

## **Clarification 1. Rationale for counting in-donor refugee costs as ODA** **Q1/ Describe in a nutshell the asylum procedure in your country.**

In order for a person to have access to the resources of the Reception System for Applicants and Beneficiaries of International Protection (SAISAR), they must be a beneficiary or applicant for international protection and have no economic means to support themselves.

The SAISAR is developed through individualized routes of preparation for autonomy, whose purpose is to facilitate the progressive autonomy and social and labour integration of the beneficiaries in the host society. These itineraries are implemented in three phases. The total duration is up to 18 months, extendable to 24 months for very vulnerable people. The duration of each phase is graduated according to the degree of autonomy acquired by the beneficiary.

### **Initial phase: Evaluation and Referral / Emergency Reception (estimated duration 30 days):**

The phase begins with the application for international protection or expression of willingness to apply for asylum and following an interview with the social work unit which determines the applicant's vulnerability and need for support. At this stage, an initial assessment of the applicants' needs is carried out and they are referred, if necessary, to the accommodation resources best suited to their profile in the shortest possible time.

To ensure that basic and urgent needs are met, referral to temporary accommodation resources may be made prior to access to reception facilities.

### **1st phase: Temporary reception (estimated duration, 6 months)**

The phase begins with admission to a centre or facility. It aims to cover the basic needs of the recipient and to help them acquire the skills to facilitate an independent life on leaving the centre. There are specific resources for vulnerable groups, such as women victims of human trafficking and their children; victims of gender-based violence and their children; single-parent families with minors; persons with serious illnesses; persons with mental disorders; persons who have suffered torture, rape or other serious forms of psychological, physical or sexual violence; young people, etc.

This phase includes actions related to:

- Accommodation and attention to basic needs.
- Individualized social attention.
- Elaboration and follow-up of a social integration itinerary (A personalised orientation process is carried out by designing a preparation itinerary for the autonomy of the recipients. This includes the study, assessment, guidance and monitoring of the effectiveness of the process in different areas (social, health, education, etc.).
- Activities of literacy, learning of Spanish, contextualization, and knowledge of the values of the host society.
- Cultural, sports and leisure activities
- Social, family, health, and/or intercultural mediation interventions.
- Delivery of aid for: out-of-pocket expenses, toiletries, pharmacy, occasional dental and sanitary aid, clothing, transport, training, facilitating autonomy on leaving the centres, etc.

### **2nd phase: Preparation phase for autonomy (estimated duration, 12 months)**

The second phase begins when people finish their stay in the reception facility and require further support.

At this stage, the beneficiary is granted monthly rental and maintenance allowances according to his or her needs and those of his or her dependants. These aids may be supplemented by school and adult training aids.

The top five countries of origin of applicants for international protection in 2019 were: Venezuela, 40.886 applicants; Colombia, 29.410 applicants; Honduras, 6.803 applicants; Nicaragua, 5.935 applicants; and El Salvador, 4.784 applicants.

### Clarification 2. Meaning of the term “refugees”

**Q2/ Indicate the categories of refugees for which costs are included in your ODA reporting: asylum seekers, recognised refugees, persons granted temporary or subsidiary protection.**

Spain includes costs for all categories of “refugees”: asylum seekers ultimately accepted, asylum seekers – rejected, recognised refugees, persons granted temporary or subsidiary protection, refugees under a resettlement programme (or “quota” refugees) and discontinued cases (until the case is discontinued).

### International protection

The **right to asylum**, recognized in Article 13.4 of the Spanish Constitution, is the protection given to non-EU nationals or stateless persons who are recognized as refugees under the terms established in Law 12/2009 of 30 October, regulating the Right of Asylum and Subsidiary Protection, and in the Convention Relating to the Status of Refugees, done at Geneva on 28 July 1951 and its Protocol.

**Refugee status** is granted to any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion, membership of a particular social group, gender or sexual orientation, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or to a stateless person who not having a nationality and being outside the country where he/she previously had his/her habitual residence, for the same reasons he/she cannot or, because of such fears, does not want to return to it, and is not involved in any of the causes of exclusion, denial or revocation established in Law 12/2009, of 30 October, regulating the Right of Asylum and Subsidiary Protection.

The **right to subsidiary protection** is afforded to persons from other countries and to stateless persons who do not qualify for asylum or recognition as refugees but in respect of whom there are serious grounds for believing that they would return to their country of origin in the case of nationals or, in the case of stateless persons, to their country of former habitual residence, would face a real risk of suffering any of the serious harm provided for in Law 12/2009, of 30 October, regulating the Right of Asylum and Subsidiary Protection, and who cannot or, because of this risk, do not wish to avail themselves of the protection of the country in question, provided that none of the causes for exclusion or refusal established in the aforementioned Law exists.

The **protection granted by the right of asylum and subsidiary protection** consists of the non-refoulement and non-expulsion of persons who have been recognized, as well as the adoption of the measures provided for in Spanish legislation, European Union legislation and international conventions ratified by Spain.

### Statelessness

Spain is one of the few countries that have a specific procedure for the recognition of statelessness. In this regard, a stateless person is a person who is not considered by any State to be its national, in accordance with its laws. The costs of statelessness persons are included.



The existence of a specific procedure in the Spanish legal system provides a considerable degree of legal security and it is one of UNHCR's recommendations in this area. The S.D.G. for International Protection or Asylum and Refugee Office is responsible for processing applications for recognition of statelessness, in accordance with the Convention relating to the Status of Stateless Persons, made in New York on 28 September 1954, article 34.1 of Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain, and Royal Decree 865/2001, of 20 July, which approves the Regulations for Recognition of the Status of Stateless Persons.

The latest data provided by the Spanish Refugee Aid Commission (CEAR) indicate that 29% of asylum seekers were ultimately rejected in 2019.

### Clarification 3. Twelve-month rule

**Q3/ When does the twelve-month rule start (date of application, date of entry into the country, date of start of support)?**

The twelve-month rule starts to count when the potential beneficiary expresses the intention to apply for protection. It usually takes more than 12 months for the application to be resolved. Applicants, while still in the system, are counted as recipients of aid. There are applicants who live with family members residing in Spain, so they do not receive all the types of assistance described in Q4.

### Clarification 4. Eligibility of specific cost items

**Q4/ Provide the list of cost items included in ODA for each category of refugee and a justification for their inclusion.**

Spain includes in ODA just core cost items:

- Accommodation and attention to basic needs.
- Individualized social attention.
- Elaboration and follow-up of a social integration itinerary
- Activities of literacy, learning of Spanish, contextualization, and knowledge of the values of the host society.
- Cultural, sports and leisure activities
- Social, family, health, and/or intercultural mediation interventions.
- Delivery of aid for: out-of-pocket expenses, toiletries, pharmacy, occasional dental and sanitary aid, clothing, transport, training, facilitating autonomy on leaving the centres, etc.
- Related costs to the Dublin procedure
- Rescue at sea: Rescue at sea is humanitarian and it is the main purpose of the operation. All this activities are grants to NGOs. Only the additional cost related to the operation are counted.
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*Lodging (cost of provisional accommodation for the first few weeks and the rent of a flat or room for the rest of the itinerary), food, but also*

*Learning the language:* Teaching of Spanish and, where appropriate, other official languages in the place where the itinerary is being carried out in order to ensure language immersion. It must be adapted to the specific needs and levels of the persons concerned.

*Psychological care:* Attention to the adaptation difficulties of the beneficiaries in order to promote the development of psychosocial skills and competences, the promotion of health and social integration, through the development of processes, individual and/or collective, of evaluation, diagnosis, psychological follow-up, in close collaboration and



coordination with the psychological and psychiatric services of other Public Administrations and private entities, facilitating the standardized use of the available devices.

*Legal assistance:* Advice and necessary legal assistance related to applications for international protection and other queries related to foreigners.

*Translation and interpretation:* To facilitate, within the scope of the actions contemplated in the project, communication between the beneficiaries and the public or private entities with which they are related in the development of the individualised integration itineraries, as well as to guarantee a correct understanding of the information, advice and/or services they receive.

The staff costs of migration centres (Refugee Reception Centre (CAR) and Centre for Temporary Stay of Immigrants (CETI)), supplies and works (equipment and adaptation of buildings) and subsidies (covers for example accommodation, and maintenance of the beneficiaries, and the provision of basic social services, among which the following stand out: guidance for their incorporation into the educational, health and social system). From 2020 onwards supplies and works will not be reported as ODA. *NO job search training has been included in ODA.*

#### **Clarification 5. Methodology for assessing costs**

**Q5/ Describe the methodology used for assessing ODA-eligible costs and provide the actual data points and detailed calculations used to reach the figures reported as ODA.**

The Asylum System is mainly funded through 1) grants to NGOs that carry out the refugee programmes. The costs to be financed are those necessary to cover the actions included in each of the phases, as well as covering 2) the staff costs of migration centres (CAR and CETI), supplies and works (equipment and adaptation of buildings) and subsidies.

The sum of cost 1) and 2) is what Spain reports as ODA. Spain divides this cost per number of refugees in our system (per nationalities) and Spain reports the amount as ODA distributed by nationalities.

As a result, subsidized costs in relation to the above actions (Q4) are allocated as ODA. The amount co-financed by European funds is not taken into account. Cost for refugees from non-ODA eligible countries are not included either.

It is important to mention that the cost of access to Spanish public services, to which they are entitled as applicants for international protection, has not been considered in the calculation of ODA. For example, the schooling of minors or social and health care are not accounted in ODA. Spain is therefore not applying imputations for calculating cost.

Spain uses the same methodology to assess cost for different categories of refugees. The time taken to resolve refugee claims is usually more than one year and therefore no distinction is made for the time being between categories of refugee claimants.

In the future it could be possible to provide a more disaggregated reporting per category of refugees if Spain used the share of asylum seekers finally rejected and multiply this number by the number of refugees. The problem in making these estimations is that Spain will need to use the shares based on previous year/s data and the shares of rejected asylum seekers have variations depending on the year but also depending on the nationalities

*How does your methodology ensure there is no double-counting (e.g. counting the costs for the same person for 12 months as an asylum seeker and another 12 months as a refugee granted status)?*

For the time being our methodology cannot ensure that once a person has spent more than 12 months in the system,

costs are no longer reported as ODA.

*Do you use imputations when refugees benefit from the services available to all citizens (e.g. education or health)? How do you clearly define the estimate of the number of refugees/asylum seekers benefiting from a particular service for up to 12 months?*

Spain does not apply imputations when refugees benefit from the services available to all citizens.

*What estimates do you use? What is their source and their frequency of updating?*

*How do you assess the share of rejected asylum seekers: based on real data, estimates, well founded expectations? Based on first instance or final rejection?*

For the moment Spain is not reporting the share of rejected asylum seekers. The only way Spain could do that would be using estimates based on the share of rejected asylum seekers from previous years.

*Provide data on the number of refugees and per capita costs (included in ODA), the average time to get a decision on status, the average time on support, the share of rejected asylum seekers.*

Spain cannot provide data on per capita costs per refugee as we make ODA accounting using a different methodology: adding the different costs and dividing by the number of refugees

At the time of writing, Spain does not have information on the average duration of the time to obtain a decision on the situation or the average time of support. The total duration could be up to 18 months, extendable to 24 months for very vulnerable people.

The latest data provided by the Spanish Refugee Aid Commission (CEAR) indicate that 29% of asylum seekers are ultimately rejected.

<b>In-donor refugee costs reported as ODA for 2019</b>	<b>Amount of ODA (in disbursements, USD current prices, in thousands)</b>
Administrative costs	1.68
Food and shelter	41.87
Health	22.72
Other temporary sustenance	3.62
Rescue at sea	586.91
Training	6.72
Transport	3.36
Agreement with the Association of hosting families for Saharawi children (AFANIS) and the Delegation of the Polisario Front in the Basque Region	22.39
Attention guidance and support for the people received in Euskadi	1262.57
Cooperation projects	78.36
Dining rooms for refugees in Greece in 2019	167.92
Direct subsidy for the Ignacio Ellacuria Social Foundation for the Community Sponsorship of re-settled refugee families	51.12
Donation of a vehicle for Zaporeak an NGO working in refugee camps in Greece	2.46
Grants for asylum shelter and health care CETI	286149.09
Healthcare for refugees during their first 12 months in Catalonia	3541.03
Hosting program for children of Belarus 2019	13.43
Itineraries of Social and Labor Insertion for asylum applicants	55.97
Mediating actions with migrants and refugees for access to services in the North and Macarena districts	6.72
Migration centers CAR and CETI	7738.81
Subsidy for Caritas for the Community Sponsorship of re-settled refugee families	77.18
<b>Total in-donor refugee costs in ODA for 2019</b>	<b>299833.93</b>

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**IN-DONOR REFUGEE COSTS IN ODA**