooding in corridors and the collapse of several areas of roof. The Spanish National Police Union (JUPOL) in Tenerife has called for Hoya Fria's immediate closure.

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20 November 2020

There have been a number of judicial decisions in Spain in recent weeks that could have crucial impacts on how migrants and asylum seekers are treated, in particular with respect to Covid-related border controls. In one case from November, Spain's Constitutional Court found that a provision in the country's controversial Citizen Security Law allowing push backs of migrants who try to climb fences into the Spanish enclaves of Ceuta and Melilla is constitutional. There remain exceptions to these push backs: cases involving minors and other vulnerable groups such as the elderly or pregnant women. According to El País, the finding will not result in changes to legislation, but it clarifies that the government can carry out these procedures, which have long been condemned by observers as violating fundamental rights. In Spain, the Citizen Security Law has been referred to as the "gag law" ("Ley mordaza") due to its effect on the right to protest. The statute has long been contested and has gone through several modifications, a constitutional challenge regarding certain provisions, and political opposition members have vowed to repeal the legislation if the parliamentary majority changes after the next general election.

 The Camp Installed in Barranco Seco, in Las Palmas de Gran Canaria, Where Part of the Migrants from the Arguineguin Port Are Expected, (Angel Medina, EFE, The Camp Installed in Barranco Seco, in Las Palmas de Gran Canaria, Where Part of the Migrants from the Arguineguin Port Are Expected, (Angel Medina, EFE, "El Gobierno Traslada Esta Tarde a 200 Migrantes desde Arguineguin a las Nuevas Instalaciones Ceditas por Defensa," El País, 18 November 2020, <https://elpais.com/espana/2020-11-18/el-gobierno-comienza-los-traslados-de-migrantes-desde-arguineguin-a-las-nuevas-instalaciones-en-barranco-seco.html>)

Also in November, the Spanish Supreme Court (Tribunal Supremo) recognised the right of asylum seekers to request their transfer to Spa... Privatliv - Vilkår

through Spanish embassies, in order to formalise a request for international protection. Although this right was already included in the 2009 Asylum Law, access to the asylum procedure has until now been largely blocked through this channel. The provision in the Asylum Law, Article 38, enables ambassadors to "promote the transfer" of asylum seekers to Spain in order for them to formalise their asylum application. (El Diario, On 18 November 2020)

The Supreme Court ruling involves the case of a Kurdish-Iraqi family that arrived in Greece in 2016, fleeing conflict and war, where they applied for asylum and received no response. A year later, they requested a transfer to Spain in the context of the European relocation program, but only the mother's and daughter's requests were accepted. The father had to remain in Greece and subsequently applied for asylum, through the Spanish embassy in Greece, but did not receive a response. The group Stop Mare Nostrum filed a petition before the National Court, which then ruled in favour of the family in March 2019. Yet, the state appealed to the Spanish Supreme Court in order to preclude the father from being transferred to Spain, alleging the impossibility of applying certain provisions from the Asylum Law as these did not have a regulatory framework. The Supreme Court held that the lack of a regulation did not prevent the application of the content of the provision to international protection applications.

According to Stop Mare Nostrum, of their 38 registered transfer petitions in the Spanish consulates in Athens and Tanger, Spanish authorities have "failed to respond to all." The group argues that the government's refusal to allow for the possibility of these types of asylum requests stands in direct contradiction to the government's arguments for allowing forced push backs from Ceuta and Melilla (in the separate case cited above). In that push backs case, Spain pointed to the existing legal avenues to enter its territory and mentioned Article 38 of the Asylum Law, the same provision they sought to block for the Kurdish-Iraqi family in Greece as well as others.

In October, the court in the Castilla-La Mancha region asked the CJEU whether authorities could rely on provisions in the EU Return Directive to effect a removal in lieu of the more stringent requirements provided in Spanish law, which requires the existence of aggravating circumstances, in addition to irregular status, to justify the procedure (see 16 November Spain update on this platform). The Court held that the national authority could not rely on a "deportation order" to expel a migrant in an irregular situation if national law imposes a fine or only provides for return when there are serious violations. In effect, the ruling means that Spain must apply its national immigration law, imposing a fine in cases of irregular stay and only contemplating the expulsion of non-citizens in an irregular situation when there are aggravating circumstances.

Separately, in late November, as the numbers of migrants and asylum seekers arriving on the Canary Islands has been growing, police improperly evicted hundreds of migrants from the port of Arguineguin (Gran Canaria) even though they had not yet been provided with reception places elsewhere. The Interior Ministry opened an investigation to determine how this happened and accelerated the opening of the Temporary Centre for Foreigners in the military installations of Barranco Seco, and relocated two hundred migrants there. The Defense Ministry has provided materials to house another 200 people. According to police authorities, the decision to evict the migrants came after having unsuccessfully tried to contact the Spanish immigration authority (Secretaría de Estado de Migraciones). As the police received no response, they moved forward with their operation. However, sources from the Spanish immigration authority told El País that they had not received a call and that if they had, the usual protocol would have been followed.

According to data from the Interior Ministry, the Canary Islands has become, in 2020, the main entry point for irregular migration in Spain. The number of people who have arrived by sea throughout the country has risen to 32,427 people, 45.5 percent more compared to the same period in 2019. Of this figure, 51.7 percent, or 16,760 migrants, entered Spain through the Canary Islands.

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16 November 2020

In October, the Court of Justice of the European Union (CJEU) issued a ruling on a deportation case in Spain that would limit the country's ability to enforce removal decisions in certain cases based on provisions of the EU Return Directive. The court in Spain's Castilla-La Mancha region had asked the CJEU whether authorities could rely on provisions in the Directive to effect a removal in lieu of the more stringent requirements provided in Spanish law, which requires the existence of aggravating

 A Migrant Standing Outside the Aluche CIE, (Claudio Alvarez,

A Migrant Standing Outside the Aluche CIE, (Claudio Alvarez, "Una Sentencia Europea Impide a Espana Expulsar Inmigrantes Estar en Situacion Irregular," El País, 12 November 2020, <https://elpais.com/espana/2020-11-12/una-sentencia-eu>

circumstances--in addition to irregular status-- to justify the procedure. The CJEU found that the court had to rely on the provisions of the national law in the particular case and not the Directive.

[impide-a-espana-expulsar-inmigrantes-solo-por-estar-en-situacion-irregular.html](#)

According to the CJEU, the national authority cannot rely on a "deportation order" to expel a migrant in an irregular situation if national law imposes a fine or only provides for return when there are serious violations. In consequence, the ruling obliges the government to apply the Spanish Immigration Law, which imposes a fine in cases of irregular stay and only contemplates the expulsion of foreigners in an irregular situation when there are aggravating circumstances.

In 2019, the Spanish Ministry of the Interior expelled 4,677 people from the country and returned a further 6,476 to their countries of origin. According to Eurostat, those figures correspond to around 30% of the 37,890 orders that were issued against non-citizens to leave the Spanish territory. Despite the fact that the percentage of expulsions and returns in 2019 is below the European average (36%), it nonetheless represents an increase compared to 2018.

On 23 September, the National Police (Policia Nacional) ordered the re-opening of immigration detention centres (Centros de Internamiento de Extranjeros or CIEs) closed due to the COVID-19 pandemic (see 2 July, 26 May and 15 May Spain updates on this platform). The Police also ordered that the Central Repatriation Unit carry out "appropriate steps with the consulates of the countries of origin, to be able to effectuate the expulsions".

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27 October 2020

While migrant arrivals to Mainland Spain have decreased this year, the number of migrants and asylum seekers arriving in the Canary Islands has significantly increased. According to UNHCR, as of 18 October 24,259 arrivals had been registered in Spain, of whom 9,199 were registered in the Canary Islands. (In all of 2019, 2,698 migrants arrived in the Canaries.) This shift appears to have been spurred by Morocco's efforts to block routes to the north of the country (and thus prevent irregular boat journeys to southern Spain) and the economic repercussions of the pandemic pushing greater numbers to move.

 M. MacGregor, "Surge in Migrants Reaching Canary Islands," InfoMigrants, 3 September 2020, <https://www.infomigrants.net/en/post/27032/surge-in-migrants-reaching-canary-islands>
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According to the IOM Missing Migrants Project, the irregular maritime route to the Canaries has been the most dangerous in the European region so far this year. During January-July 2020, one death was recorded for approximately every 20 arrivals. Most recently, more than 100 migrants were feared dead after an explosion sank a fishing boat attempting the route from Senegal.

The surge in arrivals--in addition to COVID-related deportation flight cancellations and Spain's reluctance to transfer migrants to the mainland--has led to growing migratory pressure on the islands. A representative of the Spanish Commission to Help Refugees said, "Blocking people from leaving the Canaries has turned the islands into an open-air prison." According to observers, reception facilities on the islands are full, and non-nationals have been placed in churches, schools, and makeshift accommodation at docks and ports.

In October, ECRE reported that more than 1,000 migrants and asylum seekers were staying at Arguineguín Pier (Gran Canaria), where initial registration and health checks (including COVID-19 tests) are carried out. Most were residing in tents provided by the Red Cross, but approximately 200 were forced to sleep in the open. Local media reports have suggested that authorities plan to utilise a ship to provide additional initial accommodation.

Spanish newspapers have also reported that in Las Palmas, the Prosecutor's Office has been separating children from their parents in order to conduct DNA tests. Reports indicate that several children have been sent to a centre for unaccompanied minors, where they have remained while test results are assessed. As of 20 October, four children who had been separated from their parents in August had yet to be reunited with their families--despite tests confirming their relation to their mothers.

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04 September 2020

In Melilla, more than 1,400 refugees, asylum seekers, and migrants--including 150 women and 143 children--have again been confined in the enclave's overcrowded CETI (Center for Temporary Stay of Immigrants) following a Covid-19 diagnosis. On 21 August, the facility was closed with no-one permitted to enter or exit--despite a judge's decision on 24 August to overturn the government's closure of this nominally open facility.

As observers have highlighted since the start of the pandemic, conditions inside the centre are extremely unhealthy, with detainees unable to practice social distancing or implement recommended sanitation measures (for more on conditions in CETIs, see our 15 May update). This, combined with the news that a detainee had tested positive for the virus, prompted rising fears amongst the centre's confined population, and on 25 August some of the centre's detainees orchestrated peaceful protests in which they requested transfers to the mainland. In response however, riot police fired rubber bullets and tear gas on the protestors. According to Solidary Wheels, an independent group present in Melilla, several protestors were injured, and 33 were arrested and had their phones confiscated. The government's spokesman also announced that as punishment, those arrested would not be transferred to the mainland.

With the CETI operating beyond its capacity, hundreds of non-nationals in Melilla have been placed in improvised spaces such as the city's bullring, which were also closed on 21 August. However, according to Amnesty International the conditions in the bullring are even worse than in the CETI, with more than 500 confined in a "deplorable" environment. The Council of Europe's (CoE) Commissioner for Human Rights has also raised concerns regarding living conditions in the facility, and urged authorities to find alternative forms of accommodation for those held inside. According to Solidary Wheels, when new arrivals were placed in the ad-hoc facility on 20 August, an area of the facility was forced to quarantine due to the lack of space for new arrivals to isolate from others. The CoE's Commissioner for Human Rights further noted that, "The situation of the persons placed in quarantine appears to be even more precarious, notably as regards access to toilets and showers, natural light and sufficient water and food, as well as access to asylum proceedings."

On 28 August, a second judge from a higher instance court declared the closure of both the CETI and the bullring as disproportionate given the low number of confirmed cases, and ordered the centres to be re-opened. However, according to Solidary Wheels, many non-nationals remain fearful that as cases continue to rise in Spain, a second lock-down will once again force people to be locked inside the CETI and other accommodation centres. (During Spain's first wave, facilities in Melilla remained locked down for an additional month after measures were eased for Spanish residents.)

Moreover, despite the re-opening of the facilities, non-nationals continue to be essentially confined to the 12sq km enclave--despite the Supreme Court previously declaring that they should be transferred to mainland Spain with their asylum seeker "red card." Although 80 persons are scheduled to be transferred to the mainland in coming days, no transfers have been conducted since 28 May. As Amnesty International, which has made repeated calls for non-nationals to be transferred to the mainland, stated, "[We find] this position absolutely insufficient for resolving the overcrowding in the CETI and the bullying. It is extremely urgent that the interior ministry speed up transfers."

The IOM and UNHCR have also noted their concerns regarding the situation in the enclave, and on 29 August the two organisations urged relevant authorities “to take concrete and coordinated action to improve reception conditions in Melilla, in order to guarantee a reception in accordance with the relevant and specific legal instruments.”

 Solidary Wheels, "Melilla - Without Health Guarantees and With Protests," 26 August 2020, <https://en.solidarywheels.org/post/melilla-without-health-guarantees-and-with-protests>

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17 July 2020

Responding to the Global Detention Project's Covid-19 survey, the Permanent Observatory for Immigration, part of the Ministry of Labour and Immigration, and acting as European Migration Network (EMN) contact, reported that no moratorium on new immigration detention orders was established, but that immigration detention is no longer justifiable in law as there are no reasonable prospects of removal of persons. For this reason, all Spain's immigration detention centres (Centros de internamiento de extranjeros) have been emptied (see 15 May Spain update on this platform).

 Permanent Observatory for Immigration Logo, (OPI, "Caldendario de Difusion Estadistica," 2019, http://extranjerios.mitramiss.gob.es/es/Estadisticas/Calendario_2019.pdf)

EMN Spain said that when persons were released from immigration detention, authorities verified if the detainee had access to support, either from their families or NGOs. People who are detained in police facilities for entering the territory irregularly and subsequently released are given specific quarantine orders and are tested for Covid-19. EMN Spain also said that all migrants arriving irregularly into the country are tested for Covid-19 and placed in quarantine.

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02 July 2020

After the release of immigration detainees from detention centres (Centros de Internamiento de Extranjeros or CIEs), there has been considerable discussion on the future of the country's detention policies. The Asociación Pro Derechos Humanos de Andalucía (APDH) reports that "since CIEs have been closed and detainees released, no catastrophe has ensued" and the organisation urged the country not to re-open the centres. In addition, Spanish police have conceded that it will be difficult to re-detain people released from immigration detention after the Covid-19 crisis recedes (see 26 May Spain update on this platform).

 65 Algerian Migrants Arriving at the port of Motril in Granada, (Alba Feixas, EFE, "La Llegada de Más Simpapeles Coincide con los Centros de Internamiento Cerrados," Lavanguardia, 3 June 2020, <https://www.lavanguardia.com/vida/20200603/481582372581/inmigrantes-pateras-espana-pandemia.html>)

Lavanguardia has reported since the closure of CIEs in Spain, departure points of boats carrying migrants have been changed as Morocco was maintaining strict confinement of its population, making it hard for boats to leave. Boats are currently leaving from Algeria and arriving in Almería, Murcia, and Baleares. While at the end of 2018, the Spanish ombudsman reported that of the 7,855 people detained in Spain's CIE, 2,801 were Moroccan nationals and 2,513 were Algerian nationals, at present, Algerian nationals are the largest population arriving by boat to Spain. Also, since CIEs have been shut, in May 2020 the number of ships arriving at the Spanish coast has doubled compared to May 2019.

On 2 July, 11 migrants arrived in Ibiza on a small boat. Under new protocols, they were all tested for Covid-19, and none of them tested positive for the disease. All of those on board were Algerian nationals, including one minor. Ten were transferred to Madrid where they will be released and placed under the supervision of the Comisión Española de Ayuda al Refugiado (CEAR), an NGO providing support to refugees. According to Noudiari, an expulsion proceeding had been opened for the intercepted migrants that will likely be completed once Algeriá's borders re-open.

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26 May 2020

Spain's decision to temporarily shut its "foreigner internment centres" (CIEs)--which were empty as of 6 May--in response to the Covid-19 crisis has raised questions about the treatment of released detainees. In late March the Ministry of Inclusion, Social Security, and Migration announced that it would work in coordination with the Immigration and Border police to accommodate all those released from CIEs.

As of 20 March, the CIE in Barcelona had been emptied and most of the 40 detainees were wherever possible returned to their family homes and some were referred to social services. Those who were not returned home were directed to social organisations like Fundación Cepaim, which has assisted nearly 50 former detainees, providing shelter, food, and counseling as part of the NGO's "humanitarian aid" program. The program lasts for three months and aims to integrate undocumented migrants that cannot be returned or deported to their countries of origin. The program is in place in 22 cities and towns in Spain and social workers and other professionals implement the plan. Accommodation is provided in shared apartments (6 persons) as well as food, clothing, and sanitary products. They are also given travel cards for public transport with a certain amount of fares and are offered legal and social support to resolve their immigration status.

Jesuit Refugee Services - Spain has started a campaign for the Spanish government to not reopen CIEs and put an end to immigration detention in the country. A petition has been launched urging the government to close CIEs definitively and to never detain vulnerable persons. Police experts have conceded that "once the Covid-19 crisis is over, it will be very difficult to bring back all those released into CIEs," thus casting further doubt upon the measures that will be taken.

As regards the country's prisons, on 30 April 2020, the Ministry of Justice announced that "Covid-19 had affected the prison population four times less than the outside population." From the start of the pandemic until 12 May, the prison system confirmed that 254 prison staff members and 56 inmates tested positive for Covid-19. 18 women imprisoned with their children were freed under electronic monitoring on 12 May and two days later, the Interior Minister, Fernando Grande-Marlaska, declared that inmates will once again be allowed to take leaves and to receive family visits.

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 Police Surrounding the Aluche Detention Centre in Madrid, (Paco Campos,

Police Surrounding the Aluche Detention Centre in Madrid, (Paco Campos, "Motivos por los que no reabrir los CIE cuando pase el coronavirus," Cuarto Poder, 15 April 2020, <https://www.cuartopoder.es/derechos-sociales/2020/04/15/motivos-por-los-que-no-reabrir-los-cie-cuando-pase-el-coronavirus/>)

15 May 2020

For the first time in its history, Spain reported that its long-term immigration detention centres--Centros de Internamiento de Extranjeros--were emptied, a result of measures implemented in response to the Covid-19 pandemic. The final four detainees were released on 5-6 May from the Algeciras detention centre. The Interior Ministry had been

 Immigration detainees held in Aluche CIE Protest Their Detention at the Start of the Covid-19 P.

(JuanJo Martín, EFE, 17 March 2020,

Immigration detainees held in Aluche CIE Protest Their De Privatliv - Vilikär the Start of the Covid-19 Pandemic (JuanJo Martín, EFE, 17 March

progressively releasing detainees for the past 50 days due to the border closures, flights being suspended, and Spanish legislation prohibiting detention of over 60 days prior to deportation.

2020, 'Immigration Detention in Spain: A Rapid Response to Covid-19,' Global Detention Project, May 2020, <https://www.globaldetentionproject.org/immigration-detention-in-spain-a-rapid-response-to-covid-19/>

The Campaña Por el Cierre de los Centros de Internamiento para Extranjeros

celebrated the release but highlighted that detainees were left without support or place of residence, and were not referred to reception centres.

As the Global Detention Project reports in its new report on Spain, published today, despite Spain's quick and progressive response to the Covid crisis, "enormous questions remain, including what is to happen to these facilities if the crisis eventually passes, how are former detainees being cared for, and what is being done to protect the thousands of people stranded in Spain's Moroccan enclaves, where nominally 'open' reception centres were placed under lockdown." (See: <https://www.globaldetentionproject.org/countries/europe/spain>)

Temporary Stay Centres (Centros de Estancia Temporal de Inmigrantes, 'CETIs') in the enclaves of Melilla and Ceuta remain open and have been placed under lockdown, effectively turning the nominally "open" centres into detention sites. On 17 April, it was reported that 1,650 persons were detained in the Melilla CETI for a total of 782 places, thus running at more than 200 percent of its capacity. Usually, periodic transfers to the peninsula would be undertaken to alleviate overcrowding, but due to the state of emergency, these have been suspended. 57 asylum seekers are also being held in Melilla in a temporary 'shelter' made up of tents. A complaint has been lodged before the Spanish State Attorney General by lawyers representing the asylum seekers due to the living conditions in the temporary shelter. Due to the heavy rain, the tents have now been completely flooded, leaving the beds and clothes of asylum seekers completely wet. An immediate intervention from the State Attorney General was requested and the complaint highlighted the lack of food, lack of medical care and urged the transfer to the hospital of a child with a broken ankle, as detainees are not allowed out. The complaint also reported the conditions inside the Melilla CETI including overcrowding, insufficient showers, bathrooms and hygiene products, lack of laundry facilities and hot water, meaning that the recommendations to prevent the spread of Covid-19 are not being followed.

On 27 March 2020, 13 detainees in the Ceuta CETI began a hunger strike requesting their release. One of the detainees said: "this is our response, because we are tired. We do not know for how long we will have to stay here and no-one in the centre is giving us an answer. They tell us to wait, but we cannot wait anymore." The detainee also mentioned that in spaces of no more than 16 squared meters, up to 10 people are held.

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24 April 2020

Spain's Defensor del Pueblo (Ombudsman) released a statement on 17 April that expressed concern about the overpopulation at detention centres in Ceuta and Melilla (called "Centros de estancia temporal para inmigrantes"). The Ombudsman highlighted the plight of children at these facilities, as reports indicate that a large number of them are held there.

The Ombudsman office also reported that it is monitoring the situation in the country's prisons to ensure that adequate measures are being implemented to protect the health of prisoners and staff. As of 11 April 2020, 58 prisoners had tested positive for Covid-19. However, prison staff have reported that figures may be much higher given the lack of testing.

The Ministry of the Interior released responses to FAQs as regards asylum applications. At the moment, it is not possible to apply for asylum given that applications have to be made in person and facilities are currently closed. However, the Ministry has stated that the principle of non-refoulement remains guaranteed protection. In addition, temporary documentation held by asylum seekers, expiring during the state of emergency, is automatically extended until the end of the latter.

Jesuit Refugee Service-Spain (JRS) reported that by the end of March 2020, the country's CIEs were at 10 percent of their total capacity. On 9 April 2020, only 3 detainees remained at the Algeciras CIE. These detainees were not released due to their criminal records and their detention was extended until mid-May.

JRS also reported that between 15 March - 15 April, 829 people entered Spain irregularly, by land and by sea. 551 arrived at the Canary Islands, 194 to the Peninsula and the Balearic Islands, 83 arrived at Melilla and 1 to Ceuta.

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06 April 2020

Spain was one of the first countries in Europe to release immigration detainees amidst the Covid-19 crisis, to date. However the GDP has found little information detailing the situation that released detainees now face, or the level of support that they are receiving.

As flights were grounded and movement halted, it was quickly apparent that expulsion would no longer be possible, prompting Francisco Fernández Marugán, the Spanish Ombudsman, to comment on 19 March that in these circumstances, "immigration detainees must be released." The "Campana Estatal por el Cierre de los CIEs," similarly urged the Spanish government to close immigration detention centres given that returns could not longer be undertaken; and the Interior Ministry advised that detainees who cannot be deported or who have been detained for longer than the maximum period (60 days) should be released.

Eight detainees were released from Valencia CIE on 16 March, while the Barcelona CIE was temporarily shut and all detainees released. Detainees were also released from Aluche, Tarife, and Madrid CIEs - but reports indicate that many detainees remain in the Madrid facility.

On 20 March 2020, the Spanish government adopted measures that guarantee that migrants and refugees in the country may benefit from the country's protection system. The Secretary of State for Migration has temporarily suspended the requirement to have a valid residence permit in order to receive aid from the state, where renewing the permit is impossible.

On 30 March, riots broke out in several prisons in Valencia, including Villena, Fontcalent and Picassent prisons. Prisoners were protesting against the suspension of visits. The Picassent prison houses 2,000 prisoners, many of whom reportedly suffer from chronic health conditions or are immunodeficient.

On 1 April 2020, a Judge ordered the release of all detainees in the Las Palmas CIE after several detainees contracting Covid-19. This measure was adopted due to the conditions of overcrowding and the impossibility of maintaining distance between detainees in the centre. Reports indicate that there remain approximately 100 persons in CIEs throughout Spain for a total of 866 spaces, with most detainees being held in the Canary Islands.

On 6 April 2020, two immigration centres in the Canary Islands were closed and no detainees remain. There are still 22 persons in the Murcia CIE; 10 in Valencia CIE and 2 in Algeciras. By 5 April 2020, there were only 34 persons detained throughout Spain's CIEs. Currently, the Barcelona; Tenerife; Hoya Fria, Aluche and Barranco Seco CIEs are temporarily closed.

Pueblos Unidos has created an online resource with information and publications concerning access to services during the state of emergency. The page also provides links to documents published by other organisations.

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