

Families of Missing Migrants:

Their Search for Answers, the Impacts of Loss and Recommendations for Improved Support

Country report:
Spain



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Cover photo: *Washed Up and Down*. On 1 November 1988, 18 people drowned trying to reach Spain. This was the first shipwreck recorded on an irregular migration route to the country. Since that fateful day, more than 9,100 people are believed to have lost their lives migrating to Spain. Each person who disappears or dies leaves behind family and friends who miss them, wonder where they are, and search for information about their loved one's fate and whereabouts.
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Chapter 1: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

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This publication is the result of a collaborative effort involving several IOM offices and a team of independent researchers participating in the project “Assessment of the needs of families searching for relatives lost in the Central and Western Mediterranean”, funded by the Swiss Federal Department of Foreign Affairs.

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The COVID-19 pandemic has had disproportionately negative effects on people already in vulnerable situations, including those with missing migrant relatives. It has exacerbated the struggles that the families discuss in this report.

This report is dedicated to the families of all people who have gone missing or died on migration journeys while seeking safety, dignity and better opportunities.

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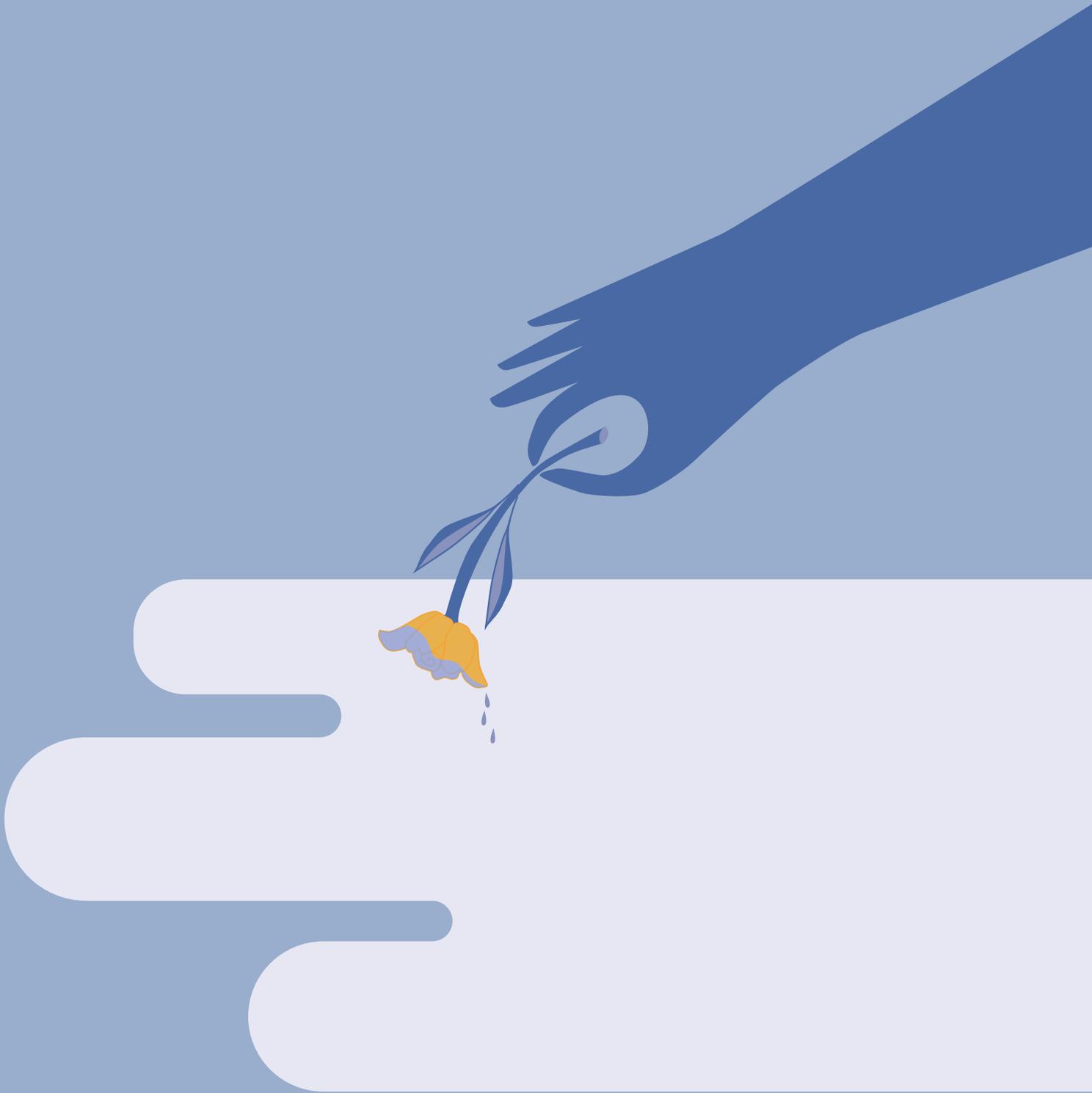
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ABBREVIATIONS

APDHA	Andalusian Association for Human Rights (Spanish: Asociación Pro Derechos Humanos de Andalucía)
CATE	Temporary Care Centre for Foreigners (Spanish: Centro de Atención Temporal de Extranjeros)
CEAR	Spanish Commission for Refugees (Spanish: Comisión Española de Ayuda al Refugiado)
CIE	Migrant Detention Centre (Spanish: Centro de Internamiento de Extranjeros)
FGE	Public Prosecutor's Office (Spanish: Fiscalía General del Estado)
ICRC	International Committee of the Red Cross
IOM	International Organization for Migration
DTM	Displacement Tracking Matrix
GMDAC	Global Migration Data Analysis Centre
MMC	Mixed Migration Centre
RFL	Restoring Family Links
SIS	Schengen Information System
UCRIF	Spanish Central Unit against Illegal Immigration Networks and Forgery (Spanish: Unidad Central de Redes de Inmigración Ilegal y Falsedades Documentales)
UNICEF	United Nations Children's Fund
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees



ASSESSMENT OF THE NEEDS OF FAMILIES SEARCHING FOR RELATIVES LOST IN THE CENTRAL AND WESTERN MEDITERRANEAN

Between April 2019 and March 2021, IOM's Global Migration Data Analysis Centre (GMDAC), through its Missing Migrants Project, carried out a research project that aimed to document the experiences of families searching for missing relatives lost in the context of migration journeys in the Central and Western Mediterranean. Since 2014, IOM's Missing Migrants Project has recorded more than 40,000 deaths and disappearances during migration around the world. The death or disappearance of each person included in IOM's records has reverberating effects on the family and community surrounding them. With support from the Swiss Federal Department of Foreign Affairs, IOM GMDAC conducted research in Ethiopia, Spain, the United Kingdom and Zimbabwe to better understand the experiences and the challenges that families face while searching for loved ones lost during migration. The project aimed to capture such situations in places of migrant origin, transit and destination.

The project was a highly collaborative effort involving several IOM offices and a team of independent academics and researchers who are migrants themselves and/or who work closely with migrant communities in the countries that participated in the study. An advisory board formed by key international and civil society organizations and academics working with families of missing migrants around the world provided input at different stages of the project.

The research team spent time with 76 families in their communities across four countries, having in-depth conversations with them. The team prioritized listening to what is important to the families, allowing them to drive the knowledge that was created with the project. Thus, the voices of the research participants, who are all missing family members in the context of migration to another country, are at the centre of the project's findings and reports. The experiences of families were complemented with interviews with more than 30 stakeholders to assess the institutional, legal and policy framework applicable to cases of missing migrants in the contexts studied.

Based on the research findings and in consultation with the project's advisory board, a series of policy implications and recommendations were developed to drive action to support families of missing migrants in searching for their relatives and dealing with the impacts of their loss. They are aimed at different actors – in government, international organizations, and community and migrant support organizations – and can be found in the last chapter of each of the reports.



76
FAMILIES



4
COUNTRIES



More than
30
STAKEHOLDERS

EXECUTIVE SUMMARY

Spain is one of the main destination and transit countries among migrants seeking to reach Europe from North Africa. Each year, thousands of people travel irregularly towards Spain through the Strait of Gibraltar or the Alborán Sea, crossing the land border separating Morocco from Ceuta and Melilla, or navigating from the north-western coast of Africa towards the Canary Islands. These journeys can be deadly. From the first documented shipwreck involving migrant fatalities in 1988, it is estimated that more than 9,100 people have died trying to reach Spain. Most of them disappeared at sea, and their remains have never been recovered. Among those who have been found, few have been identified, given in part the lack of a mechanism connecting missing-person reports to the identities of those found.

While Spain has a strong legal and institutional framework of migration governance and has ratified most international conventions on human rights and the rights of migrants, there are no specific procedures, protocols or institutions in place to address the search, investigation and identification of missing or deceased migrants. This means that families looking to retrace their loved ones' migration journeys to Spain face legal obstacles and complicated bureaucracy throughout the search and identification processes, since existing institutional frameworks have not yet been adapted to deal with the dynamics of deaths and disappearances on irregular migration routes. Families are therefore required to fight their way through a confusing and cumbersome system to search for their missing loved ones. The same social marginalization that motivated their loved ones to migrate irregularly from their countries of origin hinders the ability of families to access information and justice.

This report is based on two streams of research conducted with families of missing migrants and with key stakeholders in Spain in 2019–2020. The first documents the experiences of families and advocates looking for missing migrants who disappeared in the context of their journeys into Spain. Based on fieldwork carried out between December 2019 and February 2020, Chapter 2 identifies key insights concerning the disappearances of migrants on the Western Mediterranean and Western African routes to Spain and the ways in which families – with the support of an informal yet vast and organized network of advocates, volunteers and allies – carry out searches in an often difficult context, which was further compounded by the onset of the COVID-19 pandemic.

The second stream of research examines the legal and institutional framework applicable to people who have disappeared or died on their migration journeys to Spain and the obstacles faced by their families when attempting to trace the whereabouts of their loved ones. This research, described in Chapter 3, is based on documentary research analysing the applicable legislative and administrative instruments and on interviews with institutional and civil society actors.

The report is intended to contribute to debates on how States can ensure that no one is “left behind”, in line with Goal 10.7 of the 2030 Agenda for Sustainable Development, by which States commit to cooperate closely on the international level to facilitate safe, orderly and regular migration, and Objective 8 of the Global Compact for Safe, Orderly and Regular Migration, which calls on States to “save lives and establish coordinated international efforts on missing migrants” (UNGA, 2018). Both objectives underline why it is important to work collectively and collaboratively to improve the management of migration-related processes, including those related to missing migrants and their families. With the transnational and multidimensional nature of migration, cooperation at the regional and international levels is key to effectively addressing the impact of deaths and disappearances on the families of missing migrants.

This report ends with the following recommendations to improve institutional responses to the search for missing and deceased migrants so that more families can know the fate of their loved ones:

1. Designate or create a body or institution to act as a single contact point for the relatives of migrants who have disappeared or died trying to migrate to Spain.
2. Ensure that families can report the disappearance of their relatives using simple and accessible procedures.
3. Investigate and prioritize all incidents of disappearances or deaths of migrants.
4. Develop a protocol establishing a road map for the Spanish authorities to adopt a uniform approach and strategy to search for and identify missing and deceased migrants, taking into account the respective mandates of the different actors involved in these processes.

This road map should include the following components:

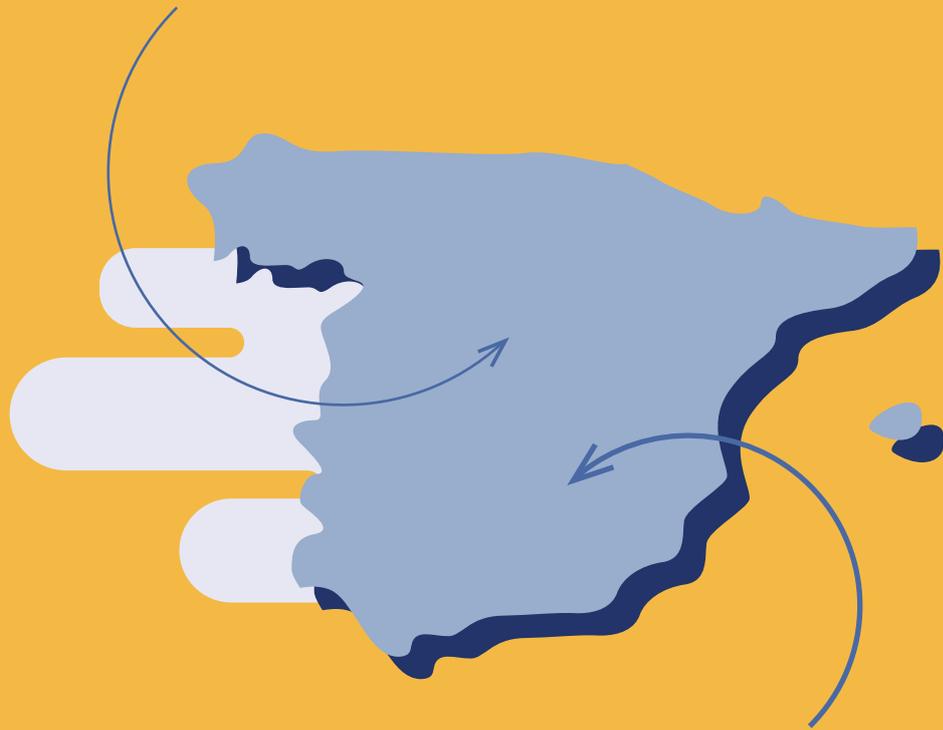
- (a) The development of specific police and forensic protocols for missing migrants and unidentified remains found on irregular migration routes to Spain;
 - (b) The amendment of protocols on the reception of migrant shipwreck survivors to include the requirement of collecting witness testimonies from them regarding the missing or deceased;
 - (c) The creation of common structures/elements, such as specific databases for missing migrants and unidentified human remains;
 - (d) The inclusion of privacy and data protection provisions to ensure that data is collected, accessed and shared for the sole humanitarian purpose of searching for and identifying missing and deceased migrants, not for immigration control or law enforcement purposes.
5. **Adapt the existing legal framework for handling missing-person cases to take into account the situation of families of missing migrants and the transnational dimension of migration.**

This would include, at the very least:

- (a) Ensuring that Spanish legislation is applied to disappearances or deaths on irregular vessels that become shipwrecked trying to reach the Spanish coast;
- (b) Tailor evidentiary requirements in procedures for declarations of absence and declarations of death to the circumstances of irregular migration to Spain.

CHAPTER 1

Migration journeys to Spain



1. Introduction

Marta Sánchez Dionis and Gabriella Sanchez¹

On 1 November 1988, 18 people drowned trying to reach Spain. Their remains were found lying on the sands of the Playa de Los Lances in Tarifa, Cádiz, near the wooden boat on which they had left Tangier, Morocco, the night before. This was the first shipwreck recorded on an irregular migration route to the country. Since that fateful day, more than 9,100 people are believed to have lost their lives migrating to Spain.² This figure is solely an estimate based on available data. The true count is unknown since many deaths and disappearances are never recorded, especially when they occur in remote areas or on the high seas.

Besides the humanitarian tragedy of more than 9,100 lives lost, each person who disappears or dies in pursuit of a better life has family and friends who miss them, wonder where they are, and may search for information about their fate and whereabouts – and this can go on for years or even a lifetime. This painful situation is very common. Tens of thousands of families of missing migrants around the world remain in a state of uncertainty, without answers and not knowing the fate of their loved ones. Often they do not know where or how to start looking, since existing institutional frameworks have not yet been adapted to deal with the dynamics of deaths and disappearances on irregular migration routes.

This report is based on two streams of research conducted with families of missing migrants and with key stakeholders in Spain in 2019–2020. It is divided into three main sections: this first chapter presents an overview of the context of irregular migration to Spain and what we know about people who die or go missing on these routes. The second chapter compiles the findings of semi-structured interviews conducted with 20 participants (11 families and 9 key informants), supplemented with extensive field observations at informal migrant settlements, disembarkation points and predominantly migrant neighbourhoods in Southern Spain – specifically, the province of Andalucía.

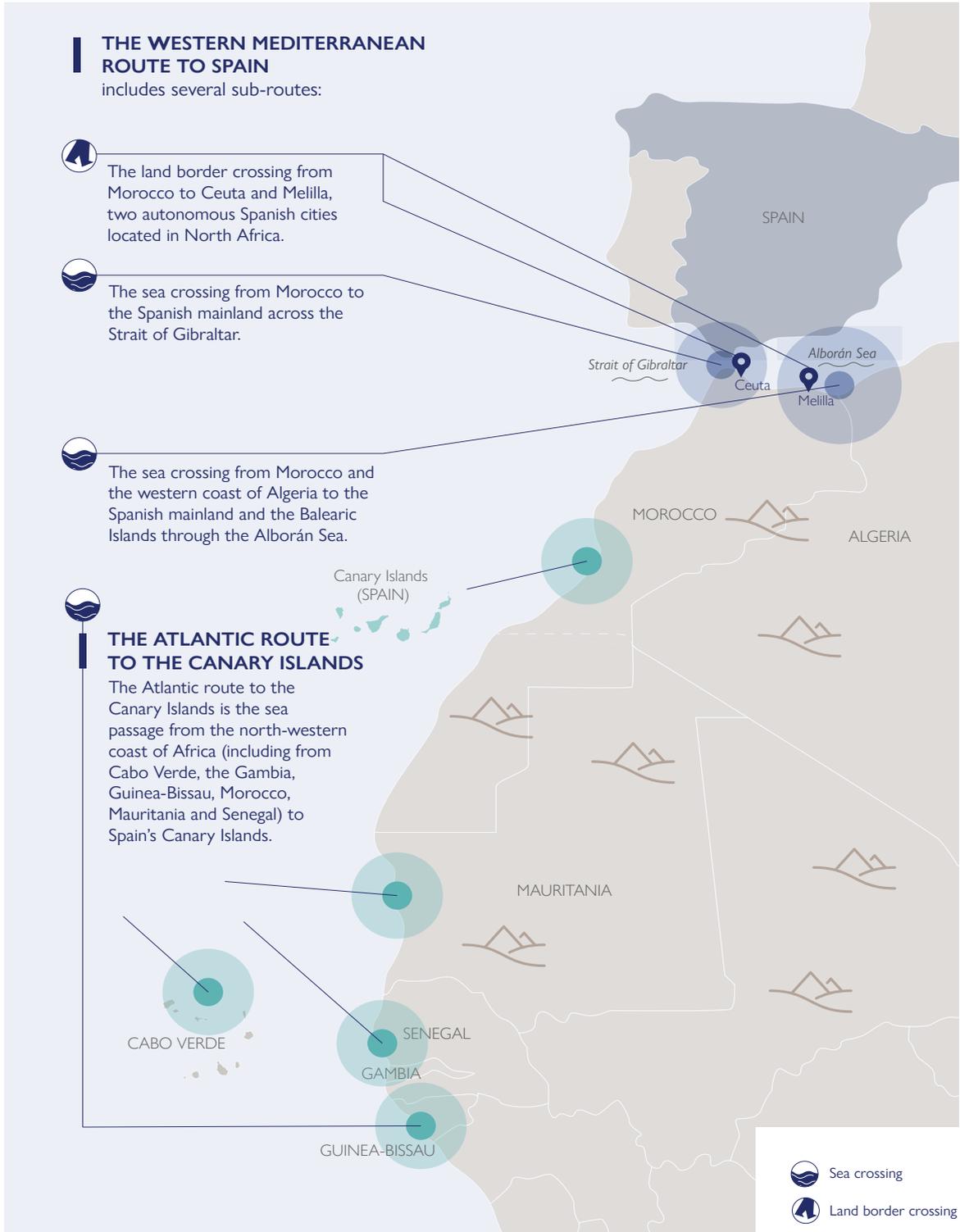
The third chapter analyses the legal and institutional framework for tackling cases of missing persons and unidentified remains in Spain, examining its application to the specific context of irregular migration and how it helps or hinders families of missing or deceased migrants in accessing their right to information and justice. It is based on a documentary analysis of existing legislation, protocols, and procedures applicable to cases of missing persons and unidentified remains.

¹ Marta Sánchez Dionis works as a Project Officer at IOM's Missing Migrants Project, based at GMDAC in Berlin. Gabriella Sanchez was the Research Coordinator of the IOM GMDAC project "Assessment of the needs of families searching for relatives lost in the Central and Western Mediterranean". She was formerly a Research Fellow at the Danish Institute for International Studies and at the Migration Policy Centre at the European University Institute.

² This figure has been calculated using data from research carried out by [porCausa and Andalucía Acoge](#) (2019) and covering the years between 1988 and 1996 (in Spanish), data from the [Andalusian Association for Human Rights \(APDHA\)](#) covering the years between 1997 and 2013 (in Spanish), and data from IOM's [Missing Migrants Project](#) covering the years between 2014 and 2021 (as of 30 April 2021). The combined data of these organizations reveal that 9,122 people died or disappeared trying to migrate to Spain between 1 November 1988 and 30 April 2021.

With the above chapters taken together, the report points to the urgent need to develop specific and targeted responses to the needs of the families of missing migrants in the specific context of irregular migration to Spain. Based on the legal and policy analysis, and drawing from the testimonies of families and advocates, the final chapter makes a series of recommendations that will allow more families of missing migrants to access and exercise their right to information and justice.

Figure 1. Common irregular migration routes to Spain



Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

2. A look at irregular migration in Spain: Geographical and demographic dynamics

2.1. Geographical dynamics

Irregular migration flows to Spain have been a common occurrence since the country introduced visa requirements for many North African countries in 1991 as part of the Schengen process (Black, 2021). People arrive irregularly in Spain by sea and land using a variety of routes.³ The Western Mediterranean route includes the sea crossing from Morocco across the Strait of Gibraltar, the crossing from Morocco and the western coast of Algeria through the Alborán Sea, as well as the land border crossing to Ceuta and Melilla, two autonomous Spanish cities located in North Africa. Another route frequently used to reach Spain is the sea passage from the north-western coast of Africa (Cabo Verde, the Gambia, Guinea-Bissau, Morocco, Mauritania and Senegal) to the Canary Islands (the so-called Western Africa/Atlantic route).

The geographical dynamics of irregular migration to Spain should be framed within the broader context of migration governance in the country. Over the last few decades, increased border surveillance and an externalization of migration controls to North and West African countries through bilateral cooperation, joint maritime patrols, and the signing of readmission agreements have shaped the ways and routes that irregular migrants take to reach Spain (Carling, 2007; López-Sala, 2015).

The Western Africa/Atlantic route from the coasts of North and West Africa to the Canary Islands has been used by thousands of migrants since at least 1994. The route saw a record 31,678 people arriving in the Canary Islands in 2006, which prompted the Spanish authorities to implement policies to reduce irregular migration through this route (MMC, 2021).⁴ Increased surveillance and cooperation with West and North African countries⁵ brought the number of migrants arriving in the Canary Islands down to less than 2,500 per year between 2009 and 2019.

The number of migrants arriving in the Spanish mainland, Ceuta and Melilla via the Western Mediterranean route has fluctuated from year to year for much of the past decade, with a notable increase since 2017. Between 2000 and 2016, an average of 7,000 people crossed the Western Mediterranean Sea every year according to IOM's Displacement Tracking Matrix (DTM) (Black, 2021). In 2017, 21,546 people arrived in Spain by sea via this route. By the second half of 2018, the majority of people travelling across the Mediterranean had opted for this path – numbers show they comprised more than 60 per cent of all irregular arrivals in Europe (IOM, 2019a). In total, 64,018 people travelled to Spain via this route in 2018. This tendency changed in 2019, when Spain's reinforced cooperation with Morocco led to a 50 per cent reduction in the number of people (29,956) using the Western Mediterranean route compared to the previous year (CEAR, 2020; MMC, 2020).

However, although arrivals to the Spanish mainland, Ceuta and Melilla via the Western Mediterranean route have decreased, more people are once again embarking on the perilous Western Africa/Atlantic route to the Canary Islands. In 2020 – a year that saw the onset of the COVID-19 pandemic – the Western Africa/Atlantic route saw a sharp increase in use, with 23,023 people arriving in the Canary Islands, comprising 57 per cent of all people recorded reaching Spain within the year. The remaining 43 per cent (17,083) arrived in the Spanish mainland through the Western Mediterranean route.

The increase in people arriving via the Western Africa/Atlantic route, while still below the numbers seen on this route in the mid-2000s, is of particular concern because of the trauma and risk of death that this dangerous crossing presents, as described in Section 3.1.2 below. The vast distances that people must cross on this overseas journey mean that people are at sea for days or even weeks before being rescued or reaching the Canary Islands, and boats may be unable to carry sufficient food and water for those on board (Black, 2021; MMC, 2021).

³ Within the given context of migratory flows to Spain, it is only possible to obtain data on arrivals to Spain by sea and land. There are no official or systematic data on the number of departures from West and North African countries, so the exact number of people travelling on these routes is unknown.

⁴ The data on arrivals cited in this section is based on data compiled by IOM's DTM (2020b) and provided by the Spanish Ministry of the Interior (2007, 2020). Data is available at <https://migration.iom.int/europe>.

⁵ This included formal agreements with the Gambia (2006), Guinea (2007), Cabo Verde (2008), Mali (2008), and the Niger (2009) and memorandums of understanding with Senegal (2006) aimed at reducing irregular migration (Black, 2021).

2.2. Sociodemographic dynamics

According to data from the Spanish Ministry of the Interior compiled by IOM, people arriving in Spain from sub-Saharan Africa are mostly from West African countries. Mali, Guinea, Côte d'Ivoire, Senegal and the Gambia were among the top countries of origin for those arriving by sea between 2016 and 2019 (IOM, 2018, 2019a). People travelling by sea to Spain from North Africa are mainly from Morocco and Algeria (ibid.). Between January and September 2020, most people arriving by sea were from Algeria, Morocco, Mali, Guinea, Côte d'Ivoire and Senegal (IOM, 2021a).

Despite growing awareness of the influence of factors such as gender and age, the lack of data makes it difficult to analyse how these factors influence the mobility experiences of migrants. The absence of age-, sex- and gender-disaggregated data increases the risk that women's and girls' experiences of migration will be equated with those of men and boys. IOM estimates that 13 per cent of the people who arrived in Spain by sea in 2019 were adult women, a figure slightly higher than the one in 2018, when women made up 8 per cent of those arriving by sea (IOM, 2019a; UNHCR, UNICEF and IOM, 2018). Figures by UNHCR, UNICEF and IOM indicate that 11 per cent of people arriving in Spain in 2019 were children, a percentage similar to that recorded in 2018 (12%) (UNHCR, UNICEF and IOM, 2018, 2019). Data from the Public Prosecutor's Office shows that 7,781 children arrived by irregular means in 2018, of which 90 per cent arrived unaccompanied and 10 per cent travelled in the company of a relative (FGE, 2019).⁶

Interviews with migrant women arriving in Spain conducted by IOM's DTM as part of the Flow Monitoring Surveys (FMS) between 2018 and 2020 provide some information on the profiles and vulnerabilities of women migrating to Spain (IOM, 2021b). Among the 355 women interviewed, 63 per cent reported that they travelled alone, while approximately one third reported having travelled with at least one family member. Around half (52%) of the women who travelled along the Western Mediterranean or Western African/Atlantic route and were interviewed in Spain by DTM reported that they had left their country of origin due to personal violence (which can include domestic violence, discrimination on the basis of religious beliefs, sexual orientation or gender identity, or threats of persecution). Other reasons reported were economic reasons (24%), war and conflicts (15%), and limited access to basic services (4%) (ibid.). Beyond this small sample, there is little quantitative and qualitative information that offers a lens to the diverse mobility experiences and complex realities of migrants arriving in Spain shaped by gender, age, and other intersecting factors such as race, ethnicity, sexual orientation, gender identity, gender expression, sexual characteristics or disability.

Text box 1. What is the protocol for the reception of people who arrive in Spain by sea?

When people trying to reach Spain by boat are rescued,* they receive basic assistance from the Spanish Red Cross after disembarkation, including a medical check-up to determine whether they require emergency health care. The migrants are then handed over to the police for a maximum of 72 hours and transferred to a temporary care centre for foreigners (CATE for *Centro de Atención Temporal de Extranjeros*) or the police station. After this 72-hour period, during which they are interviewed to establish their identity, migrants are either released with a pending order for expulsion from Spain, or transferred to a migrant detention centre (CIE for *Centro de Internamiento de Extranjeros*) for a maximum of 60 days, pending deportation, or to other reception centres.

Travel companions and shipwreck survivors are often the only witnesses to deaths and disappearances that occur on irregular migration routes (IOM, 2014; Kobelinsky, 2019a, 2019b). A systematic

⁶ Of the unaccompanied children who arrived in 2018, 96.9 per cent (6,810) were boys and the rest (216) were girls. Most came from Morocco (61.89%), Guinea (14.1%), Mali (8.15%), Algeria (5.6%), Côte d'Ivoire (4.5%) and the Gambia (1.69%). Of the 755 children who arrived with a relative, 383 were girls and 372 were boys. The countries of origin reported were Guinea (38.67%), Côte d'Ivoire (27.15%), Cameroon (9%) and Algeria (8.74%) (FGE, 2019).

effort to collect testimonies can greatly assist the process of identifying and searching for deceased or missing migrants, as they can often provide essential information regarding the identity of the deceased or missing person or the contact details of their relatives, and at the very least contribute to the construction of a profile that can help identify the country of origin of the deceased or missing person and increase the likelihood that the case will be solved (IOM, 2019c). The Spanish Red Cross is currently collecting data and testimonies from survivors at landing ports (such as Almería and Motril).** A particularly appropriate measure would be to develop and implement a separate protocol for shipwreck survivors who have seen fellow travellers or relatives die or disappear along the way, so as to gather their testimonies in a systematic manner, either through anonymous interviews conducted by the authorities or by civil society organizations that ensure data is collected, used and shared for purely humanitarian purposes.

* Rescues are (mainly) carried out by Salvamento Marítimo, the Spanish civil rescue authorities; by rescue ships from the Civil Guard; and by Red Cross rescue teams.

** This is based on an interview with a representative of the Spanish Red Cross in August 2020.



Uno, Dos, Tres, Cuatro. When people trying to reach Spain by boat are rescued and disembark in Spanish ports, they are handed over to the police for a maximum of 72 hours and transferred to a temporary care centre for foreigners or the police station. © IOM 2021/Salam SHOKOR

3. Deaths and disappearances occurring during migration to Spain

Migrant deaths and disappearances have been a regular occurrence on the Mediterranean crossing to Spain for at least three decades. The first known death on this route occurred on 1 November 1988, when the remains of a 23-year-old Moroccan boy washed up on a beach in Tarifa, Cádiz, near a wooden boat used by 23 people who had tried to cross the Gibraltar Strait. Only five of them survived (Trias et al., 2018). The first shipwreck off the Canary Islands was recorded on 26 July 1999. Nine young migrants, including a boy, drowned just 20 metres from the shore in the south-east of the island of Fuerteventura (ibid.). In the years since then, more than 9,100 people have died trying to reach mainland Spain and the Canary Islands.⁷

3.1. What is known about the deaths and disappearances of people migrating to Spain?

3.1.1. Methodological issues

It is very difficult to accurately record all deaths and disappearances arising during the transit and movement of migrants, and all existing figures – including official ones – are incomplete. Given the limited access to legal and safe means of migration, many people are forced to travel using irregular mechanisms to evade detection by the authorities, often using remote and dangerous routes where access to humanitarian aid or rescue is limited or even non-existent. When deaths and disappearances occur on remote and inhospitable routes, remains may never be recovered. People who witness a death or disappearance may also be afraid to report these events to the authorities due to their irregular status. When deaths occur at sea or in other bodies of water, many of the deceased may not be recovered, and without passenger lists, the precise number of missing migrants is unknown. For these reasons, data on migrant deaths is typically considered to be an underestimate of the real figures (IOM, 2019b).

In Spain, the available information on deaths and disappearances occurring on irregular migration routes to the country has been compiled by APDHA since 1997 and by IOM's Missing Migrants Project since 2014. Both organizations include in their data sets: (a) known deaths – human remains were found and recorded; and (b) people reported missing (usually by survivors) and presumed dead, usually during a shipwreck.⁸

3.1.2. Recorded deaths and disappearances resulting from irregular migration to Spain

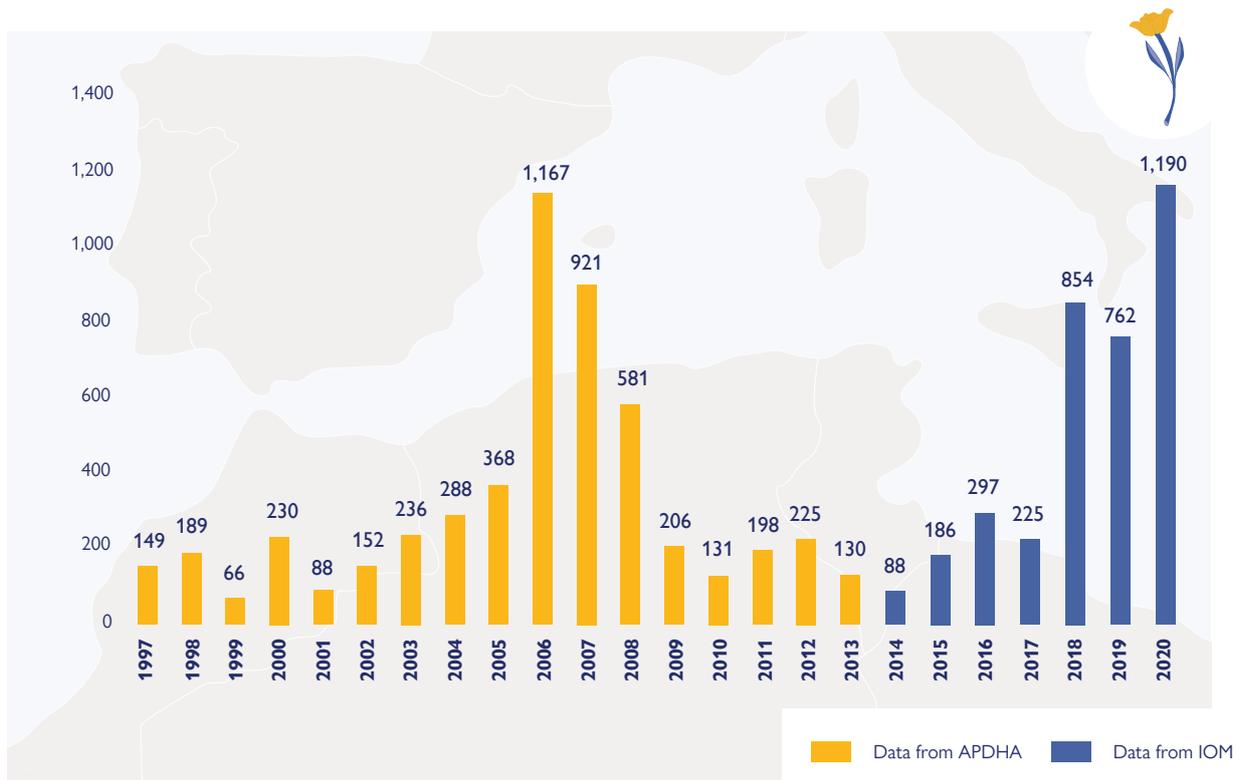
From the time that it began systematically recording deaths and disappearances on migration routes in 2014 to 2020, IOM's Missing Migrants Project has documented the deaths of 3,602 people occurring on migratory journeys to Spain (IOM, 2020a). More than 2,216 deaths and disappearances have been recorded on the Western Mediterranean route since 2014, with the vast majority involving shipwrecks on the overseas route to the Spanish mainland. The Missing Migrants Project has recorded the deaths and disappearances of 1,386 people on the Western Africa/Atlantic route to the Canary Islands between 2014 and 2020.

Amid the reduction in mobility in 2020 due to border closures and mobility restrictions related to the COVID-19 pandemic (Benton et al., 2021), the Missing Migrants Project recorded that 1,190 people lost their lives on irregular migration routes to Spain. The increase in the number of people travelling to the Canary Islands in 2020 was accompanied by a dramatic rise in the number of deaths at sea, with nearly 850 recorded in 2020, compared to 210 recorded in 2019. Most of these deaths occurred near the coast of mainland Africa, including 433 off the coast of Morocco, 195 near Senegal and 166 off the coast of Mauritania (Black, 2021).

⁷ This figure has been calculated using data from research carried out by [porCausa and Andalucía Acoge](#) (2019) and covering the years between 1988 and 1996 (in Spanish), data from [APDHA](#) covering the years between 1997 and 2013 (in Spanish), and data from IOM's [Missing Migrants Project](#) covering the years between 2014 and 2021 (as of 30 April 2021). The combined data of these organizations reveal that 9,122 people died or disappeared trying to migrate to Spain between 1 November 1988 and 30 April 2021.

⁸ Data collected by APDHA is mostly derived from media reports, as well as from other non-governmental organizations (NGOs). IOM's Missing Migrants Project uses various sources of information, including media reports, data collected by NGOs, official data from coast guards and other authorities, interviews with migrants, and forensic data.

Figure 2. Historical data on deaths and disappearances recorded on irregular migration routes to Spain, 1997–2020



Source: APDHA (2019) for data from 1997 to 2013; IOM for data from 2014 to 2020.

The direct cause of 91 per cent of the deaths documented by the Missing Migrants Project between 2014 and 2020 on irregular migration routes to Spain was drowning. Among the recorded drowning cases, only 28 per cent of the remains were recovered, indicating that most people who die on these routes disappear without a trace, and their bodies are never found. This means that hardly anything is officially recorded about the sex, age or nationality, let alone the identity, of those who lost their lives. Testimonies from both survivors and civil society suggest that there is no set protocol in place for shipwreck victims, to collect statements or create lists of victims to facilitate identification and searches (see Text box 1).⁹ This is especially distressing for relatives, who have to cope with what the academic Pauline Boss (2017) refers to as an “ambiguous loss”: an absence marked by the uncertainty of not knowing whether a loved one has died or not.

The dangerous nature of the sea crossings to Spain, which can entail long journeys sometimes exceeding 10 days of sailing, is reflected in other causes of death documented by IOM.¹⁰ Since 2014, at least 213 migrants have died from hypothermia, dehydration, malnutrition, and illness or lack of access to health services, as a consequence of spending many days at sea before being rescued.

Despite efforts to document deaths on irregular migration routes to Spain, there are strong indications that many more migrants have lost their lives without a trace. NGOs running emergency hotlines for boats in distress at sea systematically receive reports from relatives of missing persons who were victims of what are known as invisible shipwrecks (cases where people travel on boats that never reach their destinations, and those on board are presumed to be lost at sea). It is very difficult to verify such reports and to document how many lives were lost. These tragedies could perhaps cause the worst kind of distress and pain for families, because there are no survivors to pass on the details of what happened (Caminando Fronteras, 2019).

⁹ These are interviews with civil society actors carried out in Andalucía and Madrid in December 2019 and February 2020.

¹⁰ The safety of the sea passage varies according to where on the coast the journey began, as well as the sea conditions and the condition of the boat. For canoes departing from the coasts of the Gambia and Senegal, the journey can take up to 12 days. For dinghies departing from the coasts of Morocco (Tantan, Cape Boujdour, Dakhla), the trip usually takes between 2 and 3 days (Trias et al., 2018).

The information compiled by IOM also shows the risks associated with other forms of crossing. Since 2014, at least 33 people have died trying to cross land borders. The causes range from injuries resulting from attempting to get past the fences at Ceuta and Melilla, asphyxiation from travelling in the boots of cars as stowaways, to being run over while trying to travel under trucks on ferries bound for the Spanish mainland. Nonetheless, the available data provides a low-end estimate of the actual number of people who have died, since in many cases the deaths and disappearances of small numbers of people using land migration routes go undetected or unreported.

Unfortunately, very little is known about the identities of people who die or disappear. Oftentimes when remains are recovered and recorded, the victim's identity is not known. The only available study of identification rates for the remains of migrants found in Spain was conducted by the Vrije Universiteit Amsterdam, which analysed information on death certificates from civil registries and showed that only 39 per cent of the remains recovered off the Spanish coast between 1990 and 2013 were formally identified (Last, 2015). Data from IOM often does not include information on the name, nationality, age, or sex of persons who die or disappear during migration to Spain. For example, the Missing Migrants Project's database contains sociodemographic data for only a third of the 3,602 deaths and disappearances documented on irregular migration routes to Spain between January 2014 and December 2020. This data shows that over that period, 711 men, 255 women and 82 children went missing or died. There is no sociodemographic data for the rest (2,554 people).

Just because a person's identity is unknown to those managing the body, or goes unrecorded in a database such as the Missing Migrants Project, it does not mean that they are not missed by their family. Each person that remains unidentified has a family and loved ones that live with the uncertainty of not knowing if they are dead or alive. The identification of remains found at sea or off the coast, while providing terrible news for a family searching for a missing person, offers closure: an end to ambiguity and a chance to give the victim a dignified burial and begin the mourning process (IOM, 2019c).

The lack of comprehensive data on dead and missing migrants results in an incomplete story of lives lost due to the lack of safe and legal channels to migrate to Spain. It also highlights the lack of coordination and search systems for dead and missing migrants, which would allow investigations to be carried out, promote the identification of remains as a State responsibility, establish transnational search mechanisms, locate the families of missing migrants and accompany them during the identification process, and facilitate the repatriation of identified remains to countries of origin. The lack of attention paid to this aspect of migration perpetuates the fact that deaths and disappearances occur without being noticed.

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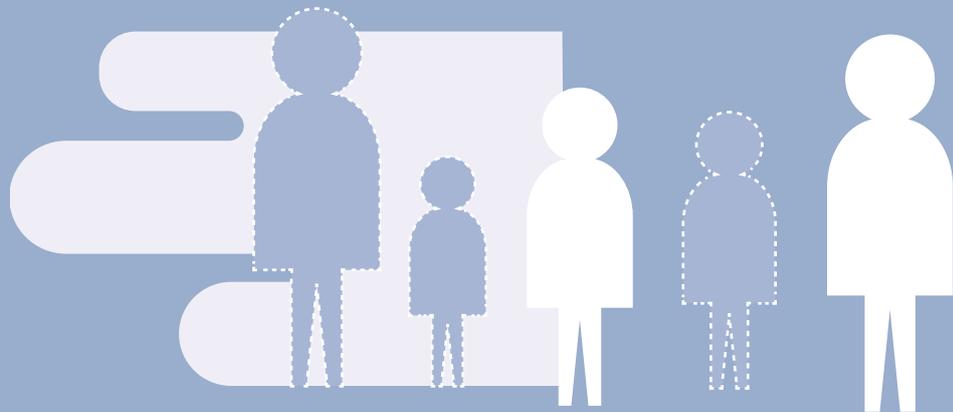
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CHAPTER 2

The experiences of families searching for relatives lost on migration routes to Spain



1. Introduction

Gabriella Sanchez and Marta Sánchez Dionis¹

Mohammed pulled a worn-out piece of paper from his pocket. He carefully unfolded and laid it on the table. An almost illegible photocopy of what seemed to be the first page of a passport showed the face of a young man with curly hair.

“This is all that is left from him,” said Mohammed softly.

Mohammed’s brother went missing 20 years ago on his journey from North Africa to Spain. He is among 9,100 people estimated to have disappeared or lost their lives on irregular migration routes to Spain since 1988.² Years after Mohammed and his family stopped hearing from him, they are still tirelessly searching for answers.

People like Mohammed, who are looking to retrace their loved ones’ migration journeys to Spain, face multiple structural constraints in their search for answers. This chapter documents the experiences of these families and of community activists looking for missing migrants who disappeared in the context of their journeys to Spain. Carried out in the first quarter of 2020, the study identifies key insights concerning the disappearances of migrants in the Mediterranean and the ways in which families – with the support of an informal yet vast and organized network of advocates, volunteers and supporters – carry out searches in often-difficult contexts, which were further compounded by the onset of the COVID-19 pandemic. The findings are based on semi-structured interviews, focus groups and field observations at informal migrant settlements, disembarkation points and predominantly migrant neighbourhoods in selected fieldwork locations in Southern Spain – specifically, the province of Almería, in the region of Andalucía.

All families interviewed for this study faced intimate experiences with ambiguous loss and grief as they struggled to clarify the fate of their missing loved ones. A key finding from the research is that families do not know where to start their search, a factor emerging from the lack of a centralized body or entity addressing missing-migrant cases. Many family members living in Almería expressed their reluctance to report the disappearances of their loved ones to the authorities, given their own insecure migration status and the precariousness associated with it.

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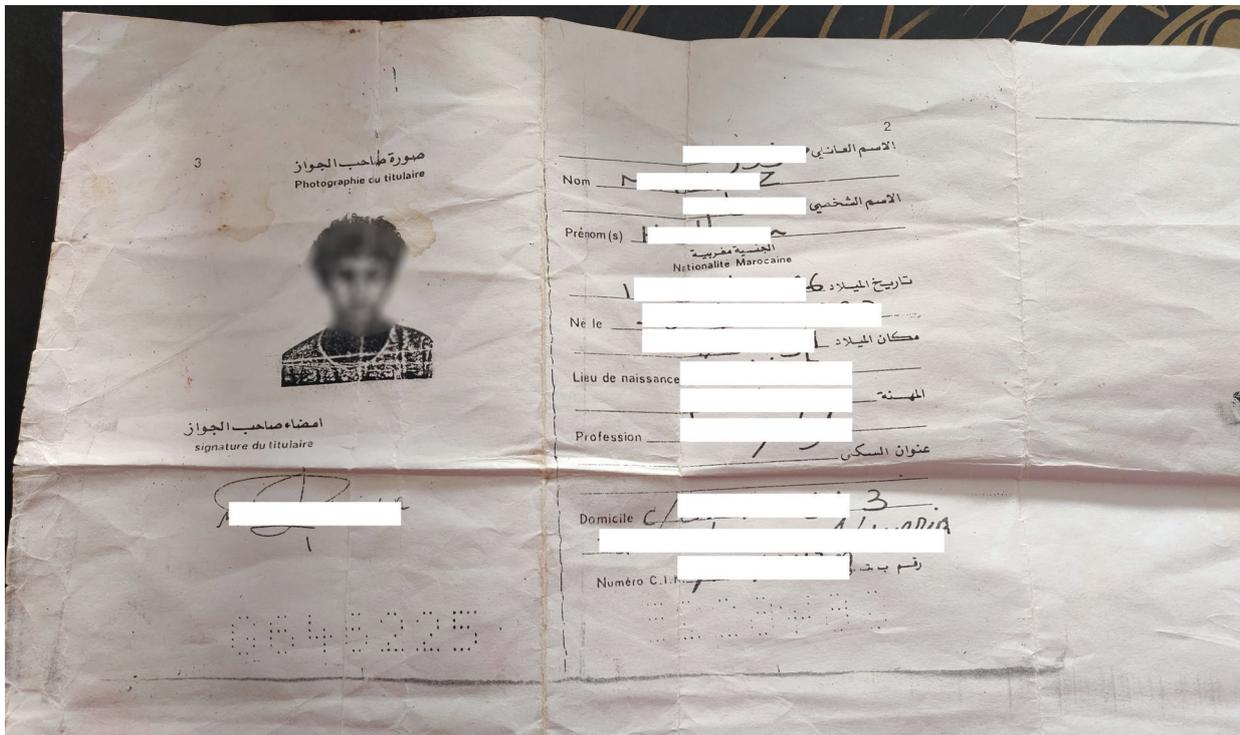
² This figure has been calculated using data from research carried out by [porCausa and Andalucía Acoge](#) (2019) and covering the years between 1988 and 1996 (in Spanish), data from [APDHA](#) covering the years between 1997 and 2013 (in Spanish), and data from IOM’s [Missing Migrants Project](#) covering the years between 2014 and 2021 (as of 30 April 2021). The combined data of these organizations reveal that 9,122 people died or disappeared trying to migrate to Spain between 1 November 1988 and 30 April 2021. For more information, please see Chapter 1 of this report.

If families approached authorities, they reported being pressured to provide details on the smuggling facilitators who were involved, rather than being asked to provide information that could help resolve the cases of their missing relatives.

These barriers have resulted in families turning to informal channels to search for their missing loved ones. Families reported contacting friends and family members in different countries and reaching out to people who had travelled with the missing. They also received support from members of civil society and local communities in Southern Spain who have self-organized in support of families of missing migrants. These efforts are led by community-based, grass-roots activists who are often migrants themselves, are fluent in the languages of the families, and have deep understanding of the circumstances faced by the families and their communities.

Still, several structural constraints created additional barriers to searching for missing relatives. Many families reported that difficult socioeconomic conditions and the lack of financial resources undermined their ability to engage in search practices. Long-standing forms of inequality based on gender created obstacles and challenges that placed certain family members (particularly women) in a disadvantage. Along with gender, people’s experiences of searching for and coping with the absence of a loved one lost during migration were shaped by ethnic identity, citizenship/immigration status, class, language or religion.

Efforts by families to trace their relatives have been further complicated by the COVID-19 pandemic, which also affected the collection of data in other regions originally considered for the study. Beyond official restrictions, it became clear that migrant families were facing particularly challenging conditions related to the pandemic – the loss of employment and income sources, scarcity of food and medication, and lack of access to emergency services – that could be compounded by intrusive interviewing and fieldwork. However, the methodology employed allowed the collection of deep and detailed insights into the dynamics of the searches for missing migrants in Southern Spain. The data provides evidence on what this specific group of people who have missing migrant relatives experienced and thought and what mattered to them.



All That Is Left from Him. Mohammed pulled a worn-out piece of paper from his pocket. He carefully unfolded and laid it on the table. An almost illegible photocopy of what seemed to be the first page of a passport showed the face of a young man with curly hair. “This is all that is left from him,” said Mohammed softly. Mohammed’s brother went missing 20 years ago on his journey from North Africa to Spain. © IOM 2020/Marta SÁNCHEZ DIONIS

2. Research methodology

This study documents the experiences of families living in the province of Almería who are searching for their loved ones lost on their migratory transit to Spain, within Spain, and to third countries while residing in Spain. The research was carried out during two different rounds of fieldwork conducted in December 2019 and February 2020. A planned third round of fieldwork was cancelled as a result of the COVID-19 pandemic, which severely impacted Spain and, in particular, the communities where the research team had planned to conduct interviews (Ceuta, Melilla and the Canary Islands).

In total, the research team carried out semi-structured interviews with 20 participants: 11 families and 9 key informants. We also carried out extensive field observations at informal migrant settlements, disembarkation points and predominantly migrant neighbourhoods in the selected fieldwork locations. As a research team, we joined the families in their day-to-day activities, which provided insights into their handling of the disappearances in the larger context of their lives as migrants in Southern Spain. Research participants included men and women of diverse ages and nationalities, in an effort to document a range of perspectives and experiences.³ The research team followed the ethical guidelines established by IOM, including securing informed consent. In order to maintain the privacy of participants, all accounts have been anonymized, and specific testimonies are attributed to pseudonyms.

The first round of fieldwork involved travel to the cities of Córdoba, Fuengirola, Málaga and Madrid in December 2019 to carry out interviews with key informants and community activists and to define the logistics for the interviews with families of missing migrants. The research team spoke with two community activists from West Africa, a community activist from Morocco and three representatives from civil society organizations. Meetings during the first stage of the fieldwork were essential for building trust with the activists working with families of missing migrants (many of whom are in the country irregularly) and gaining their support. These also allowed the research team to design questions that built on the first-hand knowledge of those who directly work with families of missing migrants in Spain, and to ensure that the research design was informed by families' knowledge and experiences.

The second round of fieldwork took place in February 2020 and involved direct interviews with 11 family members and conversations with community activists from Morocco and West Africa residing in Almería, in Spain's autonomous community of Andalucía. Almería and its municipalities (Vicar, Níjar, El Ejido and Atochares) were selected as the main fieldwork locations for two reasons: one, their geographical position as important arrival points for migrants arriving in Spain via the Western Mediterranean route; and second, the existence of an active network of members of civil society involved in advocacy of the rights of families of missing migrants.

All families interviewed during this round of fieldwork were of migrant origin, who had arrived in Andalucía primarily from Morocco and West Africa. Virtually all of them worked in the agricultural fields of Almería when they first arrived in Spain, though several had managed to obtain jobs that eventually allowed them to improve their housing and living conditions. Most families had experienced the recent loss of a loved one (from a few months to three years ago), but the research team also interviewed families who had been searching for their relatives for more than a decade.

Access to families was facilitated by activists who were people of migrant origin themselves, who live in Almería and its municipalities, and who helped coordinate the interviews and also often served as interpreters.⁴ Being able to interview the families in the intimate spaces of their homes with the help of people they trusted was fundamental to understanding how they search for their missing loved ones – which is the data at the core of this report. In a few cases, relatives living in their countries of origin joined interviews remotely while we were speaking with their family members in Almería, which helped us capture the transnational dimension of the families' search practices.

A third round of interviews with families in Ceuta, Melilla and the Canary Islands planned for March 2020 was abruptly cancelled due to the COVID-19 pandemic and its particularly severe impact on Spain. Attempts to conduct interviews online were often unsuccessful given families' extremely precarious conditions. Not only did they often have limited access to the Internet, but also their very ability to cover their most basic needs was affected by the pandemic. A follow-up with the families visited in February, for example, showed that their sources of income had disappeared as agricultural

³ The team was not able to access people with diverse sexual orientations, gender identities, gender expressions and sex characteristics to interview them for the study. Therefore, this statement uses the terms "men" and "women" as we are purposefully referencing persons who identified as men or women.

⁴ Interviews were conducted in Spanish, Arabic, French and Manjak.

labour opportunities decreased. As a result, people in the informal settlements experienced a shortage of food, water and medication. Access to emergency services was virtually null. Restrictions to mobility and the ensuing lack of public transportation connecting the informal settlements to the cities also meant that the residents were isolated from larger communities where they would normally secure assistance or resources. As institutional restrictions also prevented the research team from conducting fieldwork, a decision was made to suspend interviews in order not to deepen the precarity that the families of missing migrants were enduring, and to avoid any potential or real harms to interviewees.

This chapter, therefore, only focuses on the interviews and field observations carried out in Southern Spain. It combines data collected as part of the interviews with stakeholders (which included migrants, community advocates and members of civil society) with data collected during our conversations with the families of missing migrants residing in Almería. While the number of families interviewed was small, our methodological approach – which consisted in building relationships with stakeholders first in order to reach families, spending time with families in their communities and allowing them to direct the conversation and the topics to be discussed, and in the process building long-lasting relationships beyond the interview time frame – allowed from the onset the collection of detailed, critical and in-depth information concerning the search processes of missing migrant families.

The overall study did not seek to be representative of the experiences of all migrant families living in Spain. The project sought to allow families residing in Almería and advocates themselves to dictate what was important to them and to articulate their own priorities and recommendations. In this sense, every testimony documented in this report is indicative of how a family has faced the loss of a loved one in the context of migration. Nevertheless, more ethnographic research with families of missing migrants in other areas of Spain as well as in countries of origin and transit would complement the findings of this study and offer broader perspectives and insights into the experiences of families searching for loved ones lost on migratory routes to Spain.



Visiting Atochares. The research team visited the informal settlement of Atochares in Almería, Spain, where hundreds of people live in makeshift houses with no running water and which are unsafely powered by gas canisters and electricity from informal connections to the public power lines. © IOM 2020/Marta SÁNCHEZ DIONIS

3. Research findings

This section documents how families search for loved ones who went missing or disappeared on their migration journeys to Spain, and the challenges and cross-cutting issues – including the lack of official search channels, precarity, lack of regular status, racialization and challenging gender dynamics – they face in their search for answers. Overall, three common points of context emerged among the participants:

- (a) The lack of a clearly identifiable, accessible search mechanism, along with a centralized body or entity dedicated to addressing missing-migrant cases, prevents families from reporting their relatives' disappearances.
- (b) As a result, families turn to informal channels to search for their missing loved ones, reaching out to friends and family members in different countries, people who had travelled with their relatives (such as other migrants and smuggling facilitators), and community-based, grass-roots advocates.
- (c) Families experience multiple structural constraints as they search for and cope with the absence of a loved one lost during migration, shaped by a multitude of factors, including gender, ethnic identity, racialization, citizenship/immigration status, class, language or religion.

3.1. “I wish people understood that the reasons people have to migrate vary” – Leaving home behind: Decision-making and its implications

During this project's fieldwork, families often began their interviews explaining the reasons behind their loved ones' departure from home and the complexity behind their decisions. While some families did not know what had led their relative to depart from their place of origin, and many of them reported being unaware of the very fact that their loved one had decided to migrate, most provided nuanced explanations of what had led them to not just depart but also opt to travel irregularly.

Granted, the decisions of many migrants to leave their places of origin were rooted in the belief that financial stability and wealth were unattainable back home but could be achieved somewhere else (not necessarily in Europe, but not within one's community of origin). Migration also appeared to have followed after relatives or close friends had migrated: most interviewees reported that they had departed from their places of origin following the departure of family members or close friends, often trying to catch up with them. The desire to be reunited with older siblings and friends was also powerful among the youth. For example, according to his mother, Ahmed (a teenager who went missing during his journey) left for Spain chasing a long-standing aspiration to follow the path of his uncles: “He always wanted to leave. That had always been his dream, since he was 10, to go to Europe. That is where his uncles are.”

Laila, a woman from Morocco who has been searching since the last year for Abdullah, her missing brother, also explained how her family had struggled to understand his departure, since from their perspective, it had not been driven by financial motivations (the family had in fact provided relatively lucrative livelihoods for all the children). However, she attributed it to the tendency among some young people to explore new lifestyles and experiences:

“ My brother had a job. He also had an education. He knows how to swim – really well. But [when he left] a lot of young people were also leaving. We do not think he had a motive to go missing. We did not have [financial] problems, nothing. They migrated dreaming of a life in Europe.

The interviews further revealed that the decision to leave, especially among young men and teenagers, was often sudden and without much planning. Noor, the mother of Amir, a Moroccan teenager, described how her son departed overnight without warning, and that he had only called her the day he was about to depart:

“ He left with another young man of his same age, his lifetime friend. His friend has not [been found] either. They simply left. They called from a beach. They said that they would sleep there and leave the next day. That was on a Saturday. That was the last time they called.

Families repeatedly made efforts to show how the decisions of their loved ones to depart had been complicated, not merely driven by poverty or despair. Ousmane from Senegal, who lost a nephew in 2000, explained:

“ I wish people understood that the reasons people have to migrate vary, that it is not just a matter of people being poor. We have different reasons [to leave].

For those who had not reached their aspired destination, failure was often a source of shame that led them to stop contacting their families. Mohammed, a Moroccan man who has been searching for his brother for over 20 years, elaborated on this notion:

“ Many may leave for different reasons. They may not know what their future is going to be like. They may have problems with other [people]. I feel that others are very unlucky, and that they don't want anyone to know [about their hardships]. I also feel that this is why many [of those who leave] never return to their families.

A common belief often articulated in policy circles and reports is that migrants opt to travel irregularly without having previously explored legal paths to migration. Mohammed explained that this is often not the case:

“ People think we migrate irregularly because we do not want to travel legally [smiles softly and shakes his head]. I applied for a visa back then, but the [Italian] embassy declined my application. I got nothing from applying legally. And the smuggler charged USD 1,500 at the time. So, from Morocco I flew to Libya, then [crossed irregularly] to Italy, and after a while, I travelled here to Spain. But I did apply for a visa. I did apply.

On top of often not having a clear understanding of the motivations that had led their loved ones to depart from their places of origin, most interviewed families reported having no advance notice of their decisions to depart. Some knew that their relatives had considered travelling, but they did not know when they would do so. Other migrants had informed a close relative – most often a man, like a father or a brother – about their plans, asking him to keep the plans a secret from other relatives, especially their mothers. Several mothers and sisters who were interviewed indicated they had assumed that the initial absence of their sons and brothers was the result of them being with friends or other relatives. The desire not to intervene in the private lives of their male family members had led them not to begin searching right away. Miriam recounted her experience after her son Ayoub went missing:

“ The days that he disappeared were the worst days of my life. I got sick, and the little boy [her other son, Ayoub's little brother] got very sick too. [As a diabetic] my sugar levels went up, and I was very sick. The worst days of my life. I waited a few days because Ayoub was a young boy, and it is normal for boys his age to disappear for a few days, I was going to wait before reporting him missing.

Contrary to the cases of men, there were few testimonies involving the disappearances of women or of the processes their families follow when conducting a search. Fatou provided one of the few accounts involving missing women when she described the disappearance of her cousin in 2016. She had first waited to receive more concrete information before embarking on a search:

“ She never told us she was going to come to Spain. One day she took her two children to their grandmother, and she left. A *porteur* [smuggling facilitator] told us she had departed on a boat from Morocco. ... When we heard that she had left, and then we never heard if she had arrived, at first we waited and waited to hear something concrete. But we never heard anything concrete.

These delays in reporting often had implications on the search. Reaching the decision to start a search or report someone as missing was a complicated process for most people we spoke with, adding stress to the initial stages of the disappearance. As families reported cases, or began to look for their loved ones, they lacked information concerning the exact date or time of departure, the location, the name of the person who had organized the journey, the itinerary, etc. The absence of these pieces of information, which are requested by authorities to start a search, often impact the likelihood of a positive outcome, hindering the identification of people or of possible or specific boats on which a missing migrant could have travelled.

3.2. “We want to know if he is alive or dead. We just want to know something”: The search process

As discussed in the previous section, families indicated that respect for personal privacy had made it difficult for them to decide when, where and how to start a search, which had also limited the kind of information they had concerning their loved ones and their journeys. The thought that a relative may have decided to migrate arises as time goes by and still there is no news of them, and it is often confirmed when other families begin to search for their respective loved ones.

Families searching for missing migrants use several strategies, often simultaneously. They reach out to friends and family members in different countries to seek tips or help. They also contact community-based, grass-roots advocates and activists working within migrant communities, known for the support they had provided in the search for missing migrants in the past. The research indicated that there is limited or no awareness concerning the tracing activities carried out by larger, more established organizations. Despite the absence of information, families do not call off their search over time. Many interviewees have been searching for years, some even for decades, for their loved ones.

3.2.1. *The transnational nature of the search*

The searches conducted by all the interviewed families have taken place across borders and in many countries. In other words, all families in this sample looked for relatives who had disappeared or gone missing during their journeys to Spain, but these searches had involved efforts carried out in the respective countries of origin of the missing persons, in third countries through which they could have travelled, or even in other countries or regions entirely. Several interviewees residing in continental Spain had also carried out searches for people who had initially travelled to countries like Mauritania or to other regions of Spain, like the Canary Islands.

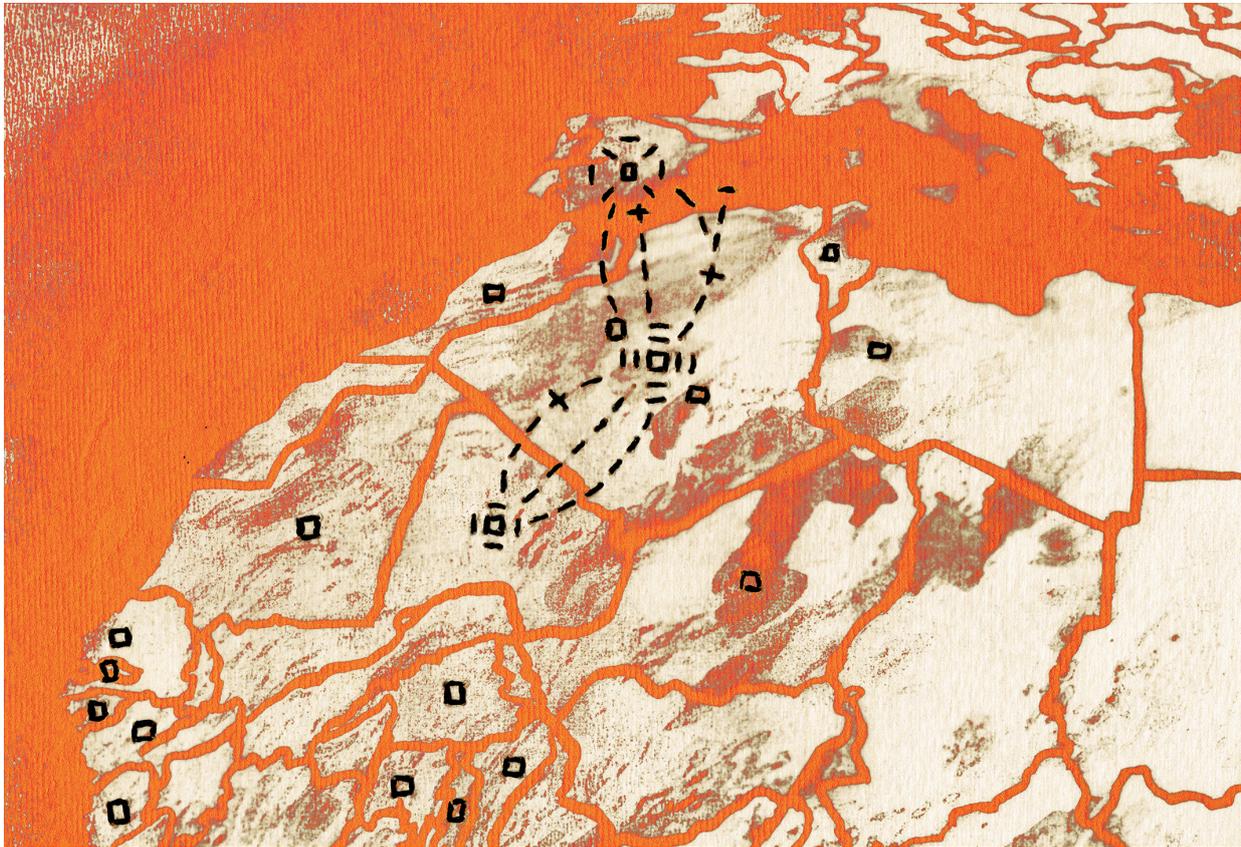
The transnational nature of migration poses exceptional challenges and practical difficulties that affect the search practices of the families of the missing, who may know very little about a loved one’s decision to migrate, exact time of departure or itinerary. In this context, the families’ search practices are shaped by their “personal geographies” and that of their missing loved ones (Parr et al., 2016). For example, Ousmane, who lost his nephew on the migration route to the Canary Islands, explained that his family conducted the search from their hometown in Guinea-Bissau (where his nephew departed from), from Mauritania (a country he might have transited through and where they have family members), and from Spain (his nephew’s intended destination and where Ousmane lives):

“ My nephew has been missing since 2000. He left five children behind. When he left, he said he was going to Mauritania. I think from there he wanted to travel to the Canary Islands. Back then, I was already living in Spain. ... I did everything I could to search from here [in Almería]. In 2012, when we met in my parents’ village, his mother privately asked me to file a complaint [in Spain]. The mother had already searched in Guinea-Bissau. The relatives we have in Mauritania also searched but did not find him either.

Mohammed is looking for his older brother, Hassan, who has been missing for nearly 20 years. He told us how his family attempted to retrace his brother's steps:

“ When Hassan disappeared, I was still in Morocco. We thought my brother was in Spain, but someone told us they had seen him in Portugal. My father went to the Spanish and Portuguese consulates, and he also decided to travel to Portugal. I think he also filed a complaint reporting the disappearance in Spain. ... My family is from Rabat, so it was easier to take steps to search for my brother from Morocco. ... You know, as time goes by, there [is] no news. We just want to know if he is alive or dead. We just want to know something.

Similarly, Ibrahim, who has been searching for his niece Binta since 2016, told us that several family members living in different countries have taken part in the search: Binta's mother in Senegal and her brother in France, in addition to the efforts of Ibrahim and his brother, Binta's father, in Almería. Amira, a Moroccan migrant advocate based in Southern Spain who supports families in their searches, confirmed how the searches are typically transnational, often involving multiple relatives carrying out the search simultaneously from different countries.



Separated at Sea. The searches conducted by families take place across borders and in many countries, shaped by their “personal geographies” and that of their missing loved ones. © IOM 2021/Salam SHOKOR

Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

3.2.2. Searching together

Faced with the lack of specific protocols or entities in Spain that provide support or guidance when it comes to reporting the disappearance of a missing migrant,⁵ the families of the missing, both in Spain and in their countries of origin, carry out their search with the support of friends and family members, and through a vast informal network of volunteers, migrant advocates, non-governmental organizations and some government officials who assist in the searches in a personal capacity.

Among the interviewees, Moroccan families in Morocco and in Spain who had lost loved ones on their way to Spain were more likely to work alongside other families. They often joined forces with the family members of other missing migrants. Once the departure of a group of migrants was known, or an incident like a shipwreck or a disappearance was reported publicly, families looked for and reached out to the family members of others who are known to have travelled on the same boat. Most Moroccan families reported conducting searches, filing reports or travelling to police stations together with other families. Laila, speaking remotely from Morocco, stated:

“ My brother and my neighbour's son left on the same *patera* (boat), so when it came to look for them, we joined forces. That is how we have been looking for them. Whenever we have information, we talk. We share what we have learned [and] what we are able to find out.

Families often followed the lead of others in their community who had also experienced the disappearance of a loved one, and tried to learn from their experiences, even in cases when families had been unsuccessful in their search. Fateh, who was looking for his brother, explained:

“ We had already noticed that in other cases, with other neighbours, that they would organize to launch a search. Sometimes they would get information, they would eventually find out that the *pateras* had arrived, or the kids would show up eventually. But that was not our case.

While many of the interviewed families reported having had the support of friends, family members and neighbours, and often partnering with them in their search efforts, interviewees also recognized the limitations of this approach. Many warned against considering the solidarity and camaraderie inherent in the search process, one reason being the widespread nature of fraudulent activity, carried out typically by people taking advantage of the despair of families.⁶ There is also the lack of solidarity experienced within families, which was reported by some interviewees. The reluctance of family members in the diaspora to give support in searches may be connected to the precarious living situations in which they find themselves, which can limit the amount of help they can provide. In any case, this was most distressing to the families interviewed. Morocco-based families expressed their disappointment over the lack of support from relatives in Spain while conducting searches. Amir's mother, Noor, shared the sadness she experienced over her nephews' reluctance to assist her in the search for her son:

“ I have nephews, [and] they are in Spain. When you first call them, they say, “Come whenever you like. You are welcome in our home.” But that is not the truth. Nobody supports you, nobody supports you and nobody looks for you [if you go missing]. I was in a lot of pain, because I had raised [my nephews] as if they were my own children.

Contrary to Moroccan families, those from West Africa carried out their searches in more private ways. According to the interviewees, this is because the fact that a person had disappeared could not be equated with his or her death until it was confirmed, and that the stigma (as in the case of women migrating alone) and the potential implications of a death in the lives and livelihoods of families (e.g. increased or changed caregiving or support obligations) demanded that a search was carried out with the utmost discretion. Trusted members of the migrant community who hold positions of leadership are often contacted privately to carry out inquiries and reach out to authorities on behalf of the families of the missing. Ousmane, a migrant advocate from Senegal whose young nephew set off on his journey to Spain with

⁵ This issue is analysed in Chapter 3 of this report, which focuses on the legal and policy framework applicable to issues surrounding the search for missing migrants in Spain.

⁶ This is further discussed in the section on scams and extortion.

another young man from the same village, explained how privacy and tradition often translate into families carrying out searches independently:

“ The families of the [two] boys did not carry out the search together. They did not join forces. Each one carried out the search in their own way. Following tradition, one does not speak about [disappearances] in public.

Martin, an advocate from Senegal, expressed similar thoughts:

“ You cannot talk about death. Families do not allow it. In our community itself, we do not talk about the deaths of young people. The subject is discussed in the family, within the family. But never outside of it.

While it appears that the reluctance to discuss the disappearance of a missing person may often be explained on cultural grounds, it may also be connected to social stigma, or to financial pressures surrounding the debt acquired by a migrant to reach a destination. It may also be possible that by virtue of their age, the disappearances of younger migrants do not garner the same amount of social significance compared to cases involving older migrants, whose deaths can be seen as more meritorious of ritual and celebration (Saraiva, 2016).

As Ousmane told us, “A person who dies young, people don’t usually talk about it. When people in their 80s and 90s die, it is a celebration, but when a young person dies, people don’t talk about it.”

Martin echoed Ousmane’s thoughts: “Traditionally, funeral celebrations are only organized for older people, not for people who die young.”

3.2.3. *The role of community-based, grass-roots advocates*

Alongside their personal efforts, families also reported having reached out to migrant advocates for support in their searches. More specifically, they contacted specific individuals – advocates known in the community for the support they had provided in the search for missing migrants in the past. None of the people interviewed reported contacting an organization directly. Instead, families shared contact information through their personal networks in their countries of origin and in Spain. Laila told us how she got in touch with Amira, a migrant advocate from Morocco based in Southern Spain:

“ We knew that a friend of my missing brother was living in Northern Spain. We got in touch with him, and he gave us the contact details of a local migrant association. We contacted them, and they put us in touch with Amira, who helps families like us.

Once contact had been made with an advocate, details concerning a disappearance were only shared when the family felt safe and at ease with the person they had been referred to. Most advocates were migrants themselves, or children of migrants who were fluent in the languages of the families. Through their conversations, these advocates proved their understanding of the specific contexts of the families and/or their communities.

Amira, the migrant advocate who is helping Laila and other families search for their missing relatives, explained how she belongs to an informal group of independent activists and advocates who support families in their search, and what they do when families reach out to them:

“ When a family contacts me or someone in the group, we start the process of seeking information through a network of informal, non-institutional, unofficial contacts. We usually wait for 72 hours, which is the period of time people typically spend in police custody upon arrival (because when they are detained, it is not possible to get in touch with them). After this time, if the person has not reached out to his or her relatives, we begin the search. We look for them in hospitals, then in detention centres and prisons (through court-appointed lawyers who are allowed to enter the different centres), and eventually at the morgue (also through informal contacts).



Between Two Limbos. “We usually wait for 72 hours, which is the period of time people typically spend in police custody upon arrival. After this time, [...] we begin the search. We look for them in hospitals, then in detention centres and prisons.” © IOM 2021/Salam SHOKOR

Advocates collect information using a simple form that they themselves developed, with the aim of gathering basic ante-mortem data on the person reported missing (relevant personal, physical and medical information, as well as information on the circumstances of their disappearance), which is then sent to their contacts in forensic institutes, prisons, detention centres and hospitals to facilitate the search. These efforts are informal and unofficial, relying on civil servants who assist in the searches in a personal capacity.

Advocates also serve as mediators, facilitating the sharing of information to the authorities or filing complaints on behalf of families reporting the disappearances of their loved ones. Another advocate, Aida, explained how this works:

“ Sometimes we file complaints with the police, reporting the disappearance – I myself have filed several complaints on behalf of Moroccan families. [We only do this] if the families want and give their consent. But there is no legislation [applicable to cases of missing migrants], and these complaints are treated like other missing-person cases.

The work of community-based actors is conducted mostly on a volunteer basis; all advocates reported not receiving financial compensation for their work. Some were able to carry it out in the larger context of their work, conducting calls and interviews with agencies during regular office hours. Others participated in searches, documented disappearances and provided emergency assistance in their free time. They also relied heavily on their professional networks, which often expedited the sharing of information or critical details.

Text box 2. The use of social and mass media

Recent literature on migration has highlighted the role that social media and social networks play in the efforts of families to locate missing migrants (Ben Attia et al., 2016; Banning-Lover, 2016). In this sample, while mentioned occasionally, social media appeared to play only a small role in the search for missing migrants. For example, Moroccan families preferred personal interactions when partnering with friends, family members and neighbours to carry out their searches. As the other country reports for this project have indicated, families seemed to prefer face-to-face contact and calls to discuss matters related to the search, in part also as a result of the prevalence of scams that rely on the collection of information available on the web to carry out extortion calls.

Families reported also relying on the crews that had organized the journeys of their loved ones, on the people who had travelled alongside them, and on the latter's families to gather information. Since most of these people resided in nearby communities, families were able to organize personal meetings or to contact them directly over the phone.

Other families did report posting and sharing images on Facebook. However, this strategy was always supplemented by interviews with friends and consultations with community leaders in the respective countries of origin and/or destination. People do not appear to guide their decisions based solely on the information they gathered online.

Some Moroccan families also reported having relied on mass media to disseminate information concerning their missing relatives, most specifically through a monthly television show, *Moukhtafoun* (Disappeared). Broadcasted by the Moroccan channel 2M, the show presents stories concerning missing persons, and it is known for having helped families locate relatives thought dead or lost. Many of the cases feature missing migrants. The show displays a missing person's photo along with a personal appeal from a family member seeking information, including his or her contact details. Families claim that the show's success rate is quite high, and for this reason, they have not hesitated to send out information with the hope that their individual case is selected for broadcasting. At the same time, however, the exposure of the case places families at risk of becoming the target of scams or fraud. Such deceptions are committed by people who approach them and offer information concerning the whereabouts of their loved ones for a fee.*

Neither social nor mass media alone creates the conditions for the victimization of families looking for their loved ones. It is the lack of mechanisms and/or official protocols to guide or facilitate a search that most often places families in situations of vulnerability, leading them to pursue alternatives that put them at the mercy of those seeking to profit from their desperation.

* This is further discussed in the section on scams and extortion.

3.3. “When my brother disappeared, we moved heaven and earth [to search for him]”: The challenges of the search

Families of missing migrants face a variety of significant challenges in their efforts to locate their loved ones. All families expressed being ridden by a sense of uncertainty over where to start their search when they realize there is a lack of protocols or entities who can support the process. For families who have already experienced a similar loss in the past, the disappearance of yet another loved one implies reliving potentially traumatic experiences. In addition to these factors, families themselves identified a series of limitations that often prevent them from starting or conducting a search, which both increases their frustration and reduces the likelihood of them locating their missing relatives. They are discussed on the next page.

3.3.1. Lack of financial resources

The majority of the families who participated in this research lived in informal settlements in the outskirts of Almería. These locations, by virtue of being unrecognized as official by authorities, lack access to basic services like water or electricity and are cut off from public transportation, education, medical services or employment options other than working in the surrounding greenhouses in precarious conditions, where thousands of migrants work, often receiving compensation below the minimum wage, picking crops dusted with pesticides, and without being provided with protective gear (BBC, 2020; Ripplingale, 2019).

Most families interviewed for this study were struggling to live with some semblance of dignity in the settlement (*asentamiento*) of Atochaes, set on an arid patch of land outside the town of Níjar. The residents of Atochaes live in makeshift houses with no running water and which are unsafely powered by gas canisters and electricity from informal connections to the public power lines.⁷ Migrants who arrive in Almería typically find their way to the settlement through word of mouth. Once there, they are assigned a specific space in the camp, typically sharing a house with other residents, then eventually building their own. The residents of Atochaes have created homes in the most adverse circumstances, building their own houses using material and supplies discarded by the local agricultural industry (pallets, cardboard and thick plastic). As Nora, a resident of the Atochaes camp, explained in her own words:

“ When I arrived to Almería, I couldn't find a place to live – it is difficult to find a place to live or rent a room when you are undocumented. I could not live in the streets, and I didn't have family or friends here, so I decided to move here, to build my own shack (*chabola*) – as we say here, better to live in a *chabola* than in the streets.⁸



Informal Settlement in Almería. The research team spoke with families of missing migrants living in informal settlements in Almería, where hundreds of migrants live in precarious conditions which were aggravated by the COVID-19 pandemic.
© IOM 2020/Marta SÁNCHEZ DIONIS

⁷ Note from the authors: On 13 February 2021, a fire broke out at the Atochaes settlement, destroying the homes of hundreds of its residents, an inevitable outcome of the difficult and unsafe conditions in informal settlements. At least 400 people have been left without shelter, losing their homes and their belongings. None of the families who participated in this research were injured or affected by the fire, but their living conditions in the camp have worsened.

⁸ Further testimonies of the women living in the Atochaes settlement are recorded in the documentary *Invisible Lives: Migrant Women under the Plastic*, produced by Alianza por la Solidaridad. It can be watched here: <https://vimeo.com/470142366> (accessed 1 February 2021).

Some families interviewed had managed to move out of the camps and into urban neighbourhoods around Las Norias, La Gangosa and El Puche, which are still categorized by the State as disadvantaged areas. While people's livelihoods in these areas were visibly less precarious than those of the families at the settlements, their incomes were still considerably limited, and mostly designated to cover basic household expenses and for the support of their families.

While most families we interviewed had a source of income at the time, their working conditions often implied that they had limited time and resources that could be dedicated to a search. Engaging in a search is often financially taxing for families who have limited income to start with, or who cannot afford taking time off work to look for a loved one. Filing reports, meeting with authorities, or travelling to locations where the person was last seen or to track his or her steps can generate significant costs – not to mention the costs associated with scams if relatives are extorted in exchange for information. In short, financial precarity was a common reason that prevented people from dedicating time to carry out searches.

3.3.2. *Lack of regularized immigration status*

In addition to restrictions related to income and family obligations, families and their advocates indicated that one of the barriers they face most frequently in the context of their search is their lack of regular immigration status and the potential implications of being identified as an irregular migrant.

The immigration status of the people we interviewed varied greatly. Some had applied for temporary residence permits and were waiting for the authorities to decide on their cases. Others had arrived in Spain irregularly and were trying to complete the three-year residence requirement to apply for regular status (a condition that is hard to fulfil or demonstrate without proof of address or legal employment that would confirm their continued stay in the country). Many others lacked the ability to regularize their stay despite having lived in the country for a number of years as a result of other legal restrictions or conditions.

Lacking official authorization to be in Spain, families were reluctant to make themselves visible to the authorities for fear of detention or even deportation, or for fear of bringing unwanted attention to their family or friends. Ibrahim, who has been searching for his niece Binta since 2016, told us:

“ I was already living in Almería when she disappeared. My brother [Binta's dad], who lives in Las Norias [a disadvantaged neighbourhood in El Ejido], called me to tell me. ... We did not file a complaint here [in Almería], nor in Senegal. My brother is undocumented, so he didn't want to interact with the police.

Advocates often served as mediators to safeguard people without legal status, facilitating the sharing of information to the authorities or filing complaints on behalf of families to ensure there was a record of the disappearance. An advocate stated how she often had to convince people living without authorization in Spain about the need to make the report:

“ I often tell people [who are hesitant about filing a report], “No, no, file the report! Because if one day, if someday there is a [system in place] to trace the missing, the report will be the only record there will be of your relative's disappearance.”

3.3.3. *Focus on enforcement control and intelligence gathering*

When families reported the disappearances of their loved ones to authorities, they often encountered an increasing push by law enforcement to obtain details concerning irregular migrants' journeys – that is, information concerning trips facilitated by migrant smugglers, rather than information about the missing persons. Families expressed their reluctance to provide this information, fearing that their attempts to contact authorities could lead to accusations or even formal investigations into some purported role in the facilitation of migrant smuggling.

The work carried out by community activists is also often under scrutiny. Activists who specifically work assisting families in missing-migrant cases reported often being the target of harassment and intimidation by government officials who question their roles in the search or their ties to families, even accusing them of being connected to migrant smuggling groups or of being smugglers themselves – in some instances going as far as threatening activists with criminal charges. Aida, an advocate of Moroccan origin, explained:

“ What is really cruel is that [the authorities] ask what happened, [yet] they ask for the names [of the smugglers], for points of departure. How can they ask that to families? I filed a report with the National Police [about a missing boy], and a couple of days later I received a call from the UCRIF [the Spanish Central Unit against Illegal Immigration Networks and Forgery], and they asked me if I had any relationship with the owner of the *patera* in which the boy travelled.

Exchanges of this kind have led activists to reduce the visibility of their activities, since several of their contacts work within official institutions, and the appearance of collaboration may put these officials at risk of being investigated and/or losing their jobs. This, however, often results in important information not being shared in a timely manner, and in families remaining without information concerning their loved ones.

3.3.4. Families' lack of trust in authorities

The focus on countering migrant smuggling and enforcement control has heightened the fear that many migrant communities have of the police, undermining their trust in authorities. Several other factors described below exacerbate this mistrust, which results in families struggling to access formal search channels.

Families who filed missing-person reports often expressed their frustration over the lack of follow-up or response from the authorities. “They do not do anything with the information we give them,” said Moussa from Senegal.

Personnel assigned to government agencies may also be reluctant to file reports without specific information concerning a disappearance – information that may not be always available to family members, who as described often do not know the date, time or location of their loved one's departure. “It is well known what [authorities] do with our reports ... They just dismiss them,” Ousmane, also from Senegal, said despondently.

Families also reported facing language barriers and being unable to communicate their needs to officials who may be hesitant or too overwhelmed to provide support, which reinforced the families' generalized lack of trust in the authorities' capacity and willingness to search for their missing loved ones. That was the experience of Mohammed, who explained how his father's many efforts to find his missing brother in Spain were thwarted by language barriers and met with indifference:

“ We looked for my brother on Facebook. Someone contacted us from Portugal and said, “I know a guy who looks like the one in the photo.” My father and my cousin went to Lisbon for a week to search for answers. They went to the embassy. [But] the problem was the language, the [inability] to speak Portuguese. ... [They] contacted the consulate, the local authorities. “Okay, you are looking for your son, fill in this paper;” [authorities would tell them]. But that paper, no one knows where it goes. And my father didn't know what [else] to do and decided to return to Spain.

Encounters with personnel at the embassies were described by several of our research participants as dismissive. Ousmane, who has been searching from within Spain for one of his nephews who had disappeared in Mauritania on his way to the Canary Islands, laughed in frustration when asked about the roles of his country representatives in the search:

“ At the embassy? Search through the embassy? What will the embassy do, search for a person? [The staff] won't do it. We had relatives in Mauritania. We chose to contact them instead [so that they could help us search].

Sub-Saharan African families expressed their reluctance to reach out to authorities, fearing they would be blamed for the disappearances. And as described earlier, they expressed widespread mistrust of authorities, especially those assigned to embassies. Arnaud, a migrant advocate from Cameroon, explained:

“ Families who have no news of their loved ones do not necessarily approach embassies or authorities. Why? Often, it is because they don't know which authorities to approach. But also because they feel that they will be blamed, like they have done something wrong. And because of the feeling that the authorities cannot help them.



The Last Photo I Have. A young man tells the research team about his missing older brother, who disappeared on his migration journey to Spain years ago. © IOM 2020/Marta SÁNCHEZ DIONIS

Text box 3. Challenges of families searching from outside Spain

Families who had lost relatives on the way to Spain but were not based in the country faced specific challenges when searching from abroad. Many reported not knowing where to start the search, faced with the lack of clear and accessible mechanisms to report missing-migrant cases. Others had contacted a range of authorities but obtained no results. A few reported having been victims of scams and fraud. They also raised the fact that they are unable to travel to Spain for the purpose of a search given the complex visa requirements.

Families – especially those living in Morocco – mentioned having reached out to the authorities for help and having filed reports at their local police station regarding the disappearances of their loved ones. Omar, whose older brother went missing in 2008 during his journey to Spain, explained, “When my brother disappeared, we moved heaven and earth [to search for him]. We filed a complaint with the authorities: with the police and with [the] Spanish consulate [in Morocco].”

Similarly, Laila, who is searching for her brother who went missing in 2018, recounted:

“ We called and called his phone, until it stopped ringing. And then we started looking. First, we looked for him in the hospitals. Then we filed a complaint at the police station. ... The mother of my brother’s friend [who disappeared with him] has also tried with the Spanish embassy in Morocco, but they told her nothing, that they had no information.

According to Spanish law, for the search of a missing migrant to proceed in Spanish territory, families would also have to file a report with the police in Spain – a virtually impossible feat, as there are no protocols (i.e. visas) that support families to travel for this purpose.* Laila, who is searching from Morocco, also stated, “If we could, we would go to Spain, to file a complaint and give DNA samples, but we can’t.”

Therefore, while families may be doing their part by filing missing-person reports, it will never result in any kind of investigation being launched in Spain. Aida, an advocate, stated, “If filing in Morocco would have the same impact as filing the report in Spain, things would be ideal, but that is not the case.”

While the inability to travel to Spain does not stop families from carrying out searches or filing missing-person reports, they are also aware of the almost symbolic nature of their efforts. There is no mechanism in place in either Morocco or Spain to track or cross-reference reports of missing persons filed in Morocco with information concerning detained, ill, injured or deceased migrants in Spain. Families also indicated not knowing what happens with the reports they file in Morocco – whether the cases remain open or if they are ever investigated. To this, one must add the fact that there are also no protocols nor registries in Spain that systematically collect information on people who die while in transit to the country.

* This issue is explored in Chapter 3 of this report.

3.3.5. Scams, fraud and extortion

Some families seeking information on their loved ones lost on their way to Spain reported being victims of scams and fraud. Attempts on the part of anonymous callers to extract money from families followed the publication or dissemination of information concerning the disappearances of their loved ones, most often through social media or television, but also in some cases by word of mouth. For example, some Moroccan families interviewed stated that calls concerning their loved ones had followed the reporting of their cases in the monthly television show *Moukhtafoun*. Callers promised information concerning the whereabouts of a missing person in exchange for money. Desperate for responses, many families have fallen prey to such scams. Laila fell for one of these attempts when looking for her brother:

“ We sent a photo to the Moroccan public television show of missing persons – *Moukhtafoun*. People who had seen the program started calling us. They tried to take advantage of us. They told us that [my brother] was in prison. Someone from Al Hoceima called us and asked us for money in exchange for information. We went to Al Hoceima and handed over [the] money. The person disappeared later.

Omar had a similar experience following a call from someone who promised to help him on his search for his missing brother: “We were excited. We felt that people were good. But no, [we realized] it was all with the hope of [getting money] out of us.”

The testimonies indicate that on occasion, the financial precarity that families face saves them from becoming the victims of fraud. This, however, also leads some families to believe that their poverty prevented them from finding information about their loved ones, with devastating emotional consequences. Mohammed explained, “The problem with *Moukhtafoun* is that people see the [personal] details, they get the information, and they reach out and tell you they will help. But it is all lies. Besides, we didn’t have the money.”

3.3.6. Navigating community expectations and cultural stereotypes

The families interviewed by the research team often expressed fear of being seen by European interlocutors as ignorant, primitive, or driven by cultural traditions or taboos. They reported that feeling misunderstood when interacting with government officials was exhausting and humiliating. Martin, who has lived in Spain for over 20 years and serves as a migrant advocate for Senegalese families, explained some of the challenges he encounters when accompanying people to carry out searches:

“ I am a hybrid being: I have grown up between the two cultures, mine and the Western one. It is not difficult for me. What is difficult is to explain it to the Spanish people.

Arnaud echoed Martin's feelings:

“ People have a hard time understanding that applying European concepts to African communities does not work. For example, [in my community] a house is not owned by one person. It is owned by a family. This is a different concept of “property”. The same goes for roles within the family.

At the same time, families and advocates were deeply aware of the need to respect the customs of their communities, including the rites that regulated people's treatment of the dead, as Ousmane told us:

“ When I am here, I follow the European culture. When I go home, I am from there – but I am careful because I can offend. Having spent so much time away, there are things one doesn't know.

Many of the concerns and beliefs shaping traditions, as well as interactions within and outside migrant communities, are also rooted in gender and gendered perceptions, which are discussed in the following section.

3.4. Gender dimensions in missing migrants' dynamics

Most literature on missing migrants tends to describe or assign specific experiences along gender lines: men tend to be depicted as the missing, while women's experiences are often narrowed down to their roles as mothers, sisters and wives in pain (Robins, 2019). Our interviews revealed the existence of a much more complex landscape that revealed a myriad of ways in which women and men engage in the search for their missing relatives, but also how gender at times creates barriers and challenges for people carrying out the search.

Interviews showed that gendered perceptions often shape the way information concerning a search is managed – that is, the ways in which information concerning the missing is communicated by and to men and women are different. Data suggested that gendered perceptions of women as overly emotional, sensitive or weak often limit their access to information and/or their level of involvement in the search. While this creates spaces and behaviours that are socially accepted, it may hinder communication or restrict the decision-making to a few (often male) relatives or community members.

Ousmane, whose nephew went missing in 2000 en route to the Canary Islands, explained how he limits the information he shares with his nephew's mother whenever he visits her:

“ When I go to my parents' village [in Guinea-Bissau], his mother always comes to see me. I always tell her that I don't know [anything], but I actually think her son is not alive. Many [people with] dreams leave, but only a few arrive. Most of them remain under water. ... The mother keeps waiting. She still has hope of finding her son. She talks a lot about her son. She always talks about him in the present tense. But I haven't told her. I haven't told anyone that I think her son and the other kids are dead.

Interviews revealed that men often interpret women's suffering over a loss as a sign of passivity, or an element that may cloud their judgement, making them unable to think clearly or make decisions. Some male interviewees explained that they did not share information with women, who always demanded information, preferring to share details with other men, who displayed little emotion or appeared unmoved by news. Arnaud, a community leader from Cameroon, stated:

“ The mother. The mother always wants to know what happens. The man feels something, but he does not share. They, as women, always want to know what happened.

Elijah, a migrant advocate from Cameroon, also described a mother's experience along those lines, focusing on the suffering she experienced and her effusive grief at the loss of her child:

“ A neighbour lost a son. He died in Melilla. One of the two boys with whom the son was travelling called the mother and told her that her son had died. He was buried in Melilla without being officially identified. The mother is in very bad shape. She spends all her time crying. Hopefully, one day she will stop crying.

Men expressed significant concern over the preservation of cultural traditions and the protection of the individual privacy of family members when carrying out searches. When the missing person was a woman, there was also a tendency to explain her disappearance as a result of social transgressions (for example, being employed as a sex worker or having abandoned her children). In these instances, there may even be a tendency to declare the woman as dead, even if her death has not been confirmed. Ibrahim, who has been looking for her niece since 2016, commented:

“ [The reason why we don't speak about this case] is because her mother doesn't want to talk about it, because she knows, because she feels that [her daughter] disappeared because she may be engaged in sex work in Libya. She left two children behind, in Senegal, and their father called me because although they had not confirmed that she had died, they wanted to do all the funeral rituals already.

Women often also regulate or limit the amounts of information they share with other women (also in an attempt to reduce their suffering). However, they also refrain from demanding explanations or detailed information from men, in the process reinforcing gender norms. Laila, a woman from Morocco, is one of eight siblings. She has led the search for her brother in Almería from Morocco. When asked how her family endured the disappearance of her brother, she switched from Arabic to Spanish, to prevent her mother from following the conversation. Laila then said she was unable to speak about that part of her experience, because her mother was sitting next to her, and she wanted to prevent her from becoming sad. During interviews, it was also common for mothers to report that initially they had not questioned the disappearance of their sons from their households because it is socially accepted for young men (although not for women) to leave their homes without notice to stay with friends or family members for days at a time, and asking questions about their whereabouts is seen as intrusive or overly protective.

None of these findings seek to suggest that the decision to compartmentalize information is malevolent. To the contrary, the decision not to share details is rooted in the desire to protect women and prevent additional suffering. Yet this research shows that the characterizations of women as overly emotional or sentimental and of men as calm and unaffected shape not only the management of information related to a search, but also the way communities at large handle migrants' disappearances. Statements like “The mother cries all the time” or “Whenever the mother sees a neighbour getting married, she gets sad thinking that she will not be able to live those moments of her son's life” contrast with the rational, in-control approach often articulated by or attributed to men in statements like “There are times when I need to hold back information from my mother to protect her” or “It is important that we protect the privacy of the family”.



Binta. "She never told us she was going to come to Spain. One day she took her two children to their grandmother, and she left. ... When we heard that she had left, and then we never heard if she had arrived, at first we waited and waited to hear something concrete. But we never heard anything concrete." © IOM 2021/Salam SHOKOR

Text box 4. The impact of migrant disappearances on children

The impact on children of losing a loved one in the context of migration has been scantily examined in the literature on missing migrants (IOM, 2019). During our research, some participants shared a few memories of the repercussions and the significance of losing a loved one during childhood.

Laila has been leading the search for his missing brother for the last year. She indicated that her youngest siblings were told about the disappearance and are kept informed of developments:

“ Everyone knows, even the little ones. At home everything has become very dark. This is something they will grow up with.

Omar, a young Moroccan man who travelled to Spain on his own as an unaccompanied minor, also remembered the impact that the disappearance of his sibling had on his life:

“ I was only a boy, but my life changed. I could see how my mother mourned the death of my older brother who went missing in 2008. My mother cried often. On important holidays, she remembered him a lot. My mother when she sees a neighbour getting married, for example, gets sad, thinking that she will not be able to live those moments in my brother's life. He left a very big hole. This in fact made me more responsible. It made me care. I remember being quite worried about both of my parents.

Omar's family did not know of his whereabouts for five days, as upon arriving in Spain he was placed in the custody of immigration authorities who had taken his cell phone from him. After being released from custody, he was finally able to call his family in Morocco and contact his mother. “My little brother answered, and he was so shocked he passed out [laughs].” Omar asked his brother, who had joined the interview via WhatsApp, “Why did you pass out, uh?” The brother (a boy of approximately 10 or 11 years of age at the time of the interview) covered his face and started to cry when he remembered the incident.

Mohammed was also an adolescent when his older brother, Hassan, left for Europe with his father. At the age of 23 or 24, Hassan disappeared, apparently in the context of the attacks on migrants that took place in El Ejido in 2000 (Checa et al., 2010). The family has not heard from Hassan since. Mohammed explained:

“ I was younger than him. He was my favourite brother. I always looked up to him. I am still searching for him. He left when he was 14, with my dad. If he is alive today, he is about 46. We just want to know what happened to him.

Mohammed took out of his pocket a piece of paper that he unfolded carefully and laid out on the table for us to examine. An almost illegible photocopy of Hassan's passport (the only legal proof of his existence) showed the face of a young man with curly hair. Mohammed said, “My son Hassan” – named after his missing brother – “has my brother's curls.”

4. Conclusions

The data collected alongside families for this study reveals important insights concerning the disappearances of migrants on their journeys to Spain and the search practices carried out by their families and advocates. From the onset, it was clear that families did not want the decision of their loved ones to migrate to be depicted as driven by a single factor like poverty or conflict (these were in fact quite often not part of the lives of migrants). Instead, families clearly articulated a wide range of causes that could have played a role in people's decisions to migrate – and more specifically, to travel irregularly. While economic differentials and aspirations of improved economic status were key, the desire to join friends and family members and to share their same experiences was often cited as reason to migrate, especially among young migrant men. It was also clear from the testimonies of families that many of these journeys were not intended to occur irregularly: people had attempted to obtain visas to travel in a safe, orderly and regular way. But undecipherable requirements – many of them out of the reach of young people who aspire to migrate – make the visa process un navigable and unsuccessful for most.

Another important finding of this study are the challenges linked to the transnational nature of the search for a missing migrant relative. None of the searches took place solely in the country of origin or destination. The existence of diasporic networks, the long-standing history of migration between countries of origin and Spain, the availability of technology, and to a degree, the prevalence of social and mass media mean that people often carry out searches not only locally, but also in the countries of origin, transit and destination, shaped by the families' personal geographies and those of their missing loved ones.

Searches are eventful, difficult processes. The interviewed families struggled to find ways to report their relatives' disappearances, a factor emerging from the lack of a centralized body or entity addressing missing-migrant cases. Often, families' efforts to engage with authorities were met with indifference and inaction. Many reported altogether avoiding contact with authorities, aware that nobody would follow up on their reports. Family members who lacked official authorization to be in Spain were reluctant to make themselves visible to the authorities, fearing detention or even deportation, or for fear of bringing unwanted attention to their family or friends. Those who reached out to authorities for help reported being pressured to provide information regarding the organizers of the journey (that is, smugglers or facilitators), which led families to believe that authorities were more interested in prosecuting smugglers than in helping locate and/or identify their missing loved ones.

As a consequence, most families relied on informal networks of advocates and volunteers known to provide support with searches rather than reaching out to authorities in the event of a disappearance. These networks, often made up of migrants themselves, are more trusted, not to mention that migrants are more likely to receive support from someone who knows how to navigate the sociolegal dynamics of a search in their own language. Regrettably, testimonies suggest that advocates seeking information on a missing person are often blamed for being involved in smuggling facilitation themselves and are threatened with charges in the event that they continue with their efforts. While intimidation attempts have not stopped advocates' efforts, they ultimately impact the search process and the ability of families to obtain information about the missing.

Social media is an important tool to disseminate information, used by migrants to provide updates concerning their journeys, and for families to conduct their searches. Posts are often used to trace back the steps of a missing migrant's journey; however, they are also used by people dealing in scams and extortion. Families reported having been asked for money in exchange for information on their loved ones, following the dissemination of their cases on social or mass media – in the case of Moroccan families, reports made through the television show *Moukhtafoun* were known to often lead to extortion attempts.

Researchers have long documented the pain and suffering that surround families who have experienced the loss or disappearance of a loved one (ICRC, 2013, 2015; Ben Attia et al., 2016). While it is indeed important to acknowledge families' experiences, it is also fundamental to examine how gendered notions of pain (women as overly emotional, irrational and demanding information; men as stoic and able to make decisions) may limit the involvement of specific people in the search, the way information is disseminated, and how decisions concerning a disappeared or missing loved one are made. Among the people interviewed in this study, men often reported limiting the amount of information that was shared with women, thinking the latter were too emotional or grief-stricken to make decisions or act rationally. In other studies in this same project, data indicates that this way of managing information may further reinforce gender inequality, in ways that are often disadvantageous to women (Ayalew, 2021; Okyere and Kondeh, 2021).

Children are another group deeply impacted by migrant disappearances. The interviews in this sample indicate that the loss of a loved one is perceived by children as a defining moment in their lives. While often thought as naïve and not really aware of what is happening around them, on the contrary children are deeply impacted by disappearances, often as a result of the close ties they had to the missing persons. The feeling of loss accompanies the child throughout their life, especially if they also decide to migrate, which was often the case in our sample.

On the basis of these findings, and drawing from the testimonies of families and advocates, the list below outlines some overarching recommendations that could improve the families' situations. These points are integrated into the recommendations for action in the final chapter of this report.

- (a) It is important that **families, advocates and allies help create environments where all family members, especially women and children, work alongside each other to process information** in ways that are meaningful to them, and that allow them to be aware of the decisions concerning their missing relatives. This means listening to what they have to say, respecting their decisions and creating paths for their participation.
- (b) There is a need for improved coordination and collaboration between key stakeholders (authorities, independent and individual advocates, and those operating in organizations who assist families in the search process) to **develop a single accessible mechanism for reporting the disappearance of a person in the context of migration. A unified data protocol and repository would allow the collection of information uniformly across Spain** and could also eliminate the need for families to make multiple calls and/or reports in the context of their searches. With a funded system of this kind, and making it the designated point of contact, tensions between civil society, law enforcement agencies and families searching for missing migrants can be reduced. Furthermore, this may also alleviate the workload of volunteers and advocates responding independently to requests for assistance.
- (c) Alongside the issuance of visas allowing families to travel to Spain to file reports in person, given the high financial cost of a process of that nature and the further exclusion it could cause for families unable to cover the costs, the **creation of a mechanism that considers missing-migrant reports made in the country of residence as having been filed in Spain so that such disappearances are recognized by Spanish law** would constitute an important milestone. It would allow the recording of the disappearances with Spanish authorities, which would in turn – in the event that a person is found and/or his or her remains located – allow families to obtain information concerning the missing.
- (d) The research has shown that the lack of safe reporting tools, along with an insecure migration status, prevents many families from starting or conducting a search, which reduces the likelihood of them locating their missing relatives. **There is a need to develop effective and safe reporting tools, such as firewalls, allowing for the sharing of information and the reporting of crimes and abuse without the likelihood of retaliation.** In line with the creation of a single mechanism for reporting would be the creation of measures that allow families and advocates to share information that may assist with a search, without the fear of retaliation from authorities or third parties.
- (e) Migrant families have historically experienced systematic and structural discrimination and racism, and they encounter challenges throughout their interactions with authorities. Strengthening the advocacy base by **identifying, recruiting and employing community members themselves, along with advocates already employed in the region, to provide services to families searching for missing migrants** is key to developing trust in institutions, strengthening the capacity of migrant communities and organizations, and rebuilding ties that might have been lost or damaged over decades of ethnic and religious tensions. Along these lines, compiling a detailed guide of the services and forms of support already provided will avoid the replication of efforts, and allow for an improved use of already limited resources.

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CHAPTER 3

The search for deceased and missing migrants in Spain: Legal and institutional considerations



1. Introduction

Carlos Arce Jiménez¹

Given the number of migrants who embark on perilous journeys through irregular channels around the world each year, the priority of many States so far has been to provide humanitarian and emergency assistance. Even though this is understandable given the limited resources available, it should not obscure the fact that the search for missing persons and the identification of the deceased are humanitarian duties too, regardless of the legality or irregularity of the journeys on which they lost their lives (IOM, 2016).

Alongside these humanitarian duties, States are subject to international human rights norms (Grant, 2016). As human beings, regardless of their status, migrants and their families are entitled to the rights enshrined in international human rights law (IHRL). The right to life – which is protected by international and regional human rights treaties, customary international law, and domestic legal systems – includes the right to be treated with dignity after death. Furthermore, the State has a procedural obligation to: (a) effectively investigate deaths within their jurisdiction when the cause is uncertain (and to do this in a non-discriminatory manner, irrespective of the victim’s race, ethnicity, national origin, gender or other status); (b) ensure an independent and transparent investigation of the circumstances of any death; (c) identify the deceased; and (d) provide information to their families (IOM, 2016; Grant, 2016; Last Rights, 2019). This procedural obligation also exists when people go missing in life-threatening circumstances. As such, relatives of deceased or missing migrants who need to know the fate and whereabouts of their loved ones have corresponding rights under international humanitarian law (the “right to know”) and under international human rights law (the “right to truth”) (ICRC, 2020).

The Global Compact for Safe, Orderly and Regular Migration, adopted in December 2018, states in its Objective 8 that States shall “save lives and establish coordinated international efforts on missing migrants”, which includes “[making] all efforts ... to recover, identify and repatriate the remains of deceased migrants to their countries of origin, respecting the wishes of grieving families” and “[establishing] transnational coordination channels ... and [designating] contact points for families looking for missing migrants, through which families can be kept informed on the status of the search” (UNGA, 2018). While the Global Compact for Migration is a non-binding instrument, according to the principle of good faith, States who endorsed it are expected to implement these commitments at the national level.

In order to uphold these obligations and commitments, States should remove all legal, bureaucratic or administrative impediments that families of missing migrants face in exercising their rights or

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in accessing justice, including ensuring that the existing framework for handling missing-person cases takes into account the dynamics of deaths and disappearances on irregular migration routes (ICRC, 2017; ICRC, IOM and EAAF, 2019).

This chapter examines the legal and institutional framework for tackling cases of missing persons and unidentified remains in Spain, examining its application to the specific context of irregular migration and how it helps or hinders the families of missing or deceased migrants in accessing their right to information and justice.

2. Research methodology

This chapter is based on a documentary analysis of existing legislation, protocols, and procedures applicable to cases of missing persons and unidentified remains in Spain. It is based on a desk-based review and analysis of existing legislation, protocols and procedures applicable to cases of missing migrants. This review was complemented with semi-structured interviews conducted with civil society and institutional actors and representatives of migrant communities in Madrid and Andalucía, Spain. Interviews were carried out in person by the research team during two fieldwork trips to Spain in December 2019 and February 2020. The interviewees either directly supported families who have missing migrant family members or had advocated and supported cases of missing migrants and their families. Their insights helped identify areas for improvement and contributed to the recommendations on how to better support families of missing migrants searching for relatives lost on migration routes to Spain. The COVID-19 pandemic prevented the collection of data in other regions considered for the study – namely, Ceuta, Melilla and the Canary Islands. A planned third round of fieldwork in these regions was cancelled as a result of the pandemic, which severely impacted Spain.

3. Institutional responses to deceased and missing migrants in Spain

In the last three decades, more than 9,100 people have lost their lives while trying to reach Spain. The disappearances and deaths of people on migration routes not only present a humanitarian tragedy, but also pose exceptional challenges and practical difficulties to be met during the search and identification processes. The transnational nature of migration requires the participation of multiple countries over multiple jurisdictions and special cooperation measures. It also means that families searching for their loved ones from their countries of origin are required to conduct searches in countries that they cannot access due to existing migration policies. On the other hand, not all relatives of missing migrants are based in the migrants' respective countries of origin. Many of them are also migrants themselves in countries of destination or transit, and they face challenges of their own when searching for their loved ones. They often lack the necessary documentation or resources to participate in search processes, face linguistic and cultural barriers, and lack access to legal and psychosocial support.

This section analyses the general procedures and protocols that apply to cases of deaths and disappearances in Spain. Then it explores some of the ways in which their adaptation to the specific contexts of irregular migration would allow the families of dead or missing migrants to exercise their legitimate right to information and justice.

Figure 3. Actors involved in missing-migrant procedures and the identification of remains

ACTOR	ROLE
Families of missing migrants	It is up to the relatives of migrants who have died or gone missing on migration routes to Spain to drive forward the search process and defend the interests of their loved ones while they are missing.*
Public Prosecutor's Office	The role of the Public Prosecutor's Office varies according to the type of procedure (civil or criminal). Civil proceedings for declarations of absence and declarations of death may be initiated ex officio or at the request of relatives.
Courts	Either the civil or criminal courts will have jurisdiction, depending on whether the disappearance or death was caused by events that constitute a crime or not.
State law enforcement agencies	Law enforcement agencies are in charge of investigating reports of missing persons and unidentified remains (excluding purely forensic operations).**
Forensic examiners	The various institutes of legal medicine and forensic sciences operating under the Ministry of Justice provide technical assistance in procedures where there is a deceased person, to determine either the cause of death or the identity of the deceased if unknown.
Embassies and consulates	The Voluntary Jurisdiction Act explicitly sets out that embassies and consulates are to cooperate in procedures for the judicial declaration of death in shipwrecks and aviation accidents.***

* See Articles 181–184 of the Civil Code and Articles 68–71 of the Voluntary Jurisdiction Act (15/2015).

** The relevant powers are set out in Article 11.1.g of the Law Enforcement Agencies Act (2/1986) and in Articles 282–298 and 334–367 of the Criminal Procedure Act.

*** See Article 74 of the Voluntary Jurisdiction Act (15/2015).

3.1. Procedures applicable to the recognition of absence or death

There are two key mechanisms applicable to disappearances: declaration of absence (by which a person who has disappeared from his or her last place of residence and not been heard from for a certain period is declared legally absent) and declaration of death (by which a person who has not been heard from or has disappeared under circumstances which give rise to a presumption of death may be declared dead).² When a declaration of absence is made with respect to a person, a representative can be appointed to defend his or her interests and initiate the search. This representative is chosen from the immediate family. A declaration of death provides that the person named therein is considered dead with legal effect.

These two mechanisms play a particularly important role for families of missing migrants, since they determine the legal status of the victims and clarify the legal situation of families in relation to the missing or deceased persons. Alongside the pain and suffering, and the obstacles that may be faced during the search, families must also cope with the practical difficulties that the absence of their loved ones can imply on their daily lives. By obtaining a declaration of absence or a declaration of death, family members of the missing person have the opportunity to address issues related to inheritance,

² This is governed by Articles 181–198 of the Civil Code and Articles 67–80 of the Voluntary Jurisdiction Act (15/2015). If an offence has been committed, then the Criminal Procedure Act (Royal Decree of 14 September 1882) shall be applied.

dissolution of marriage, child custody, debts or obligations of the missing person, and access to social benefits linked to the death or disappearance.

These declarations can be very challenging to obtain when deaths and disappearances occur on irregular migration routes. Given that they concern individuals who are not Spanish nationals, it is difficult to determine whether the legislation to be followed is that of Spain or the country of origin. The Civil Code lays down general rules governing the applicable law in matters involving a foreign national,³ but there are no specific provisions regarding declarations of absence or death.

In addition, the evidentiary standards required to obtain such declarations can pose an insurmountable obstacle for the families of migrants who have died or disappeared on irregular migration routes to Spain. Article 194 of the Civil Code, for example, stipulates that the presence of passengers on shipwrecked or missing boats must be proven.⁴ This requirement is not usually a problem for civil and military vessels making organized voyages in line with rules and standards on navigation and sea passenger transport, as they will have an official register of crew and passengers on board. But boats engaged in the irregular transport of migrants do not have this documentation, precisely because they are irregular. Therefore, proving that a person was on a shipwrecked dinghy or canoe (or the existence of a shipwreck when no remains have been recovered and there are no survivors) is unviable. In addition, a boat (and its occupants) cannot be considered missing without identifying its ports of departure and destination. However, the dinghies and canoes in question do not leave from or set destination for officially recognized ports. The only evidence available in these cases is the testimony of the shipwreck's survivors, or news that relatives or civil society organizations may have obtained claiming that a particular person was on a ship that has been shipwrecked or has disappeared without a trace.

Another key challenge is that the law states that in order to obtain a declaration of absence or a declaration of death, the procedure must be initiated specifically by a directly affected individual (in this case a relative of the missing or deceased migrant). However, in the context of deaths or disappearances occurring during irregular migration, when the relatives of the deceased or missing migrant in question reside in the migrant's country of origin or are themselves undocumented migrants in a country of transit or destination, it is virtually impossible for them to travel to Spain to initiate such a procedure. Families often lack the most basic information on how to begin a search process, and often they do not have the resources to be able to search. More importantly, many families refuse to accept that their loved ones have been pronounced dead until they have evidence. One of the few situations in which the Spanish authorities take a proactive attitude is when there are indications that the disappearance or death of the migrants in question may be related to criminal acts. But even in these cases, it is very rare that the relatives of deceased or missing migrants are brought into the search and identification processes.

³ See Articles 8–12 of the [Civil Code](#).

⁴ See Article 194 of the [Civil Code](#).



Washed Up and Down. On 1 November 1988, 18 people drowned trying to reach Spain. This was the first shipwreck recorded on an irregular migration route to the country. Since that fateful day, more than 9,100 people are believed to have lost their lives migrating to Spain. Each person who disappears or dies leaves behind family and friends who miss them, wonder where they are, and search for information about their loved one's fate and whereabouts.
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3.2. Protocols and tools applicable to the search for missing persons and identification of remains

The police handle inquiries into the whereabouts of missing persons and the identification of remains, and protocols and tools are available for this purpose. However, these protocols do not take into account the specific situation of people who die or disappear on irregular migration routes to Spain, or their families. In short, there are no specific protocols applicable to such cases (IRIDIA, 2021). In the absence of clear and efficient search mechanisms that allow missing or dead migrants to be identified, that establish direct contact with the families, or that allow said families to report their cases to the Spanish authorities, the likelihood that missing or deceased migrants will be found or identified is remote.

3.2.1. Police protocols applicable to cases of missing persons

In March 2019, the Ministry of the Interior (2019a) enacted the *Protocolo de Actuación de las Fuerzas y Cuerpos de Seguridad ante Casos de Personas Desaparecidas* (Protocol on Action by Law Enforcement Agencies in Missing Persons Cases). This document sets out the general rules governing the search for missing persons. However, the Protocol does not refer to the specific situation of people going missing on irregular migration routes. Those sections referring to disappearances with a transnational element do not mention disappearances related to migration, let alone those occurring in the context of irregular migration.

The document sets out three types of disappearances and their respective levels of investigative priority:

- (a) *Voluntary*. This occurs on the person's own initiative without the intervention of a third party. These disappearances are given the lowest level of priority, except when they concern minors or individuals in vulnerable situations.
- (b) *Involuntary*. This occurs for reasons beyond the control of the person concerned, with such causes not linked to criminal acts, and includes disappearances in accidents or disasters. The Protocol classifies the investigation of this type of disappearance as intermediate priority.
- (c) *Forced*. This is linked to criminal acts, and the Protocol classifies its investigation as top priority.

Disappearances involving migrants on irregular routes to Spain would fall into the second category, since the disappearances or deaths of those shipwrecked in a non-recorded vessel, or involved in fatal accidents while travelling as stowaways, climbing border fences, or travelling on the underside of vehicles to avoid checks could be classified as “accidents”. Shipwrecks involving a large number of victims could be categorized as a “disaster”, a type of involuntary disappearance for which there is a specific protocol for action.⁵ Only when it is possible to prove that a migrant's disappearance is linked to an alleged crime, such as trafficking in persons, can the case be considered a forced disappearance and classified as top priority.

Under the Protocol, relatives of the missing person are required to make preliminary enquiries into the location of their relative, and then to file a report on the disappearance with law enforcement. This will determine whether a police investigation should be opened. It is difficult for the families of those who have died or disappeared on irregular migration routes to Spain to meet these requirements since they often lack information concerning not only the existence of established search channels, but also the very disappearance or death of their loved ones.

“ Families who do not hear from their loved ones don't approach the authorities, because they don't know where to start looking. (Arnaud and Elijah, West African migrants living in Spain)

Families searching for their loved ones from their home countries often do not have the documents or resources necessary to file a complaint, not to mention the significant linguistic and cultural barriers they would have to face. In addition, when family members themselves are migrants in transit countries or in Spain, they often find themselves in precarious and irregular situations, with limited access to search channels.

⁵ See the *Protocolo Nacional de Actuación Médico-forense y de Policía Científica en Sucesos con Víctimas Múltiples* (National Protocol Concerning Action to Be Taken by Forensic Examiners and Forensic Police in Events Involving Multiple Victims), which was approved by Royal Decree 32/2009 of 16 January 2009 (Ministry of Justice, 2009). The extension of this Protocol to shipwrecks with a high number of deceased or missing migrants could promote the identification of more human remains and improve the care and support offered to family members, since it follows international humanitarian standards for responding to disasters with multiple victims. For these situations, immediate steps are taken to count the dead, register the missing, and identify the victims, and the families are at the centre of these operations.

“ It's not common for families to directly file reports themselves: When they're in Spain, they're often undocumented and won't want to file a report. When they're in [their country of origin], they have no way of reporting the disappearance to the Spanish authorities. ... There is also the fear that they might endanger the relative's status in the country. (Amira, migrant rights activist)

These obstacles make it difficult for unidentified missing or deceased persons on irregular migration routes to Spain to be reported as missing, or for processes to be initiated for them to be located or identified.

3.2.2. Tools assisting the search for missing persons and identification of remains

Although law enforcement agencies do not have any tailored mechanisms adapted to the specific circumstances in which deaths and disappearances on irregular migration routes to Spain occur, they do have at their disposal material as well as technological and institutional tools designed to assist the search for missing persons and the identification of remains, which could also be used for the purpose of tracking missing migrants. There are three key tools that are used nationally:

- (a) *Police database containing DNA-based identifiers.* This database, which was first introduced in Law 10/2007, collects data and genetic samples from missing persons, their families, and unidentified remains. By cross-referencing data and DNA samples, the database can identify individuals, resolve disappearances and facilitate coordination between the various police forces working on missing-person cases in Spain.
- (b) *National Institute of Toxicology and Forensic Science, and Regional Institutes of Legal Medicine and Forensic Sciences.* The role of these agencies is to identify human remains in accordance with a collaboration protocol signed between the Ministry of the Interior and the Ministry of Justice (Ministry of the Interior, 2019b).
- (c) *National Centre for Missing Persons.*⁶ This centre, which operates under the Ministry of the Interior, was created in 2007 as a centralized body responsible for the effective and continuous coordination of the Missing and Unidentified Remains System (*Sistema de Personas Desaparecidas y Restos Humanos sin Identificar*). The system contains data collected by law enforcement agencies – i.e. data collected each time a disappearance is reported to the National Police, the Civil Guard or regional police bodies. Its functions are to: (i) act as an observatory by carrying out studies and compiling statistics; (ii) advise and promote coordination between State law enforcement agencies; (iii) make proposals for legislative reform; and (iv) publish notices and alerts about missing-person cases.

The most prominent tools available at the international level are:

- (a) *Interpol's DNA database.*⁷ This database contains genetic information on missing persons and unidentified remains from the organization's member countries. Data is added to the database every time a member country fills out a form for a case involving a foreign national. Unidentified human remains that have been found off the Spanish coast should be systematically recorded on said form.
- (b) *Schengen Information System (SIS).* The SIS is a large-scale information system that facilitates cooperation between national border control, customs and police authorities in the Schengen Area. The SIS enables the competent authorities of the Schengen States to enter and consult alerts about persons and for objects. The reasons for issuing an alert include searching for a missing person. As such, the database brings together information on missing persons from across the Schengen Area. The information that is available varies depending on the vulnerability of the person in question and the likelihood that he or she may have crossed borders.
- (c) *International DNA database for States party to the Prüm Convention.*⁸ This database allows the exchange of genetic and biometric data between countries that are party to the convention.

⁶ See <https://cndes-web.ses.mir.es/publico/Desaparecidos/en/Nosotros>.

⁷ See www.interpol.int/en/How-we-work/Forensics/DNA.

⁸ This treaty is between various European Union States to deepen cross-border cooperation in the fight against crime, terrorism and irregular migration, signed in 2005 in the city of Prüm, Germany.

A fundamental requirement when identifying remains is that family members participate and contribute to the identification process. They are required to supply genetic material and ante-mortem data to these databases for comparison with the post-mortem data collected from the remains. This once again highlights the fact that the families of missing or deceased migrants are often invisible. So long as the State has no contact with the families concerned nor mechanisms to locate the families in their countries of origin or transit, DNA identification is practically impossible. Thus, opportunities for collaboration with migrant community associations, civil society organizations and cultural mediators – who could act as bridges between families (whether in their respective countries of origin, transit or destination) and the State – are worth exploring.

Text box 5. The participation of civil society in search processes

The Spanish Red Cross assists people who are without news of, or separated from, members of their families through its Restoring Family Links (RFL) service. Within migration contexts, the RFL service records missing-migrant cases through direct alerts (telephone or online enquiries) and formal search requests through national Red Cross or Red Crescent societies in the countries of residence of the relatives of those missing. The RFL service works to know the whereabouts of missing persons and helps families through certain procedures, including reporting the disappearances to the authorities.*

Actors from civil society and local communities have engaged in a collective process of self-organization to support families in their search. Efforts to support the families of missing migrants are informal and carried out by activists belonging to local collectives or associations. Although there are no organizations besides the Red Cross and the NGO Caminando Fronteras that specifically deal with supporting the families of missing migrants, receiving reports of missing persons, and coordinating efforts, there is a network of independent activists who assist families in their search, and they work on a voluntary basis. When a family member or friend of a migrant who has disappeared off the Spanish coast contacts a member of this network, information is requested through a web of informal contacts in hospitals, migrant detention centres, prisons and other associations, with the aim of locating the missing person. If families give their consent, these advocates can facilitate the filing of reports of disappearances with the police in Spain. Even though these grass-roots efforts only resolve a small number of cases, they are the only support extended to relatives of people who have disappeared while trying to migrate to Spain.**

* An interview was conducted with a staff member working for the RFL service at the Spanish Red Cross in August 2020. For more information, visit www.cruzroja.es (in Spanish) and <https://familylinks.icrc.org/en/>.

** Interviews with grass-roots associations and migrant rights activists were carried out in Málaga, Córdoba and Almería, Spain, in December 2019 and February 2020. See Chapter 2 for more information.

4. Conclusions

This report has explored how the absence of any specific protocols or procedures recognizing the complexity of irregular migration dynamics makes it virtually impossible for relatives of missing or deceased migrants to carry out or participate in search, identification or repatriation processes. The main obstacle that prevents families from having access to information and solutions lies in the lack of specific regulations, protocols and mechanisms dealing with the dynamics of deaths and disappearances on irregular migration routes. The lack of transparent search processes and absence of any visible and accessible central contact point linking families with authorities means that families are forced to navigate a maze of different actors, procedures and processes to obtain information about their missing relatives.

Whether the broader tools that are in place are effective in handling cases of missing or deceased migrants is doubtful, since these tools do not deal with the specific difficulties brought about by the circumstances in which the families left behind find themselves. These families are often unable to communicate with the authorities due to linguistic barriers. They lack clarity as to which procedures must be followed in the event of a disappearance or death, and geographical remoteness or their migration status prevents them from advancing the search and identification processes, thus wasting time and key information. Often, the families of missing or deceased migrants lack legal know-how, not to mention the financial resources to cover the expenses linked to the search (starting with the costs associated with travelling to Spain to commence the process).

Based on the findings of this chapter, and drawing from the testimonies of families and advocates, the recommendations in the final chapter of this report propose ways in which the institutional gaps that have been identified could be filled, allowing more families of missing migrants to access and exercise their right to information and justice.

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**Recommendations
to improve the
situation of families
searching for relatives
lost on migration
routes to Spain**



This research with people who have missing relatives revealed the complex structural obstacles they face in their search for loved ones as well as the wider impacts of being in such a situation. In order to address the specific needs of families of missing or deceased migrants, this chapter offers various recommendations for practical and action-oriented ways in which the legal, administrative and institutional framework could be adapted to ensure that all families of missing migrants have effective access to justice and information, regardless of their migration status:

1. Designate or create a body or institution to act as a single contact point for the relatives of those missing or deceased while trying to migrate to Spain.

- (a) An agency or institution should be designated (or created) with the mandate to coordinate and facilitate cooperation between the various government institutions and civil society actors (at the regional, national and local levels) who are involved in the processes of searching for, identifying and repatriating missing or deceased migrants. This body should act as a single point of contact for families looking for their missing loved ones in Spain or in their respective countries of residence, with the aim of enabling their active participation in the search and facilitating the exchange of information.
- (b) A multi-stakeholder approach should be followed which recognizes that while States must drive the search and identification processes, the effectiveness of these processes requires the collaboration of a wide range of actors.
- (c) Engaging and involving migrant community associations and civil society organizations that support the families of missing migrants (whether in the country of origin, transit or destination) is essential and can help overcome the lack of trust that these families often have concerning State authorities.
- (d) Given the sensitivity of data collected on missing migrants and their families, measures should be taken to ensure that this information is used only for humanitarian purposes.

2. Ensure that families can report the disappearances of their relatives using simple and accessible procedures.

- (a) Families should be able to report the disappearances of family members using simple and accessible procedures which they trust to be safe and confidential.
- (b) These procedures should facilitate transnational access to the relatives of missing migrants when they are outside Spain, either in their countries of origin or in other countries of transit or destination where they themselves are migrants. There are various ways to ensure transnational access: for example, by creating or enabling a mechanism through consular channels that allows families to file reports from their countries of

residence, or by creating humanitarian visas that allow families to file reports in person. Whatever method is chosen, it should take into account the linguistic, cultural and socioeconomic barriers faced by relatives of missing migrants.

3. Investigate and prioritize all incidents of disappearances or deaths of migrants.

- (a) The authorities should instigate an investigation as soon as the matter comes to their attention, without relying on the family of the migrant in question to initiate legal search proceedings.
- (b) This will require the Public Prosecutor's Office, the judiciary and the Government to take a more proactive role, and for the Spanish diplomatic and consular representations in the countries of origin and transit, along with representations of these countries in Spain, to become involved.

4. Develop a protocol establishing a road map for the Spanish authorities to adopt a uniform approach and strategy to search for and identify missing or deceased migrants, taking into account the respective mandates of the different actors involved in these processes.

As far as possible, this road map should be prepared with the active involvement of families, as well as the grass-roots associations and civil society organizations that support them. It should include the following components:

- (a) The development of specific police and forensic protocols for missing migrants and unidentified remains on irregular migration routes to Spain which take into account the dynamics of disappearances and deaths in migratory contexts and the needs of family members. These protocols should set a high priority for cases involving the disappearances or deaths of migrants, even when these cases are not linked to any criminal acts, taking into account the context in which they occurred. The *Protocolo Nacional de Actuación Médico-forense y de Policía Científica en Sucesos con Víctimas Múltiples* (National Protocol Concerning Action to Be Taken by Forensic Examiners and Forensic Police in Events Involving Multiple Victims) should be applied to shipwrecks where there are many deceased or missing migrants. This could promote the identification of human remains and improve the care and support offered to family members.
- (b) The amendment or development of protocols on the reception of migrant shipwreck survivors to include the requirement of collecting witness testimonies from them regarding the missing or deceased. By collecting survivor testimonies on a systematic basis, whether through anonymous interviews conducted by the authorities or by civil society organizations, data that may prove necessary for the search and identification processes can be collected and stored.
- (c) The development of common structures or elements such as specific databases for cases of missing migrants and unidentified human remains, along with mechanisms to connect existing national and international databases, in order to facilitate the systematization and centralization of data collected and the exchange of data with other institutions or the authorities of other countries.
- (d) The inclusion of privacy and data protection provisions to ensure that data collected for the humanitarian search and identification of missing or deceased migrants is kept separate from data collected for law enforcement purposes.

These protocols should be aligned with international standards developed for the treatment of cases of missing or deceased migrants and their families – in particular, the principles governing interactions with the relatives of missing migrants, the guidelines on coordination and information exchange mechanisms assisting the search for missing migrants, and the minimum standard data set for the search of missing migrants developed by the ICRC, as well as the Mytilini Declaration for the Dignified Treatment of All Missing and Deceased Persons and Their Families developed by the Last Rights Project.

5. Adapt the existing legal framework for handling missing-person cases to take into account the situation of their relatives and the transnational dimension of migration.

This would include, at the very least:

- (a) Ensuring the application of Spanish legislation to incidents where individuals are missing or deceased in the aftermath of a shipwreck of an irregular vessel on a migration route to the Spanish coast, particularly when the nationality of the missing persons cannot be determined, with the aim of preventing families from being left unprotected.
- (b) Tailoring evidentiary requirements in procedures for declarations of absence and declarations of death to the circumstances of irregular migration to Spain. Given the unviability of proving that a person was on a shipwrecked dinghy or canoe (or the existence of a shipwreck when no remains have been recovered and there are no survivors), direct or indirect evidence from relatives, shipwreck survivors and civil society activists must be taken into account, as these may often be the only forms of evidence available in these cases.

<https://missingmigrants.iom.int/>

