



INTERNAL AUDIT DIVISION

REPORT 2020/043

Audit of the operations in Spain for the Office of the United Nations High Commissioner for Refugees

**There was a need to assess the impact of
advocacy interventions, monitor reception
conditions and durable solutions**

27 November 2020

Assignment No. AR2020-121-01

Audit of the operations in Spain for the Office of the United Nations High Commissioner for Refugees

EXECUTIVE SUMMARY

The Office of Internal Oversight Services (OIOS) conducted an audit of the operations in Spain for the Office of the United Nations High Commissioner for Refugees (UNHCR). The objective of the audit was to assess whether the UNHCR Representation in Spain was performing its supervisory duty in protecting its persons of concern (PoCs) in a cost-effective manner and in accordance with UNHCR's policy requirements. The audit covered the period from 1 January 2018 to 31 December 2019 and included a review of: (a) programme planning, monitoring and reporting; (b) fair protection process and documentation; and (c) durable solutions. In addition, through review of these three areas, OIOS drew overall conclusions about the Representation's risk management.

The Representation was committed to strengthening its risk management processes and internal controls, but needed to review its advocacy interventions, develop procedures for monitoring reception conditions and enhance its monitoring of durable solutions.

OIOS made three recommendations. To address issues identified in the audit, UNHCR needed to:

- Assess the impact of advocacy interventions and train monitoring teams on the results-based management framework and impact assessment methodology;
- Develop standard operating procedures (SOPs) for monitoring reception centre conditions, prepare guidance on UNHCR data protection policy for partners and assess the cost/benefit of using proGres for case management; and
- Develop specific and measurable indicators to monitor durable solutions and complementary pathways at the output level and SOPs to provide support in programme design.

UNHCR accepted the recommendations and has initiated actions to implement them.

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Audit of the operations in Spain for the Office of the United Nations High Commissioner for Refugees

I. BACKGROUND

1. The Office of Internal Oversight Services (OIOS) conducted an audit of the operations in Spain for the Office of the United Nations High Commissioner for Refugees (UNHCR).
2. The UNHCR Representation in Spain (hereinafter referred to as ‘the Representation’) started operations in 1979 to provide persons of concern (PoCs) with international protection, humanitarian assistance and durable solutions. As of 31 December 2019, there were 195,037 asylum seekers and refugees in Spain. The Representation works with the host government to advocate for and support the latter’s responsibility towards asylum seekers and refugees. It also advocates for: comprehensive sea arrival management; fairer and faster procedures as well as a better-coordinated asylum system; provision of adequate reception capacity based on European standards; further local integration opportunities; and increasing international responsibility-sharing.
3. The Representation had a Country Office in Madrid and maintained field presence in Melilla, Algeciras and Malaga. The Representation was headed by a Representative at the P-5 level and had a total workforce of 33 including staff positions and affiliate personnel. It disbursed \$6.2 million from 1 January 2018 to 31 December 2019. It had one partner in the audit period through which it spent \$187,227 and \$436,780 in 2018 and 2019 respectively. This corresponded to 18 per cent and 31 per cent respectively of the operational budget of each year.
4. Comments provided by UNHCR are incorporated in italics.

II. AUDIT OBJECTIVE, SCOPE AND METHODOLOGY

5. The objective of the audit was to assess whether the UNHCR Representation in Spain was performing its supervisory duty of protecting the rights of its PoCs in a cost-effective manner and in accordance with UNHCR’s policy requirements.
6. This audit was included in the 2020 risk-based work plan of OIOS at the request of the UNHCR Regional Bureau for Europe.
7. OIOS conducted this audit from February to May 2020. The audit covered the period from 1 January 2018 to 31 December 2019. Based on an activity-level risk assessment, the audit covered the following areas: (a) programme planning, monitoring and reporting; (b) fair protection process and documentation; and (c) durable solutions with a focus on integration. OIOS also drew overall conclusions about the Representation’s risk management process.
8. The audit methodology included: (a) interviews of key personnel; (b) review of relevant documentation; (c) analytical review of data including financial data from Managing for Systems, Resources and People (MSRP); the UNHCR enterprise resource planning system, and performance data from Focus, the UNHCR results-based management system; (d) sample testing of controls; and (e) visits to UNHCR offices in Madrid, Algeciras and Malaga, the office of the implementing partner, and three reception centres in Madrid, Algeciras and Malaga.

9. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

III. AUDIT RESULTS

A. Risk management

The Representation was committed to strengthening its risk management process

10. The Representation compiled its risk register and identified 5 high and 21 medium risks in areas such as conditions at reception centres, sexual and gender-based violence and unfavourable protection environment. The Representation identified 69 proactive and 5 reactive treatments to mitigate the identified risks. However, it had not yet fully embedded risk management into its operations management cycle and decision-making, as identified risks were not being systematically considered in programme planning, fair protection and durable solutions processes as demonstrated below. Additionally, the Representation did not have a process for updating its risk register throughout the year to ensure emerging risks were captured and associated treatment plans were developed. The Representation agreed to put in place measures to further strengthen its risk management processes and capacity.

B. Programme planning, monitoring and reporting

There was a need to evaluate effectiveness of strategies and enhance monitoring

11. The Representation's annual operations plans were aligned with UNHCR's strategic 2017-2021 directions in Europe. Its main strategic priority was to provide technical support to the Government of Spain in meeting its obligations under the 1951 Refugee Convention and its 1967 Protocol.

12. Over the years in executing its strategic priorities, the Representation implemented several initiatives to support the government in strengthening its capacity for meeting its international obligations. For 2019, the technical support included providing: (a) training for 102 government officials, 420 border guards and 880 lawyers on key protection matters such as refugee status determination (RSD) and identification of protection needs; and (b) information on international protection to PoCs on arrival at the border through its implementing partner. The Representation also provided guidance and advice to the government on: (i) specific protection needs of survivors of human trafficking, (ii) dealing with sexual and gender-based violence, and (iii) child protection issues. It assisted in the development of a training video for national police on interviewing techniques and accelerated procedures to be used at airports, Alien's Detention Centres and land borders of Ceuta and Melilla.

13. While the Representation stated that it regularly assessed the impact of its strategies during the annual planning process, it had not conducted an independent impact assessment of its programme to assess relevance, effectiveness and efficiency, impact and/or sustainability of the support, advocacy and training it had been providing. After completion of the fieldwork, the Representation provided an evaluation report done by the Regional Bureau of Europe on "Effectiveness and Relevance of Advocacy Approaches with the European Union (EU) and in EU/EFTA countries (2015-2017)", however no evidence was provided that action was taken to address the recommendations raised in the report. The evaluation made six recommendations to be addressed by country operations including the need to: develop of a country-level multi-year advocacy strategy to complement the operations plan; review the role of the multifunctional teams in designing and implementing the national advocacy strategy; and train staff in implementing advocacy. Whilst the Representation had developed an External Relations and Public Information Integrated Strategy, it did not prepare a multi-year advocacy strategy.

14. In OIOS opinion, an assessment of its strategies is timely in order to identify lessons learned and to further develop the Representation's strategic objectives, as the following was noted about the Representation's interventions:

- (a) The UNHCR Global Focus Indicator recorded that 118,264 asylum applications were received in Spain in 2019 (112 per cent increase over the number of applications received in 2018) and 133,015 applications were pending decision by the government. This high increase in the arrival of asylum seekers and backlog may heighten protection risks that PoCs are exposed to and thus, the level of support to be provided.
- (b) In 2019 the Representation implemented a project through its partner to identify protection needs of PoCs at main disembarkation points and take required measures to reduce protection risks. This included protecting victims and survivors from all forms of abuse, sexual exploitation, and gender-based violence and ensuring that they had access to medical care, psycho-social support, legal aid and physical safety. The partner was also responsible for facilitating PoCs access to the asylum process and/or referring them to other protection mechanisms. While the Representation had strengthened the capacity of the partner in areas of monitoring arrivals, identification of protection needs and in making referrals, further capacity building and/or guidance was needed to ensure a more systematic method of identifying asylum seekers with specific needs upon arrival. The current practice was limited to an age assessment to identify potential unaccompanied children or victims of trafficking.
- (c) In 2019, the average recognition rate for asylum in Spain had fallen from 35 to 24 per cent; the lowest rate of the 27 European countries. Although the Representation advocated to the government to accept more refugees, additional support may be required in this area.

15. Additionally, in July 2019, the Representation signed an agreement with the government to identify gaps in its procedures and to develop a new case management strategy to improve the quality of the asylum process and address the backlog of cases of persons seeking asylum. The Representation informed that it would continue to work with the relevant ministry to support the design of a case management strategy. As this is a longer-term project and action is already being taken by the Representation, no recommendation has been made at this time.

16. Further, to monitor and report on the Representation's achievements in the UNHCR results-based management (RBM) framework, it prepared mid-year and year-end key indicator reports and was in the process of completing the year-end report for 2019 at the close of the audit. The Representation, as per its key indicator report for 2018, achieved 9 of its 10 impact indicators and 22 of 28 performance indicators. Additionally, in 2019, it prepared an impact monitoring plan that provided a schedule, assigned responsibilities for each indicator focal point and indicated the sources for data collection. However, the monitoring process and thus reporting in the RBM framework needed to improve by providing staff with additional training and guidance on monitoring methodology and data collection techniques to be used in performance reviews.

(1) The UNHCR Representation in Spain should: (i) arrange with the support of the Regional Bureau for Europe an objective assessment of the impact of UNHCR's advocacy interventions which may lead to a revision of its strategy; and (ii) train monitoring teams on the results-based management framework and impact assessment methodology.

UNHCR accepted recommendation 1 and stated that the Representation would seek support from the Regional Bureau of Europe's Multi-Functional Team to conduct the assessment and the training on the RBM framework in 2021 given that the new RBM would become effective for all country programmes

from 1 January 2022. Recommendation 1 remains open pending receipt of: (i) the results of the assessment of its advocacy interventions; and (ii) evidence of staff training on RBM framework and the impact assessment methodology.

The Representation was working with the government to improve the quality of data on PoCs

17. The Representation prepared its operation plans based on PoC statistics received from the government. The government provided provisional data during the year, while the final data was often provided after the close of the year. The delay affected the accuracy of PoCs statistics which ultimately impacted the effectiveness of the Representation's strategies. For example, the Representation was unable to give an exact number for sexual and gender-based violence cases and child protection issues among refugees in 2019 as the statistics had not been received from the government. The Representation attributed the delay to several reasons including: (a) a lack of effective coordination between different government departments who were responsible for registration and RSD procedures; (b) a lack of a central database or a central registry to compile and update information on refugees and asylum seekers received from different government departments and regions; and (c) difficulty in timely tracking of movement and migration of PoCs to other European countries.

18. To improve the quality and completeness of the data, the Representation informed that it had initiated the process of signing a data sharing agreement with the government. It stated that the problem in updating statistics on PoCs was because the government did not have a system to capture accurate data and timely information, albeit, it was planning to install a data management system. Once this is implemented, the Representation confirmed that the government would be in a better position to share data on PoCs. Based on the action being taken, OIOS has not made a recommendation on this issue.

C. Fair protection processes and documentation

The Representation needed to strengthen its monitoring of reception centres, and ensure that data of persons of concern is properly managed and safeguarded

(a) Reception centres conditions were sometimes poor and inconsistent procedures were being applied

19. The Spanish reception system was designed in three phases: (i) assessment and referral; (ii) the reception or "first phase" and (iii) the preparation for autonomy or "second phase". Accommodation was provided to asylum seekers in the first phase, while in the second phase they moved out of reception centres and received financial support for basic expenses to start normal life. There were four refugee reception centres managed by a government agency with a capacity of 416 accommodation places, and there were also over 1,000 reception facilities with a capacity of about 9,000 places managed by 21 non-government organizations and other entities. The lack of accommodation capacity compared to the number of PoCs in need and access to such facilities meant that many asylum seekers, including children did not benefit from the reception centre system. UNHCR reported that as a result, asylum seekers were sometimes left destitute and homeless for months and were forced to sleep on the streets. For example, in 2019, UNHCR's implementing partner reported that the average wait time to be allocated an accommodation place was six months.

20. The facilities available at the reception centres visited by OIOS varied depending on the authority managing them. For instance, one reception centre in Malaga lacked facilities to aid persons with reduced mobility or specific needs, and to enable self-catering to give asylum-seekers an opportunity to improve their nutritional needs. Additionally, for the Temporary Immigrant Stay Centres in Ceuta and Melilla, designed for short-term stay for undocumented immigrants or asylum seekers, situations of overcrowding,

particularly in Melilla, were common, exposing asylum seekers and migrants to poor health conditions. The Representation stated it was aware of this and had documented these problems and raised these issues with the authorities many times.

21. The Representation reported in Focus that it had conducted 534 monitoring visits to reception centres surpassing the target of 500 in 2018. It had noted good practices and challenges faced in the reception centres. However, it did not maintain the momentum in 2019 as it conducted only 365 visits against the target of 500 visits, despite an increase in the number of sea arrivals and related protection risks. The Representation stated that this was due to a shortfall in staffing resources, since they were assigned to other priority protection issues such as RSD, public information and durable solutions. However, the Representation did not adjust its targets to reflect its change in priorities. The Representation also did not: (a) provide evidence that its monitoring visits were risk-based and conducted systematically using the multi-functional team approach; and (b) map the centres to identify prevailing practices and capacities to inform an effective advocacy response, especially in centres that were not adapted to asylum seekers with specific needs. The Representation indicated that it would enhance its monitoring activities and focus on identifying persons with specific needs and their referral.

(b) Data protection and management of registration information needed to be enhanced

22. The Representation had not put in place sufficient measures and lacked standard operating procedures (SOPs) to guide its partner on data protection to ensure data gathered from PoCs was adequately safeguarded, and PoCs were aware of their rights relating to sharing of personal data. For instance, there was no evidence that the Representation ensured that the partner: (i) systematically sought and recorded the consent of PoCs before personal data was collected; (ii) gave PoCs an opportunity to object to their data being used or shared and were made aware of the consequences of doing so and/or objections were recorded and followed up; and (iii) informed PoCs of their rights to request access, correction, or deletion of their data. In response to the audit, the Representation stated that they would ensure access to the training module on UNHCR data protection policy for partners and for the UNHCR team and would also include data protection safeguards in the partnership agreement.

23. Furthermore, although the Representation was not involved in the registration of PoCs, it processed and maintained records of PoCs personal data. This information was maintained in Excel, as the Representation had not implemented the UNHCR corporate registration and case management software system known as proGres, citing cost effectiveness in light of the areas in which the activities it was focused on such as: advocacy, technical support and capacity building. However, the Representation had also not conducted a data protection impact assessment to analyze the risks to the rights of PoCs, there were proper security safeguards, and to ensure compliance with the UNHCR Policy on the Protection of Personal Data of Persons of Concern to UNHCR. The use of Excel also prevented the Representation from managing individual cases and implementing the data protection policy effectively.

(2) The UNHCR Representation in Spain should: (i) develop standard operating procedures to enhance its monitoring of reception centres and continue to advocate for improvement in their conditions; (ii) provide training to support the capacity of its partner in protecting personal data of persons of concern; and (iii) assess the need to use proGres in facilitating case management of persons of concern.

UNHCR accepted recommendation 2 and stated that the Representation with the support and full engagement of competent authorities would map the reception centres and align its monitoring strategy. In line with the changes related to partnership management introduced by the Implementation Management and Assurance Service at Headquarters, it would implement the training on data protection needs. It also would assess the need to use proGres, with the support of the Protection and Data

Management teams of the Regional Bureau for Europe taking into consideration the specific national and regional context in respect of registration and data management in general as well as UNHCR's supervisory role in countries where the government carries out registration. Recommendation 2 remains open pending receipt of: (i) SOPs on monitoring of reception centres; (ii) evidence of training for UNHCR and partner staff on UNHCR data protection policy; and (iii) results of the assessment on the use of proGres for case management.

D. Durable solutions: Integration

There was a need for the Representation to support the development of measurable indicators to monitor the implementation of durable solutions and complementary pathways

24. In Spain, integration was the primary durable solution for refugees and asylum seekers. The Representation had supported the government in drafting a National Integration Plan for refugees and beneficiaries of international protection. However, at the time of the audit, the Plan was not yet finalized by the government, despite the pledge made in the 2019 Global Refugee Forum. The Representation informed that this was mainly due to the *ad interim* nature of the government until early 2020, which impeded the commitment of additional public funding necessary for its implementation.

25. The Representation had continued: (a) its advocacy through intensive networking with universities at a national level for access of refugees to higher education; (b) supported and provided its expertise to institutions and other actors willing to do more as part of a community-based approach to enhance integration outcomes; and (c) developed and implemented an “External Relations and Public Information Integrated Strategy” which among other objectives, supported the implementation of an integration strategy and the development of complementary pathways such as community sponsorship and student visa and scholarship programmes. Complementary pathways are safe and regulated avenues that complement refugee resettlement and by which refugees may be admitted in a country and have their international protection needs met while they are able to support themselves to potentially reach a sustainable and lasting solution.

26. However, at the time of the audit, the Representation had not evaluated the impact of these programmes to inform the future planning and implementation of integration activities, including existing legal, social and economic frameworks. It had also not conducted a mapping exercise of asylum seekers and refugees to measure the extent of the integration advocacy and support interventions that may be necessary to address the low integration prospects of PoCs in Spain, which may be the reasons for the high secondary movements to other European Union countries. Given that these observations are linked to recommendation 1, OIOS was not raising a separate recommendation.

27. The Representation had identified both impact and performance indicators to measure its results of implementing durable solutions including complementary pathways. However, some of the indicators were either not meaningful or relevant or difficult to achieve or measure at the output level. For example, indicators like: (i) increase in resettlement places offered by resettlement countries; (ii) extent to which resettlement country law and policy support integration of resettled refugee; and (iii) establishment or improvement of resettlement programmes in new or emerging “resettlement countries” did not represent the Representation’s overarching goal of seizing new opportunities to transform Spain from a transit country to a country of asylum. Also, the Representation had not developed SOPs for the National Resettlement Programme of Spain to provide support in programme design.

- (3) The UNHCR Representation in Spain should develop specific and measurable indicators to monitor the durable solutions and complementary pathways at output level and standard operating procedures to provide support in programme design.**

UNHCR accepted recommendation 3 and stated that the Representation would seek the support of relevant Bureau and headquarter entities noting that complementary pathways involve a large range of actors and are accessible for various profiles beyond UNHCR's POCs. Recommendation 3 remains open pending receipt of SOPs and indicators to evaluate durable solutions, including complementary pathways.

IV. ACKNOWLEDGEMENT

28. OIOS wishes to express its appreciation to the management and staff of UNHCR for the assistance and cooperation extended to the auditors during this assignment.

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STATUS OF AUDIT RECOMMENDATIONS

Audit of the operations in Spain for the Office of the United Nations High Commissioner for Refugees

Rec. no.	Recommendation	Critical ¹ / Important ²	C/ O ³	Actions needed to close recommendation	Implementation date ⁴
1	The UNHCR Representation in Spain should: (i) arrange with the support of the Regional Bureau for Europe, an objective assessment of the impact of UNHCR's advocacy interventions which may lead to a revision of its strategy; and (ii) train monitoring teams on the results-based management framework and impact assessment methodology.	Important	O	Receipt of: (i) the results of the assessment of its advocacy interventions; and (ii) the evidence of staff training on the RBM framework and the impact assessment methodology.	31 December 2021
2	The UNHCR Representation in Spain should: (i) develop standard operating procedures to enhance its monitoring of reception centres and continue to advocate for improvement in their conditions; (ii) provide training to support the capacity of its partner in protecting personal data of persons of concern; and (iii) assess the need to use proGres in facilitating case management of persons of concern.	Important	O	Receipt of: (i) SOPs on monitoring of reception centres; (ii) evidence of training for UNHCR and partner staff on UNHCR data protection policy; and (iii) results of an assessment on the use of proGres for case management.	31 December 2021
3	The UNHCR Representation in Spain should develop specific and measurable indicators to monitor the durable solutions and complementary pathways at output level and standard operating procedures to provide support in programme design.	Important	O	Receipt of SOPs and indicators to evaluate durable solutions, including complementary pathways.	31 December 2021

¹ Critical recommendations address those risk issues that require immediate management attention. Failure to take action could have a critical or significant adverse impact on the Organization.

² Important recommendations address those risk issues that require timely management attention. Failure to take action could have a high or moderate adverse impact on the Organization.

³ Please note the value C denotes closed recommendations whereas O refers to open recommendations.

⁴ Date provided by UNHCR in response to recommendations.

APPENDIX I

Management Response

Management Response

Audit of the operations in Spain for the Office of the United Nations High Commissioner for Refugees

Rec. no.	Recommendation	Critical ⁵ / Important ⁶	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
1	The UNHCR Representation in Spain should: (i) arrange with the support of the Regional Bureau for Europe, an objective assessment of the impact of UNHCR's advocacy interventions which may lead to a revision of its strategy; and (ii) train the monitoring teams on the results-based management framework and the impact assessment methodology.	Important	Yes	(i) Representative of UNHCR Spain and Snr Policy Officer at the Regional Bureau of Europe (ii) Senior Protection Officer and Admin/Finance Associate	31/12/2021 31/12/2021	(i) The UNHCR Representation in Spain accepts this recommendation and will seek support from Regional Bureau of Europe's Multi-Functional Team to conduct the assessment. (ii) The training will be conducted in 2021 using UNHCR's current Results-Based Management system, Results Framework, Impact Indicator Guidance Sheets and the Advocacy toolkit. It will be adapted accordingly to the new Results Framework as training and roll-out start in January 2021, and it becomes effective for all country programmes from 1 January 2022.
2	The UNHCR Representation in Spain should: (i) develop standard operating procedures to enhance its monitoring of reception centres and continue to advocate for improvement in their conditions; (ii) provide training to support the capacity of its partner in protecting personal data of persons of concern; and (iii) assess the need to use proGres in facilitating case management of persons of concern.	Important	Yes	(i) Protection Officer and Senior Protection Officer (ii) Protection Officer	31/12/2021 31/12/2021	(i) The UNHCR Representation in Spain accepts this recommendation but would like to highlight that the support and full engagement of competent authorities and regional authorities will be needed in order to map the reception centers and align the monitoring strategy. (ii) This recommendation is accepted. The training to current and future

⁵ Critical recommendations address those risk issues that require immediate management attention. Failure to take action could have a critical or significant adverse impact on the Organization.

⁶ Important recommendations address those risk issues that require timely management attention. Failure to take action could have a high or moderate adverse impact on the Organization.

Rec. no.	Recommendation	Critical ⁵ / Important ⁶	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
				(iii) Protection Officer and Senior Protection Officer	31/12/2021	partner personnel on data protection (including Partnership Agreement Annex F) needs to be implemented in line with the changes related to partnership management introduced by the Implementation Management and Assurance Service at HQ, as well as in coordination with other relevant HQ entities. (iii) This recommendation will be implemented with the support of the Protection and Data Management teams of the Regional Bureau for Europe and will need to take into consideration the specific national and regional context in respect of registration and data management in general as well as UNHCR's supervisory role in countries where registration is carried out by the government.
3	The UNHCR Representation in Spain should develop specific and measurable indicators to monitor the durable solutions and complementary pathways at output level and standard operating procedures to provide support in programme design.	Important	Yes	Durable Solutions Associate	31/12/2021	The UNHCR Representation in Spain accepts this recommendation and would like to note that for its implementation it will seek support of relevant Bureau and HQ entities, namely the Resettlement and Complementary Pathways Service in DIP, noting that complementary pathways involve a large range of actors and are accessible for various profiles beyond UNHCR's persons of concern.