

## THE URBAN DIMENSION OF THE INTERNATIONAL PROTECTION CRISIS: THE CASE OF BARCELONA

*The successive world humanitarian crises of the last decade have laid bare the shortcomings of asylum and reception systems with dramatic consequences for people in need of international protection. This is a crisis whose impact is eminently local, since it is in the municipal space that reception takes place and the right to asylum is realised. This chapter analyses the limits of the international protection system in the Spanish context and sets out some of the responses of municipal actors, focusing on the case of Barcelona.*



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International protection is suffering an endemic crisis. The international humanitarian emergencies of the past decade have laid bare the limits of asylum and reception systems, as well as their dramatic consequences for applicants and beneficiaries of international protection (ABIPs). In the public and political discourse of the European Union (EU), the international protection crisis has been treated as a supranational and national governance issue. But its impact has been eminently local. After all, it is in the municipal space that reception takes place and the right to asylum is realised. More specifically, it is in the urban space, **where most refugees reside** (Muggah y Abdenur, 2018). In what follows, I will address this crisis in the Spanish context, indicating some of the limits of its international protection system, and reflecting on their impact at local level and on the responses provided by municipal actors, with particular focus on the case of Barcelona.

### **The structural limits of the international protection system**

For someone fleeing their country, international protection entitles people to rights in their host country, as it guarantees legal and administrative recognition and allows access to

the host country's system of rights and services (e.g., housing; medical, legal and linguistic assistance; economic benefits; training and language courses; and access to the labour market).<sup>1</sup> In Spain, this right is not always realised. In part, this is due to the magnitude of the migration challenges the country has faced over the years, from the refugee crisis of 2015 to the recent humanitarian emergency in Ukraine. But it is also attributable to the **limitations** of the international protection system (Güell Torrent *et al.*, 2022).

The first such limitation is the issue of accessing the protection, both in terms of procedures and decisions. In recent years, especially at times of

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increased applications, the limited capacity of the Asylum and Refugee Office (OAR) and the growth of the black market for appointments have made international protection procedures almost inaccessible. According to the Spanish Commission for Refugees (CEAR, in Spanish), in 2022, the average waiting time to submit an asylum application was **seven months**. This is by no means exceptional, with the trend relatively stable since 2017. The granting of protection is another area that affects access. Spain issues the third-highest proportion of negative decisions in the EU, with six out of ten applications for international protection rejected (59.5%), according to Ministry of the Interior data. This restrictive

approach, relative to EU counterparts, has been **constant over recent years**. Those waiting to submit their asylum applications and those who receive negative decisions suffer similar issues: lack of legal protection due to administrative irregularity and inability to use the services and benefits of the reception system (the first group because they must formalise their application in order to acquire access; the second because a negative decision means they exit the system).

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1. This protection begins when the application is submitted. The scope and duration of the benefits vary, depending on the applicant's financial resources and the type of protection granted. In the EU, four forms of international protection are distinguished: refugee status, subsidiary protection, humanitarian protection and temporary protection. Added to these is the status of asylum seeker which, once granted, guarantees legal protection and access to rights and services, albeit to a lesser degree.

The second limitation of the international protection system is one of capacity – in terms of places, budget, staff and competencies. Capacity has been increased over recent years, but in fits and starts – building out from emergency situations is one issue, but above all there has been a failure to adequately adjust to real demand. This is a qualitative limitation, as it is detrimental to the ability to provide services adapted to the needs of ABIPs, as observed **in the case of LGBTBI persons** (Güell, 2020). But it is also a problem of quantitative nature and scope: budget shortages, and the lack of places, staff and specific structures prevent ABIPs from exercising the rights to which they are entitled by law. According to the **CASASIL survey** carried out in 2019 in Catalonia, one in four applicants has found themselves living in a street situation at some time since arriving in Spain. This alarming reality has also been denounced by the **Ombudsman**. Today, the gap between formal and substantive access to rights is also emerging in the case of Ukrainian beneficiaries of temporary protection, especially when it comes to **accessing housing and the labour market** (ECRE, 2023).

The third limitation concerns the design of the pathway within the reception system. The transition to the second phase is among the most critical points, with the expected degree of autonomy difficult to achieve in practice. This problem affects the pathway's underlying logic, which envisages that after 18 months inside the system (24 months for vulnerable profiles), the person will have acquired a job, a home, a certain command of the language and will be able to face the subsequent stages of integration in full independence. This is often at odds with the reality ABIPs encounter, with high unemployment rates, precarious contracts and unaffordable rent reducing the chances of achieving **effective autonomy** (Garcés-Mascreñas and Pasetti, 2019). For many people, the end of the pathway is thus socio-economic exclusion. The recent restricting of the second phase to users who obtain international protection<sup>2</sup> increases this risk for people who remain in the first phase, awaiting a decision. There is as yet no empirical evidence on the impact of this regulatory change, but it is reasonable to assume that losing access to the set of services and tools meant to promote autonomy in the second phase will increase the difficulties these people face when attempting to integrate after leaving the system.

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2. Instructions 6/2020 and 1/2021 fundamentally change the Spanish international protection system, ending its exceptional position as the only country in Europe that did not distinguish between the statuses of applicant for and beneficiary of international protection.

These issues with the international protection system have impact at the local level, where the process of integrating ABIPs takes shape. Administrative irregularity, the obstacles hindering the chance of benefitting from the rights and services of the reception system and the risks of social exclusion continue to pose crucial challenges to municipal governments.

### **Local responses to the international protection crisis: the case of Barcelona**

Local administrations' exclusion from the institutional framework of the international protection system and the failure to recognise their competences in the field of asylum have led them to react in a range of ways. First and foremost by supporting each other and modifying the resources available for social services, as in the case of applicants living in street situations, who in various cities have been taken in by the services for the unhoused. In Barcelona, this has been coordinated within the Care Service for Immigrants, Emigrants and Refugees (SAIER). Founded in 1989, SAIER has exponentially expanded the care provided to applicants since the 2015 refugee crises, specially from 2017-2018 onwards (from 811 people in 2014 to 8,387 in 2020), adapting its institutional architecture and range of services accordingly (SAIER, 2021).

The second response has been the development of genuine "urban asylum policies", in other words specific municipal reception programmes that complement those of the national system, and are aimed at people who are waiting to enter, who have been unable to enter, or have already left (Bazurli y Kaufmann, 2022). This trend has been particularly notable in large cities. For example, in Barcelona's asylum policies began with the launch of the Barcelona City of Refuge programme, which was established in 2015 as an emergency plan to prepare the city to welcome and assist refugees and then settled as a permanent system for the reception and integration of ABIPs. Another example created in 2015 is the Nausica programme, which aims to assist vulnerable applicants. The range of actions was diversified over the following years, with the collaboration of civil society organisations.

Finally, in parallel, broader coordinated action has taken place involving local and civil society actors, within the framework of migration-related city networks (Lacroix , 2022) . These networks play an increasingly important role in global migration governance. Thus far, the main initiative in Spain has been led by the Cities of Refuge network. Barcelona City Council was the driving force and key player in the process of developing the network,

which emerged in antithesis to national and European asylum policies, and sought to counteract them and overcome their failures. In March 2016, for example, in reaction to the failure of European resettlement mechanisms, the city government reached a pre-agreement with the municipality of Athens to resettle 100 people in Barcelona. The network grew rapidly both domestically and beyond national borders, with 50 Spanish municipalities joining after the launch in August 2015 and other European municipalities following over subsequent months and years (e.g. Paris and Lampedusa).

However, the impact of these actions has inevitably been limited by the local actors' "residual" position in Spain's international protection governance model. The lack of competencies restricts the scope of their action and limits access to funding channels and budgetary resources. Moreover, acting in parallel and on the margins of the national system causes a lack of coordination and wastes resources.

To solve the problems with international protection in Spain municipal actors must be involved in the national system's framework of planning and cooperation. This would enable multiple synergies to be developed between municipalities – taking advantage of existing ad hoc programmes and horizontal networks – as well as with the various actors and levels in the public administration, in order to ensure that their actions are both complementary and aligned. This should help effectively channel the solidarity and potential of civil society and other private actors.

The humanitarian crisis in Ukraine presented both a new challenge and an opportunity to experiment with novel governance solutions. These include progress on the agreement over decentralised cooperation with the Spanish Agency for International Development Cooperation (AECID), which includes 11 autonomous communities and the Spanish Federation of Municipalities and Provinces (FEMP). Another example is the plan for hosting refugees from Ukraine, developed by FEMP working alongside the Spanish government. It is hoped that these examples are also the first steps towards a genuine multilevel international protection governance model.

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