



## LEGAL AND JUDICIAL INFORMATION ON MIGRANT SMUGGLING

### SPAIN

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### GENERAL INFORMATION ON MIGRATION



#### MAIN FIGURES AND TRENDS<sup>1</sup>

- **Irregular maritime arrivals increased to 61,323 persons in 2024** (from 55,618 in 2023; **+10.3%**), while **1,807 boats** were detected (10 fewer than 2023). **Irregular land entries** in Ceuta and Melilla also rose to **2,647 (+114.5%)**. Pressure was especially acute in the **Canary Islands**.
- Spain experienced **operational strain at Madrid–Barajas Airport** (asylum/safe-holding areas), with episodes of severe **overcrowding (>350 people in spaces designed for 30–50)** in early 2024; emergency measures later expanded capacity (two additional rooms in T2) and staffing/IT to speed up asylum case-handling, though a **purpose-built facility** is still deemed necessary.
- **Immigration detention capacity and oversight:** six CIEs (Madrid, Barcelona, Las Palmas/Barranco Seco, Algeciras, Murcia, Valencia) operated in 2024; **Tenerife (Hoya Fría) remained closed**. **1,893 admissions** were recorded and **1,037 removals** executed (**~54.7% effectiveness**). Oversight visits noted some architectural/space shortcomings in Madrid and Las Palmas but overall compliance with RD 162/2014.
- Regarding arrivals of **unaccompanied foreign minors to Spain**, in 2024, the upward trend observed last year in the arrival of unaccompanied foreign minors to Spain by sea in small boats or other fragile vessels continued, rising from 2,375 in 2022 to 4,865 in 2023 and 5,922 in 2024. The majority are male (5,291), although the number of girls arriving has tripled, increasing from 238 in 2023 to 631 in 2024. In 2024, unlike 2023 when Senegalese was the predominant nationality among these minors, the largest number came from Morocco (1,834), followed by Mali (1,190), Algeria (1,006), and Senegal in fourth place with 687 minors. Regarding arrivals by land to the Autonomous Cities of Ceuta and Melilla, Ceuta has undoubtedly received the most irregular minors, totaling 2,768, while Melilla received 147.

<sup>1</sup> [2025 Annual Report of the Spanish General Prosecutor's Office](#)

# COUNTRY FACTSHEET\* – Smuggling of migrants

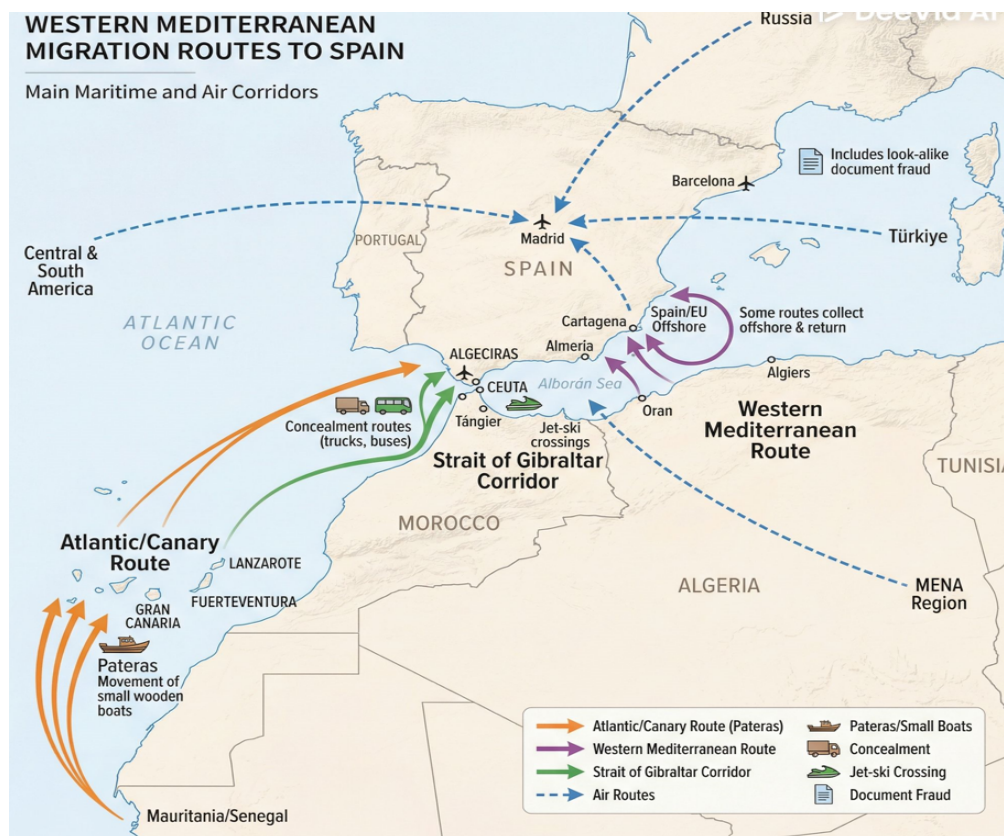


\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



## → MIGRATORY ROUTES

- **Atlantic/Canary route:** sustained flows by “pateras” to **Gran Canaria, Lanzarote, Fuerteventura**; investigations often start in Spain but require cooperation with **countries of origin**, with evidentiary challenges when organizers remain abroad.
- **Western Mediterranean routes (Alborán/Levantine coasts):** increasing sophistication—**fishing boats and higher-capacity vessels** replacing small inflatables; some networks **source boats/engines in Spain/EU, depart from Spain, collect migrants off Algeria**, and return to Spain, sometimes **co-moving drugs**, with “safe houses” (**guarderías**) used to hide boats, skippers and migrants.
- **Strait of Gibraltar/Ceuta–Algeciras corridor:** concealment in **trucks/ buses** (including trucks leaving **Ceuta “empty”** but carrying a few migrants, then offloaded in **Algeciras**) and use of **jet skis**.
- **Air routes:** (i) intra-Schengen entries that overstay; (ii) extra-EU itineraries via **Russia, Türkiye or MENA** (Middle East and North Africa); and (iii) sustained flows from **Central/South America**. Fraud patterns include “**look-alike**” travel using genuine documents of similar-looking persons.



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## INSTITUTIONAL ORGANISATION<sup>2</sup>

- **Lead authority (prosecution):** Human Trafficking and Migrant Smuggling Unit Spanish General Prosecutor's Office, which **coordinates a national network of ~101 specialized prosecutors** and maintains central **monitoring files (Diligencias de Seguimiento)** on trafficking/prostitution and aggravated migrant smuggling
- **Law enforcement & border control:** close, routine coordination with **Comisaría General de Extranjería y Fronteras (National Police/UCRIF)**, **Guardia Civil**, and regional police (**Ertzaintza, Mossos d'Esquadra**). Joint work extends to **Labour Inspectorate** for workplace inspections where smuggling/exploitation converge.
- **Administrative settings under oversight:** **CIEs, CATEs** (Temporary Reception Centres) and **airport inadmissible/protection areas** are periodically inspected by prosecutors or monitored via reports; judges of **Control of Stay** oversee CIE legality.-
- **Crisis coordination (airports):** the FGE Unit opened a **Governance File** to monitor the Madrid-Barajas airport situation through site visits and periodic police reports.



## LEGISLATIVE FRAMEWORK

- **Immigration Act (LOEX) and regulations:** use of **Article 57.7 LOEX** (administrative expulsion in the context of criminal proceedings) and **Article 89 of the Criminal Code (CC)** (substitution of prison by expulsion); references to **RD 557/2011** and the **new Regulation RD 1155/2024** (entry into force **20 May 2025**) on hearings of the person concerned and the Prosecutor (e.g., in Art. 247). **CIE** operation governed by **RD 162/2014**.
- **Migrant smuggling offence: Article 318 bis CC** (including aggravated forms linked to **criminal organizations**) is the central provision used by Spanish courts for **facilitation of irregular entry/transit/stay**.
- **Related frameworks frequently intersecting with smuggling cases: Articles 311–312 CC** (labour exploitation of foreign workers), and protections under LOEX **Articles 59 and 59 bis** for victims/witnesses of serious offences (including smuggling by organized networks and trafficking).
- **Institutional guidance:** in 2024 the FGE issued **Internal Note 1/2024** clarifying that, save for Article 89 CC situations, **EU/assimilated nationals should not be placed in CIEs** as a precautionary measure for administrative expulsion.



## JUDICIAL FRAMEWORK<sup>3</sup>

<sup>2</sup> [2025 Annual Report of the Spanish General Prosecutor's Office](#)

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- **Volume of proceedings (Art. 318 bis CC):** 682 judicial proceedings were opened in 2024; 225 judgments were issued and 218 indictments filed. Typical schemes include **maritime transport** (Algeria–SE Spain/Canary Islands), **vehicle concealment** (Ceuta–Algeciras), **jet skis**, **fraudulent documentation**, **marriages/partnerships of convenience**, and **sham employment**; document falsification is common as a connected offence.
- **Precautionary and enforcement measures:** 2,428 prosecutor’s opinions on CIE detention requests under **Art. 61 LOEX** (approx. 70% favourable); 1,893 CIE admissions resulted in 1,037 removals (~54.7%). Persistent **documentation obstacles** (notably for Algerian and Moroccan nationals) often hinder removals.
- **Substitution of prison by expulsion (Art. 89 CC):** requests **continued to rise** (e.g., 4,656 in charging documents, 536 post-verdict, 674 in enforcement). Application to **EU citizens** is **exceptional**; proportionality and “defence of the legal order” exceptions are assessed case-by-case.
- **Investigative tools and challenges:** early **technological measures** (e.g., communications interception) may be difficult to obtain **before organizational features are evidenced**, which can frustrate complex cases from the outset; **cross-border cooperation** is frequently required, with **probative hurdles** when organizers operate mainly outside Spain. Financial tracing and **confiscation** are pursued where assets are located domestically; when foreign assets are involved, **separate financial tracks** (EIO/letters rogatory) are recommended to avoid slowing the main case.



## INTERNATIONAL COOPERATION

- Human Trafficking and Migrant Smuggling Unit Spanish General Prosecutor’s Office **participates as Spain’s contact point** in **Eurojust Focus Groups** on **migrant smuggling**, contributes to projects led by the **Council of Europe, IOM, OSCE, AECID, PACCTO 2.0, FIIAPP, UNODC and REDTRAM** (The Ibero-American Network of Prosecutors Specialized in Trafficking in Persons and Migrants Smuggling), and maintains **regular coordination** with national and international specialized police units.
- Operationally, smuggling investigations **rely on cooperation** with **non-EU countries** along departure routes (e.g., North/West Africa) for **evidence, identification and removals**, though **consular non-cooperation** (e.g., documentation issuance) remains a recurrent impediment.



## RELEVANT CASES<sup>4</sup>

<sup>4</sup> [2025 Annual Report of the Spanish General Prosecutor’s Office](#)

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- 1. Maritime smuggling with organized-crime aggravation (conviction)**  
A case arising from **sea arrivals from Algeria to south-eastern Spain** concluded with a **conviction under Art. 318 bis CC**, applying the **aggravated form for organized crime**. The judgment followed an investigation into a Spain-based cell that coordinated pick-ups, inland transfers and logistics for multiple arrivals.
- 2. Concealment in trucks departing Ceuta (“empty load”)**  
Prosecutors reported an **ongoing modus operandi** in which small groups of migrants are **hidden in trucks** leaving **Ceuta** ostensibly **without cargo**, then **extracted in Algeciras** and driven onward, posing **significant safety risks**. Investigations typically combine **port surveillance**, **road policing** and **document checks**.
- 3. Canary Islands — patera arrivals and organizers abroad**  
Many 318 bis cases originate in **Gran Canaria, Lanzarote and Fuerteventura**; **evidentiary difficulties** arise where the **organizers remain in the country of departure**, requiring **mutual legal assistance**, and—when feasible—**use of witness statements from related proceedings** to corroborate roles within the network.