

Research article

African immigration to Spain: routes, borders and human rights

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This article analyses the routes taken by Africans to Spain and the human rights violations that occur during these routes. It presents an overview of the routes of people who achieve to arrive and the treatment at the borders with Morocco and in the main centers where irregular foreigners enter. It concludes that it is urgent to reformulate migration policies and management in Spain and in the European Union, to put the respect of human rights before immigration control and to rethink migration as positive both in countries of origin and destination.

Key words: African immigration, Human Rights, Spain.

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INTRODUCTION

The reasons for leaving the country of origin, the trajectories towards the destinations, and the processes of reception and integration in the receiving countries have changed in the current stage of capitalism. In Europe, the organized recruitment of labor that characterized Fordism has been replaced by policies restricting the entry of international labor immigrants, while the demand for unskilled labor decreases with the transformation of work processes and the entry of new technologies.

Post-Fordist restructuring and neoliberalism as a political structure have led to continuous adjustments in European and world economies, generating recurrent crises that culminated in the great recession of 2008. Since then, inter-capitalist competition has intensified to temporarily resolve this crisis of over-accumulation or falling rate of profit, and, in this context, once again the participation of economies depends on the degree of

national capital accumulation, its historical role in the international division of labour, its technological development and its geographical location.

At the same time that regions such as Europe, the United States and Asia concentrate the world's capital, the countries of Africa enter the global dynamic through the support of new forms of accumulation by dispossession, defined by Harvey as the ongoing accumulation that is accelerated when crises of over-accumulation occur in extended reproduction, and which has all the characteristics of the primitive accumulation described by Marx. Thus, territories and segments of African economies are excluded from the prevailing dynamics of competition for profit, levels of production and productivity, technological and market development; but they are the space in which the forms of accumulation take place (Harvey, 2004).

This role of African countries in the dynamics of the capitalist system and their constant dispossession through processes such as the forced expulsion of rural

populations for the commodification and privatization of land, the suppression of common rights, and the neocolonial and imperialist appropriation of natural resources and activities, are the global framework of this study. Also forming part of this framework the promotion and support of these processes by African states in contexts of violence and imposition, and European and Spanish policies on immigration, which have been modified in line with the effects of the capitalist crisis, and which are also supported by these states.

With the migratory crisis in the Mediterranean, which has become more acute since 2015 due to the increase in the number of refugees, asylum seekers and economic migrants, European and Spanish migratory policies have become more intense and dehumanised. The violation of human rights is constant and the lack of a comprehensive policy to manage the humanitarian reception and efficient processes of gradual integration of foreigners in general, and Africans in particular, mark the specific context. The main problem is the constant violation of the human rights of Africans during the migration process to and in Spain, which highlights the lack of a consistent policy for the management of humanitarian reception and effective processes for the integration of the foreign population in that country.

Academic studies on international migration in Spain have generally been made by observing the situation of immigration, that is, of the foreign populations already resident in the country: their integration process (Cachón, L.; 2008), their participation and limitations in the labour market (Cachón, L.; 2003), the impact of the crisis on immigrant employment (Colectivo IOÉ; 2011), second generations (Portes, A. and Aparicio, R.; 2013), immigrants in Spanish schools (Cebolla, H.; 2009). But what are the trajectories of immigrants and what happens in their journey? What are the violations of human rights that are presented? The aim of this paper is to present the principal routes taken by African migrants to reach Spain and to analyse the human rights violations committed at the borders and in the centres where they are interned once they have managed to reach their destination.

Little has been written from the academic world about the first question, but there are very comprehensive studies by non-governmental organizations such as the Spanish Red Cross, which in its paper "African Migrations towards Europe" (Red Cross, 2008), makes an exhaustive and valuable study of the irregular migration phenomenon in West Africa and its repercussions in Spain: routes (before and during departure); statistics; analysis of the regional contexts of origin; reception and health care processes; general, family and economic characteristics of the people; work carried out during the journey; and the situation in the Temporary Centres for Immigrants (CETI). Similarly, the Commission for Aid to Refugees (CEAR, 2016) presented the study "Migratory

movements in Spain and Europe", which illustrates the main routes of entry through the Mediterranean.

On the other hand, Sabater (2004) has written about the ways of arrival, emphasizing not to forget that it is a phenomenon whose center is the people, reason why any analysis or reflection must put to them like protagonists. It seems logical that it cannot be any other way, but, in practice, policies forget about it. He recognizes that the phenomenon of irregular immigration is impossible to stop and should not be seen as a temporary one, since "it will continue as long as we are not able to change the conditions in the countries of the South where it costs too much to live. Europe is obliged to respond to these situations [...] we cannot create mechanisms that imagine that this is not real" (Sabater, 2004:22).

Concerning the violation of migrants' human rights, there are several writings by Amnesty International, the Red Cross, CEAR, the Andalusian Association for Human Rights (APDHA), the SOS Racism Federation, Human Rights Watch, Intermon Oxfam, Doctors without Borders, and United Peoples-Jesuit Migrant Service, repeatedly denouncing the treatment at the borders and in the Foreigners Internment Centers (CIE).

The contribution of this manuscript is to show that the complete migratory process of Africans, from the moment they decide to emigrate until they arrive in Spain, is accompanied by the violation of their fundamental human rights: The situation that forces them to leave their country of origin, the long journey to their destination, the treatment at the borders and once they are in Spain, are characterized by a violation of their human rights that must be clearly stated in order to incite the improvement of actions both in the countries of origin and in the country of destination.

Although the method used to respond to this statement is basically a bibliographic and newspaper review, we used information obtained through 14 structured interviews with immigrants from Morocco, Senegal and The Gambia in Barcelona, which are part of a more extensive comparative research on migration in Mexico and Spain.

The paper is organized as follows. I begin by presenting some figures and routes of migration to Europe and Spain. Then, I present the violation of human rights at the main borders and in the internment centers for foreigners and a reflection on the violation present in the whole migratory process. I continue with some notes on the integration of immigrants and I finish with some conclusions.

To close this introduction, I will say that confronting African migration towards Europe, and specifically towards Spain, is a complicated and sad task. It is a huge phenomenon with various important aspects to consider: the reasons for emigration, political and economic relations with the countries of origin, cooperation for

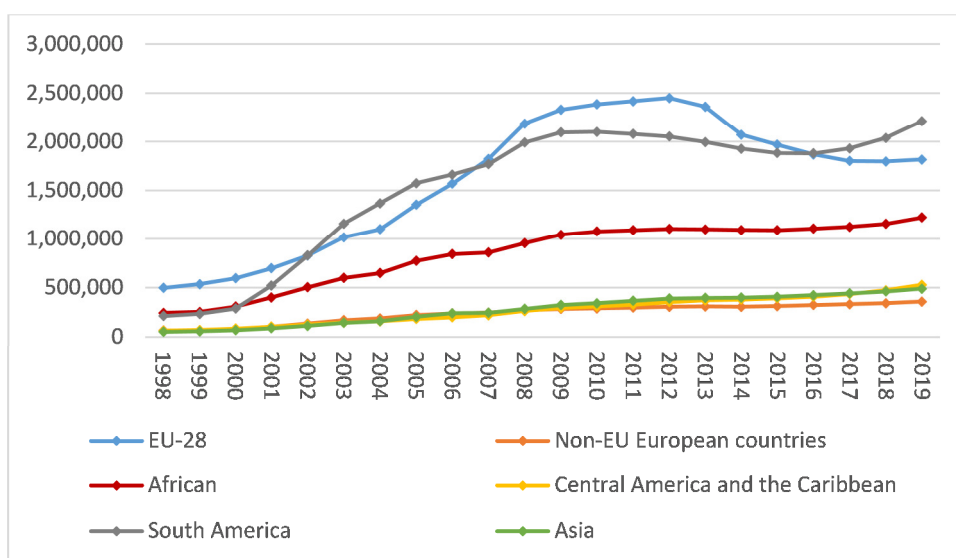
development, migration policy and the Spanish economy, the role of non-governmental organisations, how human rights are violated, European policies on migration, the various routes, the alarming numbers of deaths along the way. Therefore, if this paper succeeds in at least giving a general overview of the phenomenon, it would fulfil its most frank purpose.

MIGRATION OF AFRICANS TO EUROPE AND SPAIN: ROUTES AND FIGURES.

Although Spain was historically a country of emigration to the industrialised countries of Europe and later to Latin America during the Civil War years, since the 1980s it has become a country of immigration. The land borders

with Morocco (Ceuta, Melilla and the Peñón de Vélez de la Gomera) and the Canary Islands, which are close to the countries of West Africa, partly explain the continuous evolution of African immigration, which has been the third most important since the 1990s after those from the European Union and America.

In addition to geographical proximity, differences in income may explain emigration. According to IMF data from 2017, Spain's per capita income is 25,000 euros, while countries such as Morocco, Senegal and Gambia have incomes of 2715 euros, 863 euros and 423 euros, respectively. In figure 1 we can see the evolution of the foreign population in Spain by nationality and confirm that the one coming from Africa is the third in importance after those coming from South America and the EU-28 and how its evolution has been ascending from 1998 to 2019.



National Institute of Statistics (INE). **FIGURE 1. FOREIGN POPULATION IN SPAIN BY NATIONALITY**

Since 2015, the European Union (EU) has created and strengthened measures to contain the major migration crisis resulting from the flow of refugees escaping from war, persecution, poverty and human rights violations. For example, in March 2016, the European Union and Ankara reached an agreement to return a mass of Syrian refugees to Turkey. In return, Turkey received EUR 3 billion, the concession that its citizens would no longer require visas to enter the Schenguen area and to speed up the procedures for its accession to the EU. This agreement is the first violation of international law and human rights. Amnesty International and Human Rights Watch have provided evidence that Turkey is violating the principle of non-refoulement with the Syrian

population by sending people back to their country at war, and that asylum-seekers from that country, Iraq and Afghanistan, cannot access assistance to deal with their international law. They have even provided evidence of shootings to those seeking entry to Turkey (Amnesty International, 2015).

Similarly, the EU's strategy in Libya has shown tragic violence and Oxfam Intermón's report "A dangerous game" in Spain includes testimonies of brutality of refugees and migrants, including children and women, by police and border guard authorities in Serbia, Hungary, Croatia, Bulgaria and the Former Yugoslav Republic of Macedonia.

To contain the flows from Africa, the European

Commission has signed migration agreements with countries such as Mali, Senegal, Niger, Ethiopia and Nigeria, which include intensifying repressive measures against human traffickers, strengthening security forces and control of their borders, and accepting the return of migrants to their territory. More than 900 million euros have been allocated to investment programmes in Africa, resulting in a decrease in African migration to Greece and Italy in 2017 compared to the previous year. According to figures from the International Organization for Migration (IOM), 171,635 immigrants and refugees from North Africa arrived via the Mediterranean routes in 2017. This figure is lower than that of 2016, when 363,504 arrived, thanks to the measures implemented by the European Union (EU) to curb immigration, which go from reinforcing the Coast Guard and sending assistance to North African countries to contain migratory flows, to the inhumane action of interrupting rescue missions for people at sea.

But in Spain African migration is increasing both in arrivals and in the number of deaths. In 2017, 21,663 arrived and 223 died. More recent data announce that, from January 1 to 13 November 50,440 people arrived in Spain and at least 678 people died on the western route (IOM, 2019).

And this organization's data on deaths in their efforts to enter the EU by sea are more devastating. By 2017, 3,116 people had died, down from 5,143 in 2016. The route from Libya to Italy left the greatest loss with 2,832 people, followed by the route to Spain with 223, and the route between Turkey and Greece recorded 61 deaths. By 20 May 2018, 636 people had died and 27,482 had made it to Italy. From 1 January to 13 November, 2,117 people had died, most of them trying to reach Italy or Malta via the central route. These data can be seen in figure 2.

Mediterranean Developments

| TOTAL ARRIVALS BY SEA AND DEATHS IN THE MEDITERRANEAN 2019-2018 | | | | | |
|--|------------------------------|-----------------------------|---------------------|------------------------------|-------------------------------|
| Country of Arrival | 1 JANUARY – 13 NOVEMBER 2019 | | 1– 13 NOVEMBER 2019 | 1 JANUARY – 13 NOVEMBER 2018 | |
| | Arrivals | Deaths | Arrivals | Arrivals | Deaths |
| Italy | 9,944 | 695 (Central Med. route) | 294 | 22,518 | 1,273 (Central Med. route) |
| Malta | 3,173 | | 58 | 1,182 | |
| Greece | 50,371 | 71 (Eastern Med. route) | 2,389 | 28,461 | 166 (Eastern Med. route) |
| Cyprus | 5,737** | | 131 | 746 | |
| Spain | 22,343 | 325 (Western Med. route) | 84 | 50,440 | 678 (Western Med. route) |
| Estimated Total | 91,568 | 1,091 | 2,956 | 103,347 | 2,117 |
| Data on deaths of migrants compiled by IOM's Global Migration Data Analysis Centre. | | | | | |
| All numbers are minimum estimates. Arrivals based on data from respective governments and IOM field offices. | | | | | |
| ** This figure includes the number of all migrants' arrivals registered in Cyprus | | | | | |

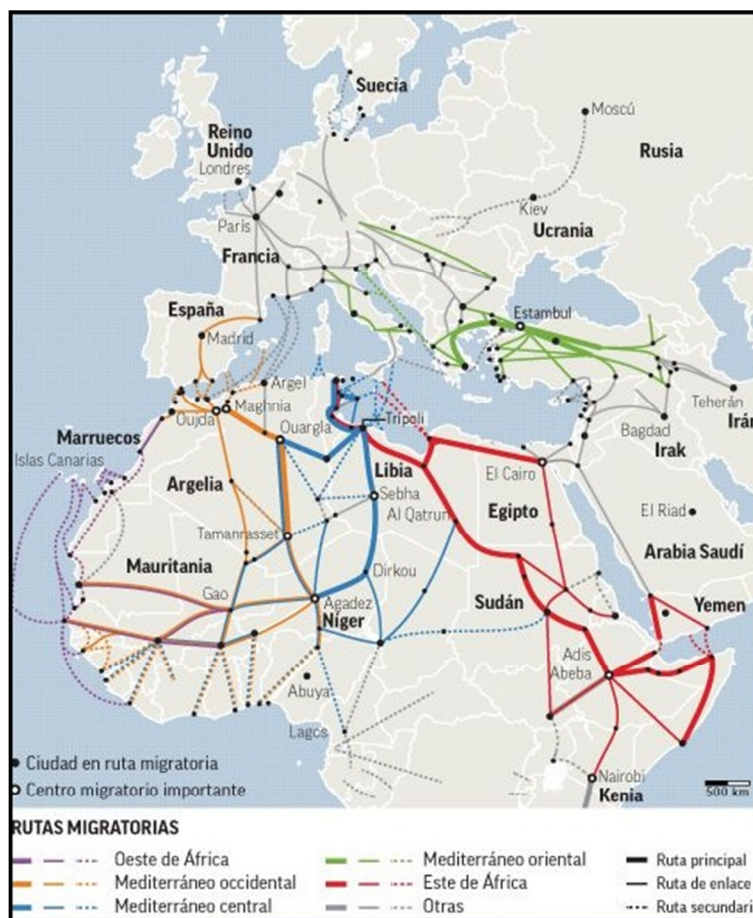
FIGURE 2. International Organization for Migration.

Both the routes and the ways to reach Europe and Spain are varied and risky and can be seen in figure 3. The route to central Africa is one of the most dangerous and crowded. Migrants concentrate on the coasts of Libya and Tunisia once they cross countries such as Nigeria and Niger in order to reach islands such as Sardinia and Sicily in Italy. They come from countries as far away as the Ivory Coast and Sierra Leone. And, once in the Mediterranean, the Italian government's border reinforcement will prevent them from arriving.

Another route is that often taken by migrants from West

Africa. Countries such as Senegal, Gambia, Mali, Burkina Faso and Guinea-Bissau are part of this group. Some cities of passage on this route are Libya, Mauritania, Algeria and Morocco. A large part of this migration has as its destination the Canary Islands, an archipelago in the Atlantic Ocean that constitutes a Spanish Autonomous Community.

Finally, the East African route includes countries such as Somalia, Ethiopia, Kenya and Uganda that go to the coasts of Egypt, Libya or Tunisia and from there to Europe.



International Centre for Migration Policy (ICMPD)
FIGURE 3. MAIN MIGRATORY ROUTES TO EUROPE AND SPAIN

In Spain it is easy to find the ends of the routes, but the stories of immigrants about their journey from their country of origin can make you get lost between the passage through various countries and the situations of violence, risk and uncertainty they experience.

Figure 4 presents the main arrival routes for the year 2017, according to a publication of the newspaper "El Mundo" based on information from the Spanish Commission for Refugee Aid (CEAR) and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX):

Route 1: from Nador (Morocco) to Almeria (Spain). Means of transport: precarious inflatable boats with old engines. If they come from the Maghreb region (North Africa, Morocco, Tunisia and Algeria), they have between 20 and 25 people on board. If they come from Sub-

Saharan Africa (all countries not bordering the Mediterranean Sea), between 30 and 35 people.

Route 2: from Nador (Morocco) to Motril (Granada).

Route 3: from Cabo Espartel or Larache (Tangier, Morocco) to Cádiz. Means of transport: Toy boats and oars and jet skis "for which up to 3,000 euros per person is paid because the immigrants, generally Moroccans, get off as if they were swimmers and are not detected" (El Mundo, 17 January 2018). A new route is the one that goes from Larache (Morocco) to Barbate (Cadiz) entering directly into the Atlantic and crossing the Strait of Gibraltar, which connects that ocean with the Mediterranean, dangerous because of the winds and currents. They use wooden boats with engines.

Route 4: from Tangier or Al Hoceima (Morocco) to Malaga (Spain).

Route 5: from Algeria to Murcia (Spain).

Route 6: from Morocco to the Canary Islands (Spain).



El Mundo, 2018.

FIGURE 4. THE WAYS TO ENTER SPAIN THROUGH THE MEDITERRANEAN

On all these routes the majority of people come from Morocco and Algeria. Those from West Africa, where the Gambia and Senegal are located, use the last route that reaches the Canary Islands in small wooden boats, but since the 2006 cayuco crisis, when more than 32,000 sub-Saharanans arrived, there has been a permanent deployment of the Civil Guard in Mauritania and Senegal, which has managed to considerably reduce arrivals on the island. Many have had to choose the route through Libya, passing through Mali and Niger to Morocco, and opt to cross the border at Ceuta and Melilla.

VIOLATION OF HUMAN RIGHTS AT THE BORDERS AND IN CENTRES FOR THE INTERNMENT OF FOREIGNERS

Various national and international associations have revealed human rights violations in the area of immigration and refuge in Spain. Amnesty International has been denouncing for years the measures applied by the Spanish government to people trying to enter the country and the relocation of the 15.888 people that the government committed to take in on 28 February 2018 in an unprecedented context of thousands of people who left their homes because of war, political instability or human rights violations in their countries.

One of the measures most denounced by this and other organizations is the "hot" expulsions. Devolutions that are carried out without any kind of procedure or legal guarantees and with the excessive use of force by security agents. Currently, the Spanish government allocates 40% of EU funds for migration management in expulsions. The Asylum, Migration and Integration Fund (FAMI) is the instrument that manages migratory flows through asylum, integration and return policies, and it is in the latter that European funds are invested.

In the period 2014-2015, 11.142,832 euros were spent on asylum and integration policies and 13.436,182 million on return policies; and in the period 2015-2016, 32.5 million euros were spent on asylum and integration and 26 million on expulsion and control of foreigners without documentation (Ministry of Employment and Social Security, Government of Spain).

Article 33.1 of the 1951 Geneva Convention relating to the Status of Refugees states that "No Contracting State may, by expulsion or return, to put in any way a refugees at the borders of territories where their lives or freedom are threatened...". The Strasbourg Court has also stated that hot returns are absolutely contrary to the European Convention on Human Rights. However, these devolutions and other violations are a daily practice in Spain. Let's see what happens at the main borders and at the reception centres for foreigners.

Migrants on the fence

Ceuta and Melilla are Spanish autonomous cities located in North Africa. The first is on the African side of the Strait of Gibraltar, the second on the Mediterranean Sea. In these cities are located the three land borders with Morocco and are the ones with more migratory pressure:

1. The border that separates the province of Nador (Morocco) from Melilla, with an extension of 9.6 km.
2. The one that separates the province of Castillejos (Morocco) from Ceuta, with an extension of 6.3 km.
3. That which separates Morocco from the Rock of Velez de la Gomera, located 126 km west of Melilla and 117 km southeast of Ceuta. It is a border that measures 85 meters in length. A small stretch of land that divides Africa from Europe. Figure 5 shows these boundaries.



El País, 2014.

FIGURE 5. SPANISH-MOROCCAN BORDER

Border fences have been installed at all three borders to prevent the entry of immigrants. Two six-metre and one two-metre. The latter is owned by Morocco, where there are structured organizations of immigrant smugglers. These networks can charge approximately one thousand euros to enter Ceuta or Melilla in small boats, between 3 thousand and 4 thousand euros if they enter Spanish territory by car, and between 5 thousand and 6 thousand euros for a false passport. Some can pay these amounts, but for others, jumping over the fences is the only option.

Thousands of immigrants are waiting in camps near cities on Morocco's border with Algeria and Melilla for the chance to jump. They live in the desert for weeks, in the open, with hardly any food or water. They have used all their resources to pay several traffickers to get there, and now, they expose themselves to the high risk of trying to jump the fence, and if they don't succeed, they are sent back to Morocco, where they will be mistreated by the gendarmes.

There is no possibility of coming closer without being

intercepted and rejected by both the Moroccan and Spanish security forces. The breakwaters of Tarajal and Benzu, the ends of the fence that end up in the sea, have seen many deaths by drowning, and hundreds have ended up seriously injured along the fences.

Collaboration between Spain and Morocco to prevent entrances is efficient. The Guardia Civil has acknowledged that the Royal Moroccan Gendarmerie is trained at the Civil Guard Academy in Madrid in security matters and that there are Spanish liaison officers in Morocco. It has a network of observation and detection points for people to avoid coming near the fence. Its aim is to identify people and warn Moroccans so that they can block them before they arrive.

The Civil Guard in Melilla has declared that "when there are massive jumps to the fence, the Moroccan auxiliary forces can enter the Spanish side" to help with the returns (Migreurop/GADEM, 2015:20). This is a full cooperation of the Spanish government and the European Union to ensure the control of the border.



Sánchez Ribas, 2015.

FIGURE 6. MIGRANTS ON THE FENCE: SPAIN'S BORDER WITH MOROCCO

The limbo of human rights violations is in Ceuta and Melilla according to Amnesty International (AI, 2016). The main ones are the following:

1. The hot expulsions. The exact number of expulsions cannot be known, as there is no public register of people who try to enter and are immediately returned, even if they have been given some medical assistance. However, according to Frontex, during the first four months of 2016, "more than 1,400 people are said to have attempted to cross from Morocco to Ceuta and Melilla" (AI, 2016:6). The Ministry of the Interior, on the other hand, announced that in September 2017, the entries of irregular immigrants across these borders by land and sea had increased by 33.1 per cent compared to 2016, and that from January to that date there had been nine successful jumps of the fence involving more than 8,950 sub-Saharan and approximately one thousand, mostly from Guinea and Cameroon (Europa press, 2017).
2. The lack of prior analysis of the risk of torture that people face when returning to their country led the UN Subcommittee on Prevention of Torture, during its visit to Spain in October 2017, to request the cessation of this practice at the fences in Ceuta and Melilla. However, the Spanish government created a legal figure in 2015 within the Law on Citizen Security called "rejection at the border" to apply it, which, added to the bilateral agreement signed between Spain and Morocco in 1992, tries to justify this treatment of migrants.
3. The Asylum Act does not apply. The organization has found that in Melilla only persons from the Syrian conflict have the possibility to apply for it, the rest choose to cross in an irregular way for fear of being returned at the time and apply for asylum once they consider that there is no longer a risk of immediate expulsion.
4. Injured persons are returned, often suffering from ill-treatment by the Moroccan gendarmerie. Human rights organizations on the Moroccan side told Amnesty International that "after the jumps many injured people must receive medical care in Moroccan hospitals" (AI, 2016:8). People from civil society told this organization that "when they call the city's emergency services because of injuries after an attempted jump, they are told that the warning must be given by the security forces", and the Red Cross explained that "in order for them to come, they must be activated by the Civil Guard, and they must not go over the security line indicated by the agents" (Ibidem:8).
5. Absence of protection on arrival. They do not have access to information. There is no special attention to vulnerable persons such as victims of trafficking or persons with disabilities.
6. The poor conditions of the Centres for Temporary Stay of Immigrants (CETI).

In 2017, fourteen NGOs, including the Spanish Refugee Aid Commission (CEAR) and Médecins du Monde, sent the European Commission a letter describing the serious human rights violations being committed at the borders of Ceuta and Melilla, highlighting the "hot" returns. In the report "Turning a blind eye How Europe ignores the consequences of outsourced migration management", Médecins Sans Frontières states that "fundamental human rights abuses, violence, degradation, significant medical treatment and psychological damage are a direct consequence of the new era in Spanish-Moroccan relations (MSF, 2015:14). In all previous reports issued by this NGO in the years 2005, 2008, 2010 and 2013, it states the correlation between European policy and the physical and mental health of immigrants and asylum seekers in Morocco and

finds that most violent incidents occur at the borders, and involve both Spanish and Moroccan armed forces, including arrests, excessive use of force and sexual violence (Ibídem.).

The NGO Human Rights Watch has also expressed itself in this regard. It published in 2014 that both the Moroccan Auxiliary Forces and the Spanish Civil Guard have resorted to excessive force against migrants, including children, trying to enter Melilla. It calls on the Spanish government to ensure that migrants are not arbitrarily deported at the border and that any cooperation between the EU and its member states on the one hand and Morocco on the other is in line with international and EU human rights standards (HRW, 2014:6).

At the border with Ceuta, the exploitation and abuse of women who carry goods, called "las porteadoras", should also be mentioned. The 2018 Report on Human Rights on the Southern Border published by the Andalusian Association for Human Rights (APDHA) states that there is a "systematic violation by the Government of the Spanish State and the European Union of the rights of the carriers on the border of El Tarajal in Ceuta" (APDHA, 2018:82). The semi-slavery conditions in which they work, says the report, should be regulated, since their work activity takes place in Spanish territory and the transport of goods involves Spanish companies with registered offices in this territory.

In that context, there was an urgent need to stop expulsions to Morocco and to suspend cooperation in the area of migration control until human rights were fully respected in that country. Also, activate medical services at the border and guarantee that the Asylum Law is respected.

The Centres for Temporary Stay of Immigrants (CETI)

The Centres for Temporary Stay of Immigrants (CETI), are establishments of the Public Administration for provisionally receiving immigrants and asylum seekers in the cities of Ceuta and Melilla. The CETI in Ceuta was opened in 2000 and has a capacity of 512 places. The one in Melilla was built in response to the sub-Saharan migration of the 1990s, opened in 1999 and has 700 places after the works carried out in 2015. Despite this, all interviews conducted by Amnesty International in 2016 found that the centres are occupied beyond their formal capacity. In October of that year, the CETI in Ceuta housed 631 people mostly from sub-Saharan Africa, and the one in Melilla was overcrowded with a total of 979 people. In 2014, the latter hosted more than 2,500 people for several months (AI, 2016).

On the other hand, CEAR reports that, in 2016, 3.993 people stayed at CETI in Melilla and 3.883 were transferred to the peninsula. Of these, 2.258 had requested international protection; 1.625 were referred to

NGOs within the framework of the Humanitarian Assistance Program, which is managed by the General Secretariat of Immigration and Emigration of the Government of Spain; and 53 were interned in the Foreigners Internment Centers (CIE) (CEAR, 2016:67). And from January 1 to June 19, 2017, 1.345 transfers to the peninsula had been made from the CETI in Ceuta and 225 persons had requested international protection (Ombudsmen, 2017:268).

CETIs have the following characteristics that violate human rights:

- The right to live as a family in the centres is not guaranteed, as the family modules are non-existent and must sleep separately by sex. Women and minors are placed in buildings, while men often live in tents (AI, 2016).
- It's a long stay. Those interviewed by Amnesty International at the Melilla centre stated that they stayed between two and three months at the CETI because they were denied the possibility of going to the mainland, even if they were an asylum seeker with legal title to move around Spain. In Ceuta, they stay on average five months and after that time, migrants who have not applied for asylum are processed for expulsion and taken to the CIE for expulsion. If the person has applied for asylum, the stay will last as long as the file is decided, even more than a year, without taking into account the reduction in the time spent in a vulnerable situation. The Ombudsman's report states that the average stay in this centre increased in 2017 compared to 2016 to 115 days.
- The reception conditions in the centres are not adequate. The people who arrive do not have information about their rights and obligations, and none of them respect the rights recognized in the Law on Asylum, such as the census or registration as a resident in Spain, which gives access to health and education services. This is a point of discrimination, because in the rest of the peninsula the normal procedure for requesting this right does take place. Immigrants are not informed about the procedures for foreigners that are applied to them and the times in which they are resolved.
- Lack of care for vulnerable people such as victims of trafficking or gender-based violence, sick people, people with disabilities, or people with psychological trauma; poor services for children and babies; and overcrowded and dilapidated rooms (AI, 2016.)

The situation in the CETI makes necessary and urgent

the transfer to the peninsula of asylum seekers, families with minors and vulnerable people, guaranteeing their regularization in the Spanish territory, the provision of basic services and a gradual socioeconomic integration.

The Foreigners Internment Centers (CIE)

The Foreigners Internment Centers (CIE) are part of the Spanish legal system since 1985. These are non-prison institutions where foreigners who enter the country illegally are sent to stay for a period of time until their expulsion is resolved.

The time that people can stay in the CIE is not clearly

defined, but, in practice, it is not usually more than 60 days: "The admission of the foreigner in a non prison internment centre cannot be extended for more time than is necessary for the practice of expulsion..." (BOE 2005, Art. 153-2). When the Ministry of the Interior is not able to find out the country of origin of the foreigner, does not have an agreement with that country, or the persons are in a vulnerable situation (victim of trafficking, possible refugee, minor), the expulsion cannot be executed. In 2017, a total of 5.796 persons were released because they could not be expelled. Hay siete CIE en España: Aluche (Madrid), La Piñera (Algeciras), Zapadores (Valencia), La Zona Franca (Barcelona), Murcia (Murcia), Las Palmas (Barranco Seco) y Fuerteventura (el Matorral). Figure 6 shows the number of persons in the Foreigners Internment Centers (CIE) from 2012 to 2019.

| 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
|--------|-------|-------|-------|-------|-------|-------|-------|
| 11.325 | 9.020 | 7.286 | 6.930 | 7.597 | 8.837 | 7.855 | 8.837 |

Ministry of the Interior. Government of Spain.

FIGURE 6. Number of persons in The Foreigners Internment Centers (CIE).

The first human rights violation in these centres is to deprive a person of their liberty just because they are a foreigner. The United Nations Working Group on Arbitrary Detention recognizes that "immigration detention should be gradually eliminated. Migrants in an irregular situation have not committed any crime" (UN, 2010-58). On the other hand, at the European level, the Council of Europe Commissioner for Human Rights declared that "it is imperative that States work towards the abolition of migrant detention. This does not mean giving up border management, including decisions on who enters a country and who can stay. It means investing in alternative measures to manage migration effectively, which are not as burdensome or harmful as detention" (Muižnieks N., Commissioner for Human Rights, 2017:49).

According to a report prepared by the NGO United Peoples, the review of the ICN determines that, although they are not prisons, in reality they function as prisons because of the deprivation of rights suffered by the interns and the level of quality of stay, which is not far from a prison. The report mentions the failure to comply with the following guarantees and fundamental rights (United Peoples, 2015):

- Some facilities have deteriorations that may put the health and safety of interns at risk.
- The violation of the right to integrity by sharing small rooms with many people, without sufficient furniture, and with minimal hygiene and clothing.
- The absence of equipment for reading, leisure,

sports, or cultural activities due to the lack of permanent social services.

- The lack of specialized health services. There are no clinical records in accordance with current legislation, nor spaces for check-ups and treatment. Nor are there any protocols for detecting contagious diseases.
- The need for interpreters and translators to provide communication in services as important as health care or knowledge of their rights and obligations.
- Violation of privacy in communication with family and friends. This is done through screens that do not allow physical contact.
- Absence of information about your legal status, your rights, or scheduled date of removal. Asylum seekers who by law will not be expelled do not know the procedure to be followed or the time periods for resolution.
- Limitation on communication with lawyers and lack of information regarding rights of defense.
- Lack of video vigilance systems in part of the installations to verify the correct functioning of the centre and the conduct of the officials.
- Failure to guarantee the confidentiality of interns' claims concerning the violation of their rights.

The greatest demand from NGOs regarding the situation in these centres is the reduction of the time of detention. However, all the points mentioned here highlight the urgent need for these centres to be

regulated by personnel specialized in social assistance, health and law, and not by officials of the National Police Force. The CIE cannot be prisons without guarantees for foreigners. In fact, as much of society demands, they should not exist.

The violation of human rights present in the whole migration process.

The violation of human rights is present throughout the migration process of the African populations. In the countries of origin, the right to work and to a satisfactory remuneration that ensures a dignified existence is violated. In the introduction to this paper I stated that the continuous dispossession of African countries is the general framework in which migrations are inserted, and I have the thesis that it is the main cause of labour emigration from these countries. Thus, the process of dispossession violates this right.

The privatization and trade liberalization measures imposed by the International Monetary Fund and the World Bank with the Structural Adjustment Plans have been a mechanism for this process since the 1980s (Diop and Magrin, 2012; in Moreno, 2013). In Morocco, for example, the policies implemented from 1983 to 1993 froze wages and increased the prices of subsidized goods, privatized societies, and eliminated import barriers, diminishing employment and welfare opportunities. And in Senegal, a concrete example is the concession to Spanish companies to exploit waters and fisheries through the FORPEX program. With the aim of stopping illegal immigration, companies invest in "training sailors", exploiting these resources and taking away opportunities to support the inhabitants.

Other rights not respected in the country of origin are the right to live freely and to express opinions liberally. Recently, the waves of migration from Morocco to Spain are of young people who, faced with a lack of opportunities, demonstrate and are imprisoned. Repression and lack of democracy in many countries is certainly one more reason for emigration.

As for the violations that occurred along the way, those committed by the traffickers who transported the migrants must be considered. As they pass through the countries of transit, they are subject to the dynamics of these networks, with no information on waiting times, routes to be followed, dangers or working conditions. They often work in each place for an indefinite period to continue paying for the journey without being paid, because the payment is agreed upon and paid directly to the trafficker. They also live in precarious conditions with hardly any food and water, often sleeping outdoors, as when they spend weeks in the Sahara. All this, without any guarantee of reaching their destination or being deported at some point to their place of origin or to another country.

Ousman had passed through several countries paying traffickers until he reached Morocco. After three months living in the Sahara and having paid a thousand euros to the person who would take him to Spain, the Moroccan gendarmes caught him along with about 35 other people and took him to refuges in Algeria. The trafficker had been imprisoned and lost what he had paid. He had to pay 350 euros to someone else to return to Morocco and a thousand dollars more to get to the Canary Islands. He says that he made the payments to the "owner" and it was his workers who moved them, sometimes hitting them on the way. Today he says: "All that has already happened. Now I have helped two cousins to get to Italy".

The right to live in freedom, to work and live in dignity, to freedom of movement and expression, all of which are expressed in the Universal Declaration of Human Rights, are violated both in the origin and in the journey of migrants. And in the country of destination the picture is also dark. We have seen here the violations and treatment on arrival and some difficulties in integration. In the latter, the degree of acceptance of immigrants by the receiving society is important, and it also defines the purpose of rights and freedoms without any distinction of race, color, sex, language or religion. However, the Annual Report on the Situation of Racism in Spain 2018, prepared by the SOS Racism Federation, presents testimonies of cases of discrimination, hate crimes, social and institutional racism, and highlights the rise of the extreme right in Europe (SOS Racism, 2018).

Much remains to be done so that the migratory process, from the origin, journey and destination stops happening in an environment of continuous violations, and in that task are the policies and forms of government in the countries of origin; the European, national and local policies; the institutions in general; and the civil society, in a general framework of continuous crises of the economic system.

NOTES ABOUT THE INTEGRATION OF IMMIGRANTS

There is an enormous task of economically and socially integrating those who cannot be returned to their places of origin, who have to be accepted on the basis of an asylum application, or who are simply irregular in whatever way they entered the country. What measures does the State take to integrate these people, which pillars of integration are the strongest and the weakest, and what happens to those who cannot be returned and are released? Although there is no space here to discuss this issue in depth, I will present some measures implemented and assessments of their efficiency.

Some programs carried out by the Spanish Government's Directorate-General for Migration for the integration of immigrants are: 1) Comprehensive reception projects to attend to the basic needs of

immigrants. 2) Social and economic inclusion projects co-financed by the European Social Fund with the aim of encouraging incorporation into employment. 3) Projects to acquire basic language skills, integrate young people and minors into the education system, prevent health problems, encourage participation, and promote non-discrimination, co-financed by the European Asylum, Migration and Integration Fund.

These programs have had positive results in some aspects, so that, in the Migrant Integration Policy Index (Mipex), which measures integration policies in the EU Member States, Australia, Canada, Iceland, Japan, South Korea, New Zealand, Norway, Switzerland, Turkey and the USA, Spain has family reunification and permanent residence as integration strengths, and education, participation policies, and access to nationality as weaknesses (Mipex, 2015).

Although, in comparison with the rest of the countries analysed, Spain ranks eleventh out of 38 countries, with a score of 60 which is the same as the EU15 average, efforts do not correspond to existing needs, despite the fact that migratory flows have lost dynamism as a result, among other things, of the crisis that began in 2008.

The actions with the purpose of integrating migrants taken by the non-governmental organizations to which the non-expelled are sent are part of a future investigation, but for the moment, the statements of the interviewees from Gambia and Senegal in Maresme point out that, the people expelled from the CIE of Las Palmas (Barranco Seco) and Fuerteventura (el Matorral), are simply "thrown" into the streets of different parts of the Spanish territory so that, as we say in Spain, they "earn their living".

"When they came to rescue us, they were all desperate to get out of the boat, it turned, and I fell into the sea. I couldn't swim and almost drowned, but they saved me. I was in the hospital for three days until I recovered, and then a month and a half in a center, until one day a guard arrived, put us on a plane, and took us to Malaga. We were about 28. The shoes that they gave me in the center broke during the trip. They were very poor. When we arrived, a policeman gave me a ham sandwich and a bottle of water and told me "go". I asked him "where"? and he said "I don't know. Just go". I will never forget the feeling I had at that moment and how the hot pavement of Malaga burned my feet while I walked around not knowing where".

This declaration of total lack of protection by Musa, a 34-year-old Gambian, coincides with most of the interviewees who were in one of these two detention centres. They were all moved to different parts of Spain and "released" without further consideration. Only two said that, before being taken away, they were asked if they had any definite destination, if anyone was waiting for them somewhere, and, when they answered yes, they were put on a plane to Barcelona.

The statements are testimony that a part (the exact size is not known) of foreigners, are distributed in different places of the territory and abandoned to their fortune, without money, without having anywhere to go, without anything. All those who did not have a social network created were helped by other established Africans who hosted them, gave them money, food, contacts, survival strategies. Many years and fights have passed so that those interviewed now have a permanent residence. And, after so much, their current situation of prolonged unemployment is the next victory to be won.

The "forced distribution" of immigrants throughout the territory (even if they move over time) should be accompanied by prior policies for their reception and gradual integration, in accordance with a budget distributed to the Autonomous Communities of Spain and City Councils for that purpose. The levels of integration will be different, so research with a regional focus on how this process occurs is important. An effort in this direction was presented by the Permanent Immigration Observatory. The proposal showed that welfare indicators are unfavourable for foreigners compared to Spaniards, while access to citizenship (documentary regularity, long-term residence) is generally good (Permanent Immigration Observatory, 2014:201).

But the study concludes with something we all know. Access to employment, and I add, to quality employment, is the main problem for both foreigners and natives. Ultimately, it is access to the labour market that determines the first link in the integration process. Economic integration determines legal integration in a context of high unemployment rates and the exaggerated temporariness of labour contracts.

An irregular immigrant cannot regularize his administrative situation or "have papers" if he does not have a relatively stable job. For example, in order to obtain papers for "working roots" he must have stayed in Spain for at least two years and prove an employment relationship of no less than six months, and to obtain them for "social roots" he must have stayed at least three years, have an employment contract and prove family connections with other resident foreigners. In both cases we are talking about temporary residence permits due to exceptional circumstances that will require a much longer process to become permanent residence permits. Another paper would be required just to discuss the issue of regularization, but this example may give an idea of all the time required by an irregular immigrant to reach the first link in the long process of integration.

Modou, a 38 year-old Senegalese interviewee who arrived in Spain in 2004, obtained a permanent residence card after 8 years, living the first three years as an informal worker in the rural areas and in the construction industry, like most of those who come from Africa, until an employer formally hired him for a year and he was able to start the regularization process.

It is necessary to legalize people who, in practice, have already been integrated in the labor market and society for years and to take action for the economic integration of the irregular unemployed. The difficult access to the labour market should no more be decisive in the situation of legality. Furthermore, it is important to strengthen the pillars of social, participatory, educational and cultural integration.

CONCLUSIONS

It is enough to see the numbers of deaths in the Mediterranean to say that the migration policy of Europe and Spain is inhumane and useless. The flow of migrants from Africa and other parts of the world to Europe and Spain will not stop for various reasons: differences in income between countries (in the case of African countries, abysmal), natural disasters, wars, economic and political crises. Therefore, it is urgent to rethink the positive role of international migration in the countries of destination and origin, leading to another way of managing and perceiving it. Lorenzo Gabrielli, from Pompeu Fabra University, said in the debate on migrations "And yet it moves", that migration control is not working, and has only served to displace routes, increase deaths at borders and encourage the existence of traffickers. And Mboyi Kabunda, from the Autonomous University of Madrid, demanded to stop making a negative reading of migrations and to see that those who return to their country reinforce processes of democratization and enrich local realities. We must abandon the obsession to stop migratory flows at any cost, to adopt measures to stop the death and human rights violations that occur every day, and to look at migrations from another perspective.

Actions for the reception and gradual integration of migrants in the destination country are as necessary as actions to promote the development of opportunities in the countries of origin. Although research such as the Center for Global Development (2018) has found evidence that providing resources to developing countries stimulates migration rather than reducing it, a real fight against poverty could probably, in the long term, lead to the return of people to their origins or open up expectations for young people with an emigration profile. We cannot know until it is given in Africa, and not only cooperation with the aim of forcing countries to slow down migratory flows, within frameworks that excessively violate the most fundamental human rights such as freedom, dignity and fraternity. But, finally, the objective should be to value positively the presence of people of other origins in the countries and the richness they generate in economic, social and cultural terms.

Spain has made the greatest effort and spent the largest budget on controlling its borders, using immediate

expulsion and coordination with countries of origin to accept returns and avoid departures. Nothing has imported that the country to which they return will violate their human rights. It has not mattered that thousands die trying to set foot on land. It has not mattered that Spanish police abuse at the borders, or the violation of liberty by the practice of short or prolonged detention.

Political parties should be more involved in the initiatives presented by the non-governmental organisations that have demanded all these violations, and European and national budgets should be used to resolve asylum and integration in all its areas. It would also be good to appreciate that a large proportion of African immigrants have very strong connections with their country. Many initiatives for real cooperation could emerge from these transnational migrations.

Spain is going through difficult times economically and politically, and there are no good conditions for almost anyone, but without a doubt, some specific actions on the migration issue are more a matter of political and human intentions than of budget. I would insist that immigration is positive for all societies, and in particular for Spanish society.

REFERENCES

- AMNESTY INTERNATIONAL (2015). Europe's Gatekeeper: Unlawful detention and deportation of refugees from turkey. <https://www.amnesty.org/en/documents/eur44/3022/2015/en/>
- AMNESTY INTERNATIONAL. In no man's land. The situation of refugees and migrants in Ceuta and Melilla. 2016. Madrid. https://www.es.amnesty.org/uploads/media/Informe-Ceuta-y-Melilla_FINAL-1.pdf
- ASSOCIATION FOR HUMAN RIGHTS OF ANDALUSIA (APDHA) (2018). Human Rights in the Southern Border. <https://www.apdha.org/media/informe-frontera-sur-2018-web.pdf>
- CENTER FOR GLOBAL DEVELOPMENT, (2018). Deterring Emigration with Foreign Aid: An Overview of Evidence from Low-Income Countries. Clemens, M. and Postel H. <https://www.cgdev.org/sites/default/files/deterring-emigration-foreign-aid-overview-evidence-low-income-countries.pdf>
- CONVENTION RELATING TO THE STATUS OF REFUGEES (1951). Geneva. <https://www.acnur.org/5b0766944.pdf>
- DOCTORS WITHOUT BORDERS. November 2015. Turning a blind eye. How Europe ignores the consequences of outsourced migration management. Produced by MSF Operational Centre Barcelona

- (OCBA).
<https://arhp.msf.es/sites/default/files/Turning-a-blind-eye-ENG-091115.pdf>
- EL MUNDO (newspaper). 17 JANUARY 2018. The routes of migratory pressure by sea. Madrid.
<https://www.elmundo.es/espana/2018/01/17/5a5e636c46163f471b8b45e5.html>
- EL PAÍS (newspaper). February 16, 2014. Madrid.
https://elpais.com/politica/2014/02/16/actualidad/1392576581_845257.html
- EUROPA PRESS, (2017).
<http://www.europapress.es/epsocial/migracion/noticia-entradas-irregulares-traves-ceuta-melilla-aumentan-331-va-2017-20170912122805.html>
- HARVEY, D. (2004), The New Imperialism. OXFORD UNIVERSITY PRESS.
- HUMAN RIGHTS WATCH (2014). Abused and expelled mistreatment of migrants from sub-Saharan Africa. United States of America.
<https://ep00.epimg.net/descargables/2014/02/10/c44f5dc74c98a75f55497511354cfa6.pdf>
- INTERNATIONAL CENTRE FOR MIGRATION POLICY DEVELOPMENT (ICMPD).
- INTERNATIONAL ORGANIZATION FOR MIGRATIONS SPAIN.
<https://www.iom.int/es/news/se-contabilizan-91568-llegadas-y-1091-muertes-en-el-mediterraneo-en-2019>
- KABUNDA, M. (2012). Africa on the move. Internal and external migration. Madrid: The Cataract Books.
- MIGREUROP AND GADEM. (2015). Ceuta and Melilla. Open-air selection centres at the gates of Africa. Joint report December, 2015. European Network Migreurop and Anti-racist group for the support and defence of foreigners and migrants (GADEM). Elsa Tyszler (coord.).
<https://sosracismo.eu/wp-content/uploads/2016/06/Ceuta-Melilla-Centros-de-seleccion22.pdf>
- MINISTRY OF EMPLOYMENT AND SOCIAL SECURITY. GOVERNMENT OF SPAIN.
- MINISTRY OF THE INTERIOR. Government of Spain. Number of persons in The Foreigners Internment Centers (CIE).
- MIPEX. MIGRANT INTEGRATION POLICY INDEX (2015).
- MORENO S. AND ARIS J.P. (2013). Fisheries in Senegal. Between the global market and community livelihoods. Crossroads for southern fishing societies in the framework of globalization. Andalusian Journal of Anthropology. Number 4. March 2013, pp. 103-121.
- MUIŽNIEKS, N. (2017). Commissioner for Human Rights. Human Rights in Europe from Crisis to Renewal.
- NATIONAL INSTITUTE OF STATISTICS. Labour Force Survey.
- OFFICIAL BULLETIN OF THE SPANISH STATE. Instrument of Accession of Spain to the Convention relating to the Status of Refugees, Geneva, 28 July 1951 and Protocol relating to the Status of Refugees, New York, 31 January 1967.
<https://www.boe.es/buscar/doc.php?id=BOE-A-1978-26331>
- OFFICIAL STATE GAZETTE (2005). Royal Decree on the rights and freedoms of foreigners in Spain and their social integration. Published on January 07, 2005.
<https://www.boe.es/buscar/act.php?id=BOE-A-2005-323>
- OMBUDSMAN (2017). Annual report and debates in the Cortes Generales. Volume 1. Madrid, 2018.
https://www.defensordelpueblo.es/wp-content/uploads/2018/03/Informe_anual_2017_vol.1.1_Gestion.pdf
- PEOPLES UNITED-JESUIT SERVICE TO MIGRANTS (2015). Current situation of internment centres for foreigners in Spain and their adaptation to the current legal framework. Madrid.
- REFUGEE ASSISTANCE COMMISSION (2016). Migratory movements in Spain and Europe. CEAR, Madrid.
- SABATER J. (2004). Irregular immigration: arrival routes and living conditions. CIDOB Documents. Migrations Series No. 3. Barcelona. pp. 19-45.
- SÁCHEZ RIBAS, J. (2015). Illegal and orderly immigration from Africa. Is it possible?.
<http://extranjeria.blogs.lexnova.es/2015/05/18/inmigracion-legal-y-ordenada-desde-africa-es-posible/>
- SOS RACISM (2018). Annual Report on Racism in Spain.
<https://sosracismo.eu/wpcontent/uploads/2018/11/Informe-prensa.pdf>
- SPANISH RED CROSS (2008). African migrations to Europe. Quantitative and comparative study. Years 2006-2008. Centre nº 6 de Nouadibou, Mauritania.
- UNITED NATIONS ORGANIZATION. Human Rights Council. Report of the Working Group on Arbitrary Detention. 2010.