

Spain Country Profile

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Introduction

During a three-week span in late 2011 and early 2012, two migrants awaiting deportation from Spain died of medical complications after spending periods of time locked up in Spanish immigration detention centres. The deaths of 34-year-old Samba Martine from the Democratic Republic of Congo and 21-year-old Idrissa Diallo from Guinea Conakry helped trigger a nationwide campaign to put an end to the “legal limbo” surrounding “operation” at migrant detention centres in Spain (El Periódico 2012). The campaign spurred the Interior Minister to announce the adoption of regulations governing these facilities (Legalcity 2012b; El Periódico 2012). However, when draft regulations were released at the end of 2012, they prompted an avalanche of criticism for allegedly perpetuating the current model of police management of detention centres and failing to improve protections for detainees (Mateos Herraiz 2012).

Migration to Spain is a relatively recent phenomenon. During the Franco regime and through the mid-1980s, Spain was a net emigration state. Following accession to the European Community in 1986, Spain became a key destination and transit route for migrants seeking to enter Western Europe (Bodas 2006). Strong economic growth and labour needs in the 2000s spurred further immigration to the country (Jarrín Morán et al. 2012). According to the National Statistics Institute, by 2011, Spain’s foreign-born population had risen to 5.7 million from 750,000 in 1999 (Donadio et al 2009; INE 2012b).

Despite these migratory pressures, Spain has often appeared to be an exception with respect to broader European trends on immigration, showing increased tolerance, a greater enthusiasm with regard to immigration, and a stronger acceptance of multiculturalism in opinion polls (Triandafyllidou 2000; BusinessWeek 2007). However, as Spain undergoes one of the worst financial crises in its history, the country has experienced hardening public attitudes towards migrants, a trend highlighted by the UN Special Rapporteur on Racism after his 2013 visit to the country. Said the Special Rapporteur: “The economic crisis should not become the reason for rolling back progress in the fight against racism and xenophobia. There is already an ongoing dynamic that the government should seriously take into consideration in order to avoid a deterioration of the situation with regard to racism” (OHCHR 2013).

The surge of unauthorized immigration into Spain at the start of 2000 led Spanish and European authorities to reinforce security, including by constructing fences in Melilla and Ceuta to prevent African migrants from accessing these Spanish enclaves in the coast of Morocco and increasing operations with FRONTEX, the European Union (EU) border control agency. The Spanish government has also assisted African countries to improve interdiction of migrants. Most notably, Spain funded the creation of a detention centre in Mauritania that has been used to confine third-country nationals interdicted on the high seas en route to the Canary Islands (AI 2008, p. 24).

The expansion of Spain’s migrant detention infrastructure appears to have largely paralleled growth in immigration to the country. In a 2011 study of Spain’s detention practices completed for the Global Detention Project, the Madrid-based group **Pueblos Unidos** reported: “The majority of the centres are recent, coinciding with the economic growth and large migration flows to Spain during the period 1990-2005” (Pueblos Unidos 2011).

However, the group reported that although the facilities are new, the buildings they are housed in are not. In fact, most of the detention centres are located in former penitentiaries or military barracks (Migreurop Spain 2011; Jarrín Morán et al. 2012). According to Pueblos Unidos, among the “most significant results” of its investigation was “the lack of official information about each of the country’s detention centres. In cases where official information does exist, it is not easily accessible” by the public (Pueblos Unidos 2011).

Detention Policy

Legal norms relevant to immigration-related detention are provided in several sources: the [Organic Law 4/2000 of 11 January](#), on the rights and liberties of foreign persons in Spain and their social integration, as amended by Organic Law 2/2009, of 11 December 2009 (Aliens Act or LOEX) [we use both in the text and it is useful when people do searches]; the [Royal Decree 557/2011 of 20 April](#) (RLOEX), approving the Regulation of the Organic Law 4/2000; [Asylum Law 12/2009, of 30 October 2009](#), regulating the right to asylum and subsidiary protection; [Ministerial Order of 22 February 1999](#) on the regime of detention centres (MO); the [Framework Protocol for the Protection of Victims of Human Trafficking of 28 October 2011](#) (FPHT); and the [Penal Code](#) as amended by Organic Law 5/2010 of 22 June 2010.

Grounds for detention. Organic Law 4/2000 (Aliens Act), as amended in 2009, provides the following grounds for administrative immigration-related detention: (1) for purposes of expulsion from the country because of alleged violations listed under Article 53 and 54 of the law, including being on Spanish territory without proper authorisation, posing a threat to public order, attempting to exit the national territory at unauthorized crossing points or without the necessary documents, and/or participating in clandestine migration; (2) when a judge issues a judicial order for detention in cases where authorities are unable to carry out a deportation order within 72 hours (Article 58.6); (3) when a non-citizen fails to depart the country within the prescribed time limit after being issued a deportation order (Article 53.1); (4) to prevent absconding (Article 63.1-a); and (5) pending expulsion of illegally-residing non-citizens convicted of criminal offences in cases where the law provides for expulsion as a substitute for prison sentences not exceeding six years or the payment of a fine (Article 57.2-3 and Article 89 of the Penal Code, as amended by Organic Law 5/2010).

Detention of children. Article 62.4 of the Aliens Act states that children should not be placed in immigration detention. However, the issue of detention of minors is indirectly included in Article 62.bis of the Aliens Act, entitled “The rights of foreign persons in detention.” This article includes among a list of nine clusters of rights the right for parents to “be accompanied by their minor children, provided that the Public Prosecutor gives his agreement to this measure and that the centre includes units that ensure family unity and privacy.” As for unaccompanied minors, they cannot be detained and their protection comes within the remit of the autonomous regions (Articles 35 and 62.bis-1). Unaccompanied minors are housed in children’s shelters (*centros de acogida de menores*). According to data from autonomous authorities, there were 2,700 unaccompanied minors in Spain as of October 2011 (EMN 2011). In its Annual Policy Report on Migration and Asylum 2011 to the European Migration Network, Spain reported the establishment of agreements with the enclaves of Ceuta and Melilla to improve assistance to UAMs in 2011 (EMN 2011).

Detention of asylum seekers. Persons in asylum proceedings are not detained. Persons who apply for asylum after being placed in detention remain detained pending the decision on admission into the asylum procedure (CEAR/FR). In 2011, 10 per cent of requests for asylum (261) were made within detention centres (CEAR 2012). Requests for asylum issued in immigration detention can be declared inadmissible within four days of being formulated, resulting in continued detention if they are rejected. NGOs have described this tight deadline as a serious obstacle to providing international protection (CEAR 2012). The deadline can be extended for up to 10 days at UNHCR’s request (Asylum Law Articles 21 and 25.2 and CEAR/FR). When the asylum claim is declared admissible, it is then processed under a three-month accelerated procedure (EDAL).

Protections for victims of abuse and trafficked persons. An innovative provision adopted in 2011 to protect immigrant women victims of gender violence also includes irregular migrant women victims of such violence, whose expulsion must be suspended (RLOEX Article 131). However, Amnesty International has expressed concern that “If the alleged perpetrator is not convicted, the expulsion order is implemented” (AI 2010). If expulsion threatens the life and physical integrity of pregnant women or the health persons with a medical condition it can be suspended (RLOEX Article 246-7). A recently adopted inter-ministerial Framework Protocol for the Protection of Victims of Human Trafficking includes provision for the identification of victims of trafficking at the borders and in CIES and some safeguards against expulsion (Articles V.E and XIII.B). Despite these legal guarantees, reports indicate that the detention of mentally ill persons or pregnant women is quite frequent and there are no adequate resources for medical assistance (Migreurop Spain 2011; WLW 2012).

Detaining authorities. The Aliens Act does not specify which authorities can detain irregular non-citizens for purposes of deportation.

Detention facilities. The Aliens Act specifically prohibits use of criminal penitentiaries for administrative immigration-related detention (Organic Law 4/2000 Article 60.2). Like most other EU countries, Spain operates a network of specially designated administrative detention centres for immigration detention. These facilities, which are operated by the police, are called *centros de internamiento de extranjeros* (or “foreigners internment centres”). The Unidad Central de Expulsiones y Repatriaciones (Expulsions and Repatriations Unit) is in charge of expulsion procedures and supervises and coordinates immigration detention facilities (CNP Undated).

Length of detention. According to the Aliens Act, government authorities can initially take a person into custody for a maximum 72 hours before having to refer him/her to an investigating judge to get a judicial order prolonging confinement at an officially designated detention centre (Article 61.1.d). Once a detention order is made, the detainee is to be kept in custody only as long as necessary to effect expulsion, with the maximum detention period set at 60 days (Article 62.2). Spain previously had a maximum detention period of 40 days. However, along with a host of other EU countries, it expanded detention limits after adoption of the [EU Returns Directive](#) (for more on the impact of the directive on detention periods, see [Flynn and Cannon 2010](#)).

Re-entry bans and re-detention. Scholars have argued that Spanish law can place undocumented non-citizens in “legal limbo” as a result of competing legal norms in the Aliens Act (Jarrín Morán et al. 2012). On the one hand, persons who cannot be expelled after 60 days in detention must be released. However, people ordered removed from the country also are banned from re-entering Spanish territory for a period of up to five years (Aliens Act, Article 58). In addition, Article 53 of the Aliens Act provides that “grave breaches” to immigration law, including irregular presence on Spanish territory, are sanctioned with a two-year ban, which can be added to the expulsion related re-entry bans so that irregular migrants might have to wait for a period of five to seven years to start a process of regularization. Because the law is not explicit about the legal status of people who have been released when they reach the 60-day detention limit, former detainees are under threat of re-detention (Jarrín Morán et al. 2012). This would contravene another article in the law which provides that re-detention under the same judicial order should not occur (Aliens Act, Article 62.2). The Global Detention Project is not aware of evidence indicating whether re-detention is a common occurrence.

Detention centre regulations. The amended LOEX 2009 [Aliens Act] established a 6-month deadline to provide detention centres with specific regulations governing their operation and the conditions of detention of persons. However it was not until 2012, in the wake of successive deaths of two migrants in immigration custody in late 2011 and early 2012, that the Interior Ministry announced that regulations were being drafted. Under mounting public pressure, draft regulations were finally released in June 2012 (Anteproyecto 2012).

The draft drew intense criticism from civil society organisations, including Andalucía Acoge, Pueblos Unidos, and Women’s Link Worldwide. The groups argued that the proposed regulations perpetuated the current model of police management and failed to provide additional protections for detainees (Mateos Herraiz 2012). The draft also neglected to include recommendations issued by Spain’s Ombudsperson regarding communication with the outside, visits, access to social organizations, or improved complaints procedures (Mateos Herraiz 2012).

According to the law firm PMF Advocats, although the proposed regulations provided for increased access to counsel and pro bono lawyers, they fell short in providing protections for vulnerable persons such as the elderly, pregnant women, and the mentally ill (PMF Advocats 2012). For instance, they provided for the detention of minors as the right to “be accompanied by their minor children” as long as the prosecutor is in favour of this measure and as long as the detention centre includes family units. Observers also criticized the introduction of a new name for detention centres, renaming them *centros de estancia controlada de extranjeros* (or “centres for the controlled stay of foreigners”), because it misleadingly implies that a new more civil confinement model was being adopted (Mateos Herraiz 2012). However, the draft regulations provided for the creation of “solitary confinement or isolation cells” (PMF Advocats 2012).

A research study completed by Women’s Link Worldwide in 2012 concluded that the lack of regulation has generated: (1) a situation of extreme vulnerability as detainees often do not know their rights in detention; (2) a lack of minimum standards in terms of detention infrastructure, food, health services, access by family, lawyers, and NGOs; and (3) a serious lack of transparency and secrecy about the situation in immigration detention. The study also argued that staff working in the detention facilities are part of the state security forces and do not have specific training to work with immigration detainees (WLW 2012).

Mass apprehensions. Activists, scholars, and lawyers have denounced pressure put on police forces to carry out mass identification controls resulting from the [Interior Ministry Circular 1/2010](#) (GISP Undated). Grupo Inmigración y Sistema Penal, a group of criminal law professionals, has argued that these operations are illegal and unconstitutional as police officials are under pressure to use a criminal procedure (preventive detention) to complete an administrative procedure (identity checks) (GISP Undated). In April 2011, the UN Committee for the Elimination of Racial Discrimination recommended that Spain amend those provisions of Circular No. 1/2010 that could be interpreted as allowing indiscriminate detention and the restriction of the rights of foreign citizens in Spain (AI 2013). The main trade union of the national police, the Sindicato Unificado de Policía, has also criticized these measures (SUP 2009; Jarrín Morán et al. 2012). According to the trade union, if police officials do not keep pace with the expected level of apprehensions they run the risk of losing a €500 to €600 yearly productivity bonus payment (Cadena Ser 2012).

In May 2012, the General Directorate of Police issued [Circular 2/2012](#) to clarify “confusion likely to result in erroneous interpretations” of Circular 1/2010. It prohibits identity checks and detention of foreigners based on ethnicity and introduces safeguards to limit what it describes as “detention for identification” (MIR 2012a). The practice of racial profiling in identity checks in Spain has been condemned by the Human Rights Committee in the past (OSJI 2010). In the six months following

publication of Circular 2/2012, the Brigadas Vecinales de Observación de Derechos Humanos (Neighbourhood Brigades for the Observation of Human Rights) received 255 reports of discriminatory identity checks (BVODH 2012).

Procedural guarantees and violations. Detainees are to receive in a timely manner written information on their rights and obligations, the functioning of the centre they are held at, disciplinary norms and the methods to present complaints or petitions in a language they can understand. Any complaints or petitions will be presented to the director of the centre, who will, in turn, respond or redirect to the appropriate authority. Notices of expulsion, devolution, or return must be communicated with the consulate of the national detained, as well as to family members or others residing in Spain, if so requested by the detainee (Article 62 bis. of Organic Law 4/2000).

Since 2010, following the reform of the Aliens Act, detainees have had access to legal assistance. The Madrid Bar Association created a legal assistance service in detention centres. Of the 5,000 persons detained in Madrid in 2011, 2,148 consulted this service. The coordinator of the Legal Aid Service for Aliens of the Madrid Bar Association has recommended that any future regulation for detention facilities should include legal aid assistance (Abogacía Española 2012). However, in the absence of uniform regulations, access to interpretation, civil society organisations, legal counsel and complaints procedures remain uneven (Migreurop Spain 2011; WLW 2012; AI 2013).

In 2009 the UN Human Rights Committee warned Spain against arbitrary detention and expulsion of foreigners (HRC 2009). In 2012, the UN Working Group on Arbitrary Detention (WGAD) found that the detention of a Moroccan national detained following an identity check in Madrid in May 2012 was arbitrary. The WGAD stated that Adnam El Hadj was detained without a judicial order, was denied access to legal guarantees, and subject to racial abuse (WGAD 2012). In February 2012, UN Committee against Torture found that Spain had violated the Convention on Torture when in 2007 a Spanish border guard unit punctured a Senegalese migrant's raft and ordered him to jump into sea, leading to his death (MPG 2012).

Some observers have argued that there is evidence of impunity related to the handling of complaints in detention centres. The Spanish Mechanism for the Prevention of Torture has contended that there has been a failure to investigate complaints of ill-treatment (AI 2013). According to one scholar, there has been little follow up to the hundreds of complaints lodged with the ombudsman. Detainees who lodge complaints are often immediately expelled; access to witnesses is difficult; medical records are not available; and relevant security and police officials involved do not carry visible identification tags (Lacruz Zorita 2012).

Non-custodial measures. The regulations for the Aliens Act (LOEX) provides that if the judicial authority refuses to authorise detention, the officer who requested the detention may take one or more of the following precautionary measures: withdrawal of passport or proof of nationality; reporting requirements; compulsory residence in a particular place; and any other injunction that the judge considers appropriate and sufficient (RLOEX Article 235-6). In its annual report on Aluche, the detention centre in Madrid, Pueblos Unidos recommended that police adopt alternatives to avoid detaining persons who cannot be expelled, who are responsible for children, or who are in a situation of extreme vulnerability due to health problems, pregnancy or old age (CPU 2011). In February 2013 commentary to Spain's draft regulations governing places and conditions of detention, Amnesty International opined that the government's proposals failed to indicate that detention should be an exceptional measure (AI 2013).

Detention Infrastructure

Like most of its European neighbours, Spain's detention infrastructure has evolved significantly over the last two decades, shifting from the use of police stations and other criminal facilities to specialized detention centres, which has been applauded by rights watchdogs like the Council of Europe's Committee for the Prevention of Torture (CPT 1996). As of early 2013, Spain operated a network of seven dedicated facilities called *centros de internamiento de extranjeros* (CIEs or "foreigners internment centres"), which are under the responsibility of the Interior Ministry. These facilities are located in Algeciras, Barcelona, Canary Islands, Madrid, Murcia, Tenerife, and Valencia. In May 2012, the government suspended the use of the El Matorral CIE, in Fuerteventura, due to the low level of arrivals of irregular migrants to the Canary Islands (El Día 2012). In June 2012, after an intensive public campaign, the CIE in Malaga was closed down due to the "bad state of the infrastructure" (El País 2012).

Spain also makes use of several facilities it calls "ad hoc" because they are typically used only during the annual immigration surges in the Canary Islands and the North African exclaves of Melilla and Ceuta. These facilities, which are otherwise not used as detention centres, include former military bases, retrofitted abandoned buildings, and tarps placed over parking lots. Spain has been criticised for providing very poor conditions at these ad hoc centres, as well as for not adhering to its non-refoulement obligations and not ensuring the wellbeing and safety of detainees at these sites (Crépeau et al. 2007). Spain has made an effort to build and/or renovate dedicated detention centres for use during migration peaks, namely at the Port of Almeria and the Las Canteras detention centre at La Laguna, Canary Islands (DPE 2007, APDHA 2008). The government representative in the "ad hoc" Centro de Estancia

Temporal de Inmigrantes (CETI) in Melilla indicated that 900 persons were hosted in the facility in November 2012, some of whom were sheltered in military tents in the courtyard. The CETI, initially designed to temporarily host 480 persons, has a surge capacity of up to 1,000 according to the representative. The CETI hosts mainly Algerians, but one third of the population comes from Guinea Conakry, Cameroon, Nigeria, Chad, Angola, Gabon, the Democratic Republic of Congo and Niger. Isolated individuals also come from Syria, Zimbabwe, Azerbaijan, India, Liberia, Mauritania or Togo. The CETI hosts mainly men (660) but also 83 families (Sánchez 2012).

Lastly, Spain operates transit facilities (also known as *sala de asilos*) in key airports, including the Lanzarote Airport on the Canary Islands and Madrid's Barajas Airport. Outside a few exceptional cases, there is no evidence indicating that these facilities are used systematically to confine migrants for periods exceeding 24 hours, and thus they are not included in the GDP's dataset on Spanish detention sites (Legalcity 2011). Previously, however, rights actors raised concerns about the treatment of people in these facilities. After its 2007 visit to the Barajas facility, the Council of Europe's Committee for the Prevention of Torture reported: "The conditions of detention in the area for foreigners at Barajas International Airport, Madrid, were basic. The three large one-room units were sparsely furnished, with a limited number of chairs and beds, and some mattresses on the floor. Further, there was no access to outdoor exercise nor activities of any other kind, and no specific support was provided for children. That said, the lighting was adequate, the ventilation sufficient, and the sanitary facilities were clean. Such conditions are only suitable for holding persons for short periods of 24 hours or less. However, the CPT was informed that persons were being held in the rooms for upwards of seven days. This is not acceptable" (CPT 2011).

According to a 2009 Venezuelan news report, 900 Venezuelans were refused entry at Barajas between January and August 2009, many of whom were held for short periods of time in "Room 3" at the airport. According to a Venezuelan national held there in September 2009, "the common area is a room of 30 square meters, with chairs attached to the yellow walls, with three phones and a TV. The temperature was about 11° C, which for us is pretty cold, without access to luggage to find warm clothes. The entrance hall has eight rooms with four beds each. But when I arrived they were occupied by people who had been locked up for up to 14 days. As the day passed they went away and I could sit in one, but the bunks were uncomfortable and not very clean. There is a bathroom for women and one for men, each with two toilets and a shower. But how we were going to shower if they took everything from us?" (Villalobos 2009).

Conditions of detention. An active NGO network and the National Ombudsperson ("Defensor del Pueblo") regularly report on conditions in detention centres. Although the law guarantees civil society access to places of detention, NGOs are often denied access (LOEX Article 62 bis; BO 2012a; APDHA 2012). At times, NGOs granted access to detention facilities have been denied access to detainees (Migreurop Spain 2011).

In 2011, a coalition of Spanish organizations working within the umbrella group Migreurop visited the detention centres of Aluche (Madrid), Capuchinos (Malaga), La Piñera (Algeciras), and Zona Franca (Barcelona) in 2011. They qualified the CIEs as "real jails—in form and substance." Two thirds of the detention centres in use are located in premises that used to be penitentiaries or military barracks. Conditions within these facilities are reportedly similar to those in criminal penitentiaries (Migreurop Spain 2011; Jarrín Morán et al. 2012).

A 2010 Attorney General report stated that more than 90 per cent of the detainees that year were male. Despite the high proportion of male detainees, detention centres in Valencia, Madrid, and Malaga have special wards for women. The centre in Barcelona includes a pavilion for women but in practice is used to retain migrants intercepted at sea and women detainees are re-directed to the CIE in Valencia (Jarrín Morán 2012).

As part of an extensive research project on women in detention, Women's Link Worldwide (WLW) visited six of the then ten detention centres between 2010 and 2012 and carried out face to face interviews with 45 women detainees and developed questionnaires for NGOs allowed into the detention centres as well as for civil servants and Interior Ministry officials. Research findings indicated a high level of gender discrimination: shorter outdoor access for women; less and smaller recreation spaces; women responsible for housekeeping in their own detention wards; reduced access to sexual and reproductive health; and lack of intimate spaces (WLW 2012).

The material conditions of some of the centres are reportedly in a state of deterioration characterized by poor sanitary conditions and lack of privacy. According to an investigation judge in Las Palmas, the detention centre in Barranco, a former prison, is old, humid, located in a very cold area and does not have heating in winter, nor air conditioning in summer. The premises also host teams of police dogs and visits by observers have taken place amidst constant barking. Dog kennels are situated behind the men's TV room, which makes it difficult to hear programmes. It is also difficult for detainees to rest. A woman detainee complained to WLW that she was ashamed to have to repeatedly have to ask for sanitary towels, which are not regularly distributed to women, and to be forced to explain to a police officer that her bleeding was abundant (WLW 2012).

In the Aluche detention centre in Madrid there are problems of hygiene and nutrition. Access to bathrooms is restricted at night: detainees have to pee in the toilet of the “modules” shared by six to eight people in bunk beds or use a bottle. An attorney for an NGO commented: "If the CIE is not a prison, why is managed as if it were? In prison you are a person; in the CIE are a number" (CPU 2011). There are no individual punishments but in case of problems the riot team is called, rooms are searched and communication with the outside is limited. Mobile phones are confiscated upon entry and if detainees do not know phone numbers by heart, these are lost. According to Pueblos Unidos, access to phone booth generates many conflicts. In response to a written question by Catalan member of the European Parliament Raúl Romeva, EU Commissioner Cecilia Malmström indicated in December 2012 that the Aluche detention centre would be part of a series of visits to assess the situation in detention centres throughout the European Union (EFE 2013).

In a 2011 report to parliament, María Luisa Cava de Llano, Acting Ombudsman for Spain, wrote: “The current management model is based almost exclusively on the notion of police custody for exceedingly long periods of time. The fact that irreversible events, such as the death of inmates, should occur within this context of undue treatment is the most serious of wake-up calls to awareness of the fact that it is necessary to urgently redefine these centres and their objectives from an approach better safeguarding civil liberties than that which is currently in use (Ombudsman 2011).

Segregation of detainees. Convicted criminals awaiting deportation at CIEs are held in the same premises as other detainees who have not been criminally charged or convicted (EMN 2011; Mateos Herraiz 2012).

Extraterritorial detention. Spain has worked with countries in Africa to bolster the detention of migrants and coordinate border and interdiction measures (De Witte et al 2007; Flynn 2006). It signed agreements on the control of migratory flows (and readmission) with Mauritania in 2003 and 2006 whereby apprehended transit migrants are detained and repatriated (Di Bartolomeo et al. 2010). Spain also funded the creation of a detention centre in Nouadhibou, Mauritania, that has been used to confine third-country nationals interdicted on the high seas en route to the Canary Islands (AI 2008, p. 24).

According to a 2008 visit report by the UN Working Group on Arbitrary Detention (WGAD), “the migrants’ centre in Nouadhibou, [which] is in fact a former school that has been converted into a detention centre. According to the authorities, this is not a prison, but a ‘social’ centre that houses foreigners for very short periods (a week at most) pending their repatriation. The authorities maintain that the police can only arrest illegal aliens (undocumented, without visas) and persons who are caught in the act of attempting to embark for Europe by sea (shipwrecked persons or those found at sea)” (WGAD 2008).

In 2008, another international human rights mechanism, the UN Committee against Torture (CAT), reported that Spain had in a specific instance exercised control over the migrants from the time of their rescue and throughout their detention in Mauritania. CAT observed that “the State party maintained control over the persons on board the Marine I [ship] from the time the vessel was rescued and throughout the identification and repatriation process that took place at Nouadhibou. In particular, the State party exercised, by virtue of a diplomatic agreement concluded with Mauritania, constant de facto control over the alleged victims during their detention in Nouadhibou. Consequently, the Committee considers that the alleged victims are subject to Spanish jurisdiction insofar as the complaint that forms the subject of the present communication is concerned” (CAT 2008).

Facts & Figures

The opacity of Spanish immigration detention is characterized by the absence of public data on immigration detention and weak parliamentary oversight. Most available statistics are compiled and published by civil society, lawyers, police trade unions, national human rights institutions, media, and obtained through parliamentary questions to the government.

According the spokesman of the Parliamentary Popular Group in the Committee of Interior in 2011, 13,241 people were detained in CIEs, of whom 6,825 were expelled. The average stay was approximately 18 days and the occupancy rate was just over 65 per cent on the peninsula and 4 per cent in the Canary Islands (Abogacía Española 2012). For 2011, according to government statistics, 21,955 third-country nations were “returned” as part of forced return measures (EMN 2012).

In 2011, 9,114 unauthorized non-citizens convicted of criminal offences in cases where the law provides for expulsion as a substitute for imprisonment or fines were expelled (Legalcity 2012a).

According to the Spanish Bar Association, of the 16,590 people detained on expulsion orders in 2009, only 8,935 were expelled (Abogacía Española 2012).

Detainees held at detention centres in the Canary Islands, North Africa, and Southern Spain predominantly originate from Sub-saharan African countries, while those detained in the centres located in major cities primarily come from Latin America,

Morocco, and Eastern Europe (Fabre 2010).

According to the National Statistics Institute, by 2011, Spain's foreign-born population has risen to 5.7 million compared to 750,000 in 1999 (Donadio et al 2009, INE 2012b).

The surge of illegal immigration into Spain at the start of 2000 led Spanish and European authorities to reinforce border security. As a result, irregular migrants boat arrivals on the Spanish coast dropped by more than 80 per cent from 2001 to 2010 (EMN 2011). At the same time, police presence at the border was increased by 60 per cent between 2003-2010 (18,517 in 2001 and 3,632 in 2011) (MIR 2011). A slight increase in irregular migrants boat arrivals was registered in 2011, with 5,643 arrivals (MIR 2012b); there has been a 50 per cent drop in asylum seeker cases since 2007, although there was an important uptick in numbers in 2011 (UNHCR 2011).

From December 2011 to March 2012, 3,985 persons were placed in the nine detention centres in use at the time: Algeciras (990), Barcelona (567), Madrid (1273), Málaga (130) (closed in June 2012), Murcia (423), Valencia (461), Las Palmas (102), Tenerife (39) and Fuerteventura (0). During that same period, 2,257 persons were "expelled-returned" [expulsados-devueltos] to their countries of origin or previous residence. According to the government, the average length of detention for the 4-month period ranged between 16 to 41 days. As of 31 March 2012, 795 persons remained in detention in those centres and the combined capacity of all nine detention centres was 2,548 (BO 2012a).

The total number of immigration-related detainees registered in Spain during 2009 was 16,590, down from 26,032 in 2008. Approximately 90 per cent of detainees were male and 53 per cent were expelled from the country (Ministerio de Justicia 2010, p. 889).

According to data from autonomous authorities, there were 2,700 unaccompanied minors in Spain as of October 2011 (EMN 2011).

Between 2004 and 2007, 370,000 persons were deported; an increase of 43.4 per cent compared to the previous four-year period. Over the same period, Spain increased the number of border police and frontier personnel by 25 per cent. In 2007, 55,938 persons were deported, up 4 per cent compared to a year earlier, despite the fact that the number of irregular migrants reaching the Canary Islands fell by 61 per cent that year (MIR 2008).

A total of 3,422 asylum applications were filed in 2011, 25 per cent more than in 2010. There was also an increase in positive decisions in 2011, including 337 decisions granting refugee status, 630 granting subsidiary protection, and 21 authorizations for humanitarian reasons (EMN 2011).

It was estimated that there were at least 300,000 and at most 390,000 irregular migrants in Spain in January 2009 (González-Enríquez 2009). More recent estimates vary between 400,000 (2012) (20minutos.es) and 700,000 (Benítez 2012a).

Costs of detention. There are no official global figures for the cost of immigration detention. However, data from various sources provide some insights.

The Interior Ministry allocated more than 4 million euros for modernization and adaptation of CIEs and the provision of quality socio-medical care to immigrants in detention during the period 2009-2013 (MIR 2008b). According to a government response to a parliamentary question in the spring of 2012, the government spent 6.7 million Euros in CIE management in 2010 and 8.3 million Euros in 2011. This includes food, cleaning costs, electricity, water, gas and medical service, but not staff cost or costs related to expulsion (Legalcity 2012b and Jarrín Morán 2012). The average daily cost of each person held in these centers is 17 Euros and expulsions cost an average 1,807 Euros per person including police escort and air or boat ticket. Of the 13,241 immigrants detained in 2011, 6,825 were expelled, at an additional cost of 12.3 million Euros. Another 4,533 undocumented migrants were expelled without going through the CIEs and removal cost amounted to 20.5 million Euros (Legalcity 2012b).

According to government figures, costs per detention centre in 2011 for food, cleaning costs, electricity, water, gas and medical service were: Algeciras, 1.7 million Euros; Madrid, 1.6 million; Fuerteventura, 1.1 million; Barcelona, 831,000; Valencia, 472,000; Malaga, 228,000; Murcia, 517,000; Tenerife, 288,000; and Las Palmas, 248,000. In addition, the state subcontracted medical assistance for a total amount of 1.258 million Euros that year (Legalcity 2012b).

Spain Detention Profile

List of Detention Sites

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Name	Status (Year)	Location	GDP Facility Type	Detention Time-frame	Security	Authority	Management	Capacity	Pop. across specified period	Demographics & Segregation
Ad Hoc Centro de Internamiento de Extranjero - Lanzarote (La Guacimeta)	In use (2012)	Lanzarote airport (Madrid)	Transit zone - Airport		Secure	Ministerio del Interior / Direccion General de Policia Nacional	Ministerio del Interior / Direccion General de Policia Nacional	200 (2008)		
Ad Hoc Centro de Internamiento de Extranjero - Port of Almeria	In use (2011)	Almeria (Port of Almeria)	Ad hoc		Secure	Ministerio del Interior / Direccion General de Policia Nacional	Ministerio del Interior / Direccion General de Policia Nacional			Adult males, adult women, children; no information about segregation (2011)
Ad Hoc Centro de Internamiento de Extranjero - Tarifa (Centro de las Isla de las Palomas)	In use (2012)	Tarifa	Ad hoc	Long-term	Secure	Ministerio del Interior / Direccion General de Policia Nacional, Comision General de Extranjeria y Fronteras	Ministerio del Interior / Direccion General de Policia Nacional	160 (2011)	150 (October 2012)	Adult males, adult females; segregation of men and women (2011)
Centro de Internamiento de Extranjeros - Algeciras	In use (2012)	Algeciras (former prison, remodeled in 2003)	Migrant detention centre	Long-term	Secure	Ministerio del Interior / Direccion General de Policia Nacional	Ministerio del Interior / Direccion General de la Policia	192 (2011)	3,076 (2011)	Adult males, adult females; segregation of men and women, no segregation of criminal and administrative detainees (2011)
Centro de Internamiento de Extranjeros - Barcelona (Centro de Zona Franca)	In use (2013)	Barcelona	Migrant detention centre	Long-term	Secure	Ministerio del Interior/Direccion General de Policia Nacional, Comision General de Extranjeria y Fronteras	Ministerio del Interior/Direccion General de Policia Nacional, Comision General de Extranjeria y Fronteras	236 (2012)	1,660 (2011)	Adult males (2012)
Centro de Internamiento de Extranjeros - Fuerteventura (El Matorral)	Suspended use (2012)	Fuerteventura	Migrant detention centre		Secure	Ministerio del Interior / Direccion General de Policia Nacional	Ministerio del Interior / Direccion General de Policia Nacional	1,100 (2012)	119 (2011)	Adult males, adult females, children, unaccompanied minors; segregation of men and women, segregation of minors, family unit (2011)
Centro de Internamiento de Extranjeros - Las Palmas de Gran Canarias (Barranco Seco)	In use (2011)	Las Palmas de Gran Canarias	Migrant detention centre	Long-term	Secure	Ministerio del Interior/Jefatura Superior de Policia de Madrid, Cuerpo Nacional de Policia	Ministerio del Interior / Direccion General de Policia Nacional	168 (2011)	371 (2011)	Adult males, adult females; segregation of men and women(2011)
Centro de Internamiento de Extranjeros - Madrid (Aluche-Carabanchel)	In use (2013)	Aluche-Carabanchel (Madrid)	Migrant detention centre	Long-term	Secure	Ministerio del Interior/Jefatura Superior de Policia de Madrid, Cuerpo Nacional de Policia	Ministerio del Interior / Direccion General de Policia Nacional	280 (2012)	2,685 (2011)	Adult males, adult females; segregation of men and women, no segregation of criminal and administrative detainees (2012)
Centro de Internamiento de Extranjeros - Malaga (Centro de Capuchinas)	Closed (June 2012)	Malaga (Complejo policial de Capuchinas)	Migrant detention centre	Long-term	Secure	Ministerio del Interior/Direccion General de Policia Nacional, Comision General de Extranjeria	Ministerio del Interior / Direccion General de Policia Nacional	168 (2012)	425 (2011)	Adult males, adult females; segregation of men and women, no segregation of criminal and

Name	Status (Year)	Location	GDP Facility Type	Detention Time-frame	Security	Authority	Management	Capacity	Pop. across specified period	Demographics & Segregation
						y Fronteras				administrative detainees, family unit (2011)
Centro de Internamiento de Extranjeros - Murcia (Sangonera la Verde)	In use (2012)	Murcia	Migrant detention centre	Long-term	Secure	Ministerio del Interior/Dirección General de Policía Nacional/Comisaría General de Extranjería y Documentación	Ministerio del Interior / Direccion General de Policia Nacional	148 (2012)	1,366 (2011)	Adult males, adult females, children; segregation of men and women, segregation of minors, family unit (2011)
Centro de Internamiento de Extranjeros - Santa Cruz de Tenerife (Hoya Fria)	In use (2011)	Santa Cruz de Tenerife (Tenerife)	Migrant detention centre	Long-term	Secure	Ministerio del Interior/Jefatura Superior de Policía de Madrid, Cuerpo Nacional de Policía	Ministerio del Interior / Direccion General de Policia Nacional	238 (2011)	125 (2011)	Adult males, adult females; segregation of men and women (2011)
Centro de Internamiento de Extranjeros- Valencia (Centro de Zapadores)	In use (2012)	Valencia (Complejo policial de Zapadores)	Migrant detention centre	Long-term	Secure	Ministerio del Interior / Direccion General de Policia Nacional	Ministerio del Interior / Direccion General de Policia Nacional	156 (2012)	1,659 (2012)	Adult males, adult females, segregation of men and women, segregation of minors, no segregation of criminal and administrative detainees (2012)

Sources

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Map of "In Use" Detention Sites

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2. Ad Hoc Centro de Internamiento de Extranjeros - Port of Almeria
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7. Centro de Internamiento de Extranjeros - Las Palmas del Gran Canarias (Barranco Seco)
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9. Centro de Internamiento de Extranjeros - Malaga (Centro de Capuchinas)
10. Centro de Internamiento de Extranjeros - Murcia (Sangonera la Verde)
11. Centro de Internamiento de Extranjeros - Santa Cruz de Tenerife (Hoya Fria)
12. Centro de Internamiento de Extranjeros - Valencia (Centro de Zapadores)

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- » NGOs and Research Institutions
- » Media

Government Agencies

Defensor del Pueblo de España

<http://www.defensordelpueblo.es/>

Instituto Nacional de Estadísticas

http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_main

Ministerio del Interior

<http://www.mir.es/>

Ministerio de Empleo y Seguridad Social, Secretaría General de Inmigración y Emigración

<http://extranjeros.empleo.gob.es/es/index.html>

International Organizations

International Labour Organization: Spain Office

<http://www.ilo.org/public/spanish/region/eurpro/madrid/index.htm>

International Organization for Migration – Spain – Country information

<http://www.iom.int/cms/en/sites/iom/home/where-we-work/europa/european-economic-area/spain.html>

UNHCR – Spain – Country Information

<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48eed6&submit=GO>

NGOs and Research Institutions

Asociación Pro Derechos Humanos de Andalucía

<http://www.apdha.org/index.php>

Coalición Canaria

www.coalicioncanaria.org/

Comisión Española de Ayuda al Refugiado (CEAR)

<http://www.cear.es/>

Grupo Inmigración y Sistema Penal

<http://www.inmigrapenal.com/>

Legalcity

<http://legalcity.es/?lang=en>

Pueblos Unidos

<http://www.pueblosunidos.org/cpu/>

Women's Link Worldwide

<http://www.womenslinkworldwide.org/wlw/new.php>

Media

El Mundo

<http://www.elmundo.es/>

El País

<http://www.elpais.com/global/>

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