

Preguntan al juez Fernando Grande Marlaska si dio orden de repatriación de menores

La Sala de lo Contencioso-Administrativo de la Audiencia Nacional ha abordado este asunto después de que la Red Española de Inmigración y Ayuda al Refugiado presentara un recurso por vulneración de derechos fundamentales por la instrucción de Interior que avala la devolución de menores desde Ceuta a Marruecos -como también ha denunciado, entre otros, la ONU, el Defensor del Pueblo, varios partidos políticos y organizaciones y hasta dos ministras del propio Ejecutivo- y reclama que se suspendan cautelarmente esos traslados.

"Cuando existe una realidad con un país en concreto, se firma un convenio", ha defendido Marlaska, quien ha recordado que este acuerdo se alcanzó en 2007 precisamente ante el caso extraordinario de inmigración ilegal que se da entre Marruecos y España. Este acuerdo, no obstante, no prevalece por encima de la Ley del Menor o del derecho internacional, algo que ha recordado el ministro.

El objetivo en todo momento ha sido dar la "protección necesaria y precisa" a los menores, ha recordado Marlaska. "Aquellos que sean susceptibles dentro del interés superior de retornar a su ámbito familiar, volverían. ¿Que no? Nosotros les damos la tutela", ha supuesto el titular de Interior, que ha dicho que España "es un país donde la tutela y la garantía de los menores es un elemento esencial y principal".

The Answer Scheme is on the following page.

Answer Scheme

The Contentious-Administrative Chamber of the National Court has addressed this matter after the Spanish Network for Immigration and Refugee Assistance presented an appeal for violation of fundamental rights by the Interior instruction that supports the return of minors from Ceuta to Morocco as has also been denounced, among others, by the UN, the Ombudsman, various political parties and organisations, and up to two ministers of the Executive itself- and demands that these transfers be provisionally suspended.

"When there is a reality with a specific country, an agreement is signed," defended Marlaska, who recalled that this agreement was reached in 2007 precisely because of the extraordinary case of illegal immigration that occurs between Morocco and Spain. This agreement, however, does not prevail over the Minors' Law or international law, something that the minister recalled.

The objective at all times has been to give the "necessary and precise protection" to minors, Marlaska recalled. "Those who are susceptible within the best interests of returning to their family environment, would return. No? We give them guardianship," alleged the head of the Interior, who has said that Spain "is a country where guardianship and guarantee of minors is an essential and main element".

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