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Asylum Information Database

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UPDATE ON 2025

SPAIN



# COUNTRY REPORT

APRIL 2026

# Acknowledgements & Methodology

Since 2018 and up to 2025, updates of this report were written by Teresa De Gasperis at Accem and were edited by ECRE. The 2017 update was written by Teresa De Gasperis, Jennifer Zuppiroli and Laura Carrillo at Accem, and was edited by ECRE. The first version of this report was written in 2016 by Magdalena Queipo de Llano and Jennifer Zuppiroli at Accem and was edited by ECRE.

The information in this report was obtained through observations from Accem's practice and engagement with relevant stakeholders, including UNHCR and Save the Children.

The information in this report is up to date as of 31 December 2025, unless otherwise stated.

# The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It follows a methodology developed by ECRE in 2012, which has been applied to the country reports in every annual publication cycle since then.

AIDA aims to provide up-to date information on asylum practice in 27 countries. This includes 21 EU Member States (AT, BE, BG, CY, CZ, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI, SK) and 6 non-EU countries (Egypt, Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom) which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.

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# Glossary & List of Abbreviations

| | |
|---|---|
| **Desamparo** | Declaration of destitution, triggering guardianship procedures for unaccompanied children |
| **Tarjeta roja** | Red card, certifying asylum seeker status |
| **APDHA** | Human Rights Association of Andalusia \| Asociación Pro Derechos Humanos de Andalucía |
| **CAED** | Centre for Emergency Assistance and Referral \| Centro de Atención de Emergencia y Derivación |
| **CAPI** | International Protection Reception Centre \| Centro de Acogida de Protección Internacional |
| **CATE** | Centre for the Temporary Assistance of Foreigners \| Centro de Atención Temporal de Extranjeros |
| **CCSE** | Spanish Constitutional and Socio-Cultural Knowledge test \| Prueba de Conocimientos Constitucionales y Socioculturales de España |
| **CEAR** | Spanish Commission of Aid to Refugees \| Comisión Española de Ayuda al Refugiado |
| **CETI** | Migrant Temporary Stay Centre \| Centro de Estancia Temporal para Inmigrantes |
| **CIAR** | Inter-Ministerial Commission of Asylum \| Comisión Interministerial de Asilo y Refugio |
| **CIE** | Detention Centre for Foreigners \| Centro de Internamiento de Extranjeros |
| **CREADE** | Emergency and Referral Centres \| Centros de Recepción, Atención y Derivación para personas desplazadas desde Ucrania |
| **DGAHSAPI** | Directorate General for Humanitarian Assistance and for the Reception System of International Protection \| Dirección General de Atención Humanitaria y del Sistema de Acogida de Protección Internacional |
| **ECCHR** | European Centre for Constitutional and Human Rights |
| **ECHR** | European Convention on Human Rights |
| **ECtHR** | European Court of Human Rights |
| **EDAL** | European Database of Asylum Law |
| **ERIE** | Emergency Immediate Response Teams \| Equipos de Respuesta Inmediata en Emergencia |
| **EUAA** | European Union Agency for Asylum |
| **EYD** | Assessment and Referral Phase \| Fase Previa de Evaluación y Derivación |
| **FRA** | European Union Agency for Fundamental Rights |
| **GRETA** | Council of Europe Group of Experts on Action against Trafficking in Human Beings |
| **IOM** | International Organisation for Migation |
| **JCCA** | Central Administrative Judge \| Juzgado Central de Contencioso-Administrativo |
| **MISSM** | Minister of Inclusion, Social Security and Migration \| Ministerio de Inclusión, Seguridad Social y Migraciones |
| **NPM** | National Prevention Mechanism against Torture \| Mecanismo Nacional de Prevención de la Tortura |
| **OAR** | Office of Asylum and Refuge \| Oficina de Asilo y Refugio |

| | |
|---|---|
| **OBERAXE** | Observatorio Español del Racismo y la Xenofobia \| Spanish Observatory of Racism and Xenophobia |
| **OHCHR** | Office of the High Commissioner for Human Rights |
| **SEM** | State Secretary for Migration \| Secretaría de Estado de Migraciones |
| **TP** | Temporary Protection \| Protección Temporal |
| **TPD** | Temporary Protection Directive |
| **UTS** | Social Work Unit \| Unidad de Trabajo Social |
| **VIS** | Visa Information System |
| **UNHCR** | United Nations High Commissioner for Refugees |

# Statistics

**Overview of statistical practice**

Statistics in Spain are collected by the Office on Asylum and Refuge (OAR) and published on an annual basis by the Ministry of Interior.

**Applications and granting of protection status at first instance: figures for 2025**

| | Applicants in 2025 (1) | Pending for admission at 1st instance at end of 2025 | Pending for decision at End of 2025 | Total decisions in 2025 (2) | Total in merit decisions | Total rejection (3) | In merit rejection | Refugee status | Subsidiary protection | Humanitarian protection (4) |
|---|---|---|---|---|---|---|---|---|---|---|
| **Total** | 144,396 | 97,275 | 121,456 | 75,274 | N/A | 68,321 | N/A | 7,838 | 10,103 | 57,333 |

Breakdown by countries of origin of the total numbers

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Venezuela** | 85,413 | | | | | | | | | |
| **Mali** | 16,004 | | | | | | | | | |
| **Colombia** | 14,524 | | | | | | | | | |
| **Peru** | 3,511 | | | | | | | | | |
| **Senegal** | 3,333 | | | | | | | | | |

Source: Ministerio del Interior, Subsecretaría del Interior, 'Dirección General de protección Internacional, Avance de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida. Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2025', January 2026, available here.

**(1)** Applications refers to the total number of applicants, and not only to first-time applicants.
**(2)** This number includes positive decisions on refugee status, subsidiary protection and humanitarian protection.
**(3)** This number includes rejection of refugee status and subsidiary protection.
**(4)** Humanitarian protection is foreseen by Article 46 of the Asylum Law, and it is granted by the same asylum authorities. It is commonly granted according to exceptional circumstances of vulnerability, health issues, psychological conditions, etc. The law does not foresee a closed list of circumstances determining the protection for humanitarian reasons, and the jurisprudence considers that such conditions have to be related to the return of the applicant to the country of origin and how this fact would impact his/her vulnerability. Applicants of international protection who are granted humanitarian protection have the right to remain in the country.

The top 5 countries of persons granted any form of *international protection* (refugee status and subsidiary protection) in 2025 were **Mali** (8,286), **Nicaragua** (1,498), **Colombia** (1,329), **Palestine** (1,097), and **Afghanistan** (817), while the top 5 countries of persons who were granted *protection for humanitarian reasons* were **Venezuela** (56,259), **Colombia** (402), **Peru** (255), **Chile** (1468), and **Argentina** (63).

The top 5 countries of applications *rejected* were **Colombia** (30,073), **Peru** (12,079), **Senegal** (6,676), **Morocco** (3,460), and **Honduras** (2,835).

**Gender/age breakdown of the total number of applicants: 2025**

| | Men | Women |
|---|---|---|
| **Number** | 84,799 | 59,597 |
| **Percentage** | 58.73% | 41.27% |

| | Adults | Children (Accompanied and unaccompanied) |
|---|---|---|
| **Number** | 118,843 | 25,553 |
| **Percentage** | 82.3% | 17.7% |

Source: Ministerio del Interior, Subsecretaría del Interior, 'Dirección General de protección Internacional, Avance de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida. Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2025', January 2026, available here.

Note: The gender breakdown (Men/Women) applies to all applicants, not only adults.

In 2025, UNHCR informed that asylum applications from women and girls have tripled in the last three years in Spain. Concretely, Spain has granted refugee status on gender grounds to 1,588 women and girls, a figure that represents 65% of the total number of women and girls who have been granted asylum in 2025.[1]

**First instance and appeal decision rates: 2025**

National authorities did not provide detailed statistics on first instance and second instance decisions on 2025 at the time of writing of this report.

[1] Europa Press, 'Las solicitudes de asilo de mujeres y niñas se triplican en los últimos tres años, según ACNUR', 25 November 2025, available here.

## Overview of the legal framework

**Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection**

| Title (EN) | Original Title (ES) | Abbreviation | Web Link |
|---|---|---|---|
| Law 12/2009 of 30 October 2009, regulating the law of asylum and subsidiary protection<br>Official Gazette No 263, 31 October 2009<br><br>*Amended by:* Law 2/2014 of 25 March 2014<br>Official Gazette No 74, 26 March 2014 | Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria<br>BOE núm. 263, de 31 de octubre<br><br>*Modificada por:* Ley 2/2014, de 25 de marzo<br>BOE núm. 74, de 26 de marzo | Asylum Law | http://bit.ly/1R7wKyD (ES)<br><br>https://bit.ly/2BuuIIM (ES) |
| Organic Law 4/2000 of 11 January 2000 on rights and liberties of aliens in Spain and their social integration<br>Official Gazette No 10, 12 January 2000<br><br>*Amended by:* Organic Law 4/2015 of 30 March 2015 on the protection of citizen security<br>Official Gazette No 77, 31 March 2015 | Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social<br>BOE núm. 10, de 12 de enero<br><br>*Modificada por:* Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana<br>BOE núm. 77, de 31 de marzo | Immigration Law (LOEX) | http://bit.ly/1gto175 (ES)<br><br>http://bit.ly/21nrJwQ (ES) |
| Organic Law 4/2015 of 30 March on the protection of citizen security.<br>Official Gazette nº 77, 31 March 2015 | Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana.<br>BOE núm. 77, de 31 de marzo de 2015 | Citizen Security Act | https://cutt.ly/Ur7isrs (ES) |
| Organic Law 39/2015 of 1st October on the Administrative Procedure of Public Administrations | Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas | Administrative Procedure Act | https://cutt.ly/ntelpTl (ES) |

**Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection**

| Title (EN) | Original Title (ES) | Abbreviation | Web Link |
|---|---|---|---|
| Royal Decree 1325/2003 of 24 October 2003 approving the Regulation on a regime of temporary protection in case of mass influx of displaced persons<br>Official Gazette No 256, 25 October 2003 | Real Decreto 1325/2003, de 24 de octubre, por el que se aprueba el Reglamento sobre régimen de protección temporal en caso de afluencia masiva de personas desplazadas<br>BOE núm. 256, de 25 de octubre | Temporary Protection Regulation | http://bit.ly/1QBTjuN (ES) |
| Royal Decree 203/1995 of 10 February 1995 approving the Regulation implementing Law 5/1984 of 26 March 1984, regulating the law of asylum and criteria for refugee status, as amended by Law 9/1994 of 19 May 1994.<br><br>*Modified by:* Royal Decree 865/2001 of 20 July 2001, Royal Decree 1325/2003 of 24 October 2003 and Royal Decree 2393/2004 of 30 December 2004. | Real Decreto 203/1995, de 10 de febrero, por el que se aprueba el Reglamento de aplicación de la Ley 5/1984, de 26 de marzo, reguladora del Derecho de Asilo y de la condición de Refugiado, modificada por la Ley 9/1994, de 19 de mayo.<br><br>*Modificado por:* Real Decreto 865/2001, de 20 de julio; por el Real Decreto 1325/2003, de 24 de octubre y por el Real Decreto 2393/2004, de 30 de diciembre. | Asylum Regulation | http://bit.ly/21x75H7 (ES) |
| Royal Decree 557/2011 of 20 April 2011 approving the regulation implementing Law 4/2000 on rights and liberties of aliens in Spain and their social integration | Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009 | Aliens Regulation | http://bit.ly/2BXCNtI (ES) |
| Royal Decree 139/2020 of 28 January 2020 establishing the basic organisational structures of ministerial departments | Real Decreto 139/2020, de 28 de enero, por el que se establece la estructura orgánica básica de los departamentos ministeriales | | https://cutt.ly/OtwILX6 (ES) |
| Royal Decree 164/2014 of 14 March 2014 on the regulation and functioning of internal rules of the CIE Official Gazette No 64, 15 March 2014 | Real Decreto 164/2014, de 14 de marzo, por el que se aprueba el reglamento de funcionamiento y régimen interior de los CIE.<br>BOE núm. 64, de 15 de marzo | CIE Regulation | http://bit.ly/1WRxts0 (ES) |
| Framework Protocol for protection of victims of human trafficking, adopted by agreement between the Ministers of Justice, Home Affairs, Employment | Protocolo Marco de Protección de las Víctimas de Trata de Seres Humanos, adoptado mediante acuerdo de 28 de octubre de 2011 por los Ministerios de Justicia, del Interior, | Framework Protocol on Trafficking | http://bit.ly/2sqgZDi (ES) |

| | | | |
|---|---|---|---|
| and Social Security, Health, Social Services and Equality, the Office of the Attorney General and the State Judicial Council on 28 October 2011 | de Empleo y Seguridad Social y de Sanidad, Servicios Sociales e Igualdad, la Fiscalía General del Estado y el Consejo del Poder Judicial | | |
| Resolution of 13 October 2014 on the Framework Protocol on actions relating to foreign unaccompanied minors<br>Official Gazette No 251, 16 October 2014 | Resolución de 13 de octubre de 2014, de la Subsecretaria, por el que se publica el Acuerdo para la aprobación del Protocolo Marco sobre determinadas actuaciones en relación con los Menores Extranjeros No Acompañados<br>BOE núm. 251, de 16 de octubre | Framework Protocol on Unaccompanied Children | http://bit.ly/1WQ4h4B (ES) |
| Royal Decree 497/2020 of 28 April establishing the organic structure of the Minister of Inclusion, Social Security and Migration | Real Decreto 497/2020, de 28 de abril, por el que se establece la estructura orgánica del Ministerio de Inclusión, Seguridad Social y Migraciones. | | https://bit.ly/3sACM69 (ES) |
| Royal Decree 220/2022 of 29 March which approves the Regulation governing the international protection reception system | Real Decreto 220/2022, de 29 de marzo, por el que se aprueba el Reglamento por el que se regula el sistema de acogida en materia de protección internacional | Asylum Reception Regulation | https://bit.ly/3QR8SHo (ES) |
| Royal Decree 1155/2024 of 19 November which approves the Regulation of the Organic Law 4/2000 of 11 January on rights and freedoms of foreigners in Spain and their integration | Real Decreto 1155/2024, de 19 de noviembre, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social. | Regulation of the Immigration Law | https://www.boe.es/buscar/act.php?id=BOE-A-2024-24099 (ES) |

# Overview of the main changes since the previous report update

The last version of this report was updated in **May 2025.**

**International protection**

- **Key asylum statistics**: A total of 140,396 persons applied for international protection in Spain in 2025. Venezuela, Mali, Colombia, Peru, and Senegal were the top five nationalities of applicants. Among them, 58.73% were men, while 41.27% were women. As regards decision making at first instance, a total of 68,321 applications were rejected, while refugee status was granted to 7,838 persons, subsidiary protection to 10,103 persons and 57,333 were granted protection for humanitarian reasons. The recognition rate for international protection remained low, with only around 12.42% of cases being recognised refugee status or subsidiary protection. It should however be highlighted that the overall recognition rate reaches almost the 52.13% if decisions granting humanitarian protection are taken into account. The top 5 countries of persons granted any form of international protection (refugee status and subsidiary protection) in 2025 were Mali, Nicaragua, Colombia, Palestine, and Afghanistan. At the end of the year, 97,257 applications were still pending at first instance. In 2025, UNHCR reported that asylum applications from women and girls have tripled in the last three years in Spain. Concretely, Spain has granted refugee status on gender grounds to 1,588 women and girls, corresponding to 65% of the total number of women and girls who have been granted asylum in 2025.

*Asylum procedure*

- **Access to territory and pushbacks**: In 2025, 36,775 migrants reached Spain by land and sea, which represents a decrease of 42.6% compared to 64,019 arrivals in 2024. Most arrivals were by sea (32,925) and the main route for sea arrivals were the Canary Islands, with 17,788 persons who reached the archipelago by sea in 2025.

- **Situation on the Canary Islands and in the Mediterranean:** The NGO Caminando Fronteras (Walking Borders) estimates that 3,090 persons died while reaching Spain in 2025, including 1,906 who lost their life on the Canary route. It further reported that 192 of victims were women, 437 were children, and that a total of 70 vessels disappeared with those 3,090 persons on board. The persons who died belonged to 30 different nationalities. According to IOM's figures, a total of 424 persons died in the Atlantic route, and 270 in the Western Mediterranean route.

- **Delays in the appointments for registering the asylum application:** During 2025, asylum seekers continued to face many challenges and long waiting times to obtain an appointment to express their intention to apply for asylum, and to formalise the application, mainly due to a lack of appropriate resources. In 2025, UNHCR continued to observe long delays in accessing the asylum procedure throughout the year, often exceeding three months, depending on the location. Despite efforts by the authorities, UNHCR continued to note the need for the establishment of a uniform system at the national level to ensure access to a procedure that is efficient, accessible, secure and sensitive to all individuals seeking asylum in Spain. UNHCR also observed that challenges to accessing the asylum procedure continued to negatively affect the rights of asylum seekers - in particular access to reception - leaving them at risk, including individuals with specific needs.

*Reception conditions*

- **Relocation of unaccompanied migrant children (UAMs)**: In March 2025, the Government finally approved the compulsory distribution of 4,400 UAMs from the Canary Islands to other Autonomous Communities. Different organisations welcomed the agreement and called for the necessity to guarantee high standards for reception and assistance to UAMs. Some Autonomous Communities expressed their intention to challenge the decree adopted for the distribution. At the

end of June, the Ministry of Youth and Childhood presented the plan for the distribution of about 4,000 UAMs from Ceuta, Melilla and the Canary Islands among the different Autonomous Communities. In the initial plan, Andalucía, Madrid and the Comunitat Valenciana were the Communities expected to receive half of the children transferred (exactly a total of 1,895 children). On 22 July, the Council of Ministers adopted Royal Decree 658/2025 establishing the rules, procedure and measures to relocate UAMs from places declared to be in a state of extraordinary migratory contingency (currently, Ceuta, Melilla and the Canary Islands) to other Autonomous Communities. By the end of January 2026, a total of 877 UAMs had been relocated.

- **The situation of asylum-seeking unaccompanied children:** In May 2025, the Supreme Court (*Tribunal Supremo*) issued a landmark ruling affirming that unaccompanied minors (UAMs) who apply for asylum are entitled to access and remain within the asylum reception system. This means they should not be placed in the general facilities for UAMs or in shelters for abandoned children. The case stemmed from the situation of approximately 1,000 UAMs who had applied for asylum in the Canary Islands. The ruling compelled the central government - responsible for the reception conditions of asylum applicants - to take responsibility for these minors and provide a solution within 10 days. The Government's initial plan to appeal the decision changed. The UNHCR warned that at least the 55% of the UAMs arriving to the Canary Islands are in need of international protection and requested the government to prioritise their asylum applications in the decision-making process. The Minister of Youth and Childhood informed that the Government is working with the EUAA in order to train professionals of the child protection system also on asylum issues. By the end of December 2025, 410 UAMs asylum applicants have been transferred to the asylum reception facilities in mainland, according to data released by the government of the Canary Islands.

*Detention of asylum seekers*

- **Opening of a new CIE in Algeciras:** A new migrant detention centre was opened in November 2025 in Algeciras**.** The facility has a capacity of 507 places, has costed €22 million and its construction took 10 years. In December, around 20 migrants were detained in the new facility. In February 2026, it was denounced that the centre operated without legal authorisation for three months. For this purpose, a group of organisations lodged a complaint with the Ombudsperson regarding the improper use of the CIE, and especially the illegality of the deprivation of liberty of migrants detained there before the proper authorisation for the opening.

*Content of international protection*

- **Access to rights:** Asylum seekers, migrants and refugees continued to face challenges in accessing rights, especially housing, employment, and financial services, partially due to discriminatory practices. Unaccompanied migrant children and LGTBIQ+ persons continued to face social discrimination.

- **Regularisation of undocumented migrants:** In January 2026, the government opened to public consultation the draft text of the extraordinary regularisation measures to integrate foreign nationals already in Spain, with the aim of collecting inputs from different stakeholders before its final adoption. The aim is to provide an immediate and guaranteed response to the situation of hundreds of thousands of foreign nationals who are already in Spain. The authorisation granted will be for residence and to work in any sector and throughout the national territory. According to the proposal, foreign nationals who are in Spain and arrived before 31 December 2025 can apply for regularisation. Applications must be submitted before 30 June 2026. It will be essential not to have a criminal record in Spain or in the countries where the foreign national has resided during the last five years, not to be prohibited from entering Spanish territory, and to pay the corresponding administrative fee (the amount is still to be determined). The measure provides for two routes to regularisation. The first is regularisation due to exceptional circumstances, which is considered the general route. In this case, in addition to meeting the common requirements, it will be necessary to prove at least five months of continuous residence in Spain at the time of

application. In addition, at least one of the following conditions must also be met: having worked in Spain or presenting an employment contract; living with immediate family members, such as school-age children, adult children who are dependent due to health or disability reasons, or first-degree ascendants; or being in a situation of vulnerability as certified by social services or third sector organisations. Irregular administrative status itself is understood to be a situation of vulnerability. The second route is aimed at applicants for international protection who have submitted their application before 31 December 2025. In this case, they must meet the general requirements, but they are not required to prove the additional circumstances provided for in the general route.[2] Applications are expected to be submitted in early April 2026, once the mandatory procedures for processing the Royal Decree have been completed. Different organisations and migrant groups celebrated the initiative.

**Temporary protection**

The information given hereafter constitutes a short summary of the Spain Report on Temporary Protection, for further information, see Annex on Temporary Protection.

*Temporary protection procedure*

- **Key statistics on temporary protection**: In 2025, the Asylum Office granted temporary protection to 30,628 persons fleeing from Ukraine. Since the outbreak of the war until the end of February 2025, Spain has granted temporary protection to 236,570 persons fleeing from Ukraine.

*Reception*

- **Attempts to close the CREADE in Pozuelo (Madrid):** In July 2025, the Municipality of Pozuelo (Madrid) ordered to close the Emergency and Referral Centre (CREADE, which was specifically created for the reception of persons fleeing Ukraine just after the outbreak of the war) due to the lack of a license for the accommodation of persons. It seemed that the decision was due to the possible accommodation of unaccompanied migrant children at the centre from Sub-Saharan countries. The centre remains open at the time of writing of this report, as the competent judge stopped its closure in January 2026. The Municipality of Madrid informed that it would appeal the decision.

*Content of temporary protection*

- **Extension of validity:** An order issued in February 2026 extended the validity of residence permits granted to beneficiaries of temporary protection until 4 March 2027.

- **Residence permits:** The permits granted until 31 December 2025 were 338,576.

- **Access to asylum**: In 2024, 103 Ukrainians (58 men and 45 women) applied for international protection. During the same year, just 2 Ukrainians (1 man and 1 woman) were granted the refugee status, while 71 Ukrainians (38 men and 33 women) were granted subsidiary protection. No Ukrainian national was granted a stay or residence permit based on humanitarian reasons.

- **Access to job market:** According to available data, 35,647 beneficiaries of temporary protection were working as of 31 December 2025, mainly in the following labour sectors: hospitality (5,633 persons), construction (6,052 persons), wholesale and retail trade, repair of motor vehicles and motorcycles (4,048 persons), and information and communications (3,733 persons).

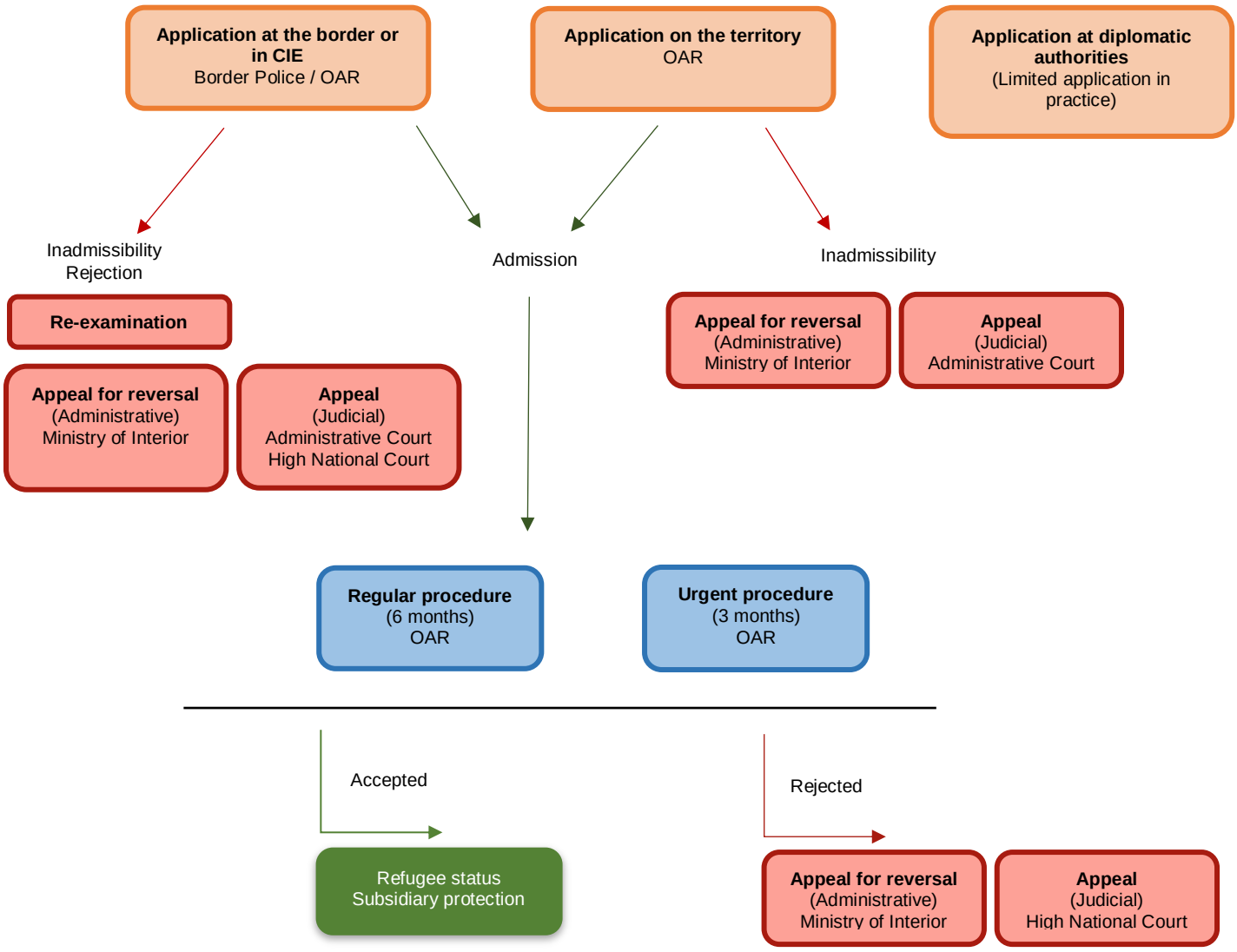
[2] Accem, 'Regularización 2026: información práctica para personas migrantes en España', 18 February 2026, available here; The Objective, 'Miles de extranjeros con el asilo denegado por España podrán ser regularizados ahora', 9 February 2026, available here; El País, 'El gran dilema de los solicitantes de asilo político ante la regularización del Gobierno, 29.1.26, available here.

- **Funding:** Since the outbreak of the war until February 2025, Spain allocated more than €1,530 million to support persons fleeing from Ukraine.

# Asylum Procedure

## A. General

### 1. Flow chart



## 2. Types of procedures

**Indicators: Types of Procedures**

1. Which types of procedures exist in your country?

| | | |
|---|---|---|
| ❖ Regular procedure: | ☒ Yes | ☐ No |
| ▪ Prioritised examination:[3] | ☒ Yes | ☐ No |
| ▪ Fast-track processing:[4] | ☐ Yes | ☒ No |
| ❖ Dublin procedure: | ☒ Yes | ☐ No |
| ❖ Admissibility procedure: | ☒ Yes | ☐ No |
| ❖ Border procedure: | ☒ Yes | ☐ No |
| ❖ Accelerated procedure: | ☐ Yes | ☒ No |
| ❖ Other: Embassy procedure | ☒ Yes | ☐ No |

2. Are any of the procedures that are foreseen in the law, not being applied in practice?

☒ Yes ☐ No

Up until 2020, applications for international protection could not be lodged at Spanish embassies or consular representations, even though Article 38 of the Asylum Law foresaw that possibility. This was due to the absence of a Regulation to the 2009 Asylum Law. As a consequence, the 1995 Regulation to the previous Spanish Asylum Law, not foreseeing the possibility to apply for international protection at embassies or consulates, was applied.[5]

In a landmark judgement of October 2020, the Supreme Court finally clarified that the loophole resulting from the lack of an updated Regulation should not limit the exercise of the right to apply for international protection at Spanish Embassies and Consulates.[6] The Court specified that Ambassadors and Consuls have the duty to assess whether the applicant's safety is at risk, in which case they must be transferred to Spain.[7] Thus, the judgement overturned previous practices and officially recognised the right to apply for asylum at embassies and consulates. For more than two years following the Court's decision, no information was made available as to whether persons in need of international protection were able to apply for asylum at Embassies and Consulates.

According to Accem's knowledge, more recently, persons in need of international protection have been allowed to submit their application at Spanish Embassies and Consulates. This particularly applies to Afghan refugees who submit their applications at the Spanish embassies in Pakistan and Iran, and there have been also some cases of Afghans applying at the Spanish embassy in Türkiye. As far as Accem is aware, the demand is high, but no official data on the number of applications presented in such manner is available. In March 2024, Accem started a pro bono project together with a law firm to provide legal support to persons applying at Spanish embassies, especially Afghans applying for asylum at Spanish Embassies and Consulates in Pakistan and Iran. The project continued in 2025. It is worth noting that, in case where the embassy and consulates do not respond on time or deny the applications, they are challenged judicially. According to Accem, some sections of the Audiencia Nacional are adopting positive decisions. However, the use of the embassy procedure is currently not clearly regulated.
Despite the CJEU judgement establishing that the fact of being an Afghan woman is sufficient to prove the well-founded fear of persecution, the Spanish Government denied at least a dozen of applications for the 'laissez-passer', that is the authorisation to access the territory from Islamabad to reach Spain, in order to be able to formally apply for asylum, according to reports.[8]

3 For applications likely to be well-founded or made by vulnerable applicants.
4 Accelerating the processing of specific caseloads as part of the regular procedure.
5 For an analysis of the previous practice on this regard, as well as relevant jurisprudence such as *the N.D. and N.T.v.Spain* judgement of the ECtHR, refer to the previous version of this report, available here, 17.
6 Supreme Court, Sala de lo Contencioso, STS 3445/2020, 15 October 2020, available here.
7 El Diario, 'El Supremo reconoce el derecho a pedir asilo en las embajadas en contra del criterio del Gobierno', 18 November 2020, available here.
8 El Periódico, 'España niega salvoconductos a mujeres en riesgo de deportación a Afganistán desoyendo una sentencia europea', 4 February 2025, available here.

In January 2024, the political party 'Sumar' submitted a law proposal on access to asylum and the lodging of international protection applications at Spanish embassies and consulates.[9] The proposal foresees, inter alia, a modification of Article 38 of the Asylum Law, by detailing how to lodge an asylum application at Spanish Embassies and consulates abroad, which are the rights of the asylum applications, as well as the obligations of Minister of Foreign Affairs. Basically, the proposal introduces the development of such procedure that, according to Article 38, should have been introduced by the Regulation of the Asylum Law that has not been adopted so far since 2009.

In March 2025, the State-Secretary for Security at the Ministry of Interior issued an instruction providing indications on different aspects related to international protection procedures. Among other elements, the instruction provides for the adoption of measures to allow applicants with special needs or in a vulnerable situation (i.e. persons with disabilities, elderly people, pregnant women, single parents, victims of trafficking, LGTBIQ+ persons, mental health issues, victims of torture or of sexual assault) to be interviewed with particular attention to adapting their individual circumstance. Similarly, it contains details on interpretation and legal support, on the adequacy of spaces to carry out interviews, and it allows the applicant to be assisted in the formalisation by a cultural mediator or psychological support during the interview.[10]

In relation to the **statelessness determination procedure,** the OAR resolved its staffing challenges in the area of statelessness during 2025. However, backlogs carried over from previous years, together with a significant increase in the number of applications for the statelessness status, resulted in additional delays in decision-making under this procedure, which is also managed by the Office for Asylum**.** At the time of reporting, according to data published by the Ministry of Interior, around 3,000 applications for statelessness were submitted in 2025 and 2,242 cases were decided upon.[11]

During 2025, UNHCR actively participated in and promoted training on the interpretation and application of national and international regulations, as well as UNHCR guidance on statelessness. These activities were addressed to multiple actors, including lawyers from different bar associations, NGO staff working in the international protection system, and members of the State Coalition for Stateless Displacement. During 2025, UNHCR also supported the activities of the Coalition, which is associated with the European Network on Statelessness (ENS), in its engagement with national and international authorities, including interventions before the Ministry of Justice and submissions to the United Nations Committee on the Rights of the Child.[12]

## 3. List of authorities that intervene in each stage of the procedure

| Stage of the procedure | Competent authority (EN) | Competent authority (ES) |
|---|---|---|
| Application<br>❖ At the border<br>❖ On the territory | Border Police<br>Office of Asylum and Refuge, Aliens' Office | Policía Fronteriza<br>Oficina de Asilo y Refugio, Oficina de Extranjeros |
| Dublin | Office of Asylum and Refuge | Oficina de Asilo y Refugio |
| Refugee status determination | Office of Asylum and Refuge<br>Inter-Ministerial Commission on Asylum (CIAR) | Oficina de Asilo y Refugio<br>Comisión Interministerial de Asilo y Refugio |
| Appeal<br>❖ First appeal<br>❖ Onward appeal | ❖ National Court<br>❖ Supreme Court | ❖ Audiencia Nacional<br>❖ Tribunal Supremo |

9 Boletín Oficial de las Cortes Generales, Congreso de los Diputados, 'Proposición de Ley sobre acceso al derecho de asilo y solicitudes de protección internacional en embajadas y consulados. Presentada por el Grupo Parlamentario Plurinacional SUMAR', 19 January 2024, available here.

10 Ministerio del Interior, 'instrucción de la Secretaría de Estado de Seguridad y de la Subsecretaría sobre el procedimiento de protección internacional', 14 March 2025, available here.

11 Information provided by UNHCR in March 2026.

12 Information provided by UNHCR in March 2026.

| | | |
|---|---|---|
| Subsequent application | Office of Asylum and Refuge | Oficina de Asilo y Refugio |
| Revocation/withdrawal | Office of Asylum and Refuge | Oficina de Asilo y Refugio |

## 4. Determining authority

| Name in English | Number of staff | Ministry responsible | Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority? |
|---|---|---|---|
| Office of Asylum and Refuge | N/A | Ministry of Interior | ☒ Yes ☐ No |

All applications for international protection are examined by the Office of Asylum and Refuge (OAR) falling under the responsibility of the Ministry of Interior. The Ministry of Interior is responsible for a broad range of tasks involving national security, such as the management of national security forces and bodies – including police guards and *Guardia Civil*, which are responsible of border control activities – the penitentiary system, foreigners and immigration-related issues.[13] Following the general elections of July 2023 and the creation of a new Government in November, the Minister of Interior granted the status of Directorate-General to the Office of Asylum and Refuge, with the new name of Directorate-General for International Protection.[14] The aim is to strengthen the unit in charge of processing asylum claims, in light of the increase in asylum applications in the past years.[15]

The OAR centralises the processing of all asylum applications which are officially lodged in Spain, both inside the country and at its borders, as well as the processing and decision-making concerning the cases of stateless persons. This Office also participates in a unit operating under the General Commissariat of Aliens and Borders of the Police concerning documentation and within another unit operating under the Ministry of Inclusion, Social Security and Migration, with authority over matters concerning the reception of asylum seekers.

The OAR officers ("*instructores*") in charge of assessing asylum applications are organised according to geographical criteria and each of them oversees a certain number of countries. Moreover, cases are also allocated depending on the applicable procedure (i.e. at the border or on the territory).[16] According to the information provided by the OAR, as of March 2020, there were 270 caseworkers taking decisions on applications for international protection at the OAR. Statistics on 2025 were not available at the time of writing of this report.

The examination of an application by the OAR is finalised with the issuance of a draft decision which is submitted to the Inter-Ministerial Asylum and Refugee Commission (CIAR),[17] which will decide to grant or to refuse international protection. The resolution passed within said Commission must be signed by the Minister of the Interior, although it is standard practice for it to be signed by the Under-Secretary of the Interior by delegation of signature authority. According to Article 23.2 of the Asylum Law, the CIAR is composed by a representation of each of the departments having competences on: home and foreign affairs; justice; immigration; reception of asylum seekers; and equality. UNHCR also participates but may only express an opinion on asylum cases without the right to vote.

13 Royal Decree 400/2012 of 17 February 2012 developing the basic organic structure of the Ministry of Interior.

14 Ministerio del Interior, 'Interior da rango de dirección general a la unidad que tramita las solicitudes de asilo y refugio', 5 December 2023, available here; Europa Press, 'Marlaska inaugura la nueva sede de la Dirección General de Protección Internacional', 21 June 2024, available here.

15 Servimedia, 'Interior crea la Dirección General de Protección Internacional ante el récord de solicitudes de asilo', 5 December 2023, available here.

16 ECRE, 'Asylum authorities: An overview of internal structures and available resources', 2019, available here, 12.

17 Article 23(2) Asylum Law.

The OAR also developed internal guidelines on the decision-making process to be followed by its officers. The guidelines are not publicly available. Country of origin information (COI) as well as other relevant documentation published by relevant actors (e.g. UNHCR and EUAA publications) is also consulted during the decision-making process.

## 5. Short overview of the asylum procedure

Any person willing to request international protection in Spain must make a formal application to the competent authorities. There are two main ways to apply for asylum: on the Spanish territory or at border controls. As explained in Types of procedures, asylum applications could not be lodged at embassies or consular representations outside the Spanish territory in practice up until 2020, although the Asylum Law foresees that possibility. As mentioned above, according to Accem's practice and knowledge, practice has changed and persons in need of international protection can currently apply at some Spanish Embassies and Consulates.

In case asylum seekers are outside the Spanish territory, they must make a formal application to the border control authority, i.e. the Border Police.[18] If the person is already on Spanish territory, asylum applications can be registered at the Office of Asylum and Refuge (OAR); any Aliens' Office (*Oficina de Extranjeros*),[19] in Detention Centres for Foreigners (CIE) or at police stations.[20]

The OAR is the authority competent for examining asylum applications.[21]

In May 2025, the government published its National Implementation Plan for the European Pact on Migration and Asylum which foresees, among others, the adoption of a new asylum law and a regulation to implement it.[22] It also published the executive summary of the strategy for the management of asylum and migration.[23] In light of the adoption of the new asylum law, CEAR presented a set of proposals to be taken into consideration. Among others, the organisation called to ensure fair and safe pathways for persons in need of protection, to avoid detention and to establish alternatives to it, and to guarantee that reception conditions are adapted to people in vulnerable situations.[24]

**Border procedure**

If an application for international protection is lodged at the borders or from a CIE, the border procedure applies. In this case, the OAR will have 4 days to declare the application admissible, inadmissible or unfounded. If this deadline is not met, the applicant will be admitted to territory in order to undergo the regular procedure.[25]

In a decision taken in June 2023, the National Court (*Audiencia Nacional*) established that applications lodged at the CETIs of Ceuta and Melilla should not be processed with the border procedure, but as applications made on the territory.[26]

In 2025, UNHCR continued to play a coordination role with the police, the Office for Asylum and lawyers at Madrid Airport within the accelerated border procedure foreseen in the Spanish asylum legislation,

18 Article 4(1) Asylum Regulation.
19 Aliens' Offices are managed by the General Commissariat of Aliens and Borders (*Comisaría General de Extranjería y Fronteras*) of the Police.
20 Article 4(1) Asylum Regulation.
21 Article 23(1) Asylum Law.
22 Ministerio del Interior, 'Plan Nacional de Implementación del Pacto Europeo de Migración y Asilo. Resumen ejecutivo', May 2025, available here; Ministerio del Interior, 'España. Plan nacional de implementación, Implementación del Pacto sobre Migración y Asilo. Diciembre 2024', 2025, available here.
23 Ministerio del Interior, 'Estrategia de gestión del asilo y la migración. Resumen ejecutivo', 2025, available here.
24 CEAR, 'Propuestas de la Comisión Española de Ayuda al Refugiado (CEAR) a la nueva Ley de Asilo', April 2025, available here.
25 Articles 21 and 25 Asylum Law.
26 Audiencia Nacional, SAN 3235/2023, 22 June 2023, available here; El Faro de Ceuta, Cuatro años esperando el asilo tras saltar la valla de Benzú, 9 July 2023, available here.

supporting compliance with legal guarantees. As a result of enhanced coordination mechanisms, reception and other challenges arising from recurrent peaks in the numbers of applicants could be timely addressed throughout the year, and accommodation conditions and procedural quality were preserved.[27]

**Admissibility procedure**

For applications made on the territory, the OAR shall have one month to examine the admissibility of the application. If the OAR does not issue a decision within that time, it is understood that the application has been admitted.[28] The decision shall determine whether the request is admissible or inadmissible. The Office may deem the application as inadmissible on the following grounds: (a) lack of jurisdiction for the examination of the application; or (b) failure to comply with admissibility requirements.[29]

**Regular and urgent procedure**

If the OAR declares the application admissible in the regular procedure, it will have a period of six months to examine the application on the merits. However, in practice this period is usually longer and can take up to 2 years. During this time, the applicant receives new documentation, in the form of a red card (*tarjeta roja*), certifying their status as an asylum seeker. During the first 6 months, the red card authorises the asylum seekers to reside in Spain. After six months, the red card has to be renewed and further grants the asylum seeker access to employment.

The Inter-Ministerial Commission of Asylum (*Comisión de Asilo y Refugio,* CIAR) is competent to decide on the application, upon a draft decision of the OAR. Asylum applications must always be examined and decided upon, including in cases where the six months deadline is not met.

In case the application is made at the border or from a CIE, the urgent procedure must be followed. The OAR has three months to decide on the application in the urgent procedure. The applicant can ask for the application of the urgent procedure, or the Ministry of Interior can apply the procedure *ex officio* under the following circumstances:[30]

(a) The application is manifestly well-founded;
(b) The application is made by a person with special needs, especially unaccompanied minors;
(c) The applicant raises only issues which have no connection with the examination of the requirements for recognition of refugee status or subsidiary protection;
(d) The applicant comes from a country considered a safe country of origin and has the nationality of that country or, in case of statelessness if they have residence in the country;
(e) The applicant makes the application after a period of one month;[31]
(f) The applicant falls within any of the exclusion clauses under the Asylum Law.

The decision concludes the procedure with one of the following outcomes: (a) granting the status of refugee; (b) granting subsidiary protection; (c) denying the status of refugee or subsidiary protection and granting a residence permit based on humanitarian grounds; or (d) refusing protection.
In case of denial of international protection, the issuance of a return decision is not automatic. In addition, the competence to issue the international protection and return decisions lays with two different authorities.

In December 2021, the High Court (*Tribunal Supremo*) issued a decision establishing that an application for international protection implies the automatic suspension of the expulsion procedure for the irregular stay until the competent asylum authorities issue a decision which rejects or declares the application inadmissible. This means that the expulsion or return order cannot be executed before a decision on the

27 Information provided by UNHCR in March 2026.
28 Article 20(2) Asylum Law.
29 Article 20(1) Asylum Law.
30 Article 25 Asylum Law.
31 Article 17(2) Asylum Law.

asylum application has been taken, because during the decision-making period of the asylum application the stay of the applicant cannot be considered as irregular.[32]

In November 2022, the High Court (*Tribunal Supremo*) adopted a decision establishing the obligation for the administration to evaluate the existence - or lack of - humanitarian reasons to impede the applicant's return, and thus on the granting or not of the residence permit on such grounds. The High Court indicated that the administration is however obliged to consider such motives only if an explicit request has been made during the administrative phase of the asylum procedure, while in case of vulnerable applicants the administration is obliged *ex officio* to assess and determine the existence of humanitarian reasons.[33]

In February 2023, Article 3 of the asylum law was modified through the law for the equal opportunities of transgender persons and guarantees of rights of LGTBI+ people, in relation to the definition of 'refugee', by the introduction of 'gender identity' as one of the grounds of persecution.[34]

In November 2025, the UNHCR's representative in Spain stated that the malfunction of the Spanish asylum system is mainly due to a lack of appropriate resources and determination in making it functioning.[35]

Some challenges related to obtaining or renewing documentation for asylum applicants and beneficiaries of international protection, as well as to the notification of asylum decisions reported in 2024 also persisted in 2025, in some cases resulting in loss of employment or cancelation of bank accounts due to lack of valid documentation.[36]

**Appeal**

Legal remedies against negative decisions on asylum applications include administrative and judicial appeals and vary depending on the type of decision challenged:

a. *Rejection on the merits*: A negative decision on the merits can be appealed before the National Court (*Audiencia Nacional*) within two months. An onward appeal against the Court's decision can be submitted to the Supreme Court (*Tribunal Supremo*).

b. *Inadmissibility*: Decisions declaring the application inadmissible are appealable before one of the Central Administrative Judges (*Juzgados Centrales de contencioso-administrativo*) within the National Court. The single-judge decision can then be appealed before the National Court, and subsequently before the Supreme Court.

c. *Border procedure*: Rejection as manifestly unfounded or inadmissibility decisions in the border procedure can be challenged through a re-examination (*re-examen*) request before the OAR. If the OAR upholds the rejection or inadmissibility decision, the respective remedies mentioned in points (a) and (b) are available.

In all the above cases, it is possible for the asylum seeker to file before the OAR an administrative request for reversal (*recurso de reposición*) of its decision.

32 Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sección Quinta, Sentencia núm. 1.458/2021, 13 December 2021, available here.
33 Tribunal Supremo, Sala de lo Contencioso, STS 4338/2022, 16 November 2022, available here.
34 Boletín Oficial del Estado, 'Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria', available here, El Derecho, 'Modificación de la Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria', 8 March 2023, available here.
35 El País, 'Grainne O'Hara, representante de ACNUR en España: "Más que fraude, en el asilo español hay un mal funcionamiento del sistema"', 26 November 2025, available here.
36 Information provided by UNHCR in March 2026.

## B. Access to the procedure and registration

### 1. Access to the territory and push backs

**Indicators: Access to the Territory**

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No
2. Is there a border monitoring system in place? ☒ Yes ☐ No
3. If so, who is responsible for border monitoring? ☐ National authorities ☒ NGOs ☒ Other
4. If so, how often is border monitoring carried out? ☒Frequently ☐Rarely ☐Never

Arrivals in Spain, and in particular to the **Canary Islands**, have been increasing significantly in the last years. In 2025, 36,775 migrants arrived in Spain by land and sea, which represents a decrease of 42.6% compared to the 64,019 arrivals in 2024.[37] The vast majority of arrivals were by sea (32,925) and the main route for sea arrivals were still the Canary Islands, with 17,788 persons reaching the archipelago by sea. Despite remaining the main route of arrival to Spain, in 2025, the route to the Canary Islands experienced an important decrease (-62%) of arrivals compared to the previous year, while the route to the Balearic Islands faced an increase of 24.5% compared to 2024, with 7,321 migrants who reached the archipelago in 2025.

The sections below describe the numerous hurdles faced by migrants and asylum seekers in accessing Spanish territory and subsequently the asylum procedure. This includes incidents of push backs, collective expulsions, police violence (especially on the Moroccan side of the border), bilateral agreements with third countries to swiftly return persons back, and dangerous attempts by the concerned individuals to reach Spanish territory or cross over the border fences.

In December 2022, Ministers and high-level representatives of the partner countries and organisations of the Rabat Process met in Cádiz for the 6th Ministerial Conference of the Euro-African Dialogue on Migration and Development (the so called 'Rabat Process') to adopt the Dialogue's new multi-annual cooperation programme for the next five years (2023-2027). During the event, the Cadiz Action Plan was adopted: it addresses five action areas, including on regular migration and mobility, on asylum and protection of persons in need of international protection, and on prevention and effective reduction of irregular migration, fight against migrant smuggling and trafficking in human beings.[38]

In a meeting held in April 2024, the five members (Spain, Italy, Malta, Greece and Cyprus) of the Mediterranean Alliance called on the EU to continue with ensuring its presence in the Sahel region, with the aim of fighting against, *inter alia*, organised crime. They also called on the EU to continue with agreements with the main origin and transit countries in Africa and the Middle East, as well as to look for a better cooperation in the context of returns, including voluntary returns.[39] Following their 2025 annual meeting, the countries of the MED5 urged the EU to increase funding dedicated to preventing irregular migration.[40]

In June 2025, the 'Minerva' operation started in the Gibraltar Strait, concretely in the cities of Algeciras, Tarifa and Ceuta, with the aim of fighting against trafficking in persons and irregular migration. The operation was coordinated by the Spanish National Police and Frontex, involving police officers from 15 European countries, and lasted until the beginning of September. In 2024, the operation led to 3,729

37 Ministerio del Interior, 'Inmigración irregular 2025. Datos acumulados del 1 de enero al 31 de diciembre', January 2026, available here.
38 Rabat Process, '6th Ministerial Conference: Adoption of the Cadiz Action Plan', 21 December 2023, available here.
39 EU MED5, Ministerial Conference, 'Declaración común del MED5. Las Palmas de Gran Canaria, 19-20.04.24', April 2024, available here.
40 Press Digital, 'España, Italia, Grecia, Chipre y Malta piden a la UE elevar la financiación en prevención migratoria', 12 April 2025, available here.

police actions, resulting in 234 arrests, 1,035 administrative offences and 92 refusals of entry decisions issued.[41]

In January 2025, 21 people from Pakistan were identified among the survivors of a boat shipwrecked off the Canary Islands. According to investigations, it seems that a "new Asian route" to Europe might be emerging.[42]

In the same month, a boat with 19 bodies was found off the costs of **St. Kitts and Nevis** (in the Caribbean). The authorities believed that the vessel originated off the West African coast with migrants on board.[43]

According to the information released by the Moroccan Minister of Interior, in 2024 Morocco stopped almost 80,000 attempts of migrants to reach the EU.[44]

According to a report published in March 2025, the Western Mediterranean Route has become increasingly inaccessible to sub-Saharan Africans considering the strict measures adopted by Morocco to prevent them from entering the country. Concretely, the report stressed that a key risk on this route continued to be the levels of hostility towards Sub-Saharan African migrants in Morocco.[45]

In June, the National Police of Alicante started an investigation in relation to the discovery of the bodies of 31 migrants – with tied hands and feet - found at sea near the Balearic Islands. The investigators have linked the bodies to a small boat that arrived in Alicante.[46]

During the same month, the Guardia Civil, supported by Europol, reported having dismantled a criminal network smuggling migrants by boats from Algeria to Spain and to other EU countries.[47]

In August, around 600 migrants arrived in the Balearic Islands in around thirty small boats in one week.[48] The figures on arrivals in 2025 showed a change in trends until August, with a slight decrease in arrivals and a shift in sea routes — a rise in the Balearic Islands and a decrease in the Canary Islands.[49] Already in July the State Secretary for Migration held a mission in the Balearic Islands to find and set up facilities for the initial reception and temporary care of migrants after their arrival on the archipelago.[50] The trend seemed to continue at the beginning of 2026.[51]

During the same month, the Government of the Canary Islands has submitted a proposal to the European Commission requesting a significant material (i.e. aerial means, vessels, radars and other systems) and human reinforcement of the deployment of Frontex in the archipelago, in order to improve maritime and border surveillance.[52]

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41 Ministerio del Interior, 'La Policía Nacional coordina y dirige junto a FRONTEX la Operación MINERVA'25 en los puertos de Algeciras, Ceuta y Tarifa', 11 June 2025, available here.

42 Info Migrants, 'Pakistan to the Canary Islands: Does a migrant shipwreck shed light on a new route?, 21 January 2025, available here.

43 Info Migrants, 'Caribbean: 19 suspected migrants from West Africa found dead in drifting fishing boat', 31 January 2025, available here.

44 Info Migrants, 'Morocco: Nearly 80,000 attempts to reach the EU prevented in 2024', 7 February 2025, available here.

45 Mixed Migration Centre, 'Beyond restrictions: migration & smuggling across the Mediterranean, the Atlantic & the English Channel', march 2025, available here.

46 Majorca Daily Bulletin, 'Mallorca migrant crisis: shackled bodies linked to a boat that arrived in Alicante', 30 June 2025, available here.

47 Europol, 'Spain dismantles criminal network smuggling migrants from Algeria to the EU', June 2025, available here.

48 Público, 'Unos 600 migrantes llegan a Balears en una treintena de pateras en lo que va de semana', 13 August 2025, available here.

49 El Boletí, 'Inmigración en España: menos llegadas, giro hacia Baleares y fin de la Golden Visa', 25 August 2025, available here.

50 Ministerio de Inclusión, Seguridad Social y Migraciones, 'La secretaria de Estado de Migraciones, Pilar Cancela, viaja a Baleares para habilitar nuevos recursos de atención humanitaria', 8 July 2025, available here.

51 ABC, '472 inmigrantes irregulares ya han pasado por el módulo de acogida del puerto de Palma', 23 january 2026, available here.

52 La Voz de Lanzarote, 'Canary Islands proposes to the European Union a "significant" reinforcement of Frontex with aerial and maritime means', 20 August 2025, available here.

A report published by Human Rights Watch denounced the violence and the serious human rights violations committed against migrants and refugees by local authorities in Mauritania between 2020 and 2025, linking these episodes to the decrease in the number of boats arriving to the Canary Islands.[53]

In September, the *Andalusian Forum for the Integration of People of Migrant Origin* approved an agreement to urge the Governing Council of the Regional Government of Andalusia to request both the Spanish Government and the EU to officially recognise Andalusia as a 'southern border' for migration purposes. The national recognition would allow the autonomous community to receive the same treatment as the Canary Islands, Ceuta and Melilla in terms of migration, and to access the necessary resources to work with migrants and promote their full integration into society.[54]

In November, the European Commission announced the EU countries which will be eligible for receiving funds or other forms of solidarity under the EU Solidarity Pool scheme to deal with migratory pressure. Spain, together with Greece, Cyprus, and Italy have been formally recognized as being under severe migratory pressure following the increase in arrivals over the past year and are thus eligible for assistance from the pool from mid-2026.[55]

According to Frontex, smugglers are switching their operations from Morocco to Algeria due to perceived less stringent controls and are using faster boats, being the Balearic Islands their main destination. Departures from Algeria represent the 75% of people using the Western Mediterranean route, while in 2024 it was 40%, behind Morocco.[56]

Frontex consolidated its presence in the Canary Islands since 2020, counting with 70 agents and specialised staff on the islands, including 18 interpreters and cultural mediators by the summer 2025.[57]

Following the reinforcement of migration controls by Senegal, Mauritania and Morocco, migrants turned to Guinea as a new departure point in 2025.[58] In addition, an increase of departures from The Gambia to the Canary Islands has been registered.[59]
In January 2026, the UNHCR warned that, despite the decrease in see arrivals in Spain and in the number of asylum applications lodged, international protection needs remain high, particularly among the most vulnerable people.[60]

At the beginning of 2026, arrivals to Ceuta from Morocco registered an important increase with almost 1,000 migrants who arrived in the enclave in one month and a half.[61] Arrivals – including of UAMs - started increasing from the end of 2025.[62]

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53 Human Rights Watch, 'Mauritania: Years of Migration Control Abuses', 27 August 2025, available here; El País, 'Palizas, hambre y expulsiones: la violencia en Mauritania que explica la caída de llegadas de cayucos a Canarias', 27 August 2025, available here.

54 La Vanguardia, 'El Foro para la integración de migrantes pide reconocer a Andalucía como frontera sur', 19 September 2025, available here; Federación Sur Acoge, 'Andalucía Acoge pide profundizar en el reconocimiento de Andalucía como Frontera Sur europea ', 19 September 2025, available here.

55 Politico, 'Brussels announces who'll get — and who'll pay for — new EU migration aid', 11 November 2025, available here.

56 Reuters, 'Migrant arrivals in Spain's Balearics surge as smugglers switch routes', 13 November 2025, available here.

57 El Salto Diario, 'Frontex consolida su red de control indirecto en África más allá de la ruta canaria de migración', 1 December 2025, available here.

58 Arab News, 'Guinea offers new migration route for weary, young west Africans', 5 December 2025, available here.

59 Info Migrants, 'Senegal intercepts boat with over 120 migrants headed for Canaries amid increased departures from The Gambia', 16 October 2025, available here.

60 UNHCR, 'Asylum applications and sea arrivals decline, but international protection needs among people arriving in Spain persist', 29 January 2026, available here; Europa Press, 'ACNUR advierte de "mayor vulnerabilidad y peligro" para los migrantes pese al descenso de llegadas a España', 30 January 2026, available here.

61 Info Migrants, 'Ceuta migrant center overwhelmed as arrivals from Morocco increase', 20 February 2026, available here.

62 El Pueblo de Ceuta, 'Continúa el goteo de menores entrando a Ceuta', 12 October 2025, available here.

According to the Red Cross, in 2025 migrants started to use more distant and riskier departure points (i.e. the Gambia and south Mauritania) to reach the Canary Islands following a crackdown by Mauritania on irregular migration.[63]

Since mid-January 2026, the NGO *Humanitarian Pilots Initiative (HPI)* carried out monitoring flights over the Atlantic Ocean - a zone where humanitarian ships are not present - and found numerous migrant boats in distress.[64]

A report published by the organisations *porCausa* and the *Centre Delàs d'Estudis per la Pau* analysed the use of artificial intelligence and other forms of technology in migration control policies. Concretely, it examined around 700 contracts of the Spanish government subscribed for this sector, with a total expenditure amounting to €541 million. The research concluded that 'these contracts reflect highly concentrated spending, both by category and by company and procedure, with a significant emphasis on surveillance technologies, border control and cyber intelligence, technological infrastructure and biometric systems. And with a special emphasis on capabilities associated with internal security, immigration control and advanced data analysis'.[65]

In March 2026, the Ministry of the Interior informed on the plans to reinforce the border perimeter around the former *Barrio Chino* land border post in Melilla, with an investment of over €1.5 million. The project will begin in 2026 and will last for two years.[66]

### 1.1. Arrivals in the enclaves of Ceuta and Melilla

The number of persons arriving in Ceuta and Melilla by land in 2025 was 3,850, marking an increase compared to 2024, when 2,647 persons entered the enclaves. In addition, a total of 29 people arrived by sea to the enclaves, with 25 reaching Melilla (representing a 19% increase compared to 2024), and 4 Ceuta (a 85.7% decrease compared to the previous year).[67]

| Arrivals in Spain by land: 2025 | |
|---|---|
| Point of entry | Number of irregular arrivals |
| Ceuta | 3,523 |
| Melilla | 327 |
| Total arrivals by land | 3,850 |

| Arrivals in Spain by sea: 2025 | |
|---|---|
| Point of entry | Number of irregular arrivals |
| Ceuta | 4 |
| Melilla | 25 |
| Total arrivals by sea | 29 |

Source: Ministerio del Interior, 'Inmigración irregular 2025. Datos acumulados del 1 de enero al 31 de diciembre', January 2026, available here.

63 Reuters, 'Migrants using more distant, riskier departure points to Canaries after Mauritania crackdown, Red Cross finds', 14 january 2026, available here.
64 Info Migrants, 'NGO monitors Atlantic migration route to the Canary Islands from the sky', 13 February 2026, available here.
65 porCausa, Centre Delàs d'Estudis per la Pau, 'Fronteras "inteligentes", democracias negligentes. Un análisis del uso de la inteligencia artificial y otras formas de tecnología en las políticas de control migratorio', January 2026, available here.
66 RTVE, 'Interior prevé "reforzar" la valla del paso de Barrio Chino en Melilla, mientras Amnistía Internacional critica el "blindaje" de fronteras', 27 March 2026, available here.
67 Ministerio del Interior, 'Inmigración irregular 2025. Datos acumulados del 1 de enero al 31 de diciembre', January 2026, available here.

In recent years, the main obstacles regarding access to the Spanish territory have been faced at the **Ceuta** and **Melilla** borders and checkpoints. These obstacles are mainly due to the impossibility for asylum seekers to cross the border and exit Morocco. There are several reported cases concerning refusal of entry, *refoulement*, collective expulsions and push backs, including incidents involving hundreds of people throughout, that continued throughout 2025. In its 2024 annual report on human rights at Southern borders, the *Asociación Pro-Derechos Humanos de Andalucía (APDHA)* reported the continued problem of pushbacks at the borders in Ceuta and Melilla.[68]

One of the ways used by migrants and asylum seekers to enter the territory is the attempt to climb border fences in groups. The increasing number of attempts to jump border fences is linked to the fact that migrants and asylum seekers, and especially Sub-Saharan nationals, still face significant obstacles in accessing the asylum procedure at Spanish borders, as a result of border controls exercised by the Moroccan police on the Moroccan side of the border.[69] This can be illustrated when looking at data provided by the Government on asylum claims lodged at the border, which indicates that no asylum application was made at **Ceuta**'s border crossing, and that persons from sub-Saharan countries are underrepresented among the nationalities of asylum seekers at Melilla's border (see section on Access to the Territory).

Similarly to the previous update of the report, the following list provides an overview of several incidents that were reported at the border in 2025 and at the beginning of 2026:

- In March 2025, the High Court of Justice of Andalusia (*Tribunal Superior de Justicia de Andalucía*) ruled on a case that was considered a pushback. The case regarded man who was trying to reach the coast of Ceuta by swimming in March 2023, while the Guardia Civil's boat intercepted him. The officers took him on board and transferred him to Ceuta, where he was attended by the Red Cross. Immediately afterwards, the Guardia Civil brought the migrant to the Tarajal border and handed him over to the Moroccan authorities. A year later, the Contentious Administrative Court of Ceuta declared this action illegal, and the High Court of Justice of Andalusia confirmed the decision.[70]
- In June, CEAR denounced the impunity still existing after three years since the incident occurred in Melilla on 24 June 2022, when around 2,000 persons attempted to enter the city from Morocco by jumping the fence, resulting in 37 persons dead and hundreds injured, while 133 individuals managed to enter the Spanish enclave. CEAR condemned the lack of justice for the victims after three years, as well as the lack of news on the whereabouts of 70 missing persons, due to the refusal by Morocco to provide the list of deceased persons and its obstruction to the attempts made by families and organisations to access hospitals and morgues.[71]
- In July, around 50 unaccompanied Moroccan children reached Ceuta by swimming.[72]
- In August, the Guardia Civil prevented a Moroccan man to enter Melilla by sea.[73]

68 Asociación Pro-Derechos Humanos de Andalucía (APDHA), 'Derechos Humanos en la Frontera Sur 2024', January 2025, available here; El Pueblo de Ceuta, 'APDHA sostiene que Ceuta sigue siendo escenario de devoluciones en caliente', 22 January 2025, available here.

69 CEAR, 'Informe 2020: las personas refugiadas en España y Europa', June 2020, available here, 74.

70 Levante, 'El Tribunal Superior de Justicia de Andalucía ratifica como ilegales las devoluciones en caliente de los migrantes rescatados en el mar', 27 March 2025, available here.

71 CEAR, 'Masacre de Melilla: Tres años de impunidad', 24 June 2025, available here.

72 Antena 3, 'Crisis migratoria en Ceuta: 54 menores no acompañados llegan nadando por la zona del Tarajal', 26 July 2025, available here; La Sexta , 'Más de medio centenar de menores no acompañados llegan a nado a Ceuta', 26 July 2025, available here; Europa Sur, 'Marruecos se despliega en el mar junto a Ceuta para evitar la entrada de jóvenes que quieren pasar hacia Algeciras', 27 July 2025, available here; El Pueblo de Ceuta, 'Gran despliegue de Marruecos en la frontera para evitar la entrada de migrantes a Ceuta', 27 July 2025, available here; Morocco World News, 'Over 80 Irregular Immigrants Swim to Ceuta in Summer's Largest Irregular Migration Wave', 27 July 2025, available here.

73 Melilla Hoy, 'La Guardia Civil frustra la entrada a Melilla de un migrante a nado pese al fuerte oleaje', 6 August 2025, available here.

- During the same month, Morocco informed it would investigate a Moroccan soldier for beating a child who was trying to reach Ceuta by swimming.[74]
- On 15 August, around 300 migrants and refugees attempted to reach Ceuta by swimming from Morocco. In addition, authorities informed that the bodies of 21 persons have been found so far since the beginning of the year.[75]
- In October, a young sub-Saharan migrant managed to enter Ceuta by paragliding, despite the rain and strong wind.[76]

The 2025 EUAA Asylum Report underlined the continued concerns about effective access to territory for those seeking protection at the land and sea borders of Ceuta and Melilla.[77]

The above incidents illustrate how migrants and asylum seekers continue resorting to dangerous ways to enter **Ceuta** and **Melilla**, sometimes resulting in their deaths.

**The persisting problem of pushbacks (*devoluciones en caliente*)**

The situation at borders and regarding access to territory has gradually worsened since March 2015, after the Spanish government adopted an amendment to the Immigration Law, introducing the possibility to "reject at borders" third-country nationals found crossing the border irregularly.

The amendment, introduced through the adoption of the Law "on the protection of citizen security",[78] includes a specific regulation within the Immigration Law concerning the "Special regime of Ceuta and Melilla". This regime consists of three elements:

(1) It rules that "those foreigners who are detected at Ceuta's and Melilla's border lines when trying to pass the border's contentious elements to irregularly cross the border, can be rejected to avoid their illegal entry in Spain";
(2) It declares that "these rejections will be realised respecting the international law on human rights and international protection ratified by Spain";
(3) Lastly, it states that "international protection claims will be formalised at the *ad hoc* border point in line with international protection obligations."

In practice, when a person is found within Spanish border territory, which includes the land between the Moroccan and Spanish border, they are taken outside the Spanish border through existing passages and doors controlled by border guards.

The amendment aimed at legalising the push backs (*devoluciones en caliente*) practiced in Ceuta and Melilla and has been criticised for ignoring human rights and international law obligations towards asylum seekers and refugees by several European and international organisations such as UNHCR,[79] the Council of Europe Commissioner for Human Rights,[80] and the United Nations Committee against Torture. Critics underline that people are not able to request asylum, and that the law mostly affects groups in vulnerable situation, including unaccompanied minors and victims of trafficking.

74 Ceuta Actualidad, '"Inaceptable": Marruecos investiga la actuación de un militar contra un menor cerca de Ceuta', 13 August 2025, available here.
75 Info Migrants, 'Ceuta : quelque 300 migrants tentent la traversée en une nuit, 21 morts depuis le début de l'année', 22 August 2025, available here.
76 La Vanguardia, 'Un joven migrante subsahariano logra entrar en Ceuta en parapente', 29 october 2025, available here.
77 EUAA, 'Asylum Report 2025', June 2025, available here.
78 Organic Law 4/2015 of 30 March 2015 on the protection of citizen security.
79 UNHCR Spain, 'Enmienda a Ley de Extranjería vincula gestión fronteriza y respeto de obligaciones internacionales', 13 March 2015, available here. See also ECRE, 'Spain: New law giving legal cover to pushbacks in Ceuta and Melilla threats the right to asylum – Op-Ed by Estrella Galán, CEAR', 27 March 2015, available here.
80 Council of Europe Commissioner for Human Rights, Third party intervention in N.D. v. Spain and N.T. v. Spain, 9 November 2015, available here.

These circumstances made Spain one of the European countries with the highest numbers of refusal of entry at the border between 2017 and 2019, with a peak of 493,455 refusals of entry in 2019.

In 2020, however, the number of refusals of entry for Spain dropped to 3,515, while in the EU-27 (UK already excluded) it was 137,840 in total. Even lower numbers were registered in 2021, with 2,290 refusals of entry were issued. This trend appears to continue up to the present. Both in 2022 and 2023 only 7,250 refusals of entry decisions were issued, and 6415 in 2024;[81] while this represented an increase compared to the two previous years, it was in no way close to pre-pandemic numbers. The limited number of refusals of entry issued compared to the high number of arrivals may be reflecting the decrease in the number of arrivals at Spanish land borders in the past years, while the Atlantic route became the main way of access to the country.

Following a parliamentary request by the Popular Party, the Government informed that, since 2018 until 31 August 2025, Spain has carried out more than 54,530 refusals of entry and 23,958 forced returns ('expulsiones'), as well as 19,392 returns at borders ('devoluciones').[82]

In October 2024, the Congress reopened the debate on the reform of the Law on Citizen Security (the so-called *Ley Mordaza*), which was adopted in 2015 and provided, *inter alia*, for the modification of the Immigration Law, by allowing, in practice, collective expulsions at the borders of Ceuta and Melilla. The reform - agreed between PSOE, Sumar and Bildu - aims at recognising and guaranteeing the rights of migrants, at prohibiting collective explosions, and at processing asylum applications according to human rights legal provisions and to the international protection regulations.[83] After the agreement of all political parties – with the exclusion of the Partido Popular and Vox -, the reform underwent the urgent legislative procedure.[84] The proposal is still under discussion in the Parliament at the time of writing of this report.[85]

In previous years, several cases have been brought to court to challenge the conduct of Spanish border control patrols and guards.

***N.D and N.T v Spain***

The case before the European Court of Human Rights (ECtHR) concerned two Sub-Saharan men – from Mali and the Ivory Coast respectively – who alleged having been summarily and collectively expelled from Spanish territory on 13 August 2014 as part of a group of over 75 individuals. On 3 October 2017, the ECtHR held unanimously that there had been a violation of the prohibition of collective expulsions of the right to an effective remedy in conjunction with said prohibition under Article 4 Protocol 4 and Article 13 of the European Convention on Human Rights (ECHR).[86]

On 13 February 2020, the Grand Chamber of the European Court of Human Rights (GC) published its judgment in the case of *N.D and N.T v Spain* concerning the immediate return of the two men to Morocco

81 Eurostat; *migr_eirfs*.

82 Demócrata, 'España registra más de 54 mil denegaciones de entrada y cerca de 24 mil expulsiones desde 2018', 22 November 2025, available here.

83 Huffington Post, 'El Congreso inicia de nuevo la reforma de la ley mordaza si Podemos lo permite', 29 October 2024, available here; Público, 'La reforma de la ley mordaza pactada con EH Bildu llega al Congreso con el aviso de Podemos y Junts de que habrá enmiendas', 28 October 2024, available here; Newtral, 'El acuerdo para acabar con la ley mordaza prevé prohibir las devoluciones en caliente y las pelotas de goma', 3 October 2024, available here; Onda Cero, 'Gobierno y Bildu pactan la reforma de la ley mordaza: estos son los puntos clave de la nueva normativa', 3 October 2024, available here; Ceuta Actualidad, 'Las devoluciones en caliente se acabarán si sale adelante el acuerdo entre Bildu y el Gobierno para derogar la Ley Mordaza', 3 October 2024, available here.

84 El Independiente, 'El Congreso inicia la reforma de la 'ley mordaza' con la negativa del PP y Vox: "Dan a Bildu la protección de la Policía"', 29 October 2024, available here.

85 20 minutos, 'La ley mordaza se acerca a su primera década de vigencia con la reforma que prometió el Gobierno atascada en el Congreso', 17 April 2025, available here.

86 ECtHR, 'N.D. and N.T. v. Spain', Application Nos 8675/15 and 8697/15, Judgment of 3 October 2017.

after attempting to cross the border of the Melilla enclave,[87] overturning the 2017 judgment. The GC addressed whether the removal of the applicants amounted to an expulsion or 'non-admission' of entry.[88] Moreover, the GC was not convinced that the State had failed to provide a genuine and effective access to means of legal entry and concluded that the applicants had in fact placed themselves in jeopardy by participating in storming the border rather than using the existing procedures. In particular, the GC observed that the applicants could have applied for visas or for international protection at a border crossing point. It concluded that the applicants' expulsions did not violate Article 4 Protocol 4.[89]

Furthermore, the GC found that the applicants placed themselves in an unlawful situation by deliberately attempting to enter Spain as part of a large group rather than using available legal procedures. The lack of available individual procedures to challenge the removal was therefore deemed a consequence of the applicant's unlawful attempt to gain entry. The GC held there was no violation of Article 13 in conjunction with Article 4 Protocol 4.[90]

This GC's decision has been heavily criticised by civil society organisations and other stakeholders, including the Progressists' Union of Public Prosecutors,[91] who saw the case as a lost opportunity in condemning the Spanish authorities for their pushback practices at the border.[92]

For further details on the case, see AIDA Country Report: Spain 2020 Update.

***The Constitutional Court's ruling of 19 November 2020***

On 19 November 2020, the Spanish Constitutional Court (*Tribunal Constitucional*) endorsed the Organic Law on the protection of citizen security, which establishes a special regime for the rejection at the borders in **Ceuta** and **Melilla**.[93] After analysing the constitutional doctrine and the ECtHR's jurisprudence, the Constitutional Court concluded that the law is in line with the Spanish Constitution. Regarding specifically the legal framework on **Ceuta** and **Melilla**, the Court concluded that the special regime foreseen is constitutional as in line with the ECtHR's jurisprudence on the material execution of a rejection at the border. Nevertheless, the Court underlined the importance of judicial control and effective remedies to appeal a rejection at the border. In addition, the Court stated that a rejection decision at the border should be issued considering all the guarantees provided by national and international law, and that the procedure for allowing or refusing legal entry to Spain must be real and effective. The Court further held that law enforcement officials have to pay particular attention to vulnerable groups (i.e. children, pregnant women and elderly persons).

**Other pushback cases and incidents**

Pushback practices in Spain have been strongly condemned in the past. This includes a decision adopted on 12 February 2019 by the United Nations (UN) Committee on the Rights of the Child regarding the case *D.D. vs Spain*.[94]

87 ECtHR, Grand Chamber, 'Case of N.D. and N.T. v. Spain', Applications nos. 8675/15 and 8697/15', 13 February 2020, available here.

88 See EDAL summary here. For an analysis, see also Stavros Papageorgopoulos, 'N.D. and N.T. v. Spain: do hot returns require cold decision-making?', 28 February 2020, available here.

89 Ibid.

90 Ibid.

91 Atresmedia, 'La Unión Progresista de Fiscales tilda de "brutal retroceso" el fallo del Tribunal Europeo que avala las devoluciones en caliente', 15 February 2020, available here.

92 Servicio Jesuita a Migrantes, 'Nota de prensa Sentencia TEDH: Una sentencia dolorosa para demandantes y sociedad civil, pero que no legitima las devoluciones sumarias', 14 February 2020, available here.

93 Tribunal Constitucional, Recurso de inconstitucionalidad STC 2015-2896, 19 November 2020, available here; Tribunal Constitucional, 'NOTA INFORMATIVA Nº 108/2020. El Pleno del TC avala la constitucionalidad de la ley de protección de la seguridad ciudadana de 2015 salvo las grabaciones "no autorizadas" a la policía', 19 November 2020, available here.

94 Committee on the Rights of the Child, Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communication No. 4/2016- CRC/C/80/D/4/2016, 12 February 2019, available here.

In February 2014, 15 migrants drowned after attempting to reach the Spanish enclave of Ceuta by sea and were repelled with rubber bullets and smoke grenades by officers from the *Guardia Civil*. Since then, the so known "*El Tarajal*" case was decided and removed from the register in different occasions, until in June 2022 the Supreme Court (*Tribunal Supremo*) rejected the cassation appeals lodged by different NGOs against the decision to remove the case from the register taken by the Provincial Court of Cádiz.[95] Previous updates of this report provide more details on the case. (See AIDA Country Report on Spain – 2021 and 2020 Updates). In June 2023, the Constitutional Court (*Tribunal Constitucional*) admitted the appeal lodged by different NGOs against the removal of the case from the register decided by the High Court (*Tribunal Supremo*) and the Provincial Court of Cádiz.[96] In February 2024, a 25-year-old Cameroonian national filed a complaint at the UN against Spain, for multiple violations of the Convention against Torture which occurred during the incident.[97] In February 2025, a survivor who lost the eye vision during the incident filed a complaint against Spain at the UN Committee against Torture.[98]

Since the event in *El Tarajal*, each year many NGOs, groups of activists and other stakeholders join in **Ceuta** at the border, in order to commemorate the deaths and strive for justice.[99]

In a decision issued in January 2024, the Supreme Court (*Tribunal Supremo*) established that Spanish authorities should have made an individual assessment on the returns of the unaccompanied migrant children that were collectively pushed back to Morocco in August 2021.[100]

On the second anniversary of the death of 37 migrants and the disappearance of 77 persons caused by the response given by Spanish and Moroccan immigration authorities to a group of migrants jumping the fence in Melilla in June 2022, gatherings have been organised in different cities (i.e. Madrid, Valencia, Cádiz and Barcelona) to continue to call for accountability and justice for what occurred that day.[101] Different organisations (*Border Forensics,* in collaboration with *Irídia-Centre for the Defense of Human Rights* and *AMDH-Moroccan Association for Human Rights)* launched a report providing a counter-investigation carried out on the incident, because despite the many images filmed by different stakeholders, there are still many grey areas concerning the developments of the events on that day. According to the authors of the report, the Spanish and Moroccan authorities are far away of fully shedding light on what occurred and have instead prevented any independent investigation and access to some essential elements of the evidence. The authors concluded on the total impunity still existing after two years from the incident.[102]

In September 2025, the former Delegate of the Government and the former first vice president of the city government in Ceuta were sentenced to 9 years disqualification from holding public office, due to the expulsion of 55 children to Morocco in 2021.[103]

**Bilateral agreements with third countries**

95 El Correo, 'El Supremo confirma el archivo de la causa sobre la tragedia de El Tarajal', 2 June 2022, available here.

96 Cadena Ser, 'El Constitucional admite a trámite el recurso que presentaron varias ONG contra el archivo de la causa del Tarajal', 28 June 2023, available here.

97 The Guardian, 'Refugee files complaint to UN against Spain over 2014 border deaths', 1 February 2024, available here.

98 El País, 'Un superviviente que perdió visión en un ojo en la tragedia de El Tarajal denuncia a España ante la ONU', 6 February 2025, available here.

99 CEAR, 'Tarajal nunca más: 12 años exigiendo verdad, justicia y reparación', 6 February 2026, available here.

100 Tribunal Supremo. Sala de lo Contencioso, STS 114/2024 - ECLI:ES:TS:2024:114, 22 January 2024, available here.

101 El Salto, 'Para el movimiento migrante y antirracista, la masacre en la valla de Melilla continúa en la impunidad', 23 June 2024, available here.

102 Border Forensics, in collaboration with Irídia-Centre for the Defense of Human Rights and AMDH-Moroccan Association for Human Rights, 'The Nador-Melilla border trap', 18 June 2024, available here.

103 El País, 'Condenadas la exdelegada del Gobierno y la exvicepresidenta de Ceuta por la devolución exprés de menores marroquíes en 2021', 11 September 2025, available here.

Spain has signed different bilateral agreements with third countries such as **Mauritania**, **Algeria, Senegal** and **Morocco**. Some of these agreements are solely focused on returns, while others also aim at strengthening border management in partner countries.

Since 2019, **Mauritania** has become the main country to receive deportation flights from Spain (chartered by Frontex), *inter alia* due to the increase of arrivals to the **Canary Islands**. This is based on a bilateral agreement signed back in 2003.[104] In July 2025, Spain renewed its cooperation agreement on migration with Mauritania.[105] Since mid-October, two detention centres for migrants were opened in Mauritania with funding from the Spanish Ministry of External Affairs. The Spanish authorities informed that these facilities are inspired by the Temporary Foreigners' Assistance Centres (CATE) in the Canary Islands and that will also detain children and infants.[106]

In February 2024, Spain and Mauritania, under the auspices of the EU, signed an agreement for 210 million Euros aimed at, among other objectives, fighting against irregular migration and smuggling.[107] Since Mauritania became one of the main departure points for migrants reaching the Canary Islands at the end of 2023, it has intensified its efforts to combat irregular migration since the beginning of 2025. It intensified and increased operations, both on land and at sea, resulting in thousands of arrests of foreign nationals who were subsequently largely turned back at the borders. Between January and April 2025, Mauritania intercepted more than 30,000 migrants at sea.[108]

In August 2024, the Spanish Prime Minister Pedro Sánchez visited **Gambia, Senegal** and **Mauritania**, three of the main countries of origin of people arriving to the Canary Islands. He signed agreements with those three countries to, inter alia, promote regular migration in the form of circular migration programmes and fight against migrant smuggling.[109]

In a paper published in October 2024, ECRE highlighted how the dynamics of the negotiations between the EU and Mauritania suggest a restructuring of relations between the EU and Mauritania. Such a readjustment is, according to the organisation, is connected to the political concern with migration in Spain, but also by the shifting geopolitical landscape in the Sahel region.[110]

In October 2024, the EU announced the approval of €30 million funds dedicated to strengthening the Senegalese authorities' capacity to aid migrants at risk and fight migrant smuggling and human trafficking. The European Commission already funded a €5.75 million project strengthening the capacity of Senegalese security forces to combat irregular immigration, trafficking and migrant smuggling.[111]

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104 El País, 'Mauritania recibe un tercio de los vuelos de expulsión de inmigrantes desde España', 1 July 2020, available here.

105 Euractiv, 'Spain boosts cooperation with 'key partner' Mauritania on migration, security', 17 July 2025, available here.

106 Afroféminas, 'Cárceles para migrantes en Mauritania con dinero público español', 6 November 2025, available here; El Salto Diario, 'El Gobierno de España abre dos cárceles de migrantes en Mauritania', 5 November 2025, available here.

107 Espiral 21, 'España y Mauritania ponen en marcha la migración circular', 8 February 2024, available here; The Guardian, 'EU leaders unveil €210m Mauritania deal in bid to curb people-smuggling', 8 Febryary 2024, available here; Canarias 7, 'Pestana pide refuerzo policial para atender el repunte migratorio', 8 February 2024, available here.

108 Info Migrants, "Authorities blame us for all the problems', say Senegalese migrants expelled from Mauritania', 2 March 2026, available here.

109 Radio France International, 'Spain signs accords with Mauritania, Gambia to curb illegal migration', 28 August 2024, available here; Euronews, 'Spain and The Gambia sign partnership agreement on migration control in the Canary Islands', 29 August 2024, available here; Associated Press News, 'Spain's leader in Senegal concludes West Africa tour aimed at tackling irregular migration', 29 August 2024, available here; Info Migrants, 'Spain's circular migration policy explained', 5 September 2024, available here; Ministerio de Inclusión, Seguridad Social y Migraciones, 'Elma Saiz viaja a Mauritania para reforzar los programas de migración circular, que en 2023 beneficiaron a empresas y 17.200 trabajadores', 28 August 2024, available here;

110 ECRE, 'The EU-Mauritania partnership: whose priorities?', ECRE Working Paper 21, October 2024, available here.

111 Le monde, 'EU announces €30 million package to prevent irregular migration from Senegal', 16 October 2024, available here.

In a report published in June 2025, the Council of Europe informed that 'reports of unlawful arrests, collective expulsions, excessive use of force and other human rights violations as a result of Spain's migration co-operation with Mauritania and Morocco date back to the 2000s', and that Spain continues to pursue co-operation with these countries to date,[112]

In 2025, Spain and Senegal's cooperation in combatting human trafficking and smuggling networks prevented 3,500 irregular migrant departures. Until the end of October 2025, less than 600 people have arrived irregularly in the Canary Islands from the Senegalese coast. Spain currently has 40 security agents stationed in Senegal, working together with the Gendarmerie and National Police through land, sea, and river patrols, supported by patrol boats, a helicopter, vehicles, and surveillance aircraft.[113]

In addition, in November the Spanish Minister of Interior visited Algeria with the aim of exploring ways to strengthen bilateral collaboration and trying to replicate models of cooperation already in place with Morocco and Mauritania, as key actors in the management of migratory flows.[114]

A media investigation published in the same month raised concerns regarding the use of EU funding in Senegal, suggesting that it may be contributing to strengthened migration control to the detriment of the persons attempting to reach Europe.[115]

In its 2025 annual report, Human Rights Watch reported that "Spanish security forces continued to cooperate with Mauritanian and Moroccan authorities. Spain assisted Mauritania with border control, migration management, and anti-smuggling operations, including through financial and material support, and deployment of some Spanish forces in Mauritania, despite ongoing migrants' rights violations by local authorities. Spain increased financial and material support to Morocco for border surveillance".[116]

According to a report published in 2022 by the European Migration Network (EMN), Spain has readmission agreements with several additional African countries (Cape Verde, Gambia, Guinea-Bissau, Guinea Conakry, Mali, and Niger).[117] A legal brief published in April 2024, contained a list of all the migration agreements on readmission or cooperation signed by Spain.[118] No information has been found on how widely they are applied nor how many persons are readmitted through the agreements.

*The role of Moroccan authorities in migration and border control*

According to official data, in December 2023 the Moroccan Government declared having prevented the arrival of 70,000 migrants to Spain during the last 3 years, by impeding 70 jumps of the fences of Ceuta and Melilla.[119] The decrease of arrivals of almost 26% in 2022 compared to 2021 has been connected also to the renewal of the cooperation between Morocco and Spain.[120] See the 2021, 2022, 2023 and 2024 updates of the AIDA report for more details on the issue on previous years.

112 Council of Europe, 'CoE, Externalised asylum and migration policies and human rights law, June 2025, available here.

113 Info Migrants, 'Atlantic route: Spain and Senegal join forces against irregular migration, IOM launches West Africa initiative', 6 November 2025, available here.

114 La Voz de Ibiza, 'Government seeks rapprochement with Algeria while defending Frontex action in countries of origin', 25 November 2025, available here.

115 Follow the Money, 'Senegal's EU-funded migration crackdown puts innocent people behind bars', 20 November 2025, available here.

116 Human Rights Watch, 'World report 2026. Spain. Events of 2025', February 2026, available here; Público, 'Regularizar dentro, blindar fuera: Human Rights Watch suspende a España en política migratoria', 5 February 2026, available here.

117 European Migration Network (EMN), 'Bilateral Readmission Agreements', September 2022, available here.

118 Claudia Finotelli, Laura Cassain and Gabriel Echeverria, 'Spain Country Brief on Irregular Migration Policy Context', April 2024, available here.

119 Heraldo, 'Marruecos impidió en los últimos tres años a 10.000 migrantes entrar en Ceuta y Melilla', 7 December 2023, available here.

120 Atalayar, 'El acuerdo entre España y Marruecos hace descender la inmigración irregular en un 26%', 4 January 2023, available here; Público, 'La nueva relación con Marruecos atenúa la migración hacia Canarias', 3 September 2022, available here.

In the past years, Spain has provided Morocco with consistent funding and different kind of equipment for the purpose of border and migration control. Information on funding to Morocco indicates that a total of 118 million Euros deriving from EU funding have been granted so far by Spain since 2019 to the beginning of 2024. The new allocation of funding seemed to relate to the maintenance of three patrol boats of the Guardia Civil, five refrigerated trucks, and 190 thermal cameras.[121]

The closure of the Moroccan borders, along with the COVID-19 pandemic and the Spanish migration policy in the Mediterranean,[122] are probably the main reasons for the notable increase in arrivals on the **Canary Islands** registered since the end of 2019, despite the higher risks that such a route involves. In November 2020, the Spanish Government further announced a joint mission with Frontex aimed at limiting arrivals and closing the 'Canary migratory route'.[123]

In 2025, Frontex maintained three active missions (Indalo, Minerva and Canarias) in Spain under the control of the Guardia Civil and National Police, providing air and maritime resources and specialist personnel in identification, intelligence and the fight against cross-border crime.[124]

In August 2022, the EU announced the intention to allocate more than EUR 500 million to Morocco for the period 2021-2027, a budget that is 50% higher than the previous one, including for border management and police cooperation.[125]

The joint declaration adopted following the 13th high-level meeting between Morocco and Spain held at the beginning of December 2025 acknowledged their commitments in strengthening their efforts in the fight against irregular immigration, human smuggling, forgery of documents and human trafficking by adopting effective measures and developing cooperation with third countries, among other means. In this regard, Spain welcomed 'Morocco's exemplary and loyal cooperation in these areas'.[126]

Operational coordination between Spain and Morocco in border management and maritime surveillance led to a significant drop in irregular arrivals from the West African route in 2025, with monitoring operations decreasing by 63% and departures from Morocco falling by 17%.[127]

### 1.2. Arrivals by sea

In 2025, persons and 1,235 boats reached Spain via sea routes.[128]

Out of the total number of persons arriving by sea, the vast majority (17,788 persons) were disembarked on the **Canary Islands**, which has become one of the main destinations for boats since the last months of 2019, while a total of 15,108 persons arrived on the **mainland** (7,787 persons) and the **Balearic Islands** (7,321 persons). Only a few migrants disembarked in **Ceuta** (4 persons) and **Melilla** (25 persons).[129]

121 The Objective, 'El Gobierno ya lleva donados 118 millones a Marruecos para vigilar sus fronteras y costas', 18 February 2024, available here.
122 ECSaharaui, 'Covid-19 cambia la ruta de la inmigración ilegal procedente de Marruecos; del estrecho de Gibraltar a Gran Canarias', 19 July 2020, available here.
123 El País, 'España y Frontex negocian una operación para cerrar la ruta migratoria canaria', 7 November 2020, available here.
124 Mallorca Diario, 'Frontex mantiene tres misiones activas en España bajo control de Guardia Civil y Policía Nacional', 17 October 2025, available here.
125 News EsEuro, 'Inmigración ilegal: La UE prevé destinar más de 500 millones de euros a Marruecos (Medios españoles)', 15 August 2022, available here.
126 La Moncloa, 'XIII Reunión de alto nivel Marruecos-España. 4 de diciembre de 2025. Declaración Conjunta', 4 december 2025, available here.
127 Yabiladi, 'Morocco and Spain cooperation reduces West African migration by 63 percent', 13 March 2026, available here.
128 Ministerio del Interior, 'Inmigración irregular 2025. Datos acumulados del 1 de enero al 31 de diciembre', January 2026, available here.
129 Ibidem.

Regarding the number of deaths in the Mediterranean, several figures have been reported. The NGO *Caminando Fronteras* (Walking Borders) estimates that 3,090 persons died while reaching Spain in 2025, including 1,906 who lost their life on the Canary route.[130] It further reported that 192 of victims were women, 437 were children, and that a total of 70 vessels disappeared with those 3,090 persons on board. The persons who died belonged to 30 different nationalities.
According to IOM's figures, a total of 424 persons died in the Atlantic route, and 270 in the Western Mediterranean route.[131] It is worth noting, looking at the gap between the figures provided by IOM and Caminando Fronteras that the methodology and source differ between the two data sets. According to the author's knowledge, Caminando Fronteras receives calls from people who have lost contact with their family members who had undertaken a migratory journey, and report disappearances accordingly, thus indicating higher numbers than, IOM, Salvamento Marítimo and the National Police.

**Situation on the Canary Islands**

As demonstrated by the figures above, boats arrivals to the **Canary Islands** continued in significant numbers throughout 2025. It is very likely that the Canary Islands will continue to be one of the main points of entry to Spain for migrants and refugees throughout 2026.

According to a report published in March 2025, migrants travelling along the Atlantic route are primarily West Africans and include also nationals from the countries of embarkation, i.e. Senegal, Mauritania and Morocco. The number of Malians using the Atlantic route has increased due to ongoing conflict and insecurity, with 10,000 arrivals between January and September 2024. The report informed also on the increasingly use of the Atlantic route by nationals of south-Asian countries.[132]
Reports of violence on the ships during the crossing of the Atlantic route have also been described.[133] In addition, a rising number of boats have been departing from other parts of Africa (i.e. Guinea-Conakry), implying dangerous sea journeys surpassing 2,000 kilometres.[134]

Serious concerns regarding the access to reception, overcrowding and poor living conditions on the **Canary Islands** are described in the Reception Chapter of this report (see Access and forms of reception conditions).

As mentioned, to support the authorities in the early identification of international protection needs, in capacity building, in registration and assistance to newcomers, UNHCR has deployed a team in the archipelago since January 2021 until mid-2025, when UNHCR permanent presence at the main entry points was reduced throughout the year and will be discontinued from July 2026 due to funding cuts.[135] Similarly, the EUAA deployed a team of experts to the Canary Islands in March 2021 with the aim of supporting the Spanish authorities to manage the reception centres, in light of the increase in arrivals of migrants and asylum seekers.[136]

In June 2023, a new operational plan for 2023-2026 was agreed between Spain and the EUAA, which foresees a set of measures aiming at supporting and reinforcing the national reception authorities for the international protection, the temporary protection and the humanitarian assistance systems. In addition, compared to the previous operational plan, the new one foresees support to national authorities to foster common action in reception of unaccompanied migrant children in the Spanish territory, and to enhance the capacity of authorities and practitioners through training and professional development.[137]

130 Caminando Fronteras, 'Monitoreo del derecho a la vida – Año 2025', December 2025, available here.
131 IOM, 'Migration Flow to Europe. Dead and Missing', 2025, available here.
132 Mixed Migration Centre, 'Beyond restrictions: migration & smuggling across the Mediterranean, the Atlantic & the English Channel', march 2025, available here.
133 Politico, 'The Cost of Passage: Violence and Death on the Atlantic Route to Spain', 16 June 2025, available here.
134 Info Migrants, 'Spain: Migrants taking riskier 2,000-kilometer sea journeys to reach Canaries', 27 June 2025, available here.
135 Information provided by UNHCR in March 2026.
136 EASO, 'EASO support to Spain becomes fully operational', 10 March 2021, available here.
137 EUAA, 'Operational Plan 2023-2026 agreed by the European Union Agency for Asylum and Spain', 12 June 2023, available here.

Throughout 2025, the EUAA deployed a total of 77 experts in Spain,[138] 43 of which were external experts and 28 temporary agency workers. This included 11 protection experts, 9 intermediate asylum and reception programme and project management experts, 9 intermediate reception training experts as well as other monitoring, legal and administrative staff (*e.g.*, TP-IP hotline information provision assistants, access to asylum procedures experts, helpdesk information provision vulnerability assistants, etc).[139]

As of 15 December 2025, there were 60 EUAA experts present in Spain, mainly protection experts (9), asylum/reception training experts (7), access to asylum procedures experts (6) and TP-IP hotline information provision assistants (6).[140]

In 2025, the EUAA delivered 109 training sessions to a total of 2,590 local staff.[141]

In May 2025, a delegation of members from the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) visited the Canary Islands to assess 'first-hand' the institutional response to the migratory situation in the archipelago and the institutional response to manage it.[142]

**Search and Rescue (SAR) operations**

Since April 2015, the NGO CEAR, in coordination with other NGOs (including Accem), is running the campaign 'UErfanos' to denounce the deaths in the Mediterranean Sea and the breaches to the right to asylum by the EU, which produce more 'UEorphans'. The webpage of the campaign contains updated information on number of arrivals and deaths on the route to Europe and Spain.

Maritime Rescue (*Salvamento Marítimo*), an authority under the Ministry of Transport and Sustainable Mobility, is responsible for search and rescue carried out in the search and rescue zone belonging to Spain and Morocco.[143] The Maritime Rescue always informs the Spanish Red Cross (Cruz Roja Española)[144] of arrivals. The Spanish Red Cross notifies its Emergency Immediate Response Teams (*Equipos de Respuesta Inmediata en Emergencia*, ERIE) that operate in Almería, Motril, Málaga, Tarifa and Ceuta, where migrants are taken upon their arrival.

In February 2025, the Council of Ministers approved the new National Plan on Maritime Rescue for the period 2025-2027, with the allocation of a budget of €163 million.[145]

The ERIE is composed of Red Cross staff and volunteers who are usually medical personnel, nurses and some intercultural mediators. Their first action consists in a health assessment to check the state of health and detect medical needs and the preparation of a health card for each of the newly arrived persons, which contains their personal data. As already mentioned, UNHCR also deployed personnel in different points of arrival in Spain until mid-2025. The main objective of the presence of UNHCR was to work in the field of identification, referral and protection of people who need international protection.

After this health screening, the ERIE distributes food, water, dry clothes and a hygiene kit. Normally, men are separated from women in shelters. The Spanish Red Cross further provides humanitarian and health

138 EUAA personnel numbers do not include deployed interpreters by the EUAA in support of asylum and reception activities.
139 Information provided by the EUAA, 05 March 2026. In the course of 2025, 25 persons were deployed in Spain under two different profiles. These cases are reported separately under each category.
140 Information provided by the EUAA, 05 March 2026. In the figures above, the same persons may have been included under different profiles, if a change of profile took place in the course of 2024.
141 Information provided by the EUAA, 05 March 2026.
142 La Razón, 'Una misión del Parlamento Europeo analizará en Canarias la "incapacidad" del Gobierno para gestionar la crisis migratoria', 22 May 2025, available here.
143 CEAR, 'Refugiados y migrantes en España: Los muros invisibles tras la frontera sur', December 2017, 8.
144 Cruz Roja Española, see here.
145 Ministerio de Transportes y Movilidad Sostenible, 'El Gobierno aprueba el nuevo Plan Nacional de Salvamento Marítimo con una inversión de 163 millones de euros para modernizarse', 4 February 2025, available here.

care at this stage. This process must be carried out within a period of 72 hours in accordance with the maximum term of preventive detention foreseen by the Spanish legal system.

An investigation carried out by different media, including *El País*, revealed that Frontex has been illegally sharing personal data and information on migrants and activists to Europol, including those of the Spanish activist Helena Maleno.[146] As detailed in previous updates of this report, Helena Maleno is the founder of the NGO *Caminando Fronteras*, she was accused in 2020 by Salvamento Marítimo of being responsible of the deaths of migrants, even after the charges of migrant smuggling and human trafficking held against her, which were dropped in March 2019 by the Appeal Court of Tangier.

In January 2021, the Municipality of **Barcelona** announced its intention to intervene as civil party in the criminal procedure in the process in **Palermo** (Italy) against the former Italian Minister of the Interior Matteo Salvini, for impeding the disembarkation of the Open Arms boat in Italy. The Open Arms was carrying 130 migrants and refugees during the summer of 2019.[147] The judgement started in Palermo in October 2021.[148] The first hearings were held in 2022.[149] In September 2024, the competent public prosecutor asked for 6 years of imprisonment for the former Italian Minister of the Interior Matteo Salvini, for committing the crimes of kidnapping and refusal of official acts. The parties – both rescued people and the NGOs - of the civil action in the context of the criminal procedures asked for a compensation of 1 million Euros.[150] In December 2024, Matteo Salvini was acquitted by the Court of Palermo with the formula 'because the alleged fact does not exist', and that Spain and not Italy should have assigned a port for the Open Arms rescue ship.[151] In July 2025, the public prosecutors appealed the acquittal decision in front of the Court of Cassation as they considered the first instance judge did not apply correctly the international legislation.[152] In December, Matteo Salvini was acquitted definitively, as the Court of Cassation rejected the Public Prosecutor's appeal.[153]

In August 2025, the leader of the far-right party Vox referred to the Open Arms vessel as 'slave ship' and called for its seizure and sinking. More than 200 persons and 26 groups denounced the fact as a possible hate crime at the Public Prosecutor Office.[154]

Following Vox's proposal to increase the presence of Navy vessels in Gibraltar Strait and near the Canary Islands, Ceuta and Melilla, the admiral general informed that their obligation is to rescue people, not fighting against irregular migration.[155]

**Denial of asylum following disembarkation from the *Aquarius* vessel**

146 El País, 'Frontex transfirió durante años ilegalmente a Europol datos de migrantes y activistas, 7 July 2025, available here.

147 Europapress, 'Barcelona se personará en el juicio en Italia contra Salvini por el bloqueo del Open Arms', 27 January 2021, available here.

148 La Vanguardia, 'Arranca el juicio contra Salvini por bloquear el desembarco del Open Arms', 23 October 2021, available here.

149 La Notizia, 'Processo Open Arms, nuova udienza a Palermo per Salvini. Il vicepremier: "Rischio 15 anni di carcere"', 13 January 2023, available here; Il Sicilia, 'Salvini a palermo per il processo Open Arms, incontrerà i dirigenti del partito', 1 March 2022, available here. Ansa, '"Difeso la sicurezza nazionale", Salvini in aula per Open Arms', 12 January 2024, available here.

150 Ansa, 'Open Arms, le parti civili chiedono oltre un milione a Salvini', 20 September 2024, available here.

151 Euro New, 'Open Arms, Matteo Salvini assolto dal tribunale di Palermo perché il fatto non sussiste', 21 December 2024, available here; Info Migrants, 'Open Arms case: Spain should have assigned port, not Italy', 23 Juen 2025, available here.

152 Il Manifesto, 'Open Arms arriva dritto in Cassazione. Salvini: scelta politica', 28 July 2025, available here; Rai News, 'Open Arms, la Procura di Palermo impugna in Cassazione l'assoluzione di Salvini', 18 July 2025, available here.

153 Fanpage, 'Processo Open Arms, Salvini assolto in via definitiva: la Cassazione respinge il ricorso della Procura', 17 December 2025, available here.

154 El País, 'Abascal se refiere al Open Arms como "barco negrero" y llama a "confiscarlo y hundirlo", 28.8.25, available here; El Diario, 'Open Arms responde a Abascal: "Ser atacados por los enemigos del mundo es una medalla"', 29 August 2025, available here; Europa Press, 'Más de 200 personas y 26 colectivos llevan a Abascal ante la Fiscalía por pedir el hundimiento del barco de Open Arms, 5.9.25, available here.

155 El País, 'El jefe de la Armada, a Vox: "Que nadie piense que vamos a estar combatiendo en la mar la inmigración ilegal"', 17 september 2025, available here.

For more details on this topic, see previous updates of the report.

**Police stations, CATE and CAED**

All adults arriving to mainland by boat are placed in Detention for up to 72 hours in police facilities for identification and processing. This is also the case of families and women travelling with children, while children who arrive unaccompanied are usually taken to the competent protection centre.[156]

All persons rescued at sea are issued an expulsion order. If the person who irregularly entered Spain and received an expulsion order lodges an application for international protection, the expulsion order is suspended during the asylum procedure and resumes only in case of rejection of the application. If the person does not apply for international protection, but the order cannot be executed within a period of 72 hours, migrants are transferred to detention in a Foreigners Detention Centre (CIE) to proceed with the expulsion. Most migrants who are sent there are eventually not removed from the country,[157] as Spain does not have bilateral agreements with the relevant countries of origin. Once the maximum 60-day Duration of Detention in CIE has expired, the person is released with a pending expulsion order.

Shortcomings concerning access to legal assistance for persons arriving by sea have been reported in recent years. This includes contacting lawyers only following the notification of the expulsion order rather than at the moment of arrival of migrants in Spain. Lawyers meet with clients once they are in the CIE, but these interviews are in most cases collective and are conducted in the presence of police officers.

In September 2025, the Spanish Bar Association has requested to the Minister of Inclusion, Social Security and Migration that the representation of foreign nationals in migration proceedings be exclusively provided by legal professionals specialised on the matter, in order to guarantee high-quality legal advice and prevent the violation of rights.[158]

In addition, in order to respond to the increasing number of arrivals, from 2018 the Spanish Government put in place resources to manage arrivals and to carry out the identification of persons' vulnerabilities in the first days of arrival. Specific facilities for emergency and referral have been created: these are referred to as Centres for the Temporary Assistance of Foreigners (*Centros de Atención Temporal de Extranjeros*, CATE) and Centres for Emergency Assistance and Referral (*Centros de Atención de Emergencia y Derivación*, CAED).[159]

- **CATEs** are managed by the National Police and are aimed at facilitating the identification of persons by the police, i.e. recording of personal data, fingerprinting etc. In practice these are closed centres which function as police stations and all newly arrived persons must pass through CATE. The maximum duration of stay in CATE is 72 hours.

  CATE are located in all the main points of sea arrivals, and their number can vary according to the number of arrivals. In 2024, there were 10 CATEs in Spain: San Roque (Cádiz), Málaga, Motril (Granada), Almería, Cartagena (Murcia), Arguineguín (Gran Canarias), Barranco Seco (Gran Canarias), El Hierro, Muelle de Puerto del Rosario (Fuerteventura) and Adeje (Tenerife).[160] CATE are usually large facilities. The one in **San Roque** has a capacity of about 600 places, for example. The one in **Málaga** has a capacity for 300 persons, with a space of 2.3m² per person, which is a 42.5% less than what is foreseen by the law for those detained in police station's

156 Ibid, 10.
157 El País, 'España expulsa 30 inmigrantes por día desde 2013', 7 January 2019, available here.
158 Consejo General de la Abogacía Española, 'La Abogacía solicita que las personas extranjeras estén siempre representadas por abogados', 25 September 2025, available here; Iustel, 'La Abogacía pide al Ministerio de Inclusión que la asistencia letrada a extranjeros la realicen abogados especializados', 20 February 2026, available here.
159 Europapress, 'Un total de 22.082 personas han sido atendidas a pie de playa en lo que va de 2018, casi la cifra total de 2017', 30 July 2018, available here; El Periódico, 'La inusual llegada de pateras a Málaga obliga a buscar soluciones de emergencia', 13 November 2018, available here.
160 Asociación Pro Derechos Humanos de Andalucía – APDHA, 'Derechos humanos en la Frontera sur 2024', March 2024, available here.

prisons. Concerns relating to the conditions of detention and of the facilities have been raised and continued to be a concern.[161] The construction of a new CATE in **Cartagena**, announced in 2020, was due to be finalised in 2021, but its construction was finalised in September 2022.[162] The Government further announced the construction of two additional CATEs in 2021, namely in **Motril** (Granada),[163] for which construction works were finalised in October 2022 and which opened in 2025,[164] and in **Las Palmas** in the Canary Islands, which was opened in **Barranco Seco** with a capacity of 1,000 places.[165]

In a decision taken in November 2024, the Supreme Court clarified the juridical nature of CATEs, by establishing that foreign nationals apprehended whilst attempting to enter Spain irregularly and who are taken to and detained in a CATE are deprived of liberty, and the nature of these facilities is that of police facilities. Consequently, the legal regime applicable to such centres is that applicable to police facilities, and therefore persons detained therein shall be entitled to the rights granted by current legislation to foreign nationals who are deprived of their liberty in police facilities.[166]

Despite recognising some improvements in the conditions in CATEs, in its 2024 annual report the Spanish Ombudsperson, in its capacity as National Mechanism for Prevention of Torture, highlighted that the conditions of stay continued not to be adequate.[167] The body also stated that there has been no progress in terms of the need for greater availability of female interpreters to assist migrant or refugee women, as well as interpreters of languages and dialects from sub-Saharan African countries. Furthermore, the Ombudsperson highlighted that the language used by interpreters must be adapted to the vulnerable situation of migrants, their gender and their age. The Administration reiterated that its possibilities are limited to the resources of external translation companies that are contracted to provide interpretation services.

In its 2024 annual report, the Spanish Ombudsperson acknowledged the improvements of the facilities carried out at the CATEs of El Hierro and Tenerife (Canary Islands).[168]

In January 2026, the construction works for a new CATE in the south of Tenerife started, with a budget of €7 million. The plan foresees the construction of two main buildings with 256 beds, and a smaller module with 92 additional places. Thus, the facility will be able to accommodate 348 people arriving by boat. The planned construction period is 10 months.[169]

- **CAEDs** are open centres managed by NGOs, i.e. the Spanish Red Cross, Accem and CEAR, under the coordination of the Directorate-General for Inclusion and Humanitarian Assistance (*Dirección General de Inclusión y Atención Humanitaria*, DGIAH) of the Ministry of Inclusion, Social Security and Migration, and are usually large centres where certain assistance services are provided, including information, social and legal assistance.[170] For example, the CAED in Chiclana de la Frontera, **Cádiz** is managed by the Spanish Red Cross and has capacity for 600-

161 Defensor del Pueblo, Mecanismo Nacional de Prevención, 'Infome anual 2023', March 2024, 45, available here.

162 La Opinión de Murcia, 'El CATE provisional de Cartagena abrió sin luz ni Internet y carece de zona de desembarco', 9 October 2022, available here; La Verdad, 'La apertura del CATE de Cartagena depende ahora de una prórroga sobre el suelo', 4 February 2022, available here.

163 Andalucía Información, 'El Nuevo CATE de Motril entrará en funcionamiento en 2022, según Gobierno', 23 September 2021, available here.

164 Granada Hoy, 'El nuevo CATE de Motril recibe solo una patera en dos meses de funcionamiento', 10 June 2025, available here.

165 APDHA, *Derechos Humanos en la Frontera Sur 2021, March 2021,* available here, 60.

166 Tribunal Supremo, Sala de los Contencioso, STS 5869/2024, 27 November 2024, available here.

167 Defensor del Pueblo, Mecanismo Nacional de Prevención, 'Infome anual 2024. Anexos. Anexos del Mecanismo Nacional de Prevención (MNP)', March 2025, available here.

168 Defensor del Pueblo, 'Informe anual 2024, March 2025, available here.

169 Canarian Weekly, 'Work starts on new €7 million migrant reception centre in the south of Tenerife', 10 January 2026, available here; Canarian weekly, 'Work begins on new Migrant Reception Centre in the south of Tenerife', 22 February 2026, available here.

170 Europa Press, 'El centro para la acogida temporal de migrantes en Mérida atiende a 196 personas en su primera semana en servicio', 3 August 2018, available here.

700 persons. Its aim is to establish the status of each newly arrived migrant and to facilitate them the possibility of contacting family members and friends across Spain and the EU.[171]
As of March 2026, there was a total of four CAED managed by NGOs (i.e. Accem and the Spanish Red Cross).[172] The Spanish Red Cross manages 1 CAED in Madrid and Accem manages 3 of such facilities (in Mérida, Cartagena and Alcalá de Henares).

In its 2024 annual report, the Spanish Ombudsperson informed about the numerous complaints it received in 2024 regarding the reception conditions in the various facilities of the humanitarian reception system.[173] Following an unannounced visit to the CAED in Alcalá de Henares (Madrid), the Ombudsperson forwarded to the Directorate-General for Humanitarian Assistance and the International Protection Reception System its conclusions, which include the inadequacy of the facilities for a prolonged stay; the limitations in the number of interpreters, legal, health and psychosocial services; the presence of alleged UAMs and a large number of people who claimed to be in need of international protection but were unable to obtain an appointment to apply for asylum during their stay at the centre.

### 1.3. Border monitoring

UNHCR carries out monitoring activities at Spanish sea and land borders. Until the beginning of 2025, UNHCR carried out these activities including through presence of its staff in Melilla, Algeciras (covering Ceuta and Cádiz), Málaga (covering Málaga, Granada and Almería), and in the Canary Islands.

In 2025, due to a sharp reduction in funding in the framework of a global financial crisis that affected the UN system at large, UNHCR had to reduce in its presence and operations in Spain. UNHCR permanent presence at the main entry points was reduced throughout the year and, at the current state of affairs, will be discontinued from July 2026. Fundraising and advocacy efforts are ongoing to support the continuation of this important field presence in key locations of arrival of mixed migration flows, such as the Canary Islands.

Regular monitoring activities at Spanish sea and land borders were reduced in mid-2025. UNHCR presence in Melilla was fully discontinued, while the presence in Malaga and Algeciras (covering Ceuta) was reduced from three staff members to one, and only two out of four staff members remained in the Canary Islands, each covering one province.

UNHCR's capacity was hence considerably reduced in core mandate-related areas, such as the early identification of international protection needs and specific needs, fostering appropriate access to the asylum procedure, information provision on asylum, training of different stakeholders on international protection and refugee rights, and support to actors responsible for the registration, documentation, reception and assistance of asylum seekers.

Regular visits were carried out to detention and reception centres where UNHCR was able to interview and engage with recently arrived persons by sea or land, including unaccompanied children. During these visits, UNHCR documented refoulement-related incidents and identified individuals with specific needs and international protection needs. UNHCR also worked closely with border police by providing training on interviewing techniques and the identification of international protection needs and supported the authorities in promoting quality interpretation services.

UNHCR also worked extensively with Spanish central and regional authorities at the technical level to ensure child-focused asylum management, particularly in the Canary Islands.[174]

### 1.4. Legal access to the territory

171 APDHA, 'Derechos Humanos en la Frontera Sur 2019', February 2019, 36-37.
172 Information provided by Accem's reception department in March 2026.
173 Defensor del Pueblo, 'Informe anual 2024', March 2025, available here.
174 Information provided by UNHCR in March 2026.

*Resettlement*

Resettled refugees access the asylum reception system and are entitled to reception conditions as asylum applicants. In relation to the procedure, they arrive with a decision already taken on their status. As soon as they arrive, they receive the notification of the decision (in some cases also directly at the airport upon arrival) and thus, once in Spain, they just have to apply for receiving accommodation and receiving a work permit.

UNHCR supported the resettlement programme through its participation in the national resettlement coordination group and the community sponsorship initiative through a specific consultancy, which informed discussions on the way forward for these programmes in the future.[175]

In December 2023 the Government allocated 1.8 million Euros for the resettlement of 1,200 refugees from Costa Rica, Lebanon and Türkiye.[176] In February 2024, the Government announced the programme's enlargement, with the aim of including other 1,500 refugees coming from Central and South America in 2024 and 2025.[177] In addition, in January 2024 the Council of Ministers approved the Annual programme for the Resettlement of Refugees, with the commitment to resettle 1,200 refugees. In 2025, a total of 817 refugees were resettled to Spain from Costa Rica (453 Nicaraguan) and Lebanon (364 Syrians).[178]

In 2025, a total of 860 refugees were resettled in Spain, being 364 Syrian refugees displaced in Lebanon and 496 Nicaraguan refugees from Costa Rica.[179]

As underlined by UNHCR, Spain´s National Resettlement Programme reached 72% implementation in 2025, with 861 arrivals out of the 1,200 places initially pledged. Arrivals included 497 Nicaraguan refugees from Costa Rica and 364 Syrian refugees from Lebanon. Among the Nicaraguan refugees resettled, 44 arrived under the "Resettlement + jobs" scheme that started in 2023 and was discontinued at the end of 2025. UNHCR welcomed Spain's commitment to maintain the 1,200 places for the coming two years under the EU Resettlement Framework.[180]

In October 2023, the Minister of Inclusion, Social Security and Migration started to implement a project, together with Accem and the Council of the City of Valladolid to foster access to the job market for more than 100 Nicaraguan refugees resettled from Costa Rica to Spain, specifically in the field of renewable energies.[181] In December 2023, 74 persons arrived to Spain within this framework.[182] The project continued in 2024 and 2025, involving almost 200 Nicaraguan refugees resettled from Costa Rica until the beginning of 2025.[183]

In June 2024, the Spanish Government (concretely the Minister of Inclusion, Social Security and Migration) was chosen by the UNHCR to chair the 2025 annual Consultations on Resettlement and

175 Information provided by UNHCR in March 2023. See also ECRE, 'Pathways to Protection: Mapping visa schemes and other practices enabling people in need of international protection to reach Europe safely', March 2024, available here.

176 El Periódico de Canarias, 'España dedica 1,8 millones a reasentar a 1.200 refugiados de Turquía, Costa Rica y Líbano', 24 December 2023, available here.

177 Europa Press, 'España recibirá a 1.500 personas de América Central y Sur en 2024-2025 por la ampliación del programa de reasentamiento', 5 February 2024, available here.

178 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno recibe al último grupo de personas refugiadas del Plan Nacional de Reasentamiento de 2025, que ha acogido a más de 800 personas en nuestro país este año', 19 December 2025, available here.

179 International Organisation for Migration – Spain, 'España recibe el último grupo de personas refugiadas del Plan Nacional de Reasentamiento de 2025 acogiendo en 2025 a más de 800 personas', 19 December 2025, available here.

180 Information provided by UNHCR in March 2026.

181 El Español, 'Más de un centenar de refugiados nicaragüenses serán reasentados en Valladolid para trabajar en un proyecto pionero', 13 October 2023, available here.

182 Accem, 'Accem recibe a 70 personas refugiadas de Nicaragua en el marco de un proyecto piloto para trabajar en el sector de las renovables', 12 December 2023, available here.

183 Diario de Valladolid, 'Valladolid acogerá a otros cien nicaragüenses para las plantas eólicas de Villalba de los Alcores', 7 January 2025, available here.

Complementary Pathways, which will be co-chaired also by the Spanish NGO Accem.[184] The Consultations took place in Geneva at the end of June 2025.[185] According to UNHCR, this demonstrated a strong positioning by the Spanish Government and messaging as a solutions-focused country, at a time when global support for resettlement has declined. Community sponsorship initiatives in Navarra and the Basque Country consolidated as permanent programmes in these regions. Three new families were admitted to the Navarra programme, including two Nicaraguan families for the first time.[186]

A new resettlement quota of up to 1,200 places for 2025 was approved by the Council of Ministers at the end of 2024.[187]

In December 2025, the IOM and the Ministry of Inclusion, Social Security and Migration signed an agreement for the implementation of projects in the areas of resettlement, assisted voluntary return and reintegration, labour mobility and social inclusion during 2026 with a total budget of €4 million.[188]

In 2025, UNHCR supported the implementation of the University of Barcelona refugee programme, and initial steps were taken to develop a pilot educational pathways for refugees in 2026, with the participation of several public universities.[189]

In January 2026, the Ministry of Inclusion, Social Security and Migration launched an informative video on resettlement, which explains in detail how the resettlement programme works and outlines the work carried out in each of its phases.[190]

In March, the Council of Ministers adopted the national resettlement program for 2026, with 1,200 places pledged.[191]

*Complementary pathways and other forms of regular entry for people in need of protection*

In December 2024, the organisation CEAR launched the campaign 'El abrazo más esperado' to raise awareness and advocate for family reunification, as one of the safe and legal pathways to obtain protection according to Spanish legislation.[192]

In March 2025, UNHCR called for more labour migration channels to Spain to curb the dangerous route to the Canary Island. [193]

After the shipwreck of a boat in El Hierro (Canary Islands) in May 2025, *Accem* and *CEAR* called for legal and safe pathways to Spain.[194]

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184 Accem, 'Accem copreside las Consultas Anuales sobre Reasentamiento y Vías Complementarias de ACNUR junto con el Gobierno de España', 13 June 2024, available here.

185 Accem 'Se celebran en Ginebra las Consultas sobre Reasentamiento y Vías Complementarias de 2025', 25 June 2025, available here.

186 Information provided by UNHCR in March 2026.

187 Information provided by UNHCR in March 2025.

188 Boletín Oficial del estado, 'Acuerdo suscrito entre el Ministerio de Inclusión, Seguridad Social y Migraciones del Reino de España y la Organización Internacional para las Migraciones (OIM) para la realización de proyectos en las áreas temáticas de reasentamiento, retorno voluntario asistido y reintegración, movilidad laboral e inclusión social, hecho en Madrid el 17 de noviembre y 2 de diciembre de 2025', 10 January 2026, available here.

189 Information provided by UNHCR in March 2026.

190 International Organisation for Migration – Spain, 'El Ministerio de Inclusión, Seguridad Social y Migraciones publica un vídeo informativo sobre el trabajo de reasentamiento donde la OIM España resulta un actor clave', 13 January 2026, available here.

191 Europa Press, 'El Gobierno aprueba el Programa Nacional de Reasentamiento de refugiados para 2026, con 1.200 plazas', 17 March 2026, available here.

192 CEAR, ''El abrazo más esperado', la nueva campaña de CEAR para garantizar el derecho a la reagrupación familiar', 12 december 2024, available here.

193 El Diario, 'ACNUR pide más vías de migración laboral a España para frenar la peligrosa ruta canaria', 12 March 2025, available here.

194 Europa Press, 'CEAR y Accem reclaman "vías legales y seguras" tras el naufragio de migrantes en El Hierro', 28 May 2025, available here.

As specified in the section on Differential treatment, after the Taliban takeover in Afghanistan, Spain started to transfer persons fleeing the country, also by issuing visa to Spain to Afghans at the embassies and consulates in Iran and Pakistan.

Family reunification opportunities are discussed further in the final chapters of the report. On the occasion of the 2025 Migrant International Day, CEAR called for guaranteeing the right of refugees to live with their families. The organisation denounced the legal, administrative and economic barriers that refugees have to overcome in order to guarantee their right to family unity and to live with their families and highlighted that family reunification is one of the legal and safe pathways available to them.[195]

## 2. Preliminary checks of third country nationals upon arrival

**Indicators: Preliminary checks at the arrival point**

1. Are there any checks that are applied systematically or regularly at the point of entry when a person enters the territory? ☒ Yes ☐ No
2. Is the person considered under law to have entered the territory during these checks? ☒ Yes[196] ☐ No

The Immigration Law and its Regulation establish the applicable rules, criteria and conditions for entrance and stay in the Spanish territory.

The checks on entry to and exit from the Spanish territory are competence of the General Department of Foreigner Affairs and Borders (*Comisaría General de Extranjería y Fronteras*) at the National Police. Preliminary checks are carried out in different conditions according to the entry point. They can take place at border facilities, in transit zones, police stations, at docks, or in CATEs.

Preliminary checks are applied to any third country national who enters Spain. Entry into Spain must be made through an authorised border post (land, sea or airport), and the foreign national must present, among other documents, a passport or travel document to prove his/her identity, along with a visa allowing entry into Spain (unless it is not required).[197]

In case of irregular entry, preliminary checks and specific procedures for the forced return (*devolución*) apply. This return procedure[198] applies, among others, for persons who try to enter irregularly Spain. During this procedure, foreign nationals have the right to free legal aid and interpretation. The National Police is competent for processing the request to start the procedure. The competence on the decision belongs to the Sub-delegate or Delegate of the Government in the Autonomous Community and can be challenged through an administrative procedure.[199] When the forced return cannot be carried out within 72 hours, the competent authority will ask the competent judge to adopt the measure of the detention in a CIE. This is also the maximum time period in which foreigners are held in preventive detention in order to carry out the preliminary checks.

In relation to asylum seekers, the Asylum Law foresees that the irregular entry into the Spanish territory cannot to be sanctioned if the person involved meets the requirements to benefit from the international protection regime provided by law.[200]

195 CEAR, 'CEAR reclama que se garantice el derecho a vivir en familia a las personas refugiadas', 18 December 2025, available here.
196 The only exception is when preliminary checks are carried out at the airports, where the fiction of no entry applies.
197 Articles 12, 13 and 14 of the Regulation of the Immigration Law.
198 Article 50 Immigration Law; article 23 of the Regulation of the Immigration Law.
199 Ministerio del Interior, Policía Nacional, 'Trámites de Extranjería. Más Información. Devolución de Extranjeros', available here.
200 Article 17 of the Asylum Law.

Irregular entries into Spain occur mainly by sea, by jumping over the fences in Ceuta and Melilla[201] or through various other unauthorized means of entering the two enclaves, as detailed in other sections of this report.

As mentioned above, the Spanish Red Cross is present at the main sea arrival points with its Emergency Immediate Response Teams (*Equipos de Respuesta Inmediata en Emergencia*, ERIE). The ERIE is composed of Red Cross staff and volunteers who are usually medical personnel, nurses and some intercultural mediators. Their first action consists in a health assessment to check the state of health and detect medical needs and the preparation of a health card for each of the newly arrived persons, which contains their personal data. After this health screening, the ERIE distributes food, water, dry clothes and a hygiene kit. The Spanish Red Cross further provides humanitarian and health care at this stage. This process must be carried out within a period of 72 hours in accordance with the maximum term of preventive detention foreseen by the Spanish legal system. The Red Cross' ERIE teams are located mainly in the south of Spanish mainland and in the Canary Islands (one team in each of the following islands: El Hierro, La Gomera, Tenerife, Gran Canaria, Lanzarote, Fuerteventura), two teams in Cadiz, and one in each of the following cities: Cartagena, Alicante, Almeria and Malaga. The Spanish Red Cross has its own facilities in the ports of Alicante, Almeria and Malaga where those disembarked are assisted.[202]

After a boat is rescued/arrives to the Spanish coasts, migrants are brought to the referent port equipped with humanitarian assistance provided by the Spanish Red Cross. After disembarkation, migrants undergo a triage to ensure that cases are prioritised according to health needs and for the detection of vulnerabilities. Afterwards, migrants are moved to the reception waiting area where the Spanish Red Cross provides information (also through video messages) in different languages. At the docks, there may be also loudspeakers providing information (i.e. on place of arrival and process to be followed, details for the self-identification of vulnerable profiles, etc.) in different languages, leaflets, as well as professionals providing information in person. Filiation (i.e. collection of personal data and fingerprinting) of migrants is also carried out by the national police, as well as provision of food, shelter, and hygiene kits by the Spanish Red Cross. Besides, the Spanish Red Cross professionals ask migrants about the reasons for leaving their country, and detect individual needs (i.e. international protection needs, possible trafficked persons, possible UAMs, etc.), in order to provide for their adequate referral. After the national police has carried out the identification of migrants (in police stations, on the dock or in CATEs, according to the disembarkation port) and, for those who did not apply for asylum, has provided them with a forced return order ('*orden de devolución*'), migrants are transferred to different reception places.

The Instruction nº 1 of 2024 issued by the State-Secretary of Security at the Ministry of Interior details how the identification of persons in detention has to be carried out. The Instruction also applies to persons apprehended while crossing irregularly the Spanish borders.[203] In 2025, the instruction has been updated to emphasise the protection against discrimination, with a particular focus on the LGBTI community and transgender people, reinforcing equal treatment at all stages of the detention process.[204] In addition, the Instruction nº 20 of 2005 adopted by the same body contains guidance addressed to the National Police on how to act when a boat is detected and rescued.[205]

It is worth noting that all the information (i.e. vulnerabilities, international protection needs, family unit, trafficked persons, UAMs, persons transferred to hospital, diseases, shipwrecks, etc.) collected by the Spanish Red Cross during this first humanitarian assistance to newcomers is transferred to the Ministry

201 Claudia Finotelli, Laura Cassain and Gabriel Echeverria, 'MIRREM – Measuring Irregular Migration. Spain Country Brief on Irregular Migration Policy Context', May 2024, p. 11, available here.

202 Wikipedia, 'Equipo de Respuesta Inmediata en Emergencias', available here.

203 Ministerio del Interior, Secretaría de Estado de Seguridad, 'Instrucción núm. 1/2024 de la Secretaria de Estado de Seguridad por la que se aprueba el "procedimiento integral de la detención policial"', 16 January 2024, available here.

204 Geopol, 'Instrucción núm. 10/2025 de la Secretaria de Estado de Seguridad', 16 September 2025, available here.

205 Ministerio del Interior, Secretaría de Estado de Seguridad, 'Instrucción de la Secretaría de Estado de Seguridad núm. 20/2005, de 23 de septiembre, sobre control de la inmigración irregular que llega a España en embarcaciones', 23 September 2005, available here.

of Inclusion, Social Security and Migration within 24 hours, so that the reception facility where persons are referred will know this preliminary individual information.

Referral of migrants is made to different reception facilities according to the place of disembarkation. In case of Ceuta and Melilla, migrants are usually transferred to the CETIs, while in the Canary Islands they are referred to the emergency shelters in the archipelago. In mainland, they are accommodated in CAEDs or in the reception facilities within the humanitarian assistance program for migrants.

As mentioned in other sections of this report, challenges and concerns have been raised during the years on the legal assistance provided to migrants during sea arrivals, as lawyers are contacted only following the notification of the return order rather than at the moment of arrival of migrants in Spain. Similarly, concerns on collective expulsions at the borders, on the lack of private interviews, lack of individualised counselling as well as on the conditions of CATEs have been raised during the years. The separation of children from their parents during many months in order to carry out DNA tests, as well as the overcrowding and bad conditions of the Arguineguín dock in the Canary Islands have been also criticised, as detailed in previous updates of this report.

Identity checks are carried out also at international airports. If a person expresses the intention to apply for asylum, he/she is transferred to the airport's area dedicated to accommodating asylum applicants ('*salas de asilo*'). The Spanish Red Cross, which is present at the airports, provides first basic assistance and informs the asylum applicants about their rights (i.e. including legal assistance, provided by CEAR in Madrid's airport). If the person is not in possession of a valid document for entry in Spain, they are transferred to the airport's area addressed to denied asylum applicants ('*salas de inadmitidos*'), where the person has to wait to be repatriated as soon as possible to the country where the person comes from (that in many occasions is not the country of residence).

If a third country national applies to make or lodge an asylum application during the preliminary checks, the person is informed about his/her rights and on how to ask for an asylum appointment and referred to the proper services and asylum reception facilities. The person will anyway follow with the identification - and, if necessary, health - checks protocol in place.

### 3. Registration of the asylum application

**Indicators: Registration**

1. Are specific time limits laid down in law for making an application? ☒ Yes ☐ No
   - ❖ If so, what is the time limit for lodging an application? 1 month
2. Are specific time limits laid down in law for lodging an application? ☐ Yes ☒ No
   - ❖ If so, what is the time limit for lodging an application?
3. Are registration and lodging distinct stages in the law or in practice? ☒ Yes ☐ No
4. Is the authority with which the application is lodged also the authority responsible for its examination? ☐ Yes ☒ No
5. Can an application for international protection be lodged at embassies, consulates or other external representations? ☒ Yes ☐ No

The Asylum Regulation provides that the authorities responsible for the lodging of asylum claims on the territory are: the Office of Asylum and Refuge (OAR), any Aliens Office under the General Commissariat for Aliens and Borders (*Comisaría General de Extranjería y Fronteras*) of the Police, Detention Centre for Foreigners (CIE), Spanish Embassies and Consulates, or police stations.[206] In practice, "registration" and "lodging" of asylum applications entail different procedural steps.

[206] Article 4(1) Asylum Regulation.

### 3.1 Rules on making (*presentación*), registering and lodging (*formalización*)

Persons willing to seek international protection in Spain must make a formal application during their first month of stay in Spain.[207] When this time limit is not respected, the law foresees the possibility to apply the urgent procedure.[208] In practice however, the competent authority will reject any asylum application that does not comply with the 1-month deadline when it considers that no valid justification exists for the delay.

The process begins with the presentation ("making") of the application, which the applicant shall present in person or, if this is not possible, with representation by another person. For persons disembarking in ports, the intention to apply for international protection is registered by the police, usually following the intervention of NGOs.

Upon the registration of the intention to apply for asylum, the applicant receives a paper-form "certificate of intention to apply for asylum" (*Manifestación de voluntad de presentar solicitud de protección internacional*).

After registration has been completed, the applicant is given an appointment for the formalisation ("lodging") of the application, which consists of an interview and the completion of a form, and shall always be realised in the presence of a police official or an officer of the OAR. Upon the lodging of the application, the person receives a "receipt of application for international protection" (*Resguardo de solicitud de protección internacional*), also known as "white card" (*tarjeta blanca*). This document is later replaced by a "red card" (*tarjeta roja*), issued after the asylum application has been deemed admissible by the OAR.

According to the Asylum Law, all registered asylum applications are communicated to UNHCR, which will be able to gather information on the application, to participate in the applicant's hearings and to submit reports to be included in the applicant's record.[209] UNHCR shall receive notification of an asylum application within a maximum period of 24 hours, which is applied in practice.[210]

In a decision issued in November 2024, the Supreme Court (*Tribunal Supremo*) established that the return procedure must be suspended as soon as the intention to apply for international protection is expressed before any public authority, such as the police, border guards, immigration authorities and staff of detention centres, even if they are not the competent authorities to process the application.[211]

### 3.2 Obstacles to registration in practice

Due to the increase in asylum applications in Spain in recent years, which created a significant backlog in the Spanish asylum system, applicants have to wait long periods of time before getting an appointment to be interviewed.

The average waiting time for an appointment varies depending on the province. In certain provinces, waiting times could range from few months to more than 1 year in practice. Detailed statistics on the average waiting time per province is not available, but practice suggests that they can vary from one month to another or even one week to another, depending on the workload that asylum interviewers have.

In order to reduce timeframes, the administration was set to increase the personnel in charge of registering asylum applications at police stations. However, no significant changes have been observed in this respect.

207 Article 17(2) Asylum Law.
208 *Ibid*.
209 Articles 34-35 Asylum Law.
210 Article 6(4) Asylum Regulation.
211 Tribual Supremo, Sala de lo Contencioso-Administrativo, Sentencia núm. 1772/2024, 6 November 2024, available here.

In 2025, UNHCR continued to observe long delays in accessing the asylum procedure throughout the year, often exceeding three months, depending on the location. Despite efforts by the authorities, UNHCR continued to note the need for the establishment of a uniform system at the national level to ensure access to a procedure that is efficient, accessible, secure and sensitive to all individuals seeking asylum in Spain. UNHCR also observed that challenges to accessing the asylum procedure continued to negatively affect the rights of asylum seekers - in particular access to reception - leaving them at risk, including individuals with specific needs.

In its 2024 annual report, the Spanish Ombudsperson continued to comment on the hundreds of complaints it received related to the difficulties in obtaining appointments to express the manifestation of intent to apply for international protection.[212] Therefore, it issued a recommendation to the Secretary of State for Security and, due to the worrying situation in the Valencian Community, a reminder of legal duties to the Valencia Police Headquarters. Both referred to the need to ensure that persons who have manifested to apply for international protection are given the opportunity to submit the application as soon as possible and that it is registered.

The fast-track channel established in 2024 in Madrid at the CREADE centre (also used to process temporary protection through a one-stop-shop system) continued to facilitate access to asylum for around 6,000 applicants who had been transferred to the mainland from the Canary Islands. Among them many Malians, who constitute the second largest nationality among asylum-seekers in Spain after Venezuelans. UNHCR considers that this is a good practice and encouraged its continuation. Within the ordinary procedure, expedited processing channels introduced by the Office for Asylum in 2024 and applied to an increasing number of nationalities resulted in a record of 160,586 decisions issued by the Office for Asylum, compared with the 96,000 issued in 2024. While acknowledging this effort, particularly in view of the need to reduce Spain´s important backlog, UNHCR expressed concern over the overall quality of these decisions, as decision-making appears to be based almost solely on the initial interview conducted by the police, often of limited quality.[213]

Difficulties in accessing the asylum procedure remained one of the main challenges in the Spanish asylum system in 2025[214] and at the beginning of 2026.[215]

In February 2025, the Minister of Interior indicated having been working on the implementation of a system allowing for the possibility to present online applications for asylum.[216]

In its 2024 annual report, the Forum for the Social Integration of Migrants (*Foro para la Integración social de los Inmigrantes - FISI*)[217] revealed that, in 2024, it had become more difficult to obtain an appointment

212 Defensor del Pueblo, 'Informe anual 2024', March 2025, available here.
213 Information provided by UNHCR in March 2026.
214 20 minutos, 'Las peticiones de asilo y un retraso de cuatro meses en su trámite colapsan los centros de acogida de Madrid', 17 March 2025, available here; Cadena Ser, 'Colapso en extranjería: pasan meses hasta conseguir una cita para renovar la tarjeta de residencia o pedir asilo', 27 April 2025, available here; EPE, 'Trabajadores angustiados y asociaciones desbordadas: las consecuencias del colapso en el sistema de renovación de asilo de Madrid', 21 April 2025, available here; Abogacía, 'El inaceptable colapso de las citas previas', 8 May 2025, available here; Público, '"En España hay un problema grave con el colapso de las citas previas para pedir asilo"', 19 June 2025, available here; El País, 'Las autoridades, incapaces de frenar el mercado ilegal de citas previas para los extranjeros', 24 August 2025, available here; Público, '500 euros por una cita para el asilo en el mercado ilegal: cuando un derecho se vende al mejor postor', 2 November 2025, available here; El País, 'Mujeres solicitantes de asilo cuentan en el Congreso las trabas administrativas que han puesto en peligro su supervivencia en España', 28 October 2025, available here.
215 Cadena Ser, 'Siguen los problemas en las citas de Extranjería y para solicitar asilo en la Comunitat Valenciana', 11 January 2026, available here; Cadena Ser, 'Amadou Buaré, refugiado maliense: "Tengo mi cita prevista para 2028, no puedo esperar tanto"', 5 February 2026, available here.
216 La Vanguardia, 'Interior trabaja para implantar a corto plazo un sistema online para solicitudes de asilo', 5 February 2025, available here.
217 See: https://www.foroinmigracion.es/

to apply for international protection. Online access is almost impossible for most people, and telephone access has restricted hours (sometimes one day per week), it is sometimes only available in Spanish, and the lines are often busy.[218]

In April, more than 30 asylum seekers – mainly Malians - denounced the cancellation of their asylum appointment in Melilla without any justified reason, and the consequent impossibility to access the CETI. After the denounce supported also by different NGOs, they were granted access to the reception centre.[219]

In May, a network forging 'red cards' (i.e. the residence and work permits issued to asylum applicants) was dismantled in **Segovia**.[220] A similar crime was committed in **Valladolid**, where four women were detained in July for forging red cards with the aim of being able to work.[221]

In June, a police officer in the Canary Islands was convicted by the Superior Court of Justice of Madrid for offering speeding up the asylum procedure to young migrants in exchange of sexual favours.[222]

In December, the police dismantled a network in Segovia forging registration of residence' documents and offering asylum appointments.[223]

According to practices observed by Accem, asylum seekers have to request an appointment to express their intention to apply for asylum; only after the appointment, they can register their asylum application. Obtaining an appointment resulted however extremely complicated in practice, especially for what concerned long waiting times.

| **ESTIMATED WAITING TIME SINCE OBTAINING THE APPOINTMENT FOR THE MANIFESTATION OF THE INTENTION TO APPLY FOR ASYLUM TO THE ISSUING OF THE MANIFESTATION OF THE INTENTION'S DOCUMENTATION** | | |
|---|---|---|
| **PROVINCE** | **MECHANISM TO ACCESS THE APPOINTMENT** | **WAITING TIME** |
| Sevilla | Phone | 4-6 months |
| Lugo | Internet (Web) | |
| Logroño | Internet (Web) | |
| Ourense | Internet (Web) | |
| Alicante | Email | |
| Málaga | Phone | |
| Almería | Phone | |
| Ávila | Internet (Web) | |
| Córdoba | Internet (Web) | |

218 Foro para la Integración Social de los Inmigrantes, 'Situación de las personas migrantes y refugiadas en España. Informe anual 2024', 2025, available here.

219 Melilla Hoy, 'Denuncian que se les están "vulnerando" el derecho de asilo a siete migrantes de Mali por anularles su cita sin ningún motivo justificado', 25 April 2025, available here; Europa Press, 'Marlaska afirma que se está "garantizando" el acceso a la protección internacional en Melilla', 16 April 2025, available here; Melilla Hoy, 'Entran en el CETI los solicitantes de asilo malienses que denunciaron la anulación de citas sin motivo justificado', 12 April 2025, available here; Europa Press, 'Saiz defiende al CETI de Melilla tras quedar en la calle solicitantes de asilo: "El Gobierno lucha contra las mafias"', 28 April 2025, available here.

220 Gaceta, 'Desarticulada en Segovia una red que falsificaba tarjetas de protección internacional a inmigrantes ilegales', 14 May 2025, available here.

221 ABC, 'Detenidas cuatro mujeres en Valladolid que se hacían pasar por otras personas para poder trabajar', 1 August 2025, available here,

222 El Día, 'Suspenden a un policía en Canarias por ofrecer asilo a migrantes a cambio de sexo', 12 June 2025, available here.

223 Cadena ser, 'Desmantelada una red de falsificación de empadronamientos para pedir asilo en Segovia', 17 November 2025, available here.

| | | |
|---|---|---|
| Valencia | Phone | 1-3 months |
| Álava | Internet (Web) | |
| Vigo | Phone | |
| Cádiz | In presence | |
| Castellón | Internet (Web) | |
| León | Phone | |
| Burgos | Internet (Web) | |
| Navarra | Email | |
| Salamanca | Internet (Web) | Less than 1 month |
| Oviedo | Internet (Web) | |
| A Coruña | Internet (Web) | |
| Cáceres | Phone | |
| Cartagena | Internet (Web) / Email of NGOs | |
| Gijón | Internet (Web) | |
| Murcia | Internet (Web) / Email of NGOs | |
| Segovia | Internet (Web) | |
| Zaragoza | In presence (just for Spanish speaking applicants) / Web (for those who don't speak Spanish) | |
| Teruel | Email | |
| Huelva | Internet (Web) | |

*Source:* Accem, March 2026.

| **ESTIMATED WAITING TIME BETWEEN THE MOMENT ASYLUM SEEKERS OBTAIN THE MANIFESTATION OF THE INTENTION'S DOCUMENTATION AND REGISTRATION** | |
|---|---|
| **DELAYS IN GIVING THE APPOINTMENT FOR THE ASYLUM INTERVIEW** | **PROVINCES** |
| 10-12 months | Toledo, Vigo, Avila, Lugo, A Coruña |
| 7-9 months | Albacete, Huelva, Teruel, Sevilla, Cádiz, Oviedo |
| 4-6 months | Ciudad Real, Teruel, Alicante, Avila |
| 1-3 months | Almería, Burgos, Castellon, Córdoba, Segovia, Valladolid, León, Vitoria, Gijón, Málaga, Valencia, Zaragoza |
| Less than 1 month | Cartagena, Murcia |

*Source:* Accem, March 2026.

| **ESTIMATED WAITING TIME BETWEEN THE MOMENT ASYLUM SEEKERS OBTAIN THE APPOINTMENT FOR REGISTRATION TO THE DATE OF THE ASYLUM INTERVIEW (*cities with appointments for formalisation, which do not foresee the previous procedure for the manifestation of intention to apply for asylum*)** | | |
|---|---|---|
| **PROVINCE** | **MECHANISM TO ACCESS THE APPOINTMENT** | **WAITING TIME** |
| Guadalajara | Phone | |
| Albacete | Internet / Email NGOs | |

| | | |
|---|---|---|
| Valladolid | Internet / Email NGOs | Less than 1 month |
| Toledo | Internet / Email (for vulnerable applicants) | |
| Madrid | Phone | |
| Barcelona | Phone /Email NGOs (for vulnerable applicants) | |
| Ciudad Real | Internet /In presence | Few days |
| Navarra | Phone | No information available |
| Granada | Email / Internet | No information available |
| Cuenca | Web / Internet | No information available |

*Source:* Accem, March 2026.

**Access to the procedure in Ceuta and Melilla**

Beyond the mainland, most shortcomings concerning the registration of asylum claims in Spain relate to the autonomous cities of **Ceuta** and **Melilla**, due to the difficulties in the Access to the Territory. Since November 2014, the Ministry of Interior established asylum offices at the borders' crossing points in Ceuta and Melilla,[224] and UNHCR guaranteed its presence starting from mid-2014.

Since its establishment, the border checkpoint in **Melilla** became one of the main registration points for asylum applications in Spain.[225] Conversely, there has been virtually no asylum claim made at the **Ceuta** border point. This is mainly due to the impossibility to exit the Moroccan border for migrants and asylum seekers, due to the thorough checks performed by Moroccan police, as mentioned in Access to the territory and push backs. This issue also affects Melilla but mainly impacts on the nationalities that can access the Spanish border rather than the overall number of asylum claims. In fact, most of persons on the Moroccan side are stopped following racial profiling, meaning that nationalities such as Syrians cross the border more easily than persons from Sub-Saharan countries (see section on Access to the Territory).[226]

In July 2024, the Bar Association of Melilla opened an office at the CETI with the aim of assisting migrants and asylum seekers accommodated in the centre.[227]

Following a research mission in Ceuta, Amnesty International informed that the access to asylum at the borders is in practice impossible, due to the impunity for the Spanish Security Forces that has always facilitated them to act freely at the borders, as well as due to the collaboration between the Spanish and Moroccan authorities. In addition, the organisation has also collected testimonies of the additional difficulties that Moroccans and Algerians face when applying for asylum, as they cannot apply for asylum from the CETI but have to do so themselves via an app and with a Spanish phone. Many persons face an added difficulty because they do not speak Spanish and do not understand the procedure.[228]

In its 2025 annual report, Human Rights Watch denounced the obstacles that many persons faced in accessing asylum in Ceuta in 2025 and reported that only one person could apply at a border post during the first five months of the year. In addition, the organisation reported that civil society groups raised

224 UNHCR Spain, 'ACNUR da la bienvenida a la creación de oficinas de asilo en puestos fronterizos de Ceuta y Melilla', 6 November 2014, available here.

225 Oficina de Asilo y Refugio – OAR, 'Asilo en cifras 2019', July 2020, available here; Oficina de Asilo y Refugio – OAR, 'Asilo en cifras 2018', September 2019, available here; Senate, Reply of the Government to question 689/1339, 20 September 2017, available here.

226 El Diario, 'Migrantes que solo pueden pedir asilo si saltan la valla en contra de lo que dice Marlaska', 6 December 2022, available here.

227 El Faro de Melilla, 'El Colegio de Abogados de Melilla abre una oficina en el CETI para asistir a migrantes', 13 July 2024, available here.

228 Amnistía Internacional, 'España: Amnistía Internacional denuncia que persiste la impunidad en la frontera sur que hace casi imposible acceder al asilo en Ceuta', 19 June 2025, available here.

concerns that Moroccan asylum seekers in Melilla were left destitute and unable to access the CETI or make asylum applications.[229]

**Access to the procedure from detention**

During the years, shortcomings have also been reported concerning the possibility to claim asylum from administrative detention due to the difficulties faced by detained persons in accessing legal assistance. In this regard, the Spanish Ombudsperson recommended the General Commissariat for Foreigners and Borders to adopt instructions to establish an appropriate system for registration of asylum applications in CIE in accordance with the law.

In July 2018, the General Commissariat for Aliens and Borders of the Police issued instructions to all CIE to adapt their systems for registration of asylum applications to the existing law, following a recommendation made by the Spanish Ombudsperson.[230] This included establishing a register and providing applicants with a receipt of their application for international protection. It seems that the access to the procedure has slightly improved since then, and that detainees are provided information on the right to asylum by the Spanish Red Cross.

**Access to the procedure on the Canary Islands**

As already explained in the Arrivals by sea section, the Canary Islands were under significant pressure also in 2025 following the high number of arrivals and the lack of available resources. This hindered the access to registration and to the asylum procedure.

# C. Procedures

## 1. Regular procedure

### 1.1. General (scope, time limits)

**Indicators: Regular Procedure: General**

1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: 6 months
2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? ☐ Yes ☒ No
3. Backlog of pending cases at first instance at the end of 2025: 121,456[231]
4. Average length of the first instance procedure in 2025: From 3 months to 3 years

The Asylum Law provides that, where applicants do not receive a final notification on the response to their first instance asylum claim after 6 months, the application will have to be considered rejected.[232] In practice, many applications last much longer than 6 months. In these cases, an automatic notification of denial is usually not provided by the OAR and applicants prefer to wait until the final decision instead of asking for a response to the authority, as they risk receiving a denial and having reception conditions and

229 Human Rights Watch, 'World report 2026. Spain. Events of 2025', February 2026, available here; La Verdad de Ceuta, 'HRW denuncia trabas para pedir asilo en Ceuta: "no hay un acceso adecuado" a la protección internacional', 8 February 2026, available here.

230 Defensor del Pueblo, 'Interior acepta la recomendación del Defensor para adecuar el sistema de registro de las solicitudes de asilo en los CIE a la normativa vigente', July 2018, available here.

231 Ministerio del Interior, Subsecretaría del Interior, Dirección General de Protección Internacional, 'Avance de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida. Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2025', January 2026, available here.

232 Article 24(3) Asylum Law.

benefits withdrawn. If the applicant so wishes, however, they can lodge a judicial appeal when no response on the asylum claim is provided in time.

The duration of the asylum process varies significantly depending on the nationality of applicants and can last from 3 months up to 2 years and may even reach 3 years in certain cases.

The backlog of asylum applications in Spain has represented a serious concern in recent years. As stated by the Spanish Ombudsperson in previous annual reports, the high number of pending cases accumulated over the years is due *inter alia* to the historical lack of human and material resources of the OAR and the very few measures adopted to tackle the issue.[233] In its 2024 annual report, the body continued to express concerns on the delays in accessing asylum.[234] As indicated below, the number of pending cases increased from around 35,000 cases in 2017 to more than 111,740 cases in 2019. A decrease was registered in 2021, but a significant number of cases (72,271) were still pending at the end of the year. In 2025 the number of pending cases decreased compared to previous years, with 97,275 cases pending at first instance and 121,456 pending for a resolution at the end of 2025.[235] In February 2025, CEAR observed that the backlog of pending cases increased in 2024, up to 27% compared to the previous year.[236]

| Backlog of pending cases at first instance: 2019-2025 | | | | | | |
|---|---|---|---|---|---|---|
| 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 |
| 111,740 | N/A | 72,271 | 122,035[237] | 106,546 | 133,102 | 97,275 |

In its 2025 annual report, the NGO *CEAR* continued to highlight that, despite being the second EU country to receive the most applications - second only to Germany - Spain continues to remain one of the EU countries with the lowest international protection recognition rate (18.5%), almost 30 points below the European average of 46.6%.[238] Looking at 2025 figures (released by the Minister of Interior at the beginning of 2026), CEAR warned of a decline in the protection rate of more than seven points in 2025, reaching 11% and marking a sharp reversal of the improvement seen the previous year, when Spain was already at the back of the queue in the EU in recognising the right to asylum.[239] In addition, the organisation highlighted the high number of asylum decisions (160,663) taken in 2025, which represented almost 67% more than in 2024, making it the highest figure since the OAR was created in 1992. According to CEAR, this milestone is mainly due to the "automation" of responses received by certain nationalities (Venezuela, Colombia, Peru, Senegal, Mali and Burkina Faso), which means that an individualised and in-depth examination of each application is not always carried out. As a result, the backlog of applications pending resolution is slightly lower than in 2024, although 218,731 people are still waiting for a decision.

In 2025, the OAR published for the first time disaggregated data related to the grounds for the granting refugee status (covering decisions taken in 2024). 24.53% of cases related to gender grounds, the 8.53%

233 Defensor del Pueblo, 'Informe Anual 2019. Volumen I – Informe de Gestión', 2020, p. 170, available here.
234 Defensor del Pueblo, 'Informe Anual 2024. ', March 2025, available here.
235 Ministerio del Interior, Subsecretaría del Interior, Dirección General de Protección Internacional, 'Avance de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida. Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2025', January 2026, available here.
236 El Diario, 'CEAR denuncia que han crecido un 27 % las peticiones de asilo por resolver, hasta 242.000', 11 February 2025, available here.
237 This figure includes both pending cases for resolution (92,152) and pending cases for admission (29,883). Ministerio del Interior, 'AVANCE de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2022', 2023, available here.
238 Abogacía Española, 'CEAR denuncia que España continúa a la cola en conceder solicitudes de asilo en la UE, a pesar de ser el segundo país que más peticiones recibe', 17 June 2025, available here; CEAR, 'Informe 2025. Las personas refugiadas en España y Europa', June 2026, available here.
239 CEAR, 'El reconocimiento de asilo vuelve a bajar en España pese al aumento de las necesidades de protección a nivel global', 3 February 2026, available here.

were due to belonging to a particular social group, 15.57% for nationality, 11.36% for sexual orientation, 30.94% for political grounds, 0.99% for race, 2.64% for religion, and 5.44% for other grounds.[240]

Since mid-2025, Accem started to observe the practice by the OAR of using automatic lists of countries the office uses to grant or deny subsidiary protection (i.e. Mali and Palestine are in the list of those who are granted protection, while Peru and Senegal are among those who are denied protection).[241]

### 1.2. Prioritised examination and fast-track processing

Article 25 of the Asylum Law lays down the urgent procedure, a prioritised procedure whereby the application will be examined under the same procedural guarantees as the regular procedure, but within a time limit of 3 months instead of 6 months.[242]

The urgent procedure is applicable in the following circumstances:[243]

(a) The application is manifestly well-founded;
(b) The application was made by a person with special needs, especially unaccompanied minors;
(c) The applicant raises only issues which have no connection with the examination of the requirements for recognition of refugee status or subsidiary protection;
(d) The applicant comes from a safe country of origin and has the nationality of that country or, in case of statelessness has residence in the country;
(e) The applicant applies after a period of one month, without justification; or
(f) The applicant falls within any of the exclusion grounds under the Asylum Law.

The urgent procedure is also applied to applicants who have been admitted to the in-merit procedure after lodging a claim at the border or within the CIE.[244] Recent statistics on the use of the urgent procedure were not available at the time of writing of this report.

The authority in charge of the asylum decision is the Ministry of Interior, like all the other asylum procedures in Spain. CIAR, which is responsible for the case examination, will be informed of the urgency of the cases.[245]

### 1.3. Personal interview

**Indicators: Regular Procedure: Personal Interview**

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure? ☒ Yes ☐ No
   - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender? ☒ Yes ☐ No

Article 17 of the Asylum Law states that asylum applications are formalised by the conduct of a personal interview, which will always be conducted individually. This legislative provision is respected in practice, as all asylum seekers are interviewed.[246] The law also provides the possibility of carrying out other

240 Ministerio del Interior, Ofician de Asilo y Refugio, 'Asilo en cifras 2024', November 2025, available here.
241 Information provided by Accem's legal service in March 2026.
242 Article 25(4) Asylum Law.
243 Article 25(1) Asylum Law.
244 Article 25(2) Asylum Law.
245 Article 25(3) Asylum Law.
246 Information provided by Accem's legal service in March 2023.

interviews with the applicant after the initial one foreseen for the formalisation of the asylum claim. These interviews can take place any time during the procedure after the claim is declared admissible.

The same disposition further provides that, when necessary, the authorities will take measures to provide an adequate treatment during the interview based on the gender of the asylum seeker or in case of the other circumstances foreseen in Article 46 of the Asylum Law (i.e. the applicant is a pregnant woman, a victim of trafficking, an unaccompanied child, asylum seekers with mental disabilities, etc.). As the Asylum Regulation has not been adopted so far, no other details are provided by law. In practice, gender issues are in general taken into consideration for asylum interviews (interviewer and interpreter) as far as possible, but the availability of interpreters depends on the city where the interview is being conducted. The asylum seeker can require gender issues are taken into consideration during asylum interviews as far as he/she is informed about such right he/she is entitled to.

When applicants go to their registration appointment with the OAR, they undergo a first interview, with or without a lawyer, given that the assistance of a lawyer is mandatory only for applications lodged at borders and CIE. The interview is held in private offices which generally fulfil adequate standards with regard to privacy and confidentiality, but this situation can vary from one region to another.

Police and border guards also have the competence to register asylum applications, and, in these cases, they are the authority in charge of conducting the first asylum interview. This mostly happens to asylum claims made at borders and from CIEs, but also for asylum claims lodged on the territory given the lack of capacity and resources of the OAR. They do not decide on the application for international protection, however, as this is the sole responsibility of the OAR.

When the case is then forwarded to the OAR for examination, the caseworker in charge may decide to hold a second interview with the applicant when they consider the information in the case file to be insufficient.[247] The case examination reports do not systematically refer to whether a second interview is necessary, although the law states that the decision to hold further interviews must be motivated. Interviews with the Social Work Units (UTS) are carried out by phone.

Interviews are always conducted individually. As far as the author is aware, indicators to detect vulnerabilities are used for cases of trafficking or LGTBIQ+ at airports. No public information on whether specific guidelines are used to detect other vulnerabilities is available. The author is also aware that the OAR has been creating thematic groups of specialised officers (i.e. on children), in order to better assess cases accordingly. In relation to the interview of children seeking asylum, the general practice is that just UAMs are interviewed.

In its 2024 annual report, the EUAA included concerns highlighted by the NGO Fundación Cepaim regarding the fact that personal interviews in Spain were not carried out by the determining authority but by police officers without adequate training, in an inadequate environment and without the necessary legal counsel and information. In addition, the lack of sufficient consideration of individual circumstances for applicants from countries with a high influx of asylum seekers, such as Colombia and Venezuela, for which 'model' decisions were used was highlighted.[248]

According to UNHCR, in 2025 asylum interviews continued to lack the necessary quality to support fair decision-making. These interviews are carried out by the police instead of by the deciding authority. While acknowledging the important efforts carried out by the police in a context of consistently high numbers of asylum seekers over several years, the fact that the deciding authority does not directly interview asylum seekers remains, in UNHCR´s view, problematic. In this context, UNHCR welcomed the efforts of the asylum authorities to enhance the quality of asylum interviews by issuing detailed instructions to police authorities for interviewing asylum applicants. UNHCR supported this effort by delivering multiple training

247 Article 17(8) Asylum Law.
248 EUAA, 'Asylum report 2024', June 2024, p. 106, available here.

sessions on interviewing techniques to police officers in specific locations and by supporting the roll-out of an online self-study course for police officers.[249]

### 1.3.1. Interpretation

Article 18 of the Asylum Law provides the right of all asylum seekers to have an interpreter. This is respected in practice.

Since June 2016, the Ministry of Interior entrusted services on the provision of interpreters to the OAR and all police offices to the Ofilingua-Seprotec translation private company. Since then, several shortcomings have been reported, mainly due to the lack of knowledge of the asylum and migration field. In addition, a lack of proper expertise in interpretation techniques has been detected in many cases. It is thus common for some interpreters to make personal comments going beyond their interpretation role in front of the interviewer and at the risk of including subjective considerations in the asylum interview. There are also interpreters who do not speak adequate Spanish, so in many circumstances the statements made by the asylum seeker are not properly reflected in the interview. In addition, interpreters who were working before with NGOs have reported a reduction of pay and deterioration of working conditions, thereby potentially affecting the quality of their work.

In cases of less common languages, asylum interviews are postponed, and the concerned asylum seeker is not informed in advance but only on the day of the cancelled interview. In some cases, interpretation during asylum interviews has been carried out by phone, because the company did not consider arranging the deployment of the interpreter from their city to the place of the interview.

Following the COVID-19 outbreak in 2020, interpreting services were adapted accordingly, mainly through the increase in the use of technological tools (i.e. phone and programmes such as Meet, Zoom, Teams), with overall positive outcomes. Challenges arose in some cases, however, due to the difficulty for asylum seekers to access computers or accessing internet connection. These tools continued to be used in 2025, and with some challenges in the quality of interpretation.[250]

Some provinces can still face difficulties in providing interpreters for some languages (such as, among others, Pashtu, Somali, and Fula) on time and when needed. The quality of interpretation and the lack of knowledge of the interpreters on international protection continued to represent a concern.[251] Due to this, sometimes lawyers and asylum seekers are asked to move from the place they are to the closest place where interpretation can be provided.

Video conferencing for the purpose of interpretation is rare, as it is usually carried out by phone. Video conferencing is used in the cases of asylum seekers who are in prison or in the case of applications made from the enclaves of **Melilla** or **Ceuta**.

In April 2024, the UNHCR launched the translation into Spanish of the handbook for interpreters in the asylum procedure.[252]

In May 2025, the UNHCR and Accem launched the first multilingual glossary with specific terminology related to international protection used by newly arrived individuals in Spain, in order to facilitate communication and access to information from the earliest stages of reception. The languages included in the glossary are Spanish, Arabic, Bambara, French, Soninke, and Wolof.[253]

In partnership with the NGO Accem, UNHCR continued to provide interpretation services to the police, NGOs, lawyers and reception centres, primarily in African minority languages, to support their work with

249 Information provided by UNHCR in March 2026.
250 Information provided by Accem's legal service in March 2026.
251 Information provided by Accem's interpretation service in March 2026.
252 UNHCR-ACNUR, 'Manual para intérpretes en procedimientos de asilo', April 2024, available here.
253 ACNUR, 'ACNUR y Accem lanzan el primer glosario multilingüe especializado en terminología relacionada con la protección internacional', 26 May 2025, available here.

new arrivals in the Canary Islands. In 2025, 7,000 individuals of various nationalities (including Mali, Senegal, Sudan, Somalia, Morocco, Guinea Conakry and The Gambia) were provided interpretation through this support, significantly improving communication possibilities in their native languages and enhancing the identification of people with specific needs and in need of international protection, as well as facilitating referrals to services and the asylum procedure.

In 2025, UNHCR´s interpreters project focused particularly on supporting the authorities in communication in the asylum procedures and in identifying international protection needs of unaccompanied children, mainly those arriving in the Canary Islands. Significant interpretation support was provided to the police in asylum interviews and to the child protection authorities in the Canary Islands.

UNHCR promoted a strategy to improve the quality of interpretation within the asylum system through exchanges and trainings with relevant actors, and by leading a working group on interpretation services in the asylum system, jointly with Accem. This group served as a forum for exchange and the promotion of good practices, bringing together authorities, universities, NGOs and companies providing interpretation services.[254]

#### 1.3.2. Recording and transcript

While the first interview is never audio-or video recorded, this is always the case for the second interview. As a rule, the minutes of the interview are transcribed *verbatim*, although there have been cases in which interviews were not transcribed verbatim or in which a summary was drafted without necessarily reflecting all the statements made by the asylum seeker, no particular issues have been raised regarding the transcription of interviews. It should be further noted that interviewers are allowed to assess whether or not certain issues expressed by the asylum seeker during the interview should be included to the transcript, which is thus completely arbitrary.

### 1.4. Appeal

**Indicators: Regular Procedure: Appeal**

1. Does the law provide for an appeal against the first instance decision in the regular procedure? ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☒ Administrative
   - ❖ If yes, is it automatically suspensive ☐ Yes ☐ Some grounds ☒ No
2. Average processing time for the appeal body to make a decision: 1 to 2 years

#### 1.4.1. First appeal before the National Court

When the asylum applicant wants to appeal against the first instance decision, there are two types of appeals they can lodge:

(a) An administrative appeal for reversal (*Recurso de reposición*); or
(b) A judicial appeal before the National Court (*Audiencia Nacional*).

None of the appeals have automatic suspensive effect, and none of them foresee a hearing of the applicant.[255]

The first type of appeal should be submitted before the OAR under the Ministry of Interior, within 1 month from the notification of refusal.[256] It marks the end to the administrative procedure, and therefore it is optional as the lawyer can appeal directly to the courts. This first option for appealing is based on points of law and does not assess the facts. For this reason, the applicant and their lawyer may prefer to file the contentious administrative appeal. An increase of administrative appeals has been registered in the last

254 Information provided by UNHCR in March 2026.
255 Article 29(2) Asylum Law.
256 Article 29(1) Asylum Law.

couple of years, as it allows for the application of cautionary measures and for the request of the suspension of the expulsion order, as foreseen by the administrative procedure.[257]

An appeal against a negative decision on the merits of the claim can be filed before the Administrative Chamber of the High National Court (Audiencia Nacional) within 2 months term from the notification of the asylum denial.[258] This appeal is not limited to points of law but also extends to the facts, therefore the Court may re-examine evidence submitted at first instance. If the Court finds that the applicant should be granted protection it has the power to grant itself the protection status to the applicant and it is not necessary to return the case to the Ministry for review.

Decisions of the *Audiencia Nacional* are publicly available in the CENDOJ database.

Nonetheless, it should be kept in mind that there is no deadline for the Court to decide, and that the average time for ruling is from 1 to 2 years, closer to 2 years in the last years. During this period, if the applicant has expired it maximum duration within the asylum reception system (18 months), the person will have no reception conditions.

The length of asylum appeals remains an area of concern for national authorities and is criticised by some civil society organisations. For example, the NGOs 'Progestión' and *Convive-Fundación Cepaim* have highlighted that the duration of the appeals procedure is excessively lengthy in Spain.[259]

For this reason, most applicants and their lawyers prefer to collect more documentation to support the asylum application, in order to present a new asylum claim. In fact, the Asylum Law does not set a limit number of asylum applications per person, and as mentioned in the section on Subsequent Applications, it does not establish a specific procedure for subsequent applications.

In 2024, 119 administrative and 4,340 judicial appeals were rejected.[260] Figures for 2025 are not available at the time of writing, as the OAR usually publishes such information in the second half of the year.

In a decision taken in November 2022, the Supreme Court (*Tribunal Supremo*) established that, while a decision on the appeal is pending, all the benefits granted during the processing of the asylum application (concretely the residence and work permit) should be extended.[261]

In 2025, UNHCR continued to share periodically a country-of-origin information bulletin and a quarterly judicial update summarizing relevant international and national judicial decisions on asylum, distributing them among asylum authorities and other counterparts, including members of the judiciary.[262]

### 1.4.2. Onward appeal before the Supreme Court

In case of a rejection of the appeal, a further onward appeal is possible before the Supreme Court (*Tribunal Supremo*),[263] which in case of a positive finding has the power to grant the applicant with an international protection status.

## 1.5. Legal assistance

**Indicators: Regular Procedure: Legal Assistance**

1. Do asylum seekers have access to free legal assistance at first instance in practice?

257 Information provided by Accem's legal service in March 2026.
258 Article 29(2) Asylum Law; Article 46 Law 29/1998 of 13 July 1998 concerning the regulation of jurisdiction of administrative courts.
259 EUAA, 'Asylum report 2023', November 2025, available here.
260 Ministerio del Interior, 'Asilo en cifras 2024', 2024, available here.
261 Iustel, 'Declara el Supremo que mientras se resuelve el recurso sobre la solicitud de asilo se han de prorrogar los beneficios concedidos provisionalmente durante la tramitación del procedimiento', 22 February 2023, available here.
262 Information provided by UNHCR in March 2026.
263 Article 29(2) Asylum Law.

☒ Yes ☐ With difficulty ☐ No

- ❖ Does free legal assistance cover: ☒ Representation in interview
  ☒ Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice? ☒ Yes ☐ With difficulty ☐ No
   - ❖ Does free legal assistance cover ☒ Representation in courts
     ☒ Legal advice

Spanish legislation and Article 18(1)(b) of the Asylum Law guarantee the right to legal assistance to asylum seekers from the beginning and throughout all stages of the procedure. This assistance will be provided free of charge to those who lack sufficient financial means to cover it, both in the administrative procedure and the potential judicial proceedings. It is also established that NGOs can provide legal assistance to asylum seekers.

When expressing the will to apply for international protection, and depending on where the person is applying for asylum, the applicant is informed about the right to free legal assistance during the procedure, about the possibility to be assisted by a lawyer from an NGO, from a Bar association or a private lawyer (generally paid), and the person is provided with the relevant contacts (i.e. NGOs working at local level and provincial Bar association). In many cases, it is the lawyer present at the reception facility that provides legal assistance to asylum seekers.

Legal assistance to asylum seekers generally includes case file preparation, provision of information, preparation to the asylum interview as well as assistance during asylum interviews. In addition, lawyers can play a consultative role in the determination procedure by submitting written reports on individual cases.

In a decision taken in November 2022, the High Court (*Tribunal Supremo*) set a jurisprudential precedent in relation to legal assistance during the asylum procedure, by establishing that, as far as the applicant has been informed in a complete and correct manner on their rights and on the supports required, and the information sheet has been signed by them, if they do not tick certain boxes, it means that they have renounced to such a support, unless legal assistance is compulsory.[264]

### 1.5.1. Legal assistance at first instance

Access to legal assistance, as well as the quality and the expertise of the services provided varies significantly across the different Spanish regions and cities.

The Supreme Court has highlighted the obligation of the State to provide effective access to legal assistance during the procedure, without which the individual is in a state of "real and effective helplessness, which is aggravated in the case of foreigners who are not familiar with the language and Spanish law, and which may have annulling effect on administrative acts".[265] Beyond merely informing applicants of the possibility to receive legal aid, the authorities are required to indicate in the case file whether the asylum seeker has accepted or rejected legal aid in the procedure.[266]

To guarantee asylum seekers' rights, some Bar Associations from the southern cities of **Andalucía** have created *ad hoc* teams of lawyers.

Similarly, in 2022, the Bar Association of **Madrid** and UNHCR agreed to improve the service to provide legal assistance to persons in need of international protection, as well as to refugees and statelessness persons. In light of such agreement, the Bar Association of Madrid has created a specialised unit on international protection, aiming at facilitating access to asylum seekers' rights, including the right to be documented, the freedom of movement, as well as the rights to reception, employment, health, education

264 Tribunal Supremo, Sala de lo Contencioso, STS 4002/2022, 2 November 2022, available here.
265 Supreme Court, Decision STS 3186/2013, 17 June 2013, available here.
266 Supreme Court, Decision STS 4316/2015, 19 October 2015, available here.

and any other rights fostering their protection in Spain.[267] A similar agreement was established between the Bar Association of **Murcia** and UNHCR, including through the creation of a specialized Legal Guidance Service on International Protection within the Bar Association.[268] The same initiative was implemented with the Bar Association of **Almería.**[269]

Despite UNHCR's financial constraints that led to the closure, by mid-2025, of UNHCR's legal assistance projects with the Bar Associations of Murcia and Almería, and to a reduction in the activities carried out by the Madrid Bar Association, the three Bar Associations nonetheless provided assistance to 1,370 people on international protection-related issues and associated rights.[270]

At the beginning of 2023, the Spanish General Council of Lawyers started a service to support Bar Associations in the different Spanish provinces on immigration and international protection, with the aim of assuring a quality service, to unify criteria of legal support to migrants and asylum seekers and increase the knowledge on the situation and needs of newcomers.[271]

Since 2018, no information was provided by the OAR on the number of requests for legal assistance received.

### 1.5.2. Legal assistance in appeals

Legal aid is also foreseen for subsequent judicial reviews and appeal procedures. Free legal aid for litigation must be requested through the Bar Association Legal Assistance Service (*Servicio de Orientación Jurídica del Colegio de Abogados*) or through NGOs specialised in asylum.

The *Audiencia Nacional* has clarified that deadlines for appealing a negative decision are suspended pending the outcome of a legal aid application. The asylum seeker must also be duly notified of the outcome of the legal aid request.[272] Legal aid is generally granted during appeal proceedings in practice.

The Bar Association of Madrid has a specialised roster of lawyers taking up asylum cases. While this bar association generally represents most appeals lodged in any part of Spain, other bar associations have also organised similar rosters since 2015.

The level of financial compensation awarded to legal aid lawyers is established by each bar association. It does not differ based on the type of cases – asylum-related or other – taken up by lawyers.

## 2. Dublin

### 2.1. General

**Dublin statistics: 1 January – 31 December of 2025:**

| Incoming procedure | | | |
|---|---|---|---|
| | **Requests** | **Accepted** | **Denied** |
| **Total** | **9,979** | **5,647** | **2,061** |
| France | 4,157 | 2,680 | 987 |

267 El Imperial, 'La Abogacía de Madrid y ACNUR refuerzan la atención legal a solicitantes de protección internacional', 15 July 2022, available at here.

268 La Verdad, 'El Colegio de Abogados de Murcia y Acnur impulsan la atención legal a solicitantes de protección internacional', 21 September 2022, available here.

269 La Vanguardia, 'Acnur y Abogados de Almería crearán Oficina Protección Internacional', 24 June 2022, available here; Diario de Almería, 'ACNUR y el Colegio de Abogados de Almería renuevan su colaboración en favor de una atención especializada en protección internacional', 2 March 2023, available here.

270 Information provided by UNHCR in March 2026.

271 Consejo General Abogacía Española, 'La Abogacía pone en marcha el servicio de calidad y apoyo a los Colegios en materia de Extranjería', 1 February 2023, available here.

272 Audiencia Nacional, Decision SAN 3274/2017, 21 July 2017, available here.

| | | | |
|---|---|---|---|
| Germany | 2,591 | 1,428 | 563 |
| Belgium | 1,168 | 523 | 229 |
| The Netherlands | 966 | 474 | 123 |
| Switzerland | 897 | 542 | 159 |

Source: Ministerio del Interior, Subsecretaría del Interior, Dirección General de Protección Internacional, 'Avance de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida. Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2025', January 2026, available here.

The OAR rarely applies the Dublin Regulation (see AIDA Country Report on Spain – Update on 2024). Thus, the Dublin Regulation usually concerns incoming requests and transfers to Spain. In 2023, Spain issued 688 requests to other EU Member States,[273] and in 2024 the requests were 46.[274] Figures on the number of outgoing requests in 2025 were not available at the time of writing.

### 2.1.1. Application of the Dublin criteria

Given the limited use of the Dublin Regulation by the OAR, there is not sufficient practice to draw upon for an analysis of the way in which criteria are applied.

The OAR has edited two leaflets in three languages (Spanish, English and French). One leaflet provides information about the Dublin Regulation for applicants for international protection pursuant to article 4 of Regulation (EU) No 604/2013.[275] The other leaflet contains information for applicants for international protection found in a Dublin procedure, pursuant to article 4 of Regulation (EU) No 604/2013.[276] The OAR's edited leaflet providing information to asylum seekers on the Dublin Regulation states that having family members living in a country is one of the factors that will be taken into account for establishing the Member State responsible for the processing of the asylum application.

In general, family unity criteria are applied in practice. For unmarried couples, it is even sufficient to provide – in the absence of a legal document – an official declaration of the partners demonstrating their relationship.

### 2.1.2. The discretionary clauses

The sovereignty clause is rarely applied, for the cases of vulnerable people or to guarantee family unity. There is no information available on the application of the sovereignty clause in recent years.

Concerning the humanitarian clause, it appears that no case has met the relevant criteria on the basis of Article 17(2) of the Regulation. There is no information available on the application of the humanitarian clause since 2017.

No specific procedure is applied in the cases of vulnerable individuals.

## 2.2. Procedure

**Indicators: Dublin: Procedure**

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications? ☒ Yes ☐ No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility? Not available

273 Ministerio del Interior, 'Asilo en cifras 2023', 2024, available here.
274 Ministerio del Interior, 'Asilo en cifras 2024', 2025, available here.
275 Oficina de Asilo y Refugio (OAR), 'Information about the Dublin Regulation for applicants for international protection pursuant to article 4 of Regulation (EU) No 604/2013', available here.
276 Oficina de Asilo y Refugio (OAR), 'Information for applicants for international protection found in a Dublin procedure, pursuant to article 4 of Regulation (EU) No 604/2013, available here.

The Asylum Law does not provide specific elements regarding the Dublin procedure. In practice, it consists of an admissibility assessment with the same characteristics and guarantees foreseen for other applicants. The only difference is the length of the process. In the Dublin procedure, the phase is 1 month longer in accordance with the Dublin Regulation. There are no legal provisions regulating this at national level, however.

Asylum seekers are systematically fingerprinted and checked in Eurodac.

The OAR has also produced and published a leaflet with relevant information on the Dublin procedure. However, the leaflet is only available in Spanish, English, and French.[277]

#### 2.2.1. Individualised guarantees

There are very few outgoing requests made by Spain. No specific guarantees have applied to these cases.[278]

#### 2.2.2. Transfers

The OAR implemented 2 transfers in 2016, 2 in 2017, 2 in 2018,[279] 5 in 2019[280], and 5 in 2022.[281] In 2023, 149 outgoing transfers were carried out, while 1,310 ingoing transfers were received.[282] In 2024, Spain carried out 33 outgoing transfers, while 1,740 ingoing transfers were received.[283] Figures on the number of transfers in 2025 were not available at the time of writing.

### 2.3. Personal interview

The same rules as in the Regular Procedure: Personal Interview apply. According to the authorities, the interview is never omitted.[284] In practice, during the registration of the application, the OAR official or the Police ask the person questions about identity and travel route.

### 2.4. Appeal

The same rules as in the Regular Procedure: Appeal apply.

### 2.5. Legal assistance

The same rules as in the Regular Procedure: Legal Assistance apply.

### 2.6. Suspension of transfers

**Indicators: Dublin: Suspension of Transfers**

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries? ☒ Yes ☐ No
   - ❖ If yes, to which country or countries? Greece

Transfers of asylum seekers to Greece under the Dublin Regulation have been suspended since 2014. Spain makes very rare use of the Dublin procedure in practice.

277 Oficina de Asilo y Refugio (OAR), 'Información para los solicitantes de protección internacional sobre el reglamento de Dublín de conformidad con el artículo 4 del Reglamento (UE) nº 604/2013', available here.
278 Information provided by OAR, 20 August 2017.
279 Information provided by OAR, 28 February 2017; 2 March 2018; 8 March 2019.
280 OAR, 'Asilo en cifras 2019', July 2020, available here, 62.
281 Ministerio del Interior, 'Asilo en cifras 2022', November 2023, available here.
282 Ministerio del Interior, 'Asilo en cifras 2023', 2024, available here.
283 Ministerio del Interior, 'Asilo en cifras 2024', 2025, available here.
284 European Commission, 'Evaluation of the implementation of the Dublin III Regulation', March 2016, 12.

### 2.7. The situation of Dublin returnees

The number of incoming procedures to Spain is far higher than the number of outgoing procedures. In 2025, Spain received 11,006 requests, mainly from France (4,157), Germany (2,591), and Belgium (1,168).[285]

The Dublin Unit does not provide guarantees to other Member States prior to incoming transfers, although upon arrival of an asylum seeker through a Dublin transfer, the OAR coordinates with the Ministry of Inclusion, Social Security and Migration, responsible for reception.[286]

Some years ago, there have been reports of Dublin returnees not being able to access reception conditions due to a lack of places in asylum reception facilities (see Reception Conditions: Criteria and Restrictions). This has resulted in a homelessness and destitution in certain cases. In a series of rulings, the Superior Court (*Tribunal Superior de Justicia*, TSJ) of Madrid condemned the Spanish Government for denying reception to asylum seekers returned to Spain within the Dublin procedure.[287] For this purpose, the Ministry of Labour, Migration and Social Security issued an instruction establishing that asylum seekers shall not be excluded from the reception system if they left voluntarily Spain to reach another EU country.[288] In the last couple of years, no reports on the situation of Dublin returnees in Spain were published.

In practice, Dublin returnees face the same obstacles in accessing the procedure and reception conditions as any other asylum applicant.

While Dublin returnees face important obstacles in accessing the reception system, they may also face obstacles in re-accessing the asylum procedure given the persistent general deficiencies of the asylum system described throughout this report. The OAR prioritises their registration appointment for lodging an asylum application. If their previous asylum claim has been discontinued, they have to apply again for asylum. However, that claim is not considered as a subsequent application.

## 3. Admissibility procedure

### 3.1. General (scope, criteria, time limits)

The asylum procedure in Spain is divided into two phases: an admissibility procedure, followed by an evaluation on the merits in case the claim is admitted. For claims made on the territory, the admissibility assessment must be conducted within one month of the making of the application and 2 months for Dublin cases.[289] When these deadlines are not met, the applicant will be automatically admitted to the asylum procedure in territory.

As provided in Article 20(1) of the Asylum Law, applications can be considered inadmissible on the following grounds:

(a) For lack of competence, when another country is responsible under the Dublin Regulation or pursuant to international conventions to which Spain is party;
(b) The applicant is recognised as a refugee and has the right to reside or to obtain international protection in another Member State;
(c) The applicant comes from a Safe Third Country as established in Article 27 of Directive 2005/85/EC;

285 Ministerio del Interior, Subsecretaría del Interior, Dirección General de Protección Internacional, 'Avance de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida. Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2025', January 2026, available here.
286 Information provided by OAR, 20 August 2017.
287 El Diario, 'La Justicia obliga al Gobierno a readmitir en el sistema de acogida a los refugiados devueltos desde otros países europeos', 22 January 2019, available here.
288 La Vanguardia, 'Los solicitantes de asilo que abandonen voluntariamente España no serán excluidos del sistema de protección', 22 January 2019, available here.
289 Article 20(2) Asylum Law.

(d) The applicant has presented a subsequent application but with different personal data and there are no new relevant circumstances concerning their personal condition or the situation in their country of origin; or
(e) The applicant is a national of an EU Member State.

Since mid-2019, the admissibility procedure is no longer applied in practice, as the 1-month deadline provided by law to decide on the admissibility of the asylum claim cannot be complied in practice due to the high number of asylum applications. Thus, asylum seekers are documented with the white paper during the first 6 months, instead of being documented with the red card after 1 month.

### 3.2. Personal interview

The same rules as in the Regular Procedure: Personal Interview apply.

### 3.3. Appeal

**Indicators: Admissibility Procedure: Appeal**
☒ Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision? ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☒ Administrative
   - ❖ If yes, is it automatically suspensive ☐ Yes ☐ Some grounds ☒ No

The inadmissibility decision may be appealed in two different ways:
(a) Asylum seekers have two months to appeal against an inadmissibility resolution before the Central Administrative Judges (*Juzgados de lo contencioso administrativo*); or
(b) In cases where new pieces of evidence appear, the person has one month to present a revision appeal before the Minister (*Recurso de Reposición*), in which case a decision should be taken within two months.

Both types of appeals have no automatic suspensive effect.

### 3.4. Legal assistance

The same rules as in the Regular Procedure: Legal Assistance apply.

## 4. Border procedure (border and transit zones)

### 4.1. General (scope, time limits)

**Indicators: Border Procedure: General**

1. Do border authorities receive written instructions on the referral of asylum seekers to the competent authorities? ☒ Yes ☐ No
2. Where is the border procedure mostly carried out? ☒ Air border ☒ Land border[290] ☐ Sea border
3. Can an application made at the border be examined in substance during a border procedure? ☒ Yes ☐ No
4. Is there a maximum time limit for a first instance decision laid down in the law? ☒ Yes ☐ No
   - ❖ If yes, what is the maximum time limit? 4 days
5. Is the asylum seeker considered to have entered the national territory during the border procedure? ☐ Yes ☒ No

[290] Land borders in this case mainly refers to the Ceuta and Melilla borders as well as CIEs, as all applicants held in CIEs are subject to a border procedure.

The border procedure is applied to all asylum seekers who apply for international protection at airports, maritime ports and land borders, as well as at CIE.[291] As long as the border procedure is pending, the applicant has not formally entered the Spanish territory, i.e. a fiction of non-entry applies. This is not the case in applications submitted in Migrant Temporary Stay Centres (*Centros de Estancia Temporal para Inmigrantes*, CETI) in **Ceuta** and **Melilla**, which are considered to be made on the territory and fall under the regular procedure rather than the border procedure, as clarified by the *Audiencia Nacional*.[292]

In 2025, a total of 6,135 persons applied at a border post and 853 at a CIE.[293] Border procedures represented around 4.83% of the total caseload of the Office for Asylum and Refuge (OAR). It was around the 4.92% in 2024, and around 2.61% in 2023. This low number is indicative of the obstacles faced by asylum seekers in accessing the procedure at the border and the issues of pushbacks (see Access to the territory and push backs).

In 2019, for the first time, the Government applied the border procedure to asylum seekers who had jumped the fence.[294] However, this had been applied only to two collective jumps that occurred in **Ceuta** in 2019, while in **Melilla** the determination of the applicable procedure to such cases was arbitrary, i.e. the border and regular asylum procedure were applied arbitrary to the different persons.[295] As previously indicated, the Asylum Law foresees the application of the border procedure to asylum claims lodged at airports, maritime ports, land borders and expulsion centres (CIE),[296] but it had never been applied before in such a situation.

It should also be noted that since January 2020, Spain started to require a transit visa for nationals originating from Yemen.[297] The measure is still in place as of March 2025. Since the last quarter of 2024, Spain started to require visa transit also for people coming from Egypt.[298] In addition, Spain requires such a transit visa also for nationals from Palestine and Syria.[299] In practice, this means that they cannot access Spain if coming by plane without a visa. For those who manage to board a Spain-bound plane in any case, their application will be processed at the airport of arrival. In June 2024, Spain introduced a transit visa requirement for Sudanese and Chadian nationals.[300] From August 2024, the same requirement was introduced for Mauritanian nationals.[301] Sixteen organisations called on the Government to eliminate this requirement.[302] Similarly, CEAR criticised the fact that nationals from the Central African Republic's nationals were also subject to visa obligations starting from mid-August 2024.[303]

**Grounds for applying the border procedure**

The aim of the border procedure is to assess whether an application for international protection is admissible or inadmissible and whether the applicant should be granted entry to access the asylum

291 See i.e. Audiencia Nacional, Decision SAN 1908/2019, 23 May 2019; SAN 1282/2019, 13 February 2019.
292 Audiencia Nacional, Decision SAN 1780/2017, 24 April 2017. CEAR, 'España comienza el año exigiendo visado de tránsito a las personas de Yemen', 3 January 2020, available here.
293 Ministerio del Interior, Subsecretaría del Interior, Dirección General de Protección Internacional, 'Avance de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida. Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2025', January 2026, available here.
294 El Diario, El Gobierno aplica por primera vez en Ceuta el procedimiento exprés para rechazar el asilo tras el último salto, 17 September 2019, available here.
295 CEAR, 'Informe 2020. Las personas refugiadas en España y en Europa', June 2020, available here, 85.
296 Articles 21 and 25 Asylum Law.
297 CEAR, 'España comienza el año exigiendo visado de tránsito a las personas de Yemen', 3 January 2020, available here.
298 Information provided by Accem's legal service in February 2025.
299 Information provided by Accem's legal service in March 2023.
300 CEAR, 'España impone el visado de tránsito a personas de Sudán, un país en conflicto', 27 June 2024, available here.
301 Newtral, 'España impone el visado de tránsito a los mauritanos para evitar que pidan asilo en los aeropuertos', 27 August 2024, available here.
302 Médicos sin Fronteras, 'Pedimos al Gobierno de España que elimine la imposición de un visado de tránsito a personas procedentes de Sudán y Chad', 9 July 2024, available here.
303 Valencia Plaza, 'CEAR denuncia la imposición de visados de tránsito en España a personas de República Centroafricana', 16 August 2024, available here.

procedure. As provided in Article 20(1) of the Asylum Law, applications can be considered inadmissible on the following grounds:

(a) When another country is responsible under the Dublin III Regulation or pursuant to international conventions to which Spain is party;
(b) The applicant is recognised as a refugee and has the right to reside or to obtain international protection in another Member State;
(c) The applicant comes from a safe third country as established in Article 27 of Directive 2005/85/EC;
(d) The applicant has presented a subsequent application but with different personal data and there are no new relevant circumstances concerning their personal condition or the situation in their country of origin; or
(e) The applicant is a national of an EU Member State.

Nevertheless, in the border procedure, additional grounds to those mentioned under the Admissibility Procedure are applied to establish the so-called reasons for denial of the application on the merits. In fact, applications at borders can be denied as manifestly unfounded in the following circumstances:[304]

(a) The facts exposed by the applicant do not have any relation with the recognition of the refugee status;
(b) The applicant comes from a Safe Third Country;
(c) The applicant falls under the criteria for denial or exclusion sent under Article 8, 9, 11 and 12 of Asylum Law;
(d) The applicant has made inconsistent, contradictory, improbable, insufficient declarations, or that contradict sufficiently contrasted information about country of origin or of habitual residence if stateless, in manner that clearly shows that the request is unfounded with regard to the fact of hosting a founded fear to be persecuted or suffer serious harm.

Almost in all cases, the border procedure involves an examination of the facts presented by the applicant for substantiating their request for international protection.

This leaves a high level of discretion in the decision of the competent authority on the admissibility of the application, as the law does not clarify which criteria should be considered to establish whether the facts presented by the applicant inconsistent, contradictory or improbable. In addition, this assessment is carried out within very short time limits, compared to the regular procedure. However, in 2017 the *Audiencia Nacional* stressed that an asylum application cannot be rejected on the merits in the border procedure unless it is manifestly unfounded. In that respect, a claim is not manifestly unfounded where it is not contradicted by country of origin information or where UNHCR has issued a positive report supporting the granting of protection.[305]

If the application is not considered as manifestly unfounded, the person can enter the territory and the application is processed through an urgent procedure (3 months - see section on Regular Procedure: Fast-Track Processing) where the application has been lodged at a Detention centre for foreigners (CIE), and through the ordinary procedure (6 months) if the application has been lodged at a border post.

**Time limits**

The border procedure foreseen under the Asylum Law is characterised by its strict time limits, which cannot exceed 4 days for a first instance decision and another 4 days for appeals. Similarly to all asylum requests, the only authority in charge of the admissibility decision is the Ministry of Interior. The decision on admissibility must be notified within 4 days from the lodging of the application,[306] and the applicant has 2 days to ask for a re-examination of the application in case the latter was denied or not admitted. Once

304 Article 21(2)(b) Asylum Law.
305 Audiencia Nacional, Decision SAN 1179/2017, 17 March 2017. On the importance of UNHCR reports, see also Supreme Court, Decision STS 3571/2016, 18 July 2016; Audiencia Nacional, Decision SAN 335/2017, 3 February 2017.
306 Article 21(2) Asylum Law.

again, the answer to the re-examination will have to be notified within another 2 days.[307] Article 22 of the Asylum Law states that the applicant must remain in the *ad hoc* dedicated facilities during the admissibility assessment of their asylum claim at the border (see Place of Detention).[308]

The 4-days' time limit for the OAR to issue its decision can be extended to 10 days by the Ministry of Interior on the basis of a reasoned decision if UNHCR so requests.[309] This applies to cases where the Ministry of Interior intends to reject the application from examination considering that the applicant falls under one of the reasons for exclusion or denial from protection within the Asylum Law.[310]

In 2017, the OAR started applying the criteria set by the *Audiencia Nacional* concerning the appropriate counting of the deadline established by the Asylum Law for completing the border procedure, 96 hours from the moment the application is made.

**Quality of the procedure**

Applications at borders and at CIE are, in general, likely to be refused or dismissed as inadmissible compared to applications made on the territory, thus increasing the vulnerability of applicants concerned. This fact was highlighted in the past by several organisations in Spain,[311] who denounced the low number of admissions in the border procedure compared to the regular procedure, and has also been supported by the jurisprudence of the Supreme Court.[312] Since 2020, the Office for Asylum and Refuge (OAR) did not provide statistical information on the outcome of the border procedure (for information on the years 2015 to 2019, see AIDA Country Report on Spain – 2020 Update).

### 4.2. Personal interview

**Indicators: Border Procedure: Personal Interview**
☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the border procedure? ☒ Yes ☐ No
   - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☒ No
   - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No

2. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never

The personal interview at border points is carried out by police officers, as is generally the case in the Regular Procedure: Personal Interview. OAR officers may request, however, to conduct a second interview with the asylum seeker if they deem it necessary.[313] In practice, an additional interview is conducted in cases where there are doubts or contradictions resulting from the first interview or from the documentation submitted. If everything seems clear, however, the OAR caseworker can examine the application and take a decision on the merits solely on the basis of the interview that has been conducted with police offices.

Procedural safeguards for the interview are the same concerning the presence of interpreters, gender sensitivity and so forth.

307 Article 21(4) Asylum Law.
308 Defensor del Pueblo, 'Recomendación a la Secretaría General de Inmigración y Emigración para adoptar las medidas que procedan para prestar un servicio de asistencia social a los solicitantes de asilo en el puesto fronterizo', 7 October 2015, available here.
309 Article 21(3) Asylum Law.
310 Article 21(3) Asylum Law.
311 CEAR, 'Las personas refugiadas en España y Europa 2015', Capítulo IV: La admisión a trámite, available here.
312 Supreme Court, Decision 4359/2012, 22 November 2013, available here.
313 Article 17 Asylum Law.

Interviews in border and regular procedures mainly follow the same rules and format, even though they can vary according to the city and professionals who carry them out. For example, in the case of interviews at the Madrid Barajas Airport, interviews are usually carried out by OAR officers, who have a different level of expertise on asylum matters compared to police officers.

### 4.3. Appeal

**Indicators: Border Procedure: Appeal**
☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the border procedure?
   ☒ Yes ☐ No
   - ❖ If yes, is it ☐ Judicial ☒ Administrative
   - ❖ If yes, is it automatically suspensive ☒ Yes ☐ Some grounds ☐ No

#### 4.3.1. Request for re-examination (*re-examen*)

The border procedure foresees the possibility to ask for the re-examination (re-examen) of the application for international protection when the latter has been declared inadmissible or rejected from examination (‘*denegar la solicitud*’). This type of administrative appeal is only foreseen in the context of border procedures. The request for re-examination has automatic suspensive effect and must be requested in front of the Minister of Interior within 2 days from the notification of the decision to the applicant.[314] The National High Court has clarified that this time limit must be calculated in hours rather than in working days.[315]

In May 2019, the Supreme Court ruled on the effects of submitting a re-examination of an asylum claim to another authority as well as on the calculation of time limits, i.e. as of when the time limit of 2-days starts to run. As regards the competent authority, the Supreme Court noted that the Asylum Law does not indicate where re-examination requests should be filed. It therefore ruled that the general rules and guarantees applicable to the administrative procedure under the general Spanish Administrative Procedures Law applied to such cases. This means that the application for re-examination does not have to be filed where the applicant lodged an asylum claim and that it can be filed at any registry or public office of the Ministry of Interior. Moreover, the Court stated that the calculation of the two-day deadline starts at the moment of receipt by the competent authority of the request for re-examination.[316]

The re-examination is performed under the direction of the lawyer, without the presence of any officer. There is no time limit beyond the referral within 48 hours from the notification.

Through this procedure, it is possible to incorporate new arguments, new documentation and even new allegations, other than those expressed in the application (even though it is a good idea to explain the reasons for this change of allegations, as well as the late addition of other documents to the record). However, it is not possible to provide further clarifications on statements expressed in the application. The notice of review therefore consists of an extension of allegations that detail and clarify those aspects that are not clear in the initial application, with particular emphasis on the facts and information from the country of origin that have been queried.

#### 4.3.2. Onward judicial appeals

Against the decision to dismiss the re-examination, which would exhaust administrative channels for appeal, the applicant can lodge a judicial appeal (*Recurso contencioso-administrativo*). In the case of an inadmissibility decision, the applicant may submit a judicial appeal before the central courts *(Juzgados centrales de lo contencioso*). Conversely, in the case of rejection on the merits, the judicial appeal will

314 Article 21(4) Asylum Law.
315 Audiencia Nacional, Decision SAN 2591/2017, 8 June 2017; Decision SAN 2960/2017, 30 June 2017.
316 Spanish Supreme Court, Decision STS 1682/2019, 27 May 2019, available here.

have to be presented before the National Court (*Audiencia Nacional*). In practice, the first type of appeal will be denied in the vast majority of cases, for which the second should be considered more effective.

In these second instance appeals, no automatic suspensive effect is applicable. Instead, interim measures will have to be taken and requested by the applicant's lawyer to avoid the removal of the applicant despite having lodged an appeal.

Organisations working with migrants and refugees criticise this latter element, as it represents an additional obstacle faced by international protection seekers detained at the border posts and in CIE to accessing effective judicial protection. The tight deadlines foreseen in the border procedure, and on the other hand the fast execution of removals and forced return once admission is refused, represent an obstacle in practice to filing a judicial appeal.

### 4.4. Legal assistance

Access to free legal assistance in the border procedure is mandatory and guaranteed by law.[317] As opposed to the regular procedure, applicants for international protection are thus always assisted by a lawyer during their interviews with the border police and the OAR in the context of border procedures, as well as during appeal proceedings. The National High Court (*Audiencia Nacional*) further held that the mandatory nature of legal assistance at the border entails an obligation to offer legal aid to the applicant that is in the process of lodging the application for international protection, even if they do not ask for it or rejects it.[318] The same rules as in the Regular Procedure: Legal Assistance apply. The Asylum Law provides reinforced guarantees in this context, however, as it states that legal assistance is mandatory for applications lodged at the border.[319]

The main obstacles regarding access to legal assistance in practice concern cases of applications at borders, notably in the **Ceuta** and **Melilla** border control checkpoints. In fact, there have been several reported cases concerning refusal of entry, *refoulement*, collective expulsions and push backs at the Spanish borders.[320] Obviously, during these operations, a case-by-case assessment of individual protection needs is not carried out, and legal assistance is not provided. Although UNHCR and other organisations denounce these practices, asylum seekers, and mostly Sub-Saharan nationals who try to cross land borders without permit, continue to be subjected to such practices.

As discussed in Access to the Territory, obstacles to effective legal assistance in points of disembarkation has been a concern since many years. Access to legal assistance improved since then, with some Bar Associations issuing specific guidance in this regard. Similarly, different organisations have been providing legal assistance to migrants and asylum seekers in the different islands belonging to the archipelago of the Canary Islands (i.e., CEAR, Accem, Spanish Red Cross, Cáritas,[321] Fundación Cruz Blanca,[322] etc.). In addition, the Service for Equal Opportunities and Gender Violence of the town hall of Gran Canaria provides legal counselling; similar support is offered by the seven Commissions for Free Legal Aid of the Government of the Canary Islands, which also offer support and counselling on the asylum procedure.[323] In its 2024 annual report, the Spanish Ombudsman acknowledged the efforts made by the government of the Canary Islands in improving the legal representation to persons arriving by boat.[324]

CEAR has a team of lawyers assisting asylum seekers at the Madrid Barajas Airport.

317 Article 16(2) Asylum Law, citing Article 21.
318 Audiencia Nacional, Decision SAN 5389/2017, 28 December 2017.
319 Article 16(2) Asylum Law, citing Article 21.
320 CEAR, 'Informe 2022: Las personas refugiadas en España y Europa', June 2022, available here, 95. US Department of State, '2022 Country Reports on Human Rights Practices: Spain', 20 March 2023, available here.
321 Cáritas, see here.
322 Fundación Cruz Blanca, see here.
323 Information provided by Accem -Tenerife in April 2022.
324 Defensor del Pueblo, 'Informe anual 2024', March 2025, available here.

Difficulties in the provision of effective legal assistance are also caused by the tight deadlines foreseen in the procedure at borders and in CIE, and on the other hand the fast execution of removals and forced return once admission to the procedure is refused.

Another important element relates to the legal assistance at the external borders. This does not necessarily concern persons who have been channelled into the border procedure, but rather the thousands of persons who have no access thereto as they are being pushed-back and/or refused entry at the border. Legal assistance in this context is undermined by obstacles such as the lack of information for newly arrived persons and the lack of possibility to access a lawyer, that in the past years have raised concerns by different stakeholders (i.e. by the Spanish Ombudsperson, in its capacity as National Prevention Mechanism against Torture). In its 2024 annual report, the Spanish Ombudsperson, in its capacity as National Prevention Mechanism against Torture reported that the Directorate-General of Police informed it that all return agreements are notified in the presence of a lawyer and an interpreter in a private room, and that the interview, to which the migrant is entitled, is only conducted if requested by the migrant or their lawyer. The NPM urged that migrants are informed about the content of this right, in order to ensure its possible exercise.[325] The NPM also underlined that there has been no progress in terms of the need for greater availability of female interpreters to assist migrant or refugee women, as well as interpreters of languages and dialects from sub-Saharan African countries. There has also been no progress in terms of ensuring that the language used by interpreters is adapted to the vulnerable situation of migrants, their gender and their age. The NPM reported that the administration reiterated that its possibilities are limited to the resources of external translation companies that are contracted to provide interpretation services.

## 5. Accelerated procedure

The Asylum Law foresees an urgent procedure, which is applicable *inter alia* on grounds transposing the predecessor of Article 31(8) of the recast Asylum Procedures Directive. However, since it does not entail lower procedural guarantees for the applicant, the urgent procedure is more accurately reflected as a prioritised procedure rather than an accelerated procedure. For more information, see Regular Procedure: Fast-Track Processing.

## 6. National protection statuses and return procedure

### 6.1 National forms of protection

The Immigration Law and its Regulation establish the applicable rules, criteria and conditions for the recognition of different national protection statuses.

Foreign nationals who do not have the right to stay on national territory have the possibility of regularising their situation by applying for a residence permit for exceptional circumstances, either for social, labour, education, ‘second opportunity’ (see below) or family roots, in the case of being a victim of gender-based violence or a victim of human trafficking, for various humanitarian reasons, or for collaboration with the administrative or judicial authorities, for national security reasons or for public interest, provided that the requirements for each of them are met.[326]

Permits for exceptional circumstances grant foreigners a temporary authorisation to reside in Spain for a period that can range from more than 90 days up to 5 years. They can be renewed, and renewal should be asked by the foreigner, based on the same circumstances that determined the initial granting of the permit. The Regulation of the Immigration Law details the duration of the residence permit initially granted, as well as the duration of its renovations, which can vary according to the type of each permit for exceptional circumstances.

325 Defensor del Pueblo, ‘Informe anual 2024. Anexos del Mecanismo Nacional de Prevención (MNP)’, March 2025, available here.

326 Article 31 and ss. of the Immigration Law; Articles 124 and ss. of the Regulation of the Immigration Law.

The residence permits for exceptional circumstances also grant the right to work to persons older than 16, according to the rules set forth in Article 36 of the Immigration Law.

*Humanitarian status*

The law[327] foresees the possibility to request the residence permit for humanitarian reasons under the following conditions:

- To those persons who the Minister of Interior has authorised the stay in Spain:
  - As an outcome of the asylum procedure, when the applicant has been denied both refugee status and subsidiary protection, but the competent authority decides to authorise the stay or residence for humanitarian reasons, according to criteria set forth by the legislation.
  - For displaced persons according to the temporary protection legislation.
- Being a victim of any of the offences foreseen in Articles 311 to 318 (concerning offences against the rights of workers), 510 (criminal offences related to fundamental rights and public freedoms), 511.1 (denial of a service provision by a public officer) and 512 (denial of a service provision by a private company or professional) of the Criminal Code, when committed with the aggravating circumstance of racism, antisemitism or other kinds of discrimination based on the ideology, religion or beliefs of the victim, the ethnic group, race or nation to which he/she belongs, his/her sex, age, sexual or gender orientation or identity, reasons of gender, aporophobia or social exclusion, illness or disability, regardless of whether such conditions or circumstances are actually present in the person who is the object of the conduct; or being a victim of crimes of violent conduct committed in the family environment, provided that a final and definitive judicial decision has been adopted in the judicial proceeding establishing the status of victim of such crimes.
- Having a severe disease requiring specialised health care, not accessible in the country of origin, where the interruption of treatment would pose a serious risk to the health or life of the person.
- To foreign nationals who can prove that their transfer to the country of origin, for the purpose of applying for the corresponding visa, implies a danger to their safety or that of their family, and that they meet the other requirements for obtaining a temporary residence or residence and work permit.

Legislation foresees access to rights and services (i.e. accommodation) for persons granted residence permits for humanitarian reasons, which varies for each of them.

In a decision taken in January 2025, the Supreme Court established that residence permits granted on humanitarian grounds do not necessarily require the existence of a risk deriving from the country of origin, and that these grounds may be based on the applicant's personal circumstances in Spain (in the concrete case, the fact that the applicant had minor children who are unable to return to their country of origin, and that he is unable to fulfil their essential rights to personal liberty and to economic, social and cultural rights, given the persecution on political grounds to which he had been subjected to in Colombia).[328]

*Arraigo*

The permits for temporary residence granted based on different links ('*arraigo*', which can be translated in English as 'roots') that the foreigner has with Spain can be of different kinds:[329]

- To grant a 'second opportunity'. This is an initiative created to regularise the situation of those who have lost their residence permit in the last two years, provided that the loss is not due to reasons related to public order, security or health. This mechanism is intended to address situations of recent administrative irregularity, such as those cases in which the permit was not

327 Article 128 of the Regulation of the Immigration Law.
328 Tribunal Supremo, Sala de lo Contencioso, STS 84/2025, 28 January 2025, available here.
329 Articles 125, 126 and 127 of the Regulation of the Immigration Law.

renewed due to lack of knowledge regarding the necessity of renewal or due to the person being outside Spain at the time it expired.[330]
- For social and labour reasons.
- For social connection reasons.
- For social and training reasons.
- For family reasons.

The person must comply with all the following requirements to be granted a residence permit for 'arraigo':
- Be present in Spain and not have the status of applicant for international protection at the time of filing the application or during its processing. For this purpose, an applicant for international protection shall be understood to be a foreign national who has made an application for international protection on which a final decision has not been adopted in administrative nor judicial proceedings.
- To have remained in Spain continuously for at least two years prior to the presentation of the application. For these purposes, when the foreigner has been an applicant for international protection, the time of permanence in Spain during the processing of the application for international protection until its final resolution in administrative or judicial proceedings, will not be computable. The family roots will not require any minimum permanence in Spain.
- The person does not represent a threat to public order, security or public health.
- The person does not have a criminal record in Spain and in the countries where he/she has resided during the last five years prior to the date of entry into Spain, for crimes foreseen by the Spanish legal system.
- The person is not returnable for those countries with which Spain has signed an agreement in such sense.
- The person must not be within the period of the prohibition to return to Spain.
- The applicant has paid the fee for the processing of the procedure.

In addition to those general requirements, the person must comply also with specific conditions established for each kind of permit for 'arraigo'.

The duration of these authorizations is of one year, except for reasons of family roots, whose duration will be of five years.

It is worth recalling that, in November 2024, the Government adopted a new Regulation of the Immigration Law, officially aimed at improving the integration of migrants according to three main paths for regularisation: work, training and family ties.[331] The reform entered into force on 20 May 2025, and it aimed at regularising 300,000 persons.[332] In addition, it simplifies the requirements for foreigners to obtain residence and work permits, and foresees the regularisation of asylum seekers whose application was rejected, by establishing that the period they have been in Spain as asylum applicants will not count for the issuing of the residence permit for 'arraigo', and that just the period after the denial of the asylum application will be taken into account.[333] As underlined in another part of this report, while welcoming the new reform, different organisations (i.e. Accem, CEAR, APDHA, Caritas, the Spanish Bar Association, etc.) observed that the reform could have had more significant impact and there were several missed opportunities. In addition, different organisations (Andalucía Acoge, Caritas, CEAR, Red Acoge and the Jesuit Migrants Service) have challenged before the Supreme Court the aspects of the Royal Decree which modify the national regime authorising temporary residence for exceptional circumstances on the

330 Pajares y Asociados, 'Qué es el arraigo de Segunda Oportunidad, el nuevo concepto que beneficia a los extranjeros en España', 16 December 2024, available here.

331 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno aprueba un nuevo Reglamento de Extranjería para mejorar la integración de las personas migrantes a través de tres palancas: trabajo, formación y familia', 19 November 2024, available here.

332 El Diario, 'El Gobierno aprueba un nuevo reglamento de la Ley de Extranjería que prevé regularizar a unos 300.000 migrantes al año', 19 November 2024, available here; El Diario, 'Qué incluye el nuevo reglamento de la Ley de Extranjería y cómo facilitará la regularización de miles de migrantes', 19 November 2024, available here.

333 20 minutos, 'Nuevo reglamento de extranjería: los plazos para solicitar la nacionalidad española, el permiso de trabajo y la residencia', 20 November 2024, available here.

basis of specific links with the country and exclude from the personal scope of this type of permit persons who have the status of applicant for international protection.[334]

The organisation *Andalucía Acoge* published a toolkit on the reform to support professionals and migrants in understanding its implementation and in fostering the inclusion of migrants. The kit includes a practical guidance, the video recording of a seminar on the topic, and a campaign consisting in four videos containing key aspects of the reform.[335]

*Permits for other circumstances*

Spanish legislation also foresees the possibility to obtain a residence permit for exceptional circumstances based on the fact of having collaborated with the authorities (administrative, police, judiciary, and with the public prosecutor) in the investigation of certain criminal offences, as well as for reasons of national security or public interest.[336]

Spanish legislation foresees the granting of a residence and work permit for exceptional circumstances also in cases of gender-based violence against women or sexual violence.[337] Concretely, a woman in an irregular administrative situation who has reported gender-based violence or sexual violence, may apply for a residence and work authorization for exceptional circumstances from the moment a protection order has been issued in her favour or, failing that, a report from the Public Prosecutor's Office indicating the existence of signs of gender-based violence or sexual violence has been issued. As soon as the report is lodged, the forced return procedure is suspended. In addition, the law establishes that their minor children or their children with disabilities that are in Spain at the time of the complaint may obtain a residence permit or a residence and work permit if they are over sixteen years old.
According to legislation, as soon as the application for the residence and work permit for gender-based violence, the competent authority will immediately grant ex officio a provisional residence and work permit to the applicant. When the condition of victim has been recognised by a conviction decision or a judicial resolution, a temporary residence and work permit for exceptional circumstances will be issued, as well as the corresponding permits for her children and ascendants. These permits have a duration of five years.
The same regime applies for the issuing of residence and work permit to victims of sexual violence.

The Immigration Law and its Regulation set forth the criteria for the granting of a residence and work permit for exceptional circumstances for victims of trafficking in human beings.[338] When the competent authority assesses the existence of reasonable grounds to consider that a person in an irregular manner has been trafficked, it can declare the victim exempt from administrative liability and can provide him/her with the assisted return to his/her country of origin, or the issuing of a residence and work permit for exceptional circumstances. The latter is issued when the victim decides to cooperate with the authorities with the investigation or the criminal proceedings, or because of his/her personal situation (i.e. physical or mental disease, etc.). Pending a decision on the residence and work permit's procedure, a provisional residence and work permit can be granted. For the issuance of this kind of permits, the victim can be exempted from submitting the documentation which acquisition may suppose a risk for him/her. As foreseen for the victims of gender-based violence, the trafficked persons' minor children or their children with disabilities that are in Spain at the time of the complaint may obtain a residence permit or a residence and work permit if they are over sixteen years old. Similarly, the provision on the granting of a provisional residence and work permit pending the procedure on the final permit is foreseen also for the victims of trafficking. The final residence and work permit has a duration of 5 years.

As highlighted in previous updates of this report, during many years different stakeholders (i.e. Accem, CEAR, UNHCR, Spanish Network against Trafficking in Persons, Spanish Ombudsperson, etc.) expressed concerns and denounced the practice of the authorities in establishing the incompatibility

334 Information provided by Accem's legal service in March 2026.
335 Andalucía Acoge, 'Kit de recursos sobre la reforma del RELOEX', June 2025, available here.
336 Article 129 of the Regulation of the Immigration Law.
337 Article 31-bis of the Immigration Law; Articles 133-141 of the Regulation of the Immigration Law.
338 Article 59-bis of the Immigration Law; Articles 148-155 of the Regulation of the Immigration Law.

between the two protection statuses foreseen by the asylum law and the immigration law for trafficked persons, despite the EU and national legislation foreseeing their compatibility. That has meant in practice that victims of trafficking who had applied for asylum procedure and where waiting a decision were not allowed to apply for the protection status set forth for the cases of trafficking, and they were obliged to renounce to the asylum procedure if they wanted to apply for a residence and work permit according to the Immigration Law's provisions.[339] The Spanish Ombudsperson has also made a recommendation to the Ministry of Interior in order to clarify the compatibility of asylum procedure and the procedures regulated by the Immigration Law.[340] Similarly, the Ombudsperson reiterated for several years a similar recommendation to the Ministry of Inclusion, Social Security and Migration, suggesting the adoption of an instruction to clarify the compatibility of the asylum procedure with those regulated in the Immigration Law, in particular, the applications for residence permits due to exceptional circumstances relating to minors and human trafficking victims, in coordination with the Subsecretary of Interior.[341] In 2020, the Minister of Inclusion, Social Security and Migration finally adopted an instruction on such a compatibility between the two procedures.[342] Some improvements in national practices have been observed since then, even though many cases of trafficked persons who cannot apply for both procedures are still registered.[343]

The residence and work permit for victims of gender-based violence, victims of sexual violence and victims of trafficking in human beings will indicate the right of residence and work in Spain without including an indication as to the reason for having been granted the permit.

As specified in other sections of this report, UAMs are entitled to a residence and work (if older than 16 years old) permit. Similarly, foreign children arriving alone in Spain, who have been under the guardianship of the Spanish administration, and who reach the age of majority, may apply for or renew a residence and work permit, when the requirements foreseen by the law are met.[344] As detailed in other part of this report, as well as in previous updates, in October 2021, the Spanish government adopted a decree to facilitate access to residence and work permits for unaccompanied migrant children as they turn 18 and transition into adulthood. This is a reform to the Regulation of the Immigration Law. The reform facilitates access to residence and work permits for unaccompanied children, as well as those who arrived as children and aged out and are now between 18 and 23 years old. The change aimed to improve living conditions and integration prospects for thousands of young people. For unaccompanied children the reform simplifies bureaucratic procedures to access residence and work permits before they turn 18, in terms of documentation required and involvement of different public bodies. It extends the validity of residence and work permits to two years, which can be renewed once for a period of three years as long as they're underage. Previously, permits had to be renewed every year, which led to the saturation of courts and administration. In addition, the reform ensures that their documentation process starts within three months of arrival. Previous legislation set this period at nine months, which put lots of children in situations of great uncertainty for a much longer period of time. It also helps reduce the number of children who turn 18 without this documentation. Finally, it allows them to work when they are 16.[345]

339 Accem, 'Proyecto SAFER PATH – Informe Nacional España', 2012, available here; Defensor del Pueblo, 'El Defensor celebra que Migraciones acepte su recomendación para que los solicitantes de protección internacional puedan obtener una autorización de residencia sin renunciar a su estatus', 9 September 2020, available here; Diez Velasco, 'La protección de personas víctimas de trata en el anteproyecto de Ley Orgánica Integral contra la Trata y la Explotación de Seres Humanos: el caso de la infancia y las personas solicitantes de asilo. IgualdadES, 8, 141-168, 20 June 2023, available here.

340 Defensor del Pueblo, 'Clarificación de la compatibilidad de los procedimientos de asilo y los regulados por la ley de extranjería', available here.

341 Defensor del Pueblo, 'Compatibilidad entre procedimientos de asilo y de extranjería En particular, solicitudes de residencia por circunstancias excepcionales relativas a menores y trata de seres humanos', available here.

342 Ministerio de Inclusión, Seguridad Social y Migraciones, 'Los solicitantes de protección internacional podrán obtener una autorización de residencia sin renunciar a su estatus', 8 September 2020, available here.

343 Diaconía, 'Informe de análisis de la situación de las víctimas de trata de personas en necesidad de protección internacional en España', December 2022, available here; information provided by Accem's anti-trafficking programme in March 2025.

344 Article 35 of the Immigration Law, Articles 172-174 of the Regulation of the Immigration Law.

345 PICUM, 'Spain adopts law to facilitate regularisation of young migrants', 18 November 2021, available here.

The person has to apply for these different forms of protection, as they are not automatically reviewed by national authorities when they reject an asylum application and/or as they consider a return decision.[346] The only exceptions are the protection for humanitarian reasons within the asylum procedure, as such form of protection can be granted by the asylum authority, under certain circumstances, as an outcome of the asylum procedure, and the residence and work permit for UAMs, which procedure is submitted by his/her guardian.

The Delegations and Sub-Delegations of the Government are competent to issue the residence and work permits for exceptional circumstances. Applications must be submitted at the Offices for Foreigners.[347]

Rejected asylum applicants, including those with a return decision that can be implemented and those with a return decision that cannot be carried out, can access these national forms of protection when they meet the requirements set by the law for each of them. The reform of the Regulation of the Immigration Law adopted in November 2024 foresees that, in order to access the residence and work permit for 'arraigo', except for that based on family links, requires that applicant has to be in Spain and not have the status of applicant for international protection at the time of submitting the application or during its processing. For this purpose, an applicant for international protection shall be understood to be a foreign national who has made an application for international protection on which a final decision has not been taken at administrative and, where appropriate, judicial level.[348] Additionally, the reform introduced the requirement that applicant has had to remain in Spain continuously for at least two years prior to the submission of the application. For asylum applicants, the time spent in Spain during the processing of the application for international protection until its final administrative and, where appropriate, judicial decision will not be counted.[349] While welcoming the new reform, different organisations (i.e. Accem, CEAR, APDHA, Caritas, the Spanish Bar Association, etc.) criticised the fact that the reform does not allow asylum seekers to regularise their situation while still waiting for the asylum decision could have been granted. In addition, in January 2025, different NGOs challenged at the Supreme Court (*Tribunal Supremo*) the reform of the Regulation of Immigration Law, concretely the provisions establishing the incompatibility between the international protection procedure and the procedure for the residence permits on '*arraigo*' basis.[350]

Statistics on the number of people granted all these protection statues are issued by different bodies.
In 2024, a total of 61,826 work permits for '*arraigo*' and other exceptional circumstances have been issued. Out of them, 36,669 beneficiaries were men and 24,617 women.[351]
According to the last published figures, during 2024, a total of 223,396 residence permits were granted for 'arraigo', which represents an increase of 9.5% compared to the previous year. Family ties are the predominant factor, accounting to 42% (93,076) of the total number of permits granted on the basis of ties. This is followed by ties due to education (63,541 permits which represent the 28% of the total) and social ties (58,834 permits which amounts to 26%). The remaining 4% (7,945 residence permits) corresponds to employment ties. .[352]

346 Article 128 of the Regulation of the Immigration Law.
347 Ministerio de Política Territorial y Memoria Democrática, 'Solicitudes Telemáticas de Autorizaciones de Extranjería', available here.
348 Ministerio de Inclusión, Seguridad Social y Migraciones, 'Criterios de Gestión 4/2025 de la Dirección General de Gestión Migratoria. RLOEX (RD 1155/2024, de 19 de noviembre). Cómputo del tiempo en situación irregular de las personas solicitantes de protección internacional para solicitar arraigo', 27 August 2026, available here; Infomigrante, 'El Supremo corrige a los tribunales y bloquea el arraigo laboral ligado a recursos de asilo', 17 November 2025, available here.
349 Article 126 of the Regulation of the Immigration Law.
350 El País, 'ONG que trabajan con migrantes recurren al Supremo el nuevo reglamento de Extranjería', 20 January 2025, available here; Cáritas, 'Cinco entidades, entre ellas Cáritas, recurrirán ante el Tribunal Supremo la regulación del asilo en el nuevo Reglamento de Extranjería', 21 January 2025, available here; Europa Press, 'Migraciones se reunirá "próximamente" con las ONG que han recurrido el nuevo Reglamento de Extranjería', 30 January 2025, available here.
351 Ministerio de Trabajo y Economía Social, 'Autorizaciones de trabajo a extranjeros (PTE)', 2025, available here.
352 Ministerio de Inclusión, Seguridad Social y Migraciones, Observatorio Permanente de la Inmigración (OPI), 'Flujo de autorizaciones de residencia por arraigo concedidas', 1 October 2025, available here.

As of 31 December 2021, the Central Register of Foreigners (RCE) counted with a total of 11,280 persons between 16 and 23 years of age with residence permits as unaccompanied minors or former UAMs. As of 30 September 2025, this number had risen to 20,116 persons.[353]

In 2024, the OAR granted a total of 33,534 residence permits for humanitarian reasons, mainly to Venezuelans (32,785). Out of the total of all permits granted for humanitarian reasons, 17,339 were women and 16,195 were men. The other two top nationalities granted residence permits for humanitarian reasons in 2024 are Colombia (with 334 permits) and Peru (with 165 permits).[354]

During the same year, a total of 8,129 residence and work permits has been granted to foreigner women victims of gender-based violence.[355] Data on 2025 is not yet available at the time of writing.

Official figures on residence and work permits granted to victims of trafficking are not published.

### 6.2 Return procedure

As specified above, in case of denial of international protection, the issuance of a return decision is not automatic. In addition, the competence to issue the international protection and return decisions lays with two different authorities.

In December 2021, the High Court (*Tribunal Supremo*) issued a decision establishing that an application for international protection implies the automatic suspension of the expulsion procedure for the irregular stay until the competent asylum authorities issue a decision which rejects or declares the application inadmissible. This means that the expulsion or return order cannot be executed before a decision on the asylum application has been taken, because during the decision-making period of the asylum application the stay of the applicant cannot be considered as irregular.[356]

According to Save the Children, Spain's efforts to synchronize asylum and return decisions pose significant risks to children's rights:[357]

- Automatic issuance of return orders following asylum rejections when they have been declared as adults: This practice undermines the principle of individualized assessment and may result in the deportation of children with legitimate protection needs.
- Inadequate legal assistance: Expedited asylum procedures leave little time for legal counselling to prepare cases, particularly for children seeking protection.
- Limited access to child-specific asylum claims: Many children arriving irregularly do not receive adequate information about their right to seek asylum, leading to a low number of claims filed.
- Risk of pushbacks and unlawful returns: There have been instances of children being returned to their countries of origin without proper best-interest assessments, in violation of Spanish and international law.

In October 2024, the trade union *UGT* condemned the proposal of the President of the EU Commission to create return centres outside the EU, and called on the Spanish Government to oppose the idea, and to advocate for migration policies in line with human rights standards and the international law.[358] Similarly, different NGOs (i.e. Accem, Caminando Fronteras and CEAR) opposed the creation of such facilities outside the EU, due to the risks in terms of fundamental rights violations these would lead to.[359] At a

353 Ministerio de Inclusión, Seguridad Social y Migraciones, Observatorio Permanente de la Inmigración (OPI), 'Personas menores no acompañadas y jóvenes extuteladas, de 16 a 23 años, con autorización de residencia en vigor', 17 December 2025, available here.

354 Ministerio del Interior, 'Asilo en Cifras 2024', 2025, available here.

355 Ministerio de Igualdad, 'Boletín estadístico anual - Año 2024', 2025, available here.

356 Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sección Quinta, Sentencia núm. 1.458/2021, 13 December 2021, available here.

357 Information provided by Save the Children in February 2026.

358 UGT, 'UGT rechaza la propuesta de la presidenta de la Comisión Europea sobre la creación de "centros de retorno" de migrantes fuera de la UE', 16 October 2024, available here.

359 Europa Press, 'ONG rechazan la creación de centros para refugiados fuera de la UE: "Supone la externalización de las fronteras"', 15 October 2024, available here.

meeting of the European Council held in October 2024, the Spanish Prime Minister expressed his opposition to the creation of centres outside the EU, as he considered that they would not address the existing problems, and instead give rise to new challenges.[360] In December 2025, eighteen NGOs denounced the threat that the outsourcing of the borders management poses to human rights and the right to asylum. The organisations have sent a letter to the government demanding transparency regarding the proposals currently under discussion within the EU to further develop a model of outsourcing migration control to third countries.[361] During his speech at the Conference of Ambassadors in January 2026, the Prime Minister said that Spain 'firmly defends a legal, safe, orderly, but also open and humane migration model, in contrast to those who advocate closing the borders and denying migrants the minimum dignity they deserve'. He also added that Spain will always be against outsourcing migration policies and against creating hotspots outside the European continent.[362]

Official figures on the number of cases where a return decision has been issued following a rejected asylum application and where appeals are ongoing are not published in Spain. Similarly, public information is not available on the number of cases where a return decision has been issued following a rejected asylum application, but where the person cannot be returned due to practical or political obstacles (e.g. a moratorium on returns, deportation ban, lack of cooperation with the country of origin or transit, etc.).

## D. Guarantees for vulnerable groups

### 1. Identification

**Indicators: Special Procedural Guarantees**

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers? ☐ Yes ☐ For certain categories ☒ No
   - ❖ If for certain categories, specify which:

2. Does the law provide for an identification mechanism for unaccompanied children? ☒ Yes ☐ No

The Asylum Law does not provide a specific mechanism for the early identification of asylum seekers that are part of most vulnerable groups. Article 46(1) of the Asylum Law makes specific reference to vulnerable groups when referring to the general provisions on protection, stating that the specific situation of the applicant or persons benefiting from international protection in situations of vulnerability, will be taken into account, such in the case of minors, unaccompanied children, disabled people, people of advanced age, pregnant women, single parents with minor children, persons who have suffered torture, rape or other forms of serious violence psychological or physical or sexual, and victims of human trafficking.

#### 1.1. Screening of vulnerability

In these cases, the Asylum Law encourages the adoption of necessary measures to guarantee a specialised treatment to these groups. These provisions, however, do not really concern procedural arrangements. Instead, the law makes a reference to protection measures and assistance and services provided to the person.[363] In addition, due to the lack of a Regulation on the implementation of the Asylum Law to date, Article 46, as other provisions, is not implemented in practice.

360 Agenzia Nova, 'Spain, Sanchez: "Against the creation of reception centers for migrants outside the EU"', 18 October 2024, available here.
361 Europa Press, 'Una veintena de ONG advierte de que externalizar el control migratorio hacia terceros países vulnera el derecho al asilo', 17 december 2025, available here.
362 La Moncloa, 'Discurso del presidente del Gobierno en la Conferencia de Embajadores y Embajadoras', 8 January 2026, available here; Reuters, 'Spain opposes plan for asylum centres outside EU', 20 January 2026, available here.
363 Article 46(2) Asylum Law.

Early risk assessment and other types of vulnerability identification are either conducted by asylum officers or police officers during the applicant's asylum interview, or by civil society organisations that provide services and assistance during the asylum process and within asylum reception centres. The OAR does not collect disaggregated statistics on vulnerable groups.

UNHCR plays an important consultative role during the whole asylum process. Under the Asylum Law, all registered asylum claims shall be communicated to the UN agency, which will be able to gather information on the application, to participate in the applicant's hearings and to submit reports to be included in the applicant's record.[364] In addition, UNHCR takes part in the Inter-Ministerial Commission of Asylum and Refuge (CIAR), with the right to speak but not to vote, playing a central role in the identification of particular vulnerabilities during the decision-making process.

Moreover, UNHCR's access to asylum seekers at the border, in CIEs or in penitentiary facilities enables the monitoring of most vulnerable cases considering procedural guarantees. These are crucial places for the identification of most vulnerable profiles due to the existing shortcomings and limitations that asylum seekers face in accessing to legal assistance. In asylum claims following the urgent procedure and in the case of an inadmissibility decision on border applications, UNHCR is able to request an additional 10 days term to submit a report to support the admission of the case.

The framework of Migrant Temporary Stay Centres (CETI) in Ceuta and Melilla might be regarded as a missed opportunity for early identification of vulnerable profiles within mixed migration flows. These centres manage the first reception of undocumented newly arrived migrants and non-identified asylum seekers, before they are transferred to the Spanish peninsula. For this reason, CETI could provide an opportunity for the establishment of a mechanism of early identification of most vulnerable collectives. NGOs and UNHCR who work in the CETI try to implement this important task, but the limited resources, frequent overcrowding of the centres and short-term stay of the persons prevent them from effectively doing so.

The lack of a protocol for the identification and protection of persons with special needs in CETI has always been criticised and continued to be a concern in 2025. Vulnerable groups such as single women, families with children, LGBTIQ+ people, and religious minorities, cannot be adequately protected in these centres.[365] In addition, it is stressed that such factors of vulnerability, coupled with prolonged and indeterminate stay in the CETI, has a negative influence on the mental health of residents and serious personal consequences.

Regarding sea arrivals, identification of vulnerabilities should in principle be carried out in the CATE where newly arrived persons are accommodated (see Access to the territory). Since 2018, Save the Children deploys child friendly teams in CATEs in Andalusia and the Canary Islands, with the aim of working with children arriving by sea. When activated by authorities in CATEs, the organisation detects vulnerabilities and provides information and counselling to children with a child friendly approach, and in a manner that is adapted to their language, age and maturity. In addition, in 2022 Save the Children opened two safe spaces for unaccompanied children and youth in Las Palmas and Málaga with the purpose of providing specialised support and services and strengthen children' inclusion in the community.[366]

In 2024 UNHCR, together with the ONCE Foundation and the Spanish Committee of Representatives of People with Disabilities organized an event on the intersectionality between disability and asylum. Over 120 participants, including national authorities, NGOs and refugees with disabilities adopted conclusions to advance the protection and inclusion of refugees with disabilities. UNHCR provided training to 280 people from NGOs to enhance support for refugees with disabilities or in need of mental health support.[367]

364 Articles 34-35 Asylum Law.
365 Amnistía Internacional, 'Qué son los CETI en España y por qué vulneran derechos humanos', 19 December 2025, available here.
366 Information provided by Save the Children in February 2026.
367 Information provided by UNHCR in March 2025.

During 2024, UNHCR reactivated the LGTBIQ+ working group to consolidate good practice exchange and strengthen collaboration with civil society organisations, with the aim of improving LGTBIQ+ refugees' protection and inclusion in Spain.

During the 16 Days of Activism Against Gender-Based Violence, UNHCR collaborated with refugee-led organizations and NGOs to support women's empowerment and enhance participation in GBV prevention and response.[368]

In 2025, UNHCR continued to advocate for the introduction of a triage system for asylum cases by the Office for Asylum (OAR), improved quality decision-making, and an enhanced protection focus for people with specific needs, unaccompanied children and family reunifications. It also supported the asylum and local authorities in identifying and addressing the international protection needs of unaccompanied children arriving to the Canary Islands. Special challenges were identified in the processing of these applications, and UNHCR supported the coordination among the different authorities (central and regional) in order to facilitate a more effective and fair procedure for these children. UNHCR also advocated for faster and human rights-based family reunification procedures for refugees from conflict-affected situations.[369]

According to UNHCR, in 2025 challenges also persisted in the interpretation of the refugee definition by the asylum authorities, particularly in relation to situations of violence affecting children and other child-specific forms of persecution. On the other hand, gender-related claims and applications from conflict-affected countries such as Mali, Central African Republic and Palestine were assessed and granted subsidiary protection.[370]

**Human trafficking victims**

Despite the adoption of two National Plans against Trafficking of Women and Girls for the purpose of Sexual Exploitation,[371] and of a Framework Protocol on Protection of Victims of Human Trafficking,[372] aiming at coordinating the action of all involved actors for guaranteeing protection to the victims, several obstacles still exist. The fight against trafficking in Spain is mainly focused on tackling trafficking of girls and women for the purpose of sexual exploitation, with more limited focus on addressing the other forms of trafficking. In addition, not only is early identification of victims of trafficking very difficult, and their assistance and protection still challenging, they also face important obstacles in obtaining international protection. The low number of identified victims of trafficking who have been granted refugee status in Spain highlights this fact.

In his 2024 annual report, the Spanish Ombudsperson continued to highlight the challenges in the detection and early identification of trafficked persons as well as their protection.[373]

In order to improve the identification and referral of trafficked persons at the **Madrid Barajas Airport**, the Directorate-General for Integration and Humanitarian Assistance of the Ministry of Inclusion, Social Security and Migration signed the adoption of a specific procedure in October 2019, together with the State Delegation for Gender Violence of the Ministry of the Presidency, Relation with the Parliament and Equality.[374] The procedure foresees a collaboration framework with five NGOs working in the reception of asylum seekers and in the detection of - and assistance to - trafficked persons. The aim is to foster and guarantee a swift access to adequate support services, before and independently from their formal

368 Information provided by UNHCR in March 2025.
369 Information provided by UNHCR in March 2026.
370 Information provided by UNHCR in March 2026.
371 Ministry of Health, Social Services and Equality, 'Plan Integral De Lucha Contra La Trata De Mujeres Y Niñas Con Fines De Explotación Sexual', 2015-2018, available here.
372 Framework Protocol of 2011 against trafficking ("Protocolo Marco de Protección de las Víctimas de Trata de Seres Humanos"), available here.
373 Defensor del Pueblo, 'Informe anual 2024', March 2025, available here.
374 Ministerio de Trabajo, Migraciones y Seguridad Social, 'El Gobierno pone en marcha un procedimiento de derivación de potenciales víctimas de trata de seres humanos en el aeropuerto de Barajas', 15 October 2019, available here.

identification as victims of human trafficking. The NGOs participating to the procedure are the Spanish Red Cross, Proyecto Esperanza-Adoratrices, Association for the Prevention, Rehabilitation and Care for Women Prostituted (APRAMP), Diaconía and the Fundación Cruz Blanca. The initial idea was to extend the pilot project to other Spanish airports such as **Barcelona** and **Málaga**, but the Protocol was finally not formally extended.[375] Despite the lack of a formal protocol, guidelines on detection, identification, referral and coordination are in place at the airport of Barcelona among relevant actors.[376]

In 2022 the Government, through the Minister of Justice, designed and approved a proposal for a comprehensive law to address trafficking in all its forms and in relation to all victims.[377] Due to the general elections held in 2023 and the negotiations to form a new Government, the proposal was not adopted. In March 2024, the Council of Ministers adopted a new comprehensive law proposal,[378] which had not undergone the parliamentary procedure at the time of writing of this report.[379]

In occasion of the 2025 World Day against Trafficking in Persons, CEAR warned on the risks for migrants and refugees to fall victims of this crime and called the Spanish Government to urgently adopt a law to guarantee their protection.[380]

In the 2025 Trafficking in Persons (TIP) report, the US Department of State referred to the gaps remaining in Spain regarding victim identification, and that the government did not report identifying any victims among the asylum-seeker population, despite civil society identifying such victims.[381]

In October, Accem published a guidance to support professionals working in different reception systems (i.e. child protection, asylum humanitarian assistance) in identifying, detecting, and protecting children and adolescents who are victims of trafficking.[382]

### 1.2. Age assessment of unaccompanied children

A specific Protocol regarding unaccompanied children was adopted in 2014 in cooperation between the Ministries of Justice, Interior, Employment, Health and Social Services and of Foreign Affairs along with the Public Prosecutor (*Fiscalía General*), which aims at coordinating the actions of all involved actors in the Spanish framework in relation to unaccompanied children.[383] It should be highlighted that, due to the territorial subdivision of competences, the Protocol only amounts to a guidance document for all actions involving unaccompanied minors, which aims at being replicated at lower regional level. In fact, children-related issues fall within the competence of the Autonomous Regions between which governance is divided in Spain.

The Protocol sets out the framework for the identification of unaccompanied children within arrivals at sea and defines the procedure that should be followed for the conduct of age assessment procedures in case of doubts about the age of the minor.

It establishes that children's passports and travel documents issued by official authorities have to be considered as sufficient evidence of the age of the person,[384] but it also sets out the exceptions to this

375 Information provided by Fundación Cruz Blanca, 11 January 2021.
376 Information provided by Fundación Apip-Acam in March 2023.
377 Ministerio de Justicia, 'El Gobierno aprueba el Anteproyecto de Ley Orgánica Integral contra la Trata', 29 November 2022, available here.
378 El Diario, 'El Gobierno aprueba el anteproyecto de ley de trata que dará permiso temporal de residencia a las víctimas sin necesidad de denuncia', 8 March 2024, available here.
379 Amnistía Internacional, ' RECTP exige la tramitación urgente de la ley integral contra la trata de seres humanos y reclama mayor voluntad política para garantizar los derechos de las víctimas', 20 October 2025, available here.
380 CEAR, '¿Por qué es urgente aprobar una Ley integral contra la trata?', 30 July 2025, available here.
381 US Department of State, '2025 Trafficking in Persons Report: Spain', September 2025, available here.
382 Accem, 'En-Ruta: [re]conocer, detectar y proteger a menores víctimas de trata', October 2025, available here.
383 Framework Protocol of 13 October 2014 on actions relating to foreign unaccompanied minors, available here.
384 Chapter II, para 6 Protocol on Unaccompanied Minors.

rule and the cases in which the child can be considered undocumented, and accordingly be subjected to medical age assessment. These circumstances are the following:

(a) The documents present signs of forgery or have been corrected, amended, or erased;
(b) The documents incorporate contradictory data to other documents issued by the issuing country;
(c) The child is in possession of two documents of the same nature that contain different data;
(d) Data is contradictory to previous medical age assessments, conducted at the request of the public prosecutor or other judicial, administrative or diplomatic Spanish authority;
(e) Lack of correspondence between the data incorporated into the foreign public document and the physical appearance of the person concerned;
(f) Data substantially contradicts circumstances alleged by the bearer of the document; or
(g) The document includes implausible data.

Concerning the fourth condition relating to previous age assessments, it is important to note that these age determination tests are not precise and only make an estimation of the date of birth of the young migrant, which would imply cases where the two dates of birth would never coincide. In those cases, the Protocol would justify the application of a second age assessment test and the non-consideration of the officially issued document of the person.

**Medical methods and consideration of documentary evidence**

Under Article 35(3) of the Immigration Law, the competence to decide on the application of medical tests aimed to remove the doubts about the majority or minority of age of undocumented children is exclusive of the Public Prosecutor's Office. The medical assessment foresees the application of X-ray tests to assess the maturity of the minor's bones.

When the medical test has been performed, the age of the person will match with the lower value of the fork; the day and month of birth will correspond to the date in which the test has been practiced.

These tests have resulted in very problematic age determinations and have attracted many criticisms from international organisations, NGOs[385], academics, the UN Committee on the Rights of the Child,[386] as well as administration officers and the Spanish Ombudsperson, also in a thematic report published in May 2025.[387] The main concerns regard the inaccurate nature of the tests, notably when applied to persons with different ethnicities mainly due to the lack of professionals' medical knowledge on the physical development of non-European minors, the lack of provision of information to the minor on how tests work and on the whole procedure. In addition, it has been proven by several documents that, while these tests limit children's access to their dedicated protection system, they do not limit adults' access to the minors' system.[388] The most criticised aspect of the practical application of the tests for the determination of age is the lack of legislative coherence and the excessive discretion of the authorities.

Between 2017 and 2021, the United Nations Committee on the Rights of the Child granted interim measures in cases concerning medical age assessments of unaccompanied children in Spain[389], and issued several decisions condemning Spain for its illegal practices and methodologies used for carrying out the procedure.[390]

385 Plataforma de Infancia, 'Organizaciones de infancia y de derechos humanos consideran urgente continuar con la tramitación del procedimiento de determinación de la edad para garantizar la protección de las niñas y niños no acompañados', 12 March 2025, available here.
386 United Nations, Committee on the Rights of the Child, 'Concluding observations on the seventh periodic report of Spain', 5 February 2026, available here.
387 Defensor del Pueblo, 'Niñas y niños extranjeros en España solos o acompañados', May 2025, available here.
388 Clara Isabel Barrio Lema, María José Castaño Reyero and Isabel Diez Velasco, Instituto Universitario de Estudios sobre Migraciones, Universidad Pontificia Comillas, 'Colectivos vulnerables en el sistema de asilo', December 2019, available here.
389 OHCHR, 'Table of pending cases before the Committee on the Rights of the Child', available here; EU Observer, 'Spain turns its back on migrant children's rights', 7 August 2017, available here.
390 For more detailed information, see previous updates to this country report here. El País, 'La ONU reprende a España por devolver en caliente a un menor', 19 February 2019, available here; ECCHR, 'Spanish practice of push-backs violates children's rights', 19 February 2019, available here; Committee on the Rights of the Child, N.B.F. v. Spain, CRC/C/79/D/11/2017, 27 September 2018, available here; Committee on the Rights of

In view of the Universal Periodic Review of the UN Human Rights Council that Spain has undergone in January 2026, the Platform for Childhood expressed concerns, inter alia, on the violations of children's rights carried out in the context of age assessment procedures in Spain, such as the lack of legal representation during the procedure, the impossibility to challenge the decision, to carry out systematically X-ray tests, etc.[391] In the concluding observations on the seventh periodic report of Spain, the UN Committee on the Rights of the Child urged Spain to 'reform the age assessment procedure to ensure it is in line with the principle of the presumption of minority and allow judicial review, and ensure that age assessment procedures are undertaken only in cases of doubt about the age of the person concerned, are subject to the informed assent of the child, are conducted in a safe, child- and gender-sensitive manner, and are undertaken by an independent, multi-disciplinary team with appropriate child expertise. While the procedure is under way, the State party should ensure that the person concerned is treated as a child and remains within the child protection system'.[392]

In practice, medical age assessment procedures are used as a rule rather than as an exception, and are applied to both documented and undocumented children, no matter if they present official identity documentation or if they manifestly appear to be minors; the benefit of the doubt is also not awarded in practice. Children are also not given the benefit of the doubt if they present documentation with contradictory dates of birth.

In a decision issued in June 2020, the Spanish High Court (*Tribunal Supremo*) reiterated the necessity to ensure the validity of the documentation issued by Embassies and Consulates to children, in light of the principles and guidance made by the UN Committee on the Rights of the Child on age-assessments in Spain.[393]

With three decisions issued in May and June 2021, the Supreme Court (*Tribunal Supremo*) established the validity of the documentation of the child's country of origin to prove his/her minority of age, also when it is posterior to the Public Prosecutor's decree establishing the majority, as far as the documentation is not considered forged or manipulated. It is hoped that the jurisprudence set by the Supreme Court will finally reverts the trend existing so far in Spain.[394] Even though, according to Accem's observations, some challenges still exist in certain provinces and certain countries of origin (i.e. Gambia in 2025).[395]

During the last years, problems and challenges in carrying out age assessment procedure to UAMs in the Canary Islands have been also reported, with around 2,000 unaccompanied migrant children waiting to

the Child, A.L. v. Spain, CRC/C/81/D/16/2017, 31 May 2019, available here; Committee on the Rights of the Child, J.A.B. v. Spain, CRC/C/81/D/22/2017, 31 may 2019, available here; See EDAL summay here; United Nations, Noticias ONU, 'Comité de la ONU: El método usado para evaluar la edad de los migrantes en España viola la Convención de los Derechos del Niño', 13 October 2020, available here; United Nations – Human Rights Office of the High Commissioner, 'Spain's age assessment procedures violate migrant children's rights, UN committee finds', 13 October 2020, available here; Consejo General de la Abogacía Española, 'La ONU condena a España por someter a una niña a una exploración genital para determinar su edad', 25 February 2021, available here.

391 Plataforma de Infancia, 'La pobreza infantil, el abandono escolar y el proceso de determinación de la edad, las principales preocupaciones de la Plataforma de Infancia ante la próxima revisión del Consejo de Derechos Humanos de Naciones Unidas', 10 December 2024, available here.

392 Plataforma de Infancia, 'El Comité de los Derechos del Niño publica sus recomendaciones a España para garantizar los derechos de la infancia', 5 February 2026, available here; United Nations, Office of the High Commissioner on Human Rights, 'Experts of the Committee on the Rights of the Child Commend Spain for Legislation Protecting Children against Violence, Raise Questions on Child Poverty and Children's Participation in Bullfighting Events', 22 January 2026, available here; Committee on the Rights of the Child, 'Concluding observations on the seventh periodic report of Spain', 5 February 2026, available here.

393 Tribunal Supremo, Sala de lo Civil, Decision nº 307/2020, 16 June 2020, available here; Consejo General de la Abogacía Española, 'El Tribunal Supremo zanja la problemática de la determinación de la edad de los niños y niñas que llegan solos a España', 25 June 2020, available here.

394 Tribunal Supremo, STS 2164/2021, 24 May 2021, available here; Tribunal Supremo, STS 2400/2021, 21 June 2021, available here; Tribunal Supremo, STS 2551/2021, 18 June 2021, available here.

395 Information provided by Accem's legal service in March 2026.

undergo the procedure.[396] In February 2024, there were 5,500 migrant children waiting to undergo the procedure and/or for a response.[397]

Despite announcements on the future adoption of a law on the age assessment procedure in Spain, no new legislation has been adopted so far, and significant concerns persist regarding the effectiveness and compliance with children's rights of the existing procedure. According to Save the Children,[398] the following challenges remain:

- Concerns on application of the 'benefit of the doubt' and 'presumption of minor age' in the case of unaccompanied adolescents arriving by sea.
- Lack of guarantees for access to official documentation: There is still no mandatory requirement to verify children's documentation through consulates and embassies before resorting to medical tests. The validity of the country of origin documentation is often disregarded, giving, in most cases, priority and validity to medical tests, which are conducted without any child-sensitive approach. In 2024, National Police adopted an internal instruction invalidating non biometrical passports of nationals from Gambia and Senegal who declare to be minor, increasing difficulties for them to claim their age.
- Absence of an effective appeals mechanism: Children and their legal representatives are often unable to challenge erroneous age determinations. The decree is reviewed by the same authority that issued it, with no direct appeal mechanisms available for this decision.
- Procedural vulnerabilities in border detention facilities: Unaccompanied children arriving by sea and held in Temporary Reception Centers for Foreigners (CATE) often undergo age assessments without legal assistance or a guardian present, increasing the risk of being wrongly classified as adults and excluded from child protection mechanisms.

In April 2022 the Government adopted the law proposal for the regulation of the age assessment procedure which provides, i.e., for the establishment of the presumption of minority age while the procedure is on-going, for the realisation of a civil judicial procedure instead of an administrative one, for guaranteed legal assistance during the procedure, and the prohibition of invasive methods, such as integral nudes and genital examinations.[399] Civil society organisations welcomed the law proposal as it improves the existing situation, but they consider that some modifications should be made, for it to be fully in line with existing jurisprudence as well as with the recommendations made by the UN Committee on the Rights of the Child.[400] Similarly, while welcoming the proposal, Save the Children stressed that there it still raises some concerns, such as the provision regarding the urgency of the procedure which leads to tight deadlines, the lack of mandatory request of child documentation to consulates and embassy of origin, the impossibility to appeal and change the results of the evaluation. Additionally, it highlighted the possible obstacles to the application of the presumption of minority age when children have just arrived by sea and are detained within CATE where no lawyers nor guardians are appointed have been underlined.[401]

In March 2025, different children's and human rights organisations urged to continue advancing the legislative proposal for the regulation of the age assessment procedure, to ensure enhanced protection of unaccompanied children.[402]

**Other obstacles in practice**

396 El Diario, 'Cómo son las pruebas de edad por las que desesperan "congelados" más de 1.700 migrantes en Canarias', 27 May 2021, available at: https://bit.ly/3JQeT31; Unicef, 'Canarias: niños y niñas migrantes en una de las rutas más peligrosas del mundo', July 2021, available at: https://bit.ly/3fi8wYc, 20.

397 Cadena Ser,' El Defensor del Pueblo canario abre una investigación para esclarecer la situación de los menores en prisión', 15 February 2024, available at: https://tinyurl.com/2ep2zv4r.

398 Information provided by Save the Children in February 2026.

399 Ministerio de Justicia, 'El Consejo de Ministros aprueba el Anteproyecto de Ley por el que se Regula el Procedimiento de Evaluación de la Edad', 12 April 2022, available here.

400 Plataforma de Infancia, 'Organizaciones sociales proponemos modificaciones al Anteproyecto de Ley sobre el procedimiento de evaluación de la edad de los niños y niñas no acompañados', 10 May 2022, available here.

401 Information provided by Save the Children in March 2023.

402 Plataforma de Infancia, 'Organizaciones de infancia y de derechos humanos consideran urgente continuar con la tramitación del procedimiento de determinación de la edad para garantizar la protección de las niñas y niños no acompañados', 11 March 2025, available here.

The Protocol does not foresee legal assistance for minors at the moment they come into contact with the authorities. The minor, who is in charge of signing the authorisation to be subjected to the tests of age determination, can only count on the right to an interpreter to explain to him or her the procedure, while the possibility to be assisted by a lawyer is not foreseen.

One of the main problems regarding the age of unaccompanied children, and in particular those arriving in **Ceuta** and **Melilla**, is the fact that many prefer to declare themselves as adults because of the deficiencies of the minors' protection system and the restriction of movement to which they are subject in the two autonomous cities. This means that unaccompanied children prefer to be transferred to the Spanish peninsula as adults, thereby not being able to access the *ad hoc* protection system there, instead of remaining as children in Ceuta and Melilla. Once in the peninsula, these children find it almost impossible to prove they are minors as they have already been registered and documented as adults.

Due to the increase of arrivals to the **Canary Islands**, the time needed to carry out age assessment procedures significantly increased in 2020.[403] These issues persisted at the beginning of 2021 as thousands of children continued to be accommodated in adult reception facilities pending the age assessment procedure.[404] The Government of Canarias had already urged the Autonomous Communities in November 2020 to relocate around 500 unaccompanied children; the first relocations were carried out from March 2021.[405] Regardless, transfers carried out throughout 2021 have not been sufficient to solve the situation, as merely 208 minors were transferred to mainland. At the beginning of 2022, 2,600 unaccompanied migrant children were still under the protection of the local administration of the Canary Islands.[406] In May 2022, 976 children (40% of the children under the guardianship of the Autonomous Community) continued to wait their age assessment.[407] In September 2023, there were around 2,000 UAMs waiting to undergo age assessment procedure.[408] In January 2025, they were around 400-500 out of a total of 5,766 children under the protection of the Autonomous Community accommodated in 86 facilities across the archipelago.[409]

In February 2024, a judge decided to release a Senegalese migrant who had been detained for almost 60 days for allegedly having driven illegally a boat to the Canary Islands, by declaring him as a minor. The child had declared to be a minor and provided his birth certificate to competent authorities; regardless, he had been assessed as an adult after age assessment procedure.[410] The Ombudsperson of the Canary Islands opened an investigation to clarify the situation occurred and urged the Government of the archipelago to carry out in an immediate timeframe since the arrival. In January 2025, around 400-500 migrant children were waiting for the result of their age assessment procedures.[411]

Statistics on age assessments are always published in the month of September of the following year, i.e. figures on 2025 will only made available in September 2026. From 2018 to 2024, the Prosecutor concluded the following age assessment examinations:

| Age assessments by outcome: 2018-2024 | |
|---|---|

403 Fundamental Rights Agency (FRA), 'Migration: key fundamental rights concerns. 1.10.2020-31.12.2020. Quarterly bulletin', 2021, available here.
404 El Diario, 'Más de 1.000 migrantes siguen en un limbo y sin escolarizar a la espera de que las pruebas óseas determinen si son mayores de edad', 25 January 2021, available here.
405 Canarias7, 'Canarias comienza el traslado de menores extranjeros no acompañados a la Península', 11 March 2021, available here.
406 Europa Press, 'Torres pedirá "más compromiso" a las CCAA en la Conferencia de Presidentes con el traslado de menores migrantes', 28 January 2022, available here.
407 Canarias7, 'El 40% de los menores sigue pendiente de las pruebas de edad', 30 May 2022, available here.
408 Defensor del Pueblo, 'Informe anual 2023 – Volumen I', March 2024, p. 76, available here.
409 Radio Televisión Canaria, 'Sandra Rodríguez: «Unos 400-500 menores migrantes esperan por pruebas de edad»', 13 January 2025, available here.
410 El Diario, 'El juez ordena la inmediata puesta en libertad de un migrante senegalés tras dos meses en prisión al acreditarse que es menor', 16 February 2024, available here.
411 Radio Televisión Canaria, 'Sandra Rodríguez: «Unos 400-500 menores migrantes esperan por pruebas de edad»', 13 January 2025, available here.

| Type of decision | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 |
|---|---|---|---|---|---|---|---|
| **Total assessments conducted** | **12,152** | **7,745** | **5,038** | **6,677** | **4,805** | **7,422** | **7,562** |
| Determined as adult | 3,031 | 2,477 | 1,562 | 1,654 | 1,264 | 2,436 | 2,457 |
| Determined as minor | 4,558 | 3,732 | 2,446 | 3,245 | 2,163 | 3,231 | 3,825 |
| Cases filed | 4,563 | 1,037 | 855 | 1,778 | 1,378 | 1,755 | 1,280 |

Source: Fiscalía General del Estado, 2019, 2020, 2021, 2022, 2023 and 2024 Annual Activity reports, available at: https://bit.ly/3nDnGsF, https://bit.ly/3eMepwr, https://bit.ly/3RuAXDV, https://tinyurl.com/46a2ae2j, here and here.

**Registration of unaccompanied minors**

Another important issue relates to the registration of unaccompanied minors, and over the years different organisations and bodies (i.e. Ombudsperson) have raised concerns on the issue. In March 2019, the National Court ruled that the conditions for the registration of Spanish children before municipalities must be equally applied to foreign children. The claim had been lodged by the NGO Caritas-Spain,[412] and resulted in a decision of the Supreme Court (*Tribunal Supremo*) in April 2022, establishing that the requirement of a visa for registration of Moroccan children was illegal and discriminatory compared to Spanish children or children of other nationalities.[413] Despite that, in October 2022 the NGO 'Solidarity Wheels' warned that the authorities in Melilla continued to ask for a visa in order to register Moroccan children.[414]

In view of the reform of the Regulation of the Immigration Law, in early 2021 different organisations presented a set of proposals to reform the provisions related to unaccompanied migrant children, especially regarding their registration and documentation in order to ensure their effective integration in Spain.[415] The reform was finally adopted in October 2021. It facilitates access to residence and work permits for unaccompanied migrant children, as well as those for who arrived as children and aged out and are between 18 and 23 years old, and allows access to work for children turning 16.[416] The change is expected to improve living conditions and integration prospects for thousands of young people. As of 30 September 2025, there were a total of 20,116 people aged 16 to 23 who were minors under guardianship or who aged out, representing an increase of 155.3% compared to June 2021. In relation to their labour market integration, between these two dates, the percentage of Social Security enrolment has risen from 27% to 62%.[417]

Even though the 2021 reform significantly improved access to residence and work permits for unaccompanied children, according to Save the Children challenges remain in its implementation:[418]

- Delays in documentation processing: Many children and young adults face long waiting times to receive their residence permits, preventing them from accessing employment and social benefits.
- Barriers for children excluded from the public protection system: Some children, especially those incorrectly classified as adults, are unable to benefit from the reform despite having their identity confirmed by embassies.

412 Audiencia Nacional, 'Sala de lo Contencioso-Administrativo, Sección Séptima, nº recurso 770/2017', 28 December 2018, available here.
413 Tribunal Supremo. Sala de lo Contencioso, Decision nº 473/2022, 25 April 2022, available here.
414 El Salto Diario, 'Melilla: ¿se cumple el derecho de la infancia migrante a empadronarse?', 25 April 2023, available here.
415 La Merced Migraciones, 'Garantizar el derecho a documentarse de los niños y niñas que llegan solos a España', February 2021, available here.
416 PICUM, 'Spain adopts law to facilitate regularisatuon of young migrants', 18 November 2021, available here.
417 Ministerio de Inclusión, Seguridad Social y Migraciones, 'Personas menores no acompañadas y jóvenes extuteladas, de 16 a 23 años, con autorización de residencia en vigor', 30 september 2025, available here.
418 Information provided by Save the Children in February 2026.

- Risk of exclusion for youth with criminal records: Young migrants (from 18 years old) with minor infractions often find themselves unable to obtain or renew residence permits, pushing them further into marginalization.

### 2. Special procedural guarantees

**Indicators: Special Procedural Guarantees**

1. Are there special procedural arrangements/guarantees for vulnerable people?
   ☐ Yes ☒ For certain categories ☐ No
   - ❖ If for certain categories, specify which: Victims of trafficking, unaccompanied children

The law does not foresee specific procedural guarantees for vulnerable asylum seekers, except for the special rule on unaccompanied asylum-seeking children who are entitled to have their application examined through an urgent procedure, which halves the duration of the whole process. As explained in Regular Procedure: Fast-Track Processing, the urgent procedure reduces time limits for the whole asylum process from 6 months to 3. Beyond this, the existing protocols on unaccompanied children and victims of trafficking do not imply special guarantees.

The OAR stated that its staff is trained on EUAA training modules, and, since 2023 the office started to create special units (i.e. children) dealing with cases of applicants from vulnerable groups.

Several concerns regarding the measures and provisions regarding identification, age assessment and protection of unaccompanied children are discussed in Identification.

Although the Asylum Law does not foresee the exemption of persons with special needs from the Border Procedure, in practice the OAR makes exceptions for applicants such as pregnant women or persons requiring medical assistance, presumed trafficking victims, who are admitted to the territory.[419]

### 3. Use of medical reports

**Indicators: Use of Medical Reports**

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm?
   ☒ Yes ☐ In some cases ☐ No

2. Are medical reports taken into account when assessing the credibility of the applicant's statements? ☒ Yes ☐ No

Neither the Asylum Law nor the Asylum Regulation mention explicitly the possibility to have medical reports supporting the applicant's allegations. Nonetheless, the law does state that the competent authority will be able to ask any institution or organisation to provide a report on the situation of the applicant.[420] In practice, medical reports are often used and included in the applicant's asylum file.

The examinations are paid through public funding, as all asylum seekers have full and free access to the Spanish public health system. The examination may be requested by either the applicant or the OAR itself in case it deems it necessary, although this rarely happens in practice.

It should be noted that medical reports on the conditions of asylum seekers in Spain are not only relevant under the asylum process but also in case the asylum application is denied, to provide the possibility to receive a residence permit based on humanitarian grounds.[421]

There are no *ad hoc* organisations or specialised bodies carrying out the medical assessment for asylum seekers or writing medical reports for asylum applications.

419 Information provided by Accem's legal service in April 2023.
420 Article 24(2) Asylum Regulation.
421 Articles 37(b) and 46(3) Asylum Law.

The methodology recommended under the Istanbul Protocol is not always applied. Its application depends on the characteristics of the patient and their past experiences, and it is up to the doctor's discretion whether to follow the Protocol.

## 4. Legal representation of unaccompanied children

**Indicators: Unaccompanied Children**

1. Does the law provide for the appointment of a representative to all unaccompanied children?
   ☒ Yes ☐ No

The guardianship system in Spain is governed by the Spanish Civil Code, which establishes the conditions and defines the actions foreseen in the following different situations: measures in situations of risk, measures in situations of homelessness/distress, guardianship and family reception. The competence of minors' protection departments corresponds to the Autonomous Community or city which is responsible for the appointment of a legal guardian to its public entity of children protection. The process of guardianship starts with the Declaration of Abandonment (*Declaración de Desamparo)* by the Autonomous Communities, which is the declaration of the homelessness/helplessness of the minor and represents the first step not only for undertaking the guardianship of the child but also to guarantee their access to the minors' protection system and services. This procedure has different durations depending on the Autonomous Community in which it is requested, but a maximum time limit of three months must be respected for the assumption of the guardianship by the public entity of protection of minors, as set by the Protocol.[422]

After the declaration of *Desamparo*, the public administration grants the guardianship, and the minor is provided with clothing, food and accommodation. Guardianship is usually left to entities such as NGOs or religious institutions, which are financed by Minors' Protections Services. It implies the responsibility of protecting and promoting the child's best interests, guaranteeing the minor's access to education and proper training, legal assistance or interpretation services when necessary, enabling the child's social insertion and providing him or her with adequate care. Concerning the specific issues of asylum applications, the Protocol states that the guardians will take care of providing the minor with all needed information and guaranteeing him or her access to the procedure.

Shortcomings have been highlighted regarding the guardianship systems for unaccompanied minors, mostly due to the excessive length of the procedures for issuing an identification document when children are undocumented. Moreover, serious concerns have been reported regarding children who have been under the guardianship of the Autonomous Communities and are evicted from protection centres once they turn 18 even if they have not been documented or have not yet received a residence permit. Cases of children left in the street, homeless and undocumented have been reported for several years. As previously mentioned, in October 2021 the Regulation of the Immigration Law has been reformed and it facilitates access to residence and work permits for unaccompanied migrant children, as well as those for who arrived as children and "aged out" during the procedure but are between 18 and 23 years old; moreover, it allows access to work also for children turning 16.

Concerning the right to apply for asylum, Article 47 of the Asylum Law establishes that unaccompanied children shall be referred to the competent authorities on children protection. In addition to this provision, the National Protocol on unaccompanied children makes specific reference to the cases of children in need of international protection, with the aim of coordinating the actions of all involved actors and guarantee access to protection.

Nevertheless, it should be highlighted that there are few asylum applications made by unaccompanied children. In 2022, 94 unaccompanied migrant children applied for international protection[423], in 2023 they

422 Chapter VII, para 1(2) Protocol on Unaccompanied Minors.
423 Ministerio del Interior, 'Asilo en cifras 2022', 2022, available here, 105.

were 31[424], and in 2024 they were 910.[425] Statistics on the year 2025 were not available at the time of writing.

In a thematic report published in May 2025, the Spanish Ombudsperson reiterated its concerns regarding the challenges that both UAMs and accompanied children face in accessing asylum procedure, as well as the necessity to improve the measures aimed at identifying their international protection's needs.[426]

In relation to the low numbers of asylum applications by UAMs, it is worth mentioning that they are protected under the Law on Child Protection, and that the identification of their international protection needs has represented a significant challenge in Spain since many years. Thus, even though UAMs stay in Spain, the vast majority of them do not apply for asylum, due to multiple factors (i.e. lack of information of the right to asylum they have, lack of identification of their international protection needs by the authorities competent on child protection, etc.). Even though among all the UAMs who arrive to Spain, some of them can decide to move to other countries, the lack of identification of their international protection needs represents the main reasons of such low numbers.

Given the increasing numbers of arrivals in Spain, the low numbers on unaccompanied children seeking asylum highlight the existence of shortcomings concerning their access to protection. This is mostly due to the lack of provision of information on international protection within the minors' protection systems of the Autonomous Communities. A report published in December 2024 denounced the limited access to asylum granted to UAMs arriving to the Canary Islands, despite the high number of arrivals, underlining the lack of training and information of the professionals working with UAMs.[427]

In the Canary Islands, where high numbers of unaccompanied children in need of international protection arrived, many coming from Mali, UNHCR continued to work closely with the child protection authorities to strengthen their capacity for identification and referrals of children in need of international protection.

After intense efforts by the Canary Islands government, in 2025 an agreement for the mandatory relocation of the estimated 5,400 foreign unaccompanied children under the guardianship of child protection authorities was reached.

In addition, the two regional standard operating procedures for the identification and assistance of unaccompanied asylum-seeking children in Andalusia and the Canary Islands, initiated in 2023, were finalised with the direct involvement of child protection authorities in these regions. UNHCR conducted 74 visits to child reception centres, providing international protection information sessions to 2,000 children (1,900 boys and 100 girls) using UNHCR guidelines, child-friendly materials and the checklist for identifying children in need of international protection. Additionally, 572 professionals received training through 27 sessions on children's international protection. These efforts have significantly improved the identification and assistance of unaccompanied children in need of international protection, leading to their access to the asylum procedure, resulting in an increase in asylum applications from children (over 751 unaccompanied children registered as asylum seekers in 2024, including 606 in the Canary Islands). Despite these improvements and the agreement by the Office for Asylum to accelerate the procedure for these children, the lack of specialized legal aid in most cases affects children's procedural safeguards, and consequently the quality of asylum applications and the protection granted by competent authorities.

During the last quarter of 2024, a joint project between Save the Children, UNHCR and child protection authorities was developed to create a needs assessment tool for unaccompanied children arriving in the Canary Islands. This tool, named ETNNA for its acronym, supports professionals in the early identification of protection needs and risks, ensuring timely referrals to the asylum procedure, relocation within Spain, and tailored protection interventions, such as family reunification. In 2025, ETNNA was recommended to

424 Ministerio del Interior, 'Asilo en cifras 2023', 2024, available here.
425 Ministerio del Interior, 'Asilo en cifras 2024', November 2025, available here.
426 Defensor del Pueblo, 'Niñas y niños extranjeros en España solos o acompañados', May 2025, available here.
427 Irídia, Novact, 'Vulneración de Derechos Humanos en Canarias 2024. Infancia Migrante y Criminalización', december 2024, available here.

be used for the needs assessment of children before being relocated to other autonomous communities and is being used by the Canary Island and Melilla administrations.[428]

## E. Subsequent applications

**Indicators: Subsequent Applications**

1. Does the law provide for a specific procedure for subsequent applications? ☐ Yes ☒ No

2. Is a removal order suspended during the examination of a first subsequent application?
   - ❖ At first instance ☒ Yes ☐ No
   - ❖ At the appeal stage ☐ Yes ☒ No

3. Is a removal order suspended during the examination of a second, third, subsequent application?
   - ❖ At first instance ☒ Yes ☐ No
   - ❖ At the appeal stage ☐ Yes ☒ No

The Asylum Law does not provide for a specific procedure for subsequent applications and does not set a limit number of asylum applications per person.

When the OAR receives the new asylum claim, in practice, the second application submitted by the same applicant will not be deemed admissible in the first admissibility phase if it does not present new elements to the case.

Being considered as new asylum claim, and not as a subsequent application, the applicant will have the same rights as any other first-time asylum applicant, including the right not to be removed from Spanish territory. Consequently, the person is allowed on the territory until they receive a response on the admissibility of their file and the correspondent timing during the available appeals foreseen under the Asylum Law, which is when the lawyer asks for precautionary measures to be taken to avoid the removal.

According to Eurostat, 3,245 subsequent applications were presented in Spain in 2021, 1,805 in 2022, 1,965 in 2023 and 2,280 in 2024.[429]

Usually, people that are beneficiaries of protection in other EU Member States (as often happens for beneficiaries of international protection coming from Italy) do not apply for asylum in Spain. A solution for regularisation is instead often found via the Immigration Law. It should be noted, however, that such a situation is registered in a very limited number of cases.

## F. The safe country concepts

**Indicators: Safe Country Concepts**

1. Does national legislation allow for the use of "safe country of origin" concept? ☒ Yes ☐ No
   - ❖ Is there a national list of safe countries of origin? ☐ Yes ☒ No
   - ❖ Is the safe country of origin concept used in practice? ☒ Yes ☐ No

2. Does national legislation allow for the use of "safe third country" concept? ☒ Yes ☐ No
   - ❖ Is the safe third country concept used in practice? ☒ Yes ☐ No

3. Does national legislation allow for the use of "first country of asylum" concept? ☐ Yes ☒ No

### 1. Safe third country

The concept of "safe third country" is defined with reference to Article 27 of the Asylum Procedures Directive and where appropriate with an EU list of safe third countries, as a country where the applicant

428 Information provided by Save the Children in March 2026.
429 Eurostat, 'Asylum applicants by type, citizenship, age and sex - annual aggregated data', available here.

does not face persecution or serious harm, has the possibility to seek recognition as a refugee and, if recognised, enjoys protection in accordance with the Refugee Convention. The law also requires the existence of links in the form of a relationship with the safe third country, which make it reasonable for the applicant to be returned to that country.[430] The applicability of the "safe third country" concept is a ground for inadmissibility (see section on Admissibility Procedure).

The OAR has increasingly applied the "safe third country" concept in recent years. In 2020, the concept was also applied to **Venezuelans,** as the authorities consider that any other South American country should be considered as a safe third country for the applicants coming from the country. The same situation persisted in 2022. Since the second half of 2023, the safe third country concept was no longer used for Venezuelans staying in other Latin America countries.[431] Since 2024, the Audiencia Nacional is on the contrary applying the concept while deciding on the appeals of Venezuelan asylum applicants whose applications were rejected.[432] The Government does not expressly refer to the "safe third country" concept, but the motivation of the dismissal of the application is essentially based on it. According to Accem's knowledge, the criteria have not changed for Syrians, even though there are currently few Syrian applicants in Spain, and they are mainly reaching the country through its resettlement programme. In a decision of 2018, the *Audiencia Nacional* refers to Morocco as a "safe third country", indicating that the Court has reiterated this position on many occasions.[433]

### 1.1. Safety criteria

According to the *Audiencia Nacional*, the obligation to examine asylum applications on the merits 'ceases to exist when the applicant can or should have presented the application in another country which is also signatory to the Geneva Convention, as the latter must also guarantee the application of the Convention.'[434] In principle, both the ratification and the application of the Geneva Convention are necessary conditions for the application of the safe third country concept.[435]

The Court has ruled that **Morocco** is a safe third country at various occasions. It referred *inter alia* to the country's 'advanced status' under the European Neighbourhood Policy as indication of its safety.[436] The same reasoning was used in a case concerning **Algeria**.[437] As far as the author is aware, the same situation persists in the case of Morocco, while no information is available with regards to Algeria.[438]

It is important to note, however, that although it has stressed several times the necessity for a third country to have ratified the Geneva Convention to be considered as safe, the *Audiencia Nacional* stated that **Lebanon** is a safe third country in a 2018 case.[439]

Since 2019, no statistics on the main nationalities receiving inadmissibility decisions were publicly available (see Admissibility Procedure).

### 1.2. Connection criterion

Although Article 20(1)(d) of the Asylum Law refers to the existence of a connection between the applicant and the third country, the aforementioned rulings of the *Audiencia Nacional* have not referred to the connection criterion when concluding that **Morocco** is a "safe third country".

430 Article 20(1)(d) Asylum Law.
431 Information provided by Accem's legal service in March 2026.
432 Information provided by Accem's legal service in February 2025.
433 Audiencia Nacional, Decision SAN 1441/2018, 15 March 2018.
434 Audiencia Nacional, Decision SAN 428/2018, 2 February 2018.
435 *Ibid*. See also Audiencia Nacional, Decision SAN 3736/2016, 13 October 2016; Decision SAN 3839/2016, 17 October 2016; Decision 4053/2016, 27 October 2016; Decision SAN 1524/2017, 16 January 2017, Decision SAN 1232/2017, 3 March 2017; Decision SAN 2589/2017, 12 May 2017; Decision SAN 3183/2017, 29 June 2017.
436 Audiencia Nacional, Decision SAN 428/2018, 2 February 2018.
437 Audiencia Nacional, Decision SAN 3838/2016, 17 October 2016.
438 Information provided by Accem in March 2025.
439 Audiencia Nacional, Decision SAN 428/2018, 2 February 2018.

In a ruling of February 2018, however, the *Audiencia Nacional* noted that an asylum application cannot be dismissed on the sole basis of transit through a third country signatory of the Geneva Convention. The authorities have to assess whether the applicant stayed in the country for a reasonable period of time, so as to establish a connection with the country.[440]

### 2. Safe country of origin

The notion of 'safe country of origin' is defined with reference to the conditions for 'safe third countries' laid down in Article 20(1)(d) of the Asylum Law. The application of the safe country of origin concept is a ground for applying the urgent procedure (see Regular Procedure: Fast-Track Processing). Spain does not have an official list of safe countries of origin.

Although the *Audiencia Nacional* reasoned in 2016 that **Morocco** and **Algeria** qualify as a 'safe countries of origin' on the ground that they are 'safe third countries', without referring to separate criteria,[441] it seems that the concept is rarely used in practice.

In the past years for example, the Spanish Government is granting protection to Moroccan national in specific cases, such as when, political grounds (i.e. those coming from the Rif region), LGTBIQ+, and gender-based violence grounds of persecution are deemed to exist.

### 3. Safe country of asylum

The concept of 'safe country of asylum' is not used in practice.

## G. Information for asylum seekers and access to NGOs and UNHCR

### 1. Provision of information on the procedure

**Indicators: Information on the Procedure**

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☒ Yes ☐ With difficulty ☐ No

   ❖ Is tailored information provided to unaccompanied children? ☐ Yes ☒ No

The Asylum Regulation, which gives practical application to the previous version of the Asylum Law, makes specific reference to the provision of information to asylum seekers on their rights.[442] It provides that the Spanish administration, in collaboration with UNHCR and other NGOs who work with refugees, will elaborate leaflets for the provision of relevant information to asylum seekers in several languages.

The Ministry of Interior has published a leaflet, available online and handed to all applicants at the moment they express the will to ask for international protection, so that they can contact any organisation that provides support and assistance.[443] The information is available in English, French, Spanish and Arabic.

In addition, the Asylum Regulation specifies that information on the asylum procedure and on applicants' rights will be given orally by the authority in charge of the registration procedure, and in particular on their right to free legal assistance and interpretation service.[444]

440 Audiencia Nacional, Decision SAN 428/2018, 2 February 2018.
441 Audiencia Nacional, Decision SAN 4076/2016, 17 October 2016; Decision SAN 3838/2016, 17 October 2016.
442 Article 5(1) Asylum Regulation.
443 The leaflet is available here.
444 Article 5(2) Asylum Regulation.

Besides institutional information channels, other organisations design and disseminate information leaflets and brochures regarding the asylum procedure and related rights. The information may be provided in several languages, depending on the entity promoting the material.

In 2025, information provision was delivered by UNHCR through group sessions and individual counselling, reaching 16,800 people, most of them newly arrived individuals in need of international protection. In addition, a further 3,000 individual inquiries regarding asylum were addressed through in-person counselling, e-mails and telephone calls. The UNHCR online information platform for refugees in Spain (HELP) received more than 340,000 visits.

The Know Your Rights programme, implemented jointly with DLA Piper, reached more than 50 refugees from ten countries. Together, these channels supported refugees' clearer understanding of rights, key protection issues and available services.

UNHCR shared more than 60 initiatives within the 'Red-refugiadas', a refugee-led organizations network.

UNHCR's newsletters reached over 3,200 people, helping keep communities informed about programmes, opportunities and services offered by UNHCR and its partners.[445]

In October 2024, the Minister of Inclusion, Social Security and Migration launched a phone service (number +34 913990009) to inform about international and temporary protection. The service is provided by eight persons, and the information is given in eight languages: Spanish, English, French, Ukrainian, Russian, Arabic and Farsi.[446]

## 2. Access to NGOs and UNHCR

**Indicators: Access to NGOs and UNHCR**

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No

In general, asylum seekers at the borders are the ones that face most difficulties in accessing not only information, but the asylum process itself. Access of NGOs to border facilities is not foreseen by law. According to the OAR, NGOs are usually provided access to border facilities in order to assist vulnerable applicants, although there is no further information available on this. The NGOs CEAR[447] and the Red Cross[448] have presence at the airports of Madrid and Barcelona,[449] and UNHCR conducts monitoring activities to several border facilities. UNHCR has established its presence in **Andalucía**, in order to monitor arrivals by boat, and at the border points in **Ceuta** and **Melilla**. For more information, refer to section on Border Procedure.

Migrants arriving in ports or Spanish sea shores are assisted by the police and the ERIE teams of the Spanish Red Cross, which carries out the first medical screening.

445 Information provided by UNHCR in March 2026.
446 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Ministerio de Migraciones pone en funcionamiento una línea de atención telefónica sobre protección internacional y temporal', 18 October 2024, available here; Ministerio de Inclusión, Seguridad Social y Migraciones, 'Línea Acogida Informa', available here.
447 CEAR, see here.
448 Cruz Roja Española, see here.
449 Information provided by the OAR, 14 September 2020; Accem, 29 September 2020.

The second category with most difficult access to information and NGO counselling are third-country nationals willing to apply for asylum from detention within CIE. For more information, please see the section on Detention.

Overall, it is important to note the important role of UNHCR during the asylum procedure. As already mentioned, the OAR must inform UNHCR of all the asylum applications lodged and the latter participates in the asylum procedure by being part of the CIAR, where it has the right to intervene but not to vote.

## H. Differential treatment of specific nationalities in the procedure

**Indicators: Treatment of Specific Nationalities**

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No
   - ❖ If yes, specify which:

2. Are applications from specific nationalities considered manifestly unfounded?[450] ☐ Yes ☒ No
   - ❖ If yes, specify which:

In practice there are no specific nationalities automatically considered to be presenting well-founded or unfounded applications.

**Venezuela**

In 2018, the *Audiencia Nacional* provided additional guidance on the legal status of **Venezuelans** in Spain. According to the judgments, the socio-politic and economic crisis in Venezuela entitles Venezuelan asylum seekers to a residence permit in Spain under humanitarian reasons.[451]

In 2025, out of a total of 57,125 first instance decisions on humanitarian grounds, 56,259 Venezuelans obtained a residence permit on humanitarian grounds, while no information is available on how many Venezuelans obtained any form of international protection at the time of writing, as Venezuela is not within the top 5 nationalities disaggregated in the available figures.[452]

Lawyers have expressed deep concerns regarding the individual assessment of asylum claims lodged by **Venezuelans**, as some of them were granted a residence permit on humanitarian grounds despite being entitled to refugee status (e.g. in the case of political opponents). In addition, it appears that some applications for international protection have been rejected because asylum seekers have a police record (not a criminal record).[453]

In a decision taken in March 2021, the Supreme Court (*Tribunal Supremo*) established that the general situation of crisis in Venezuela does not amount to an individual persecution or to a serious harm justifying the recognition of international protection. Instead, the Court established that the severe economic conditions of the country – affected by food shortages and high unemployment rates – justify granting a residence permit for humanitarian reasons.[454]

**Syria**

450 Whether under the "safe country of origin" concept or otherwise.
451 Audiencia Nacional, Decisions SAN 2522/2018, 26 June 2018; SAN 4063/2018, 8 October 2018; SAN 4060/2018, 18 October 2018.
452 Ministerio del Interior, Subsecretaría del Interior, Dirección General de Protección Internacional, 'Avance de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida. Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2025', January 2026, available here.
453 Information provided by the legal services of Accem on February 2021.
454 Tribunal Supremo, Decision 352/2021 (STS 1052/2021), 11 March 2021, available here.

Another non-official practice of differential treatment concerned, until 2020, applications presented by **Syrian** nationals, who were in their vast majority granted subsidiary protection, and no case-by-case assessment was realised on the requirement to receive international protection. It should be noted, however, how this trend seemingly inverted in 2021, when 460 refugee statuses were recognised to Syrian nationals, compared to 265 cases in which subsidiary protection was recognised.[455] The same trend continued in 2022, when 1,019 Syrians were granted refugee status[456], which might be partly due to the fact that very few Syrian applicants' cases were examined.

Following the ousting of Bashar Al Assad and the decision of some EU Member States to temporarily halt the resolution of asylum applications lodged by Syrians, the Spanish Government announced that no suspension would occur in Spain.[457]

**Honduras and El Salvador**

Another situation that can be highlighted is that of persons fleeing from gangs (*Maras*) in Central American countries, who were not granted international protection in previous years. In 2017 the *Audiencia Nacional* recognised subsidiary protection in different cases regarding asylum applicants from **Honduras** and **El Salvador**.[458] At the beginning of 2018, the *Audiencia Nacional* issued another important decision on the matter and revised its jurisprudence in relation to asylum applicants from Honduras.[459] In light of the 2016 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Honduras, the Court concluded that the situation in Honduras can be considered as an internal conflict and that the Honduran State is not able to protect the population from violence, extortion and threats carried out by the *Mara Salvatrucha* gang.

In different decisions adopted in July 2022, the *Audiencia Nacional* denied protection to asylum applicants from Honduras and El Salvador who fled their countries due to threats from the *maras*. The Court agreed with the criterion used by the Minister of Interior, considering that such threat is a matter of common criminality which does not amount to persecution, and recognising the efforts that the two countries are carrying out to fight against such violence.[460]

Only some applicants from Honduras and El Salvador with specific profiles (i.e. former police officers, former staff of law enforcement agencies, human rights defenders, LGTBQI+ individuals, gender-based violence victims) were granted protection.[461]

**Colombia**

In the last years, asylum seekers from **Colombia** frequently received a differential treatment due to nationality, as they were systematically denied asylum in light of the situation in the country - which was considered critical only due to the widespread criminality instead of acknowledging the presence of organised armed groups. In addition, in similar cases of persecution (i.e. for political grounds), Colombia's applicants have received different outcomes (i.e. granting of international protection or denial).[462] Accem noticed improvements in the recognition of international protection to women victims of gender-based violence.[463]

455 Eurostat, First instance decisions on applications by citizenship, age and sex. Annual aggregated data (rounded)[migr_asydcfsta], available here.
456 Ministerio del Interior, Oficina de Asilo y Refugio (OAR); 'Asilo en cifras 2022', November 2023, available here.
457 The Objective, 'El Gobierno descarta suspender los trámites de asilo a ciudadanos sirios en España', 10 December 2024, available here.
458 Audiencia Nacional, Decision SAN 5110/2017, 22 November 2017; SAN 5189/2017, 22 November 2017; SAN 3930/2017, 14 September 2017.
459 Audiencia Nacional, Decision SAN 508/2018, 9 February 2018.
460 Heraldo, 'La amenaza de las "maras" no es suficiente para lograr asilo en España', 9 August 2022, available here; Audiencia Nacional. Sala de lo Contencioso, SAN 3412/2022, 13 July 2022, available here.
461 Information confirmed by Accem's legal service in March 2026.
462 Information provided by the legal service of Accem in March 2026.
463 Information provided by Accem's legal service in April 2024 and confirmed in March 2026.

In 2025, Colombia was the third nationality in both the number of applications lodged (14,524) and in receiving any form of international protection (1,329).[464]

**Afghanistan**

After the withdrawal of US troops from **Afghanistan** in mid-August 2021, Spain started to evacuate Afghans who had worked with Spanish troops and aid workers. The plan (*Operación Antígona*), managed by the Ministers of Interior, Foreign Affairs and Defence, entailed their transfer from Kabul to Spain with different flights,[465] as well as their reception and granting of either refugee status or subsidiary protection.[466]

On the occasion of the 3-years anniversary of the Taliban's takeover, *CEAR* called on the Spanish Government to foster the possibility for Afghans to apply for international protection at Spanish embassies and consulates in third countries, such as Pakistan.[467]

In October 2024, the political party *PSOE* reaffirmed its commitment in protecting human rights of Afghans nationals, especially women and girls, and in facilitating their access to asylum in Spanish embassies and consulates.[468] During the same month the Congress, following a request made by the PSOE, condemned the gender apartheid in Afghanistan.[469]

In November, the Senate approved a motion to urge the Government to initiate a process at the International Criminal Court to condemn the institutional violence against Afghan women.[470]

During the last months of 2024, the National Court (*Audiencia Nacional*) obliged different Spanish embassies to facilitate the transfer to Spain of Afghans (mainly women) fleeing from the Taliban regime.[471]

In occasion of the 2025 International Women's Day, Amnesty International, while recognising the efforts made by Spain in hosting Afghan women fleeing the country, called on the Government to improve the asylum reception system in order to take into consideration also the specific challenges that Afghan women face (i.e. recognition of degrees, the scarcity of interpreters, etc.). According to the information released by the NGO, from January 2024 to February 2025 Spain has recognised refugee status to 418 Afghan women and subsidiary protection to 42.[472]

In May, at least seven Afghan women were left outside the national reception system, despite the Government having granted them humanitarian visas to reach Spain.[473]

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464 Ministerio del Interior, Subsecretaría del Interior, Dirección General de Protección Internacional, 'Avance de datos de protección internacional, aplicación del Reglamento de Dublín1 y reconocimiento del estatuto de apátrida Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2025', January 2026, available here.

465 Newtral, 'Un segundo avión procedente de Kabul trae a 110 afganos a España', 20 August 2021, available here; El Diario, 'Un tercer avión español con refugiados afganos llega este sábado a Madrid desde Kabul', 21 August 2021, available here; Cadena Ser, 'Aterriza en Torrejón un nuevo vuelo con 292 afganos evacuados por España', 25 August 2021, available here; Cadena Ser, 'Aterriza el avión con los últimos evacuados de Afganistán en la base de Torrejón de Ardoz', 27 August 2021, available here.

466 El País, 'España prepara la evacuación de afganos que trabajaron para sus militares y cooperantes', 11 August 2021, available here.

467 CEAR, 'Afganistán, tres años buscando refugio del "apartheid de género"', 14 August 2024, available here.

468 PSOE, 'El Grupo Socialista reafirma su apoyo a las mujeres en Afganistán y se compromete a continuar trabajando para evitar que se vulneren sus derechos', 6 October 2024, available here.

469 PSOE, 'El Congreso condena, a instancias del Grupo Socialista, el "apartheid de género" en Afganistán', 29 October 2024, available here.

470 Europa Press, 'El Senado insta al Gobierno a impulsar un proceso en la Corte Penal Internacional por la represión a las mujeres afganas', 7 November 2024, available here.

471 El Confidencial Digital, 'Mujeres afganas fuerzan en los tribunales poder viajar a España para huir de los talibán', 31 December 2024, available here.

472 Amnistía Internacional, '8M: Amnistía Internacional denuncia más de 80 restricciones a mujeres y niñas en Afganistán, y reclama que se reconozca el "apartheid de género" como crimen de derecho internacional', 6 March 2025, available here.

473 El País, 'España deja fuera del sistema de acogida a afganas a quienes concedió un visado humanitario', 9 May 2025, available here.

In August, CEAR warned that thousands of Afghan women and girls are being obliged to come back to Afghanistan from Iran and Pakistan. It called on EU institutions and the national government in Spain to guarantee their protection. In particular, it called on Spain to ease the existing barriers of the family reunification procedure, as well as to create humanitarian corridors for them and resettlement opportunities, and to facilitate their transfer from the Spanish embassies and consulates by applying Article 38 of the asylum law.[474]

Similarly, the organisation *Netwomening*[475] reported to have been supporting Afghan women in Iran and Pakistan who applied for asylum at Spanish embassies in those two countries who had been waiting for an interview for four years. The organisation lodged a complaint at the Spanish Ombudsperson, who did not receive an answer from the Ministry of Foreign Affairs so far.[476]

In October, Madrid hosted the first 'peoples' tribunal' to denounce gender persecution against Afghan women, where survivors, human rights defenders and international jurists presented evidence and testimony before a panel of independent experts at a special session of the Permanent Peoples' Tribunal.[477]

Since mid-August 2021, a total of 4,224 Afghans reached Spain.[478]

Additional information on the initiatives and actions put in place for the protection of Afghan refugees can be found in the previous updates of this report (AIDA 2022 update, AIDA 2023 update and AIDA 2024 update).

**Russia**

Following the call to arms by the Russian President in November 2022, around 200 Russian draft evaders reached Spain to seek protection.[479] No information on the treatment of such cases is available at the time of writing. In any case, they would have the possibility to access the asylum procedure.

A group of around 70 Russian draft evaders who arrived in Spain in September 2024 denounced that, despite the Spanish Government has promised to fast-track their protection procedure, after months they had been denied the residence permits for humanitarian reasons and have been told to ask for international protection.[480]

**Ukraine**

Concerning the response to the outbreak of war in **Ukraine** in February 2022, see the Temporary Protection Annex to the report.

**Palestine**

Following an appeal by the World Health Organisation, the Spanish Government announced the creation of a special mechanism for the reception and health care of Gazan children affected by oncological

474 CEAR, 'CEAR alerta de que miles de mujeres y niñas afganas se están viendo forzadas a regresar al "infierno talibán"', 13 August 2025, available here.
475 Netwomening, available here.
476 RTVE, 'Las afganas en riesgo forzadas a volver al régimen de los talibanes: "El peligro es real. Nos vigilan"', 17 August 2025, available here.
477 Zan Time, ''Good enough': Afghan women seek justice at the people's tribunal in Madrid', 11 October 2025, available here; Ilustre Colegio de la Abogacía de Madrid, 'Madrid acoge el primer "tribunal" de denuncia sobre la persecución de género contra las mujeres afganas', 30 September 2025, available here.
478 Libertad Digital, 'Más de 4.200 afganos se han refugiado en España desde la caída de Kabul', 14 August 2025, available here.
479 Cadena Ser, 'Más de 200 desertores rusos llegan a España en busca de protección internacional', 21 November 2022, available here.
480 Onda Cero, 'Refugiados invisibles: el limbo de los disidentes de Putin en España', 5 April 2025, available here.

pathologies or severe trauma resulting from the war, accompanied by their families or guardians. This is a coordinated action mechanism through the Emergency Response Coordination Centre, in which several ministries participate: the Ministry of Foreign Affairs, European Union and Cooperation; the Ministry of the Interior; the Ministry of Defence; the Ministry of Health; and the Ministry of Inclusion, Social Security and Migration. The MISSM (Ministry of Inclusion, Social Security and Migration), through the Directorate General of Migration Management of the Secretariat of State for Migration, will manage the reception and psychosocial care of children and their families in Spain, a task that has been entrusted to Accem under the *Cunina* Project ("Psychosocial care for families with children in need of urgent health care from Gaza"). The main objective is to promote the welfare of children and their families in Spain, guaranteeing the coverage of basic needs and psychosocial accompaniment, facilitating the development and provision of relevant social care. Accem manages the provision of different services and actions for the children and their families: temporary shelter: accommodation, food and coverage of basic needs; comprehensive care: information and guidance, social accompaniment; psychological care; legal support; translation and interpretation services.

The project continued in 2025, under the name 'Aman'.[481] Through this project, Accem offers psychosocial support to Gazan families, complementing the medical treatment received by sick children, who are treated in hospitals in Aragón, Asturias, Castilla-La Mancha, Castilla y León, Catalonia, the Community of Madrid, the Basque Country, Murcia and Navarre, depending on their medical conditions. Beneficiaries are injured and sick children, including children that present traumas as a consequence of the Israeli attacks and others with various pathologies: oncology and haematology, congenital heart disease, neurology, nephrology, ophthalmology and gastrointestinal problems.[482] By the end of 2025, Accem assisted a total of 186 persons: 36 who arrived in April, 58 arrived at the end of July, and 92 transferred to Spain in October.[483]

At the end of July 2025, 13 children with their families arrived in Spain within such a project.[484] Since July 2024, the Government has evacuated and transferred to Spain 44 injured or sick Gazan children, together with around a hundred family members, as part of the commitment made by Spain to the World Health Organisation (WHO) in response to the extreme vulnerability of the civilian population in the Gaza Strip.[485]

In August 2024, a group of 26 Palestinians applied for asylum at the Spanish Embassy in Cairo (Egypt).[486] In April 2025, Spain accepted their transfer to Spain.[487]

In October, the Spanish prime Minister called on EU member states to suspend the free trade agreement with Israel, due to its actions in Gaza and Lebanon.[488]

In December, the Platform of Jurists for Palestine submitted to the Spanish Congress a manifesto signed by more than 1,000 judges, lawyers and public prosecutors in which they call for the Spanish Government to adopt effective and concrete measures to stop its collusion with Israeli occupation.[489]

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481 Accem, 'Accem acoge a un grupo de niños y niñas de Gaza gravemente enfermos que recibirán atención sanitaria en España', 3 April 2025, available here.

482 Red ODINA; 'Accem participa en la quinta acogida a familias de la Franja de Gaza con menores enfermos y heridos', 27 October 2025, available here.

483 Red ODINA; 'Accem participa en la quinta acogida a familias de la Franja de Gaza con menores enfermos y heridos', 27 October 2025, available here.

484 Europa Press, 'El Gobierno prepara un avión para traer a 13 niños gazatíes enfermos, que serán tratados en España', 30 July 2025, available here.

485 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno de España culmina cuatro operaciones humanitarias de evacuación de menores gazatíes heridos o enfermos y sus familiares', 12 August 2025, available here; COPE, 'Así se acompaña a los niños gazatíes evacuados de la guerra', 31 October 2025, available here.

486 El País, 'Un grupo de gazatíes solicita desde Egipto su traslado a España para poder pedir asilo', 6 August 2024, available here.

487 El País, 'España acepta el traslado de varios gazatíes varados en Egipto para que puedan solicitar asilo', 2 April 2025, available here.

488 Middle East Monitor, 'Spain, Ireland demand EU suspend free trade agreement with Israel', 15 October 2024, available here.

489 El Salto Diario, 'Juristas por Palestina piden en el Congreso que España no sea cómplice de Israel con su pasividad', 17 December 2024, available here.

In February 2025, around 500 people who fled Gaza and the West Bank were present in the Spanish asylum and reception system.[490]

In March, false claims circulated on social media suggesting that individuals with 'refugee from Gaza' status would receive a monthly salary of €1,600 for 10 years. Some media outlets responded by debunking the misinformation and providing accurate details on the issue.[491]

In July, the National Court (*Audiencia Nacional*) opened an investigation for war crimes and crimes against humanity against Israeli Prime Minister Benjamin Netanyahu, his Foreign Minister Israel Katz, and several senior military officials, following the assault on the Freedom Flotilla ship Madleen on 9 June in international waters while it was heading to Gaza with humanitarian aid.[492]

In August, different judicial groups (*Unión Progresista de Fiscales, Juezas y Jueces para la Democracia, Unión Progresista de Secretarios Judiciales* and *Asociación Pro Derechos Humanos de España*) called the government to stop any commercial, scientific and diplomatic ties with Israel considering the genocide taking place in Gaza and the human rights violations affecting journalists and civilians seeking food.[493]

In September, the General-State Prosecutor announced to investigate the crimes committed by Israel in the Gaza Strip, pointing out the alleged commission of war crimes and crimes against humanity.[494] In October, the Prosecutor's Office included the interception of the flotilla in its investigation into Israel's crimes in Gaza.[495]

In mid-September 2025, the asylum reception system accommodated almost 800 refugees from Gaza.[496]

During the same month, the government adopted a set of urgent measures against the genocide in Gaza and the support to Palestinian population. [497]

The Parliament of the Canary Islands called the government to guarantee Palestinians the same protection given to Ukrainians.[498]

On 6 October, CEAR scattered thousands of paper poppies in front of the Ministry of Foreign Affairs as a symbol of the tens of thousands of deaths caused by the massacre committed by the Israeli army against the population of Gaza.[499]

During the same month, the Universidad Autònoma de Barcelona launched a new crowdfunding campaign to support refugee students from Palestine. The initiative aims to provide them with legal

490 Europa Press, 'España ya acoge a medio millar de personas que han huido de Gaza y Cisjordania', 7 February 2025, available here.

491 Newtral, 'Los refugiados de Gaza no reciben una "paga" de 1.600 euros mensuales en España', 11 March 2025, available here; Maldita, 'Qué sabemos de la supuesta ayuda de 1.600 euros mensuales para un "refugiado de Gaza" durante diez años', 13 march 2025, available here.

492 El Salto Diario, 'La Audiencia Nacional ve indicios de crímenes de guerra de Netanyahu en el asalto al barco humanitario Madleen', 8 July 2025, available here.

493 Demócrata, 'Grupos judiciales progresistas exigen cortar lazos con Israel por abusos en Gaza', 16 August 2025, available here.

494 Europa Press, 'La Fiscalía investigará los crímenes en Gaza y apunta a genocidio y otros delitos de lesa humanidad', 18 September 2025, available here.

495 El Diario, 'The Prosecutor's Office includes the interception of the flotilla in its investigation into Israel's crimes in Gaza', 2 October 2025, available here.

496 Europa Press, 'Cerca de 800 gazatíes se encuentran acogidos en el sistema español de protección internacional', 14 September 2025, available here.

497 Boletín Oficial del estado, 'Real Decreto-ley 10/2025, de 23 de septiembre, por el que se adoptan medidas urgentes contra el genocidio en Gaza y de apoyo a la población palestina', 24 September 2025, available here.

498 El Día, 'El Parlamento canario pide a España que proteja a los palestinos como hizo con los ucranianos', 24 September 2025, available here.

499 RTVE, 'Miles de amapolas de papel, frente al Ministerio de Exteriores por los asesinados en Gaza', 6 October 2025, available here.

assistance, academic support and training opportunities that will enable them to continue their studies in a safe and inclusive environment.[500]

Up to November 2025, almost 100 Gazans have requested to the Spanish embassy in Cairo (Egypt) to be transferred to Spain to apply for asylum, in light of what foreseen by Article 38 of the asylum law.[501]

Since 2023 and until December 2025, Spain has received 2,349 asylum applications lodged by Palestinians.[502]

According to the available information, Palestinians in Spain are granted international protection.[503]

**Lebanon**

Following the Israel's attacks on Lebanon, the Minister of Inclusion, Social Security and Migration launched a program to urgently assist families evacuated to Spain. Accem was the NGO in charge of assisting the 54 Spanish-Lebanese persons arrived in Spain at the beginning of October 2024.[504]

**Democratic Republic of the Congo (DRC)**

In July 2025, the Socialist parliamentary group presented a law proposal on the international protection of persons from the Democratic Republic of Congo, for its debate in the Committee on Labour, Social Economy, Inclusion, National Security and Migration, also with the aim of guaranteeing and reinforcing the access to and granting of international protection to persons fleeing from that country. The proposal underlines that women and girls are particularly vulnerable, often falling victim to gender-based violence and sexual violence as a weapon of war, as well as exploitation and discrimination. The law proposal foresees, among other, to contribute to the creation of a safer environment for people seeking asylum, especially those coming from contexts of extreme violence, as is the case in the Democratic Republic of Congo.[505]

500 Universitat Autònoma de Barcelona, 'La UAB lanza una campaña para dar apoyo jurídico y académico a estudiantes refugiados de Palestina', 8 October 2025, available here.

501 El País, 'Cerca de un centenar de gazatíes solicita desde Egipto su traslado a España para pedir asilo', 24 November 2025, available here.

502 Europa Press, 'España ha recibido desde 2023 un total de 2.349 solicitudes de protección internacional de población palestina', 24 December 2025, available here; La vanguardia, 'España registró este año cinco veces más solicitudes de protección de palestinos que antes de la ofensiva israelí', 15 December 2025, available here.

503 Information provided by Accem's legal service in March 2026.

504 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Ministerio de Migraciones atenderá a más de 50 personas hispano-libanesas sin recursos, llegadas ayer a España desde Beirut', 4 October 2024, available here; Accem, 'Accem acoge a 54 personas evacuadas desde Líbano', 4 October 2024, available here.

505 Grupo parlamentario socialista, 'A la mesa del Congreso de los Diputados', 30 July 2025, available here.

# Reception Conditions

**Short overview of the reception system**

The coordination and management of the reception of asylum seekers falls under the responsibility of the State Secretary for Migration (*Secretaría de Estado de Migraciones*, SEM) of the Ministry of Inclusion, Social Security and Migration. The SEM also supervises and coordinates the Directorate General of Migration (*Dirección General de Migraciones*), the Directorate General for Humanitarian Assistance and for the Reception System of International Protection (*Dirección General de Atención Humanitaria y del Sistema de Acogida de Protección Internacional*) and the Directorate General for Migration Management (*Dirección General de Gestión Migratoria*).[506] The SEM is competent for developing the Governmental policy on foreigners, immigration and emigration. In addition, through the Directorate General for Humanitarian Assistance and for the Reception System of International Protection, it develops and manages the comprehensive system for reception and integration of asylum seekers, refugees, stateless person, persons with temporary protection, and beneficiaries of the subsidiary protection.

The Asylum Law provides that reception services shall be defined by way of Regulation.[507] Up until 2022, detailed rules on the functioning of the Spanish reception system were provided through a non-binding handbook,[508] as the Regulation implementing the Asylum Law was pending from 2009. On 29 March 2022, the Government adopted the Royal Decree 220/2022, approving the Regulation governing the international protection reception system.[509] The new Regulation entered into force on 31 March 2022. It provides that the 2021 Reception Handbook and its Annex (version 5.0) on the procedure on managing the international protection reception plan will be applicable in case certain rules are not developed and detailed by the same Regulation. The DGSAPTI, trough the General-Sub direction of Programs of International Protection, is working on a new version of the Reception Handbook (version 6.0) together with the NGOs participating in the asylum reception system. The new handbook was expected to be published and implemented in the course of 2024, but at the time of writing of this report it has not yet been published.[510]

In principle, applicants for international protection are granted reception conditions and thus referred to a shelter as soon as they apply for asylum. Nevertheless, there have been major shortcomings in the reception system in recent years, rendering the access to reception difficult in practice (e.g. waiting periods reaching up to 1 month) and resulting in homelessness in certain cases.

The duration of reception conditions (accommodation, assistance and financial support) should last 18 months, and may reach a maximum of 24 for vulnerable cases, following the exceptional authorisation by the competent authority. The reception system is currently divided into three phases: 1) initial assessment and referral; 2) reception; 3) autonomy.

On 15 December 2022, the SEM adopted an instruction detailing the requirements for accessing and staying in the international protection reception system.[511] Among other issues, the instruction foresees that the phase of initial assessment and referral, despite being part of the reception system, does not count while calculating the 18-month (or 24-month) period of stay, and that just the other two phases are taken into consideration for the calculation of the duration.

506 Ministerio de Inclusión, Seguridad Social y Migraciones, 'Secretaría de Estado de Migraciones', available here.
507 Articles 30(2) and 31(1) Asylum Law.
508 The first version of the Reception Handbook was published in January 2016 and other four versions were published in the following years. Please refer to previous updates of this report for more information on this regard.
509 Boletín Oficial del Estado, 'Real Decreto 220/2022, de 29 de marzo, por el que se aprueba el Reglamento por el que se regula el sistema de acogida en materia de protección internacional', available here.
510 Information provided by Accem's reception service in March 2024, in February 2025 and in March 2026.
511 Migrar con Derechos, 'Instrucción SEM de 15 de diciembre de 2022. Acceso y permanencia sistema acogida protección internacional', 15 December 2022, available here.

In July 2023, the Disciplinary Regime of the asylum reception system entered into force.[512]

The State Secretary for Migration of the Ministry of Inclusion, Social Security and Migration directly manages four reception facilities for asylum seekers, which are collective centres. In addition, 24 NGOs run reception centres for asylum seekers, through funds granted by the State Secretary for Migration. Many of these facilities are apartments. It has to be noted that in 2022 there has also been changes in funding of reception facilities managed by NGOs, with the provision of direct funding to certain organisations.[513]

In February 2024, the Government reached an agreement with the Autonomous Community of the **Basque Country** to transfer to the latter the competence on the reception of migrants, asylum seekers and refugees, as well as their integration.[514] In April, a Royal Decree officially established the transfer of competence.[515] Since 1 January 2025, the Basque Country started to manage the reception of asylum seekers, in collaboration with five NGOs (Accem, Red Cross, Movimiento por la Paz - MPDL, CEAR, Nueva Vida and San Juan de Dios) and with a total budget of 2.4 million Euros.[516] During the first year since the transfer of competencies, the Basque Country has assisted 154 persons in the autonomy phase of the asylum reception system.[517]

The Autonomous Community of **Cataluña** demanded to be authorised to carry out a similar regional management.[518] Different political parties voted against this transfer of competencies to Cataluña in September 2025.[519]

Following a proposal made by the Minister of Inclusion, Social Security and Migration, in July 2023 the Council of Ministers approved the funding of EUR 1.5 million until 2026 to the Spanish Olympic Committee with the aim of promoting sports within the reception systems for migrants and refugees.[520]

The Spanish reception system's lack of focus on vulnerability has been criticised by several organisations in recent years. In his 2024 annual report, the Spanish Ombudsperson highlighted that one of the main

512 Boletín Oficial del Estado, 'Ministerio de Inclusión, Seguridad Social y Migraciones - Orden ISM/922/2023, de 6 de julio, por la que se desarrolla el régimen disciplinario del sistema de acogida en materia de protección internacional', 3 August 2023, available here.

513 Ministerio de Inclusión, Seguridad Social y Migraciones, 'Subvenciones de concesión directa en el área de protección internacional, aprobadas por el Real Decreto 590/2022, de 19 de julio', 19 July 2022, available here; Ministerio de Inclusión, Seguridad Social y Migraciones, 'Real Decreto 1059/2022, de 27 de diciembre, por el que se modifica el Real Decreto 590/2022, de 19 de julio, por el que se regula la concesión directa de subvenciones a determinadas entidades para la financiación del Sistema de Acogida de Protección Internacional', 28 December 2022, available here; Ministerio De Inclusión, Seguridad Social y Migraciones, 'Orden ISM/535/2024, de 29 de mayo, por la que se modifica la Orden ISM/680/2022, de 19 de julio, por la que se desarrolla la gestión del sistema de acogida de protección internacional mediante acción concertada', 29 May 2024, available here.

514 El País, 'El Gobierno cierra un acuerdo con el País Vasco para traspasar las políticas de integración de inmigrantes', 28 February 2024, available here; Público, 'El Gobierno acuerda con Euskadi el traspaso del sistema de acogida de personas migrantes', 28 February 2024, available here; RTVE, 'Euskadi asume las competencias de Cercanías, homologación de títulos extranjeros y acogida de refugiados', 11 March 2024, available here.

515 Boletín Oficial del Estado, 'Ministerio de Política Territorial y Memoria Democrática - Real Decreto 367/2024, de 9 de abril, de ampliación de los servicios del Estado traspasados a la Comunidad Autónoma del País Vasco por el Real Decreto 2768/1980, de 26 de septiembre, en materia de Sanidad, Servicios y Asistencia Sociales (fase de autonomía del sistema de protección internacional)', 19 April 2024, available here.

516 Europa Press, 'Euskadi asumirá el 1 de enero la gestión de proceso de acogida de migrantes beneficiarios de protección internacional', 30 December 2024, available here; Euskadi.eus, 'La gestión de la fase de autonomía del sistema de acogida refuerza el modelo vasco de acogida y permite diseñar de una manera integral los procesos de inclusión de las personas beneficiarias de la protección internacional y asilo', 30 December 2024, available here.

517 Euskadi.eus, 'La fase de autonomía del Sistema de Protección Internacional del Gobierno Vasco atiende a 154 personas en su primer aniversario y logra el despliegue territorial en todo Euskadi', 30 January 2026, available here.

518 La Vanguardia, 'Catalunya quiere participar en la gestión de la acogida de refugiados', 9 December 2024, available here.

519 El País, 'Podemos mantiene su rechazo al traspaso de competencias de inmigración a Cataluña', 22 September 2025, available here.

520 Europa Press, 'Aprobada una subvención al COE de 1,5 millones para favorecer el deporte en los centros de acogida', 4 July 2023, available at: https://tinyurl.com/yc3truz2.

challenges faced by the asylum reception system is the lack of effective measures for the inclusion of applicants and beneficiaries of international protection. In particular, the Ombudsman expressed concerns on the lack of protection to many people at the end of the reception process, without having acquired the necessary tools to achieve autonomy, learn the language and without support networks or contact with regional and local entities and services. For this purpose, he made a recommendation to the State secretary for Migration, which has been rejected.[521]

In April 2025, asylum seekers, workers and volunteers of the organisation *Rescate Internacional* – one of the NGOs that is part of the asylum reception system – denounced undignified conditions, costs cutting and a lack of basic care in the facilities managed by the organisation. In addition, different refugees denounced the organisation for labour exploitation and sexual assault.[522]

In June, the Ministry of Inclusion, Social Security and Migration announced the plan to create, in one year, 9,196 additional reception places, with the aim of increasing the number of places directly managed by the government compared to the current model, which is mainly run by NGOs.[523]

A report published by the State Secretary for Migration at the Ministry of Inclusion, Social Security and Migration underlined that almost 50,000 people have been accommodated within the asylum reception system from January to June 2025, almost 70% of the total number of asylum applicants accommodated throughout 2024 (65,321). In addition, the report revealed that over the last ten years, the system has grown from 1,920 places in 2015 to 34,062 in June 2025, with 32,142 new places available.[524]

In July, the Municipality of Pozuelo (Madrid) ordered to close the Reception, Assistance and Referral Centre (CREADE, which was specifically created for the reception of persons fleeing Ukraine just after the outbreak of the war) due to the lack of a license for the accommodation of persons. It seemed that the decision was due to the possible accommodation of unaccompanied migrant children at the centre, thus a mere discriminatory decision.[525]

During the same month, the UN Committee on Human Rights expressed concern for the reports it has received concerning inadequate conditions and insufficient places at certain reception centres for migrants in Spain, particularly in Ceuta, Melilla and the Canary Islands, while acknowledging the efforts made by the State to address this problem.[526]

According to data released by the Minister of Inclusion, Social Security and Migration, in 2025 the reception system (both the asylum system and the humanitarian assistance one) accommodated 124,170 people. The system counted a total of 56,053 places, distributed between the International Protection

521 Defensor del Pueblo, 'Informe anual 2024', March 2025, available here.

522 El Salto Diario, 'Recortes, despidos y desamparo: la crisis en los centros de acogida gestionados por Rescate Internacional', 4 April 2025, available here; El Salto Diario, 'Varios refugiados denuncian a la ONG Rescate Internacional por explotación laboral y agresión sexual', 9 May 2025, available here.

523 El Diario, 'El Gobierno planea crear en un año 9.116 plazas propias para acoger a solicitantes de asilo sin depender tanto de ONG', 19 June 2025, available here.

524 Ministerio de Inclusión, Seguridad Social y Migraciones, 'Informe sobre el sistema de protección internacional en España. Hasta junio 2025', June 2025, available here; Europa Press, 'Casi 50.000 personas han sido atendidas este año en el Sistema de Acogida de Protección Internacional de España', 20 June 2025, available here.

525 El País, 'El Ayuntamiento de Pozuelo ordena cerrar el centro de inmigrantes por no tener licencia', 31 July 2025, available here; El Diario, 'Ucranianas acogidas en el centro que Pozuelo quiere cerrar para evitar recibir a menores africanos: "Eso se llama racismo"', 3 August 2025, available here; Cadena Ser, 'El intento de cerrar el centro para extranjeros de Pozuelo de Alarcón va directo a los tribunales', 1 August 2025, available here; La Sexta, 'Solo refugiados blancos: Pozuelo quiere cerrar el centro que acogía ucranianos para no recibir a menores africanos', 1 August 2025, available here; El Diario, 'Migraciones no ha recibido ningún requerimiento para el cierre del centro de Pozuelo', 31 July 2025, available here; Tele Madrid, 'Preocupación entre los refugiados del centro de Pozuelo ante la posibilidad de su cierre, 4 August 2025, available here.

526 La vanguardia, 'Comité de la ONU lamenta condiciones en puntos de recepción de inmigrantes en España', 18 July 2025, available here.

Reception System (with 33,936 places), and the Humanitarian Assistance Program (with 22,117 places).[527]

## A. Access and forms of reception conditions

### 1. Criteria and restrictions to access reception conditions

**Indicators: Criteria and Restrictions to Reception Conditions**

1. Does the law allow for access to material reception conditions for asylum seekers in the following stages of the asylum procedure?
   - ❖ Regular procedure ☒ Yes ☐ Reduced material conditions ☐ No
   - ❖ Dublin procedure ☒ Yes ☐ Reduced material conditions ☐ No
   - ❖ Admissibility procedure ☒ Yes ☐ Reduced material conditions ☐ No
   - ❖ Border procedure ☒ Yes ☐ Reduced material conditions ☐ No
   - ❖ First appeal ☒ Yes ☐ Reduced material conditions ☐ No
   - ❖ Onward appeal ☒ Yes ☐ Reduced material conditions ☐ No
   - ❖ Subsequent application ☒ Yes ☐ Reduced material conditions ☐ No
2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions? ☒ Yes ☐ No

Article 30(1) of the Asylum Law provides that if they lack financial means, "applicants for international protection will be provided a shelter and social services in order to ensure the satisfaction of their basic needs in dignified conditions". The system has an integral character, which assists the applicant / beneficiary from the time of the submission of the application for asylum until the completion of the integration process.

#### 1.1. Right to reception in different procedures

Material reception conditions under national legislation on asylum are the same for every asylum seeker, no matter the profile of the applicant nor the type of asylum procedure they are channelled into. According to the reception regulation, the reception system foresees an 18-month period of accommodation, assistance and financial support generally in the same province where the asylum claim was lodged (apart from a few exceptions). This can reach a maximum of 24 months for vulnerable cases following the exceptional authorisation by the competent authority (see Special Reception Needs).

For applicants under an outgoing Dublin procedure, reception conditions are provided until the actual transfer to another Member State. Reception is offered for no longer than one month after the notification of the inadmissibility decision, subject to a possible extension.

Access to reception conditions is conditional to the applicant's inclusion within official asylum reception places, which give access to all other services provided. This means that applicants who can afford or decide to provide themselves with independent accommodation are in practice cut off the system and have no guaranteed access to financial support and assistance foreseen in reception centres.

According to the 2022 Regulation, people who arrive in Spain from the Moroccan border and have to be initially hosted within the **Ceuta** and **Melilla**'s Migrant Temporary Stay Centres (CETI) to be later transferred to the Spanish peninsula. This provision represents a change of the previous situation as in practice persons applying for asylum in Ceuta and Melilla started benefitting the full services provided within the reception system only when transferred to mainland, but not during their stay in the CETI.

Cases of asylum seekers living on the streets because of the saturation of the reception system and the delays in the formalisation of the asylum applications continued to be reported in 2025. In May, more than

527 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno atiende a más de 124.000 personas en el Sistema de Acogida Estatal durante 2025, consolidando así una red de protección sin precedentes', 5 february 2026, available here.

400 persons were sleeping at the Madrid Barajas Airport, many of them being asylum applicants.[528] In June, 22 out of 61 persons living in the streets in Zaragoza were applicants of international protection. This number increased during the following months until September, when the Government-Delegate started to refer 60 asylum applicants to asylum facilities.[529] Despite that, the situation continued in the following months: in November, the municipality reported that 29 persons in need of international protection were living on the streets of the city.[530] In July, tens of Malians asylum seekers were living on the streets in Donostia (País Vasco) due to administrative obstacles to access asylum.[531] During the same month, a family with two children and one baby with Down syndrome experienced the same situation due to the denial of their asylum application.[532] Since July, a group of almost 20 refugees from Mali, Burkina Faso and Ghana were living on the streets in Segovia while waiting to receive an appointment to apply for asylum.[533] In January 2026, part of a group of Malians living on the streets of Vitoria (País Vasco) were transferred to reception facilities.[534]

In January 2023, the EU Commission started an infringement procedure against Spain for not having transposed completely and correctly the EU norms on reception conditions, giving to Spain a 2-month deadline to address the deficiencies of its system.[535] No further developments on the case were registered at the time of writing of this report, as the case remains pending.[536]

### 1.2. The assessment of resources

The latest publicly available Reception Handbook and the Reception Regulation specifies that the lack of sufficient resources is one of the requirements for receiving reception conditions.[537] At any stage of the reception phase, asylum seekers have the obligation to declare the incomes they receive. Only actual incomes are verified, while savings are not, because it is expected that asylum seekers applying for reception conditions do not have sufficient economic resources to provide to their subsistence.

528 El Diario, 'El miedo cunde entre quienes duermen en Barajas en pleno choque institucional: "¿A dónde quieren que vayamos?"', 17 May 2025, available here; Europa Press, 'Migraciones no ha recibido comunicación del Ayuntamiento de Madrid de la presencia de solicitantes de asilo en Barajas', 14 May 2025, available here; El País, 'El censo 'secreto' del aeropuerto de Barajas revela que viven 412 personas: más de la mitad empadronados en Madrid y el 38% trabaja', 16 May 2025, available here; 20 Minutos, 'El Ayuntamiento exige al Gobierno que se haga cargo en el plazo de un mes de los solicitantes de asilo en centros municipales', 19 May 2025, available here; El Periódico de Aragón, '"No piden asilo, muestran su pobreza": Gabilondo reclama una respuesta coordinada en Barajas', 27 May 2025, available here; 20 Minutos, 'El Ayuntamiento da diez días al Gobierno para descolapsar los centros de solicitantes de asilo antes de demandarles', 11 June 2025, available here; El Día, 'El colapso en Barajas pone en evidencia las carencias del sistema de asilo español', 17 June 2025, available here; Pueblos Unidos, 'Desde la Mesa por la Hospitalidad pedimos una respuesta justa y humanitaria para las personas que pernoctan en el Aeropuerto', 19 May 2025, available here.

529 Heraldo, 'Zaragoza cifra en 61 las personas que malviven en la calle junto al parque Bruil', 9 May 2025, available here; El Diario, 'Zaragoza registra 65 personas sin hogar en el parque Bruil ante la saturación del sistema de protección internacional', 4 August 2025, available here; Europa Press, 'El delegado del Gobierno dice que ha sacado a 60 refugiados del Parque Bruil: "Yo he hecho mi parte"', 16 September 2025, available here;

530 El Español, 'Zaragoza denuncia que hay 29 inmigrantes con derecho a protección internacional en la calle: "Es una crisis nacional"', 30 October 2025, available here; El Periódico de Aragón, 'Sin soluciones para el asentamiento de personas sin techo del parque Bruil: "Y dónde vivimos, ¿en el Ebro?"', 17 October 2025, available here.

531 Diario Vasco, 'Decenas de malienses solicitantes de asilo llevan semanas durmiendo en la calle en Donostia', 11 July 2025, available here; Cadena Ser, 'El Gobierno central ha trasladado este verano a centros de acogida a 400 refugiados que solicitaron asilo en Euskadi: "No estamos con los brazos cruzados", 28 August 2025, available here; El País, 'Vivir a la intemperie en Vitoria a la espera de una cita para pedir asilo en España: "Queremos ganarnos la vida", 3 September 2025, available here.

532 Levante, 'Una familia con dos niños y un bebé con síndrome de down, a la calle tras su denegación de asilo', 1 August 2025, available here.

533 El Diario de Segovia, 'Un grupo de africanos acampa desde julio en los Jardinillos', 29 August 2025, available here; El Día de Segovia, 'Mazarías no ve adecuado el albergue para solicitantes de asilo', 26 September 2025, available here.

534 Gasteiz Hoy, 'Los malienses que duermen en la calle en Vitoria serán trasladados a recursos de acogida', 8 January 2026, available here.

535 El Periódico, 'Bruselas expedienta a España por no aplicar reglas de la UE sobre condiciones de acogida de demandantes de asilo', 27 January 2023, available here.

536 European Commission, 'European Commission at work', available here.

537 Boletín Oficial del Estado, 'Real Decreto 220/2022, de 29 de marzo, por el que se aprueba el Reglamento por el que se regula el sistema de acogida en materia de protección internacional', available here.

### 1.3. Three-phase approach to reception

The reception system is divided into three main phases, which the asylum seeker follows even if they obtain international protection in the meantime. The three phases are as follows:[538]

1. "Initial assessment and referral phase" (*Fase de valoración inicial y derivación*): the aim of this phase is to assess the person's profile and their needs, at to refer them to a suitable facility in the minimum time possible. The stay in such facilities should last the time necessary for carrying out the needs' assessment and the referral to another facility and should not exceed 1 month. This phase does not count for the calculation of the duration of reception conditions;

2. "Reception phase" (*Fase de acogida*): applicants are provided with accommodation within: (a) a International Protection Reception Centre (*Centro de Acogida de Protección Internacional*, CAPI); (b) or NGO-run reception facilities located all over the Spanish territory; or (c) reception facilities under the humanitarian assistance system (*acogida para la Atención Humanitaria de personas inmigrantes*). More details are provided in Types of Accommodation. During these months of temporary reception, applicants receive basic cultural orientation, language and job training which aim to facilitate their integration within the Spanish society. The stay in such facilities should last until the end of the international protection's or statelessness' procedure (that according to the Asylum Law is 6 months). For vulnerable asylum seekers, such timeframe can be extended for another 6 months;

3. "Autonomy phase" (*Fase de autonomía*): applicants move out of reception centres and receive financial support and coverage of basic expenses to start their autonomous life. Intensive language courses and access to employability programmes are offered at this stage. It is also possible to offer the person financial support for certain expenses (*ayudas puntuales*) such as health, education, training, birth. The duration of this phase is 6 months that can be extended for another 6 in case of vulnerable applicants.

The total duration of reception phases cannot exceed 18 months, subject to a prolongation to 24 months for vulnerable persons.[539]

In December 2022 the SEM issued new instructions[540] regarding the access to and stay in the asylum reception system establishing, for example, applicants whose asylum claim has been denied can access the reception system if they have lodged a second asylum application or have challenged the denial with an administrative appeal.

Since the 2015 increase of available places for refugees' reception, the Spanish government has reformed the system regarding financing for NGOs service providers for asylum seekers and refugees. In 2025, the asylum reception system counted 24 organisations, which were granted direct funding for the reception of asylum seekers:[541]

1. Accem
2. Adoratrices
3. Fundacion Solidaridad Amaranta
4. Andalucía Acoge
5. Fundacion Apip-Acam
6. CEAR

538 *Ibidem*
539 Article 11.7 of the Reception Regulation.
540 Migrar con Derechos, 'Instrucción SEM de 15 de diciembre de 2022. Acceso y permanencia sistema acogida protección internacional', 15 December 2022, available here.
541 Ministerio de Inclusión, Seguiridad Social y Migraciones, 'Sistema de Acogida de Protección Internacional y Temporal. Entidades Colaboradoras', available here.

7. Cepaim
8. Coordinadora Estatal de Plataformas Sociales Salesianas
9. Hijas de la Caridad
10. Asociacion Columbares
11. Cruz Roja Española
12. Cesal
13. Asociación Creando Huellas
14. Diaconia
15. Fundacion La Merced Migraciones
16. Fundacion Arco Iris
17. MPDL
18. Asociación Nueva Vida
19. Asociación Progestión
20. Provivienda
21. Red Acoge
22. ONG Rescate
23. Orden Hospitalaria San Juan de Dios
24. YMCA

The list can undergo changes, as NGOs can enter or exit from the asylum reception system based on available funding, decisions taken by the Minister of Inclusion, Social Security and Migration, individual decisions to be part of the system, etc. According to available data, the Spanish reception system counted with 34,062 reception places for asylum seekers and 24,532 within the humanitarian assistance program as for June 2025.[542]

The Reception Regulation has introduced a new mechanism for funding NGOs' reception facilities, by establishing a concerted action between the SEM and NGOs for the duration of 4 years, both for the asylum reception system and humanitarian assistance.[543] Positive aspects of this new form of funding have been highlighted, especially in terms of the stability of the system in front of the increase in arrivals, its transparency, as well as its ability to adapt to the needs of asylum seekers and migrants.[544]

In July 2025, a new handbook for the reception and assistance within the humanitarian assistance program has been adopted.[545] The EU funded with €38 million the humanitarian assistance for migrants arriving in Spain during 2025.[546]

In June 2023, a new operational plan for 2023-2026 was agreed between Spain and the EUAA, which foresees a set of measures aiming at supporting and reinforcing the national reception authorities in the context of the international protection, temporary protection and the humanitarian assistance systems. In addition, compared to the previous operational plan, the new one foresees support to national authorities to foster common action in reception of unaccompanied migrant children in the Spanish territory, and to enhance the capacity of authorities and practitioners through training and professional development.[547]

In 2025, the EUAA provided Spain national reception authorities with one container for other reception and asylum use.[548]

In March 2026, the Council of Ministers authorised the use of the contingency fund for the amount of €286,715,807.32, as well as the granting of a supplementary loan and an extraordinary loan to the Ministry of Inclusion, Social Security and Migration, to fund measures for the reception of migrants and refugees.[549] During the same month, Spain received an additional €244 million from the European Asylum, Migration and Integration Fund to strengthen its migration management model. So far, AMIF Fund has funded various projects in Spain, such as the running of the CREADE centres, the collection and analysis of data on racism and xenophobia through OBERAXE, voluntary return programmes, and the National Resettlement Plan. This budget increase brings the total allocated to the Spanish national programme to €812 million, representing a 68% increase on the initial allocation received from the AMIF fund in 2022.[550]

542 La Moncloa, 'Informe del sistema de protección internacional en España hasta junio de 2025', June 2025, available here.

543 Europa Press, 'El Gobierno autoriza a CEAR, ACCEM y ACOGE, entre otras, a gestionar plazas de acogida a migrantes los próximos 4 años', 31 October 2022, available here; Derecho.com, 'Resolución de 8 de febrero de 2023, de la Dirección General de Atención Humanitaria e Inclusión Social de la Inmigración, por la que se modifica la de 14 de noviembre de 2022, por la que se establece la planificación de prestaciones, actuaciones y servicios que deben atenderse dentro del programa de atención humanitaria mediante acción concertada para los ejercicios 2023-2026', 8 February 2023, available here.

544 CEAR, 'INFORME 2024. Las personas refugiadas en España y Europa', June 2024, available here.

545 Gobierno de Canarias, 'Canarias consigue una excepción en la aplicación territorial del manual de gestión en atención humanitaria', 30 July 2025, available here.

546 La Moncloa, 'La Unión Europea apoya con 38 millones de euros la atención humanitaria a personas migrantes llegadas a nuestro país en 2025', 30 December 2025, available here.

547 EUAA, 'Operational Plan 2023-2026 agreed by the European Union Agency for Asylum and Spain', 12 June 2023, available here.

548 Information provided by the EUAA, 05 March 2026.

549 Ministerio de Hacienda, 'El Gobierno autoriza la aplicación del Fondo de Contingencia para programas de atención humanitaria a inmigrantes', 17 March 2026, available here.

550 Ministerio de Inclusión, Seguridad Social y Migraciones, 'España recibe 244 millones de euros más del Fondo Europeo de Asilo, Migración e Integración para fortalecer su modelo de gestión migratoria', 17 March 2026, available here.

## 2. Forms and levels of material reception conditions

**Indicators: Forms and Levels of Material Reception Conditions**

1. Amount of the monthly financial individual allowance/vouchers granted to asylum seekers (out-of-pocket expenses) as of 31 December 2025 (in original currency and in €): €56

Reception conditions for asylum seekers in Spain include the coverage of personal expenses for basic necessities and items for personal use, transportation, clothing for adults and children, educational activities, training in social and cultural skills, learning of hosting country language, vocational training and long-life training, leisure and free time, child care and other complementary educational type, as well as aid to facilitate the autonomy of the beneficiaries.

The Reception Regulation elaborates the different forms of reception conditions offered in each phase of the reception system:

1. Assessment and referral phase: Applicants receive: (a) basic information on the reception system; (b) basic and immediate assistance i.e. hygiene kits, baby food, health check and care; (c) legal and psychological assistance; (d) temporary accommodation until a place is available in the reception system; (e) translation and interpretation if needed.[551]

2. Reception phase: Applicants receive, *inter alia*: (a) reception; (b) legal, psychological, cultural, and social support; (c) language course; (d) socio-labour counselling and access to vocational trainings; (e) translation and interpretation if needed; (f) schooling for children; etc.

3. Autonomy phase: Applicants receive, *inter alia*: (a) financial support for covering basic needs according to individual necessities; (b) legal, psychological, cultural, and social support; (c) language course; (d) socio-labour counselling and access to vocational trainings; (e) translation and interpretation if needed; etc.

Financial allowances and further details are decided on a yearly basis and published by the Minister of Inclusion, Social Security and Migration. These amounts are based on the available general budget for reception of the Directorate-General. It is worth noting that financial allowances have not been increased in the last years.

All asylum seekers hosted in the reception phase are given the amount of €56 per month per person (to cover personal out-of-pocket expenses), plus €22 per month for each minor in charge. In addition to this pocket money that is provided on a monthly basis, other necessities are also covered after presenting a receipt of the expense when it regards: public transport, clothing, health related expenses, education and training related expenses, administration proceedings related expenses, translation and interpretation fees.

During the autonomy phase, protection holders are not provided with accommodation anymore; they live in private apartments and housing. They receive no pocket money, although expenses for the rent are covered by the asylum system. They can also receive additional financial support for covering basic needs (*Atención a las necesidades básicas*). The maximum amount of the latter varies according to the number of persons composing the family and further depends on whether they benefit from additional financial support for other types of expenses (*ayudas puntuales*) such as health, education, training, birth.

Financial assistance to asylum seekers could be considered as adequate or sufficient during the reception phase, as it is aimed to cover all basic needs. However, during the autonomy phase, conditions and financial support are not meant to be adequate, as they are conceived as extra assistance for supporting refugees' gradual integration in the host society.

551 Article 16 of the Reception Regulation.

This remains one of the main challenges, as the system foresees an initial degree of autonomy and self-maintenance which is hardly accomplishable in 6 months' time, and almost impossible in the case of applicants who have difficulties in learning and speaking the Spanish language and thus face greater barriers to access to employment.

### 3. Reduction or withdrawal of reception conditions

| Indicators: Reduction or Withdrawal of Reception Conditions | |
|---|---|
| 1. Does the law provide for the possibility to reduce material reception conditions? | ☒ Yes ☐ No |
| 2. Does the law provide for the possibility to withdraw material reception conditions? | ☒ Yes ☐ No |

Article 33 of the Asylum Law provides that asylum seekers' access to reception conditions may be reduced or withdrawn in cases where:

a. The applicant leaves the assigned place of residence without informing the competent authority or without permission;
b. The applicant obtains economic resources and could deal with the whole or part of the costs of reception conditions or has any hidden economic resources;
c. The resolution of the application for international protection has been issued, and is notified to the interested party;
d. By act or omission, the rights of other residents or staff of the centres were violated;
e. The authorised programme or benefit period has finished.

Usually, asylum seekers are rarely expelled from reception facilities, unless they accumulate breaches to the rules of conduct of the centres, causing the necessary mandatory abandonment of the centre. In this case, the management authority will start a procedure which foresees the hearing of the subject, who can make allegations or give explanations within a 15-day period, after which a decision is taken. Legal assistance is not foreseen during this process, as this is an internal procedure.

According to the Reception Regulation, beneficiaries of protection and asylum seekers can have their reception conditions reduced in case they possess economic resources above the limit foreseen by the law to access financial support, they abandon the facility without informing the managers, and in case of violation of the basic rules of the centre or the rights of other residents when they do not amount to cases of withdrawal. In both cases, beneficiaries sign a "social contract" where they commit to participate in these measures and accept this as a requirement to benefit from the different sources of support provided. In other cases, asylum seekers are warned in writing but there are no consequences such as reduction or withdrawal of reception conditions.[552]

Reception conditions are never limited due to large numbers of arrivals. Instead, emergency measures are taken, and asylum seekers are provided new available places where they can be hosted (see section on Types of Accommodation).

Withdrawal of reception conditions is foreseen in case of lack of formalisation of the asylum application or in case of non-admission, denial or withdrawal of the asylum, statelessness or TP application; in case of cessation or revocation of refugee status or subsidiary protection; for the expiration of the duration of reception conditions; in case of abandonment of the facility without informing the managers; in case of violation of the basic rules of the centre or the rights of other residents when they amount to cases of withdrawal; in case of accessing economic resources overcoming financial support that the applicant is receiving.[553]

552 Article 31 of Reception Regulation.
553 Ibidem.

## 4. Freedom of movement

| Indicators: Freedom of Movement | | |
|---|---|---|
| 1. Is there a mechanism for the dispersal of applicants across the territory of the country? | ☐ Yes | ☒ No |
| 2. Does the law provide for restrictions on freedom of movement? | ☒ Yes | ☐ No |

In the Spanish system, asylum seekers are placed in the reception place which better fits their profile and necessities. A case-by-case assessment is made by the NGOs responsible and/or by the Social Work Unit (*Unidad de Trabajo Social*, UTS), the unit in charge of referring asylum seekers to available reception facilities. After assessing the availability of reception spaces and the integral features of the applicant (age, sex, household, nationality, existence of family networks, maintenance, personal necessities, presumed trafficked person or a vulnerable woman, etc.), if feasible, the person is placed in the place that best responds to their needs. This placement is done informally as a matter of administrative practice, without a formal decision being issued to the asylum seeker. Once the applicant is given a place within the reception system, they must remain in the same province.[554] Most of asylum seekers and refugees who are hosted in official reception facilities live in **Andalucía**, **Madrid** and **Catalonia**.[555]

Normally asylum seekers do not move within the Spanish territory, as they do not have many reasons to do so, since they are normally placed with family members or close to any other contact they have in the country. The situation is different in cases of family members who reach separately the Spanish territory or access independently to the asylum reception system. Difficulties may arise in the possibility for family members to join each other, particularly when they are in a different phase of the three-stage asylum reception process (see Criteria and Restrictions to Access Reception Conditions). In this case, there are obstacles to being hosted together (e.g. administrative burden, lack of capacity in certain centres etc.).

Asylum seekers that have made their asylum application in **Ceuta** or **Melilla** undergo different rules on freedom of movement. As a result of the special regime applied by the authorities to these two autonomous cities, applicants have to wait for the decision regarding the admissibility of their claim in order to be transferred to the Spanish peninsula and its asylum reception system, together with an authorisation issued by the National Police allowing them to be transferred to the mainland. Limitations are also applied to asylum applicants who pass the admissibility phase and should be entitled to free of movement in the rest of the Spanish territory. These limitations are informally imposed on asylum seekers. The new Reception Regulation foresees the application of reception conditions also in the facilities in Ceuta and Melilla.

As documented in the previous updates of this report, there has been extensive case law and litigation on the matter in recent years, with various Spanish courts regularly recognising the right to freedom of movement of asylum seekers.[556] By way of illustration, the limitation to the right to freedom of movement across Spanish territory has been declared unlawful by Spanish courts in more than 18 cases from 2018 to 2021.[557]

In practice, however, the authorities continued to restrict asylum seekers' access to the mainland up until 2020. The practice started to change from November 2021, and asylum seekers admitted at 1st instance were transferred to the mainland.[558]

554 Reception Regulation.

555 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno ha sumado 32.000 plazas en diez años para atender a solicitantes de asilo, ejemplo de solidaridad internacional', 20 June 2025, available here.

556 TSJ Madrid, Order 197/2018, 19 June 2018, available here; Order 196/2018, 19 June 2018, available here; Order 276/2018, 27 June 2018, available here; TSJ Madrid, Decision 817/2018, available here; TSJ Madrid, Decision 841/2018, available here.

557 CEAR, 'Nuevo fallo judicial a favor de la libre circulación de solicitantes de asilo en Ceuta', 11 July 2018, available here.

558 Information provided by the legal service of Accem in November 2021. El Foro de Ceuta, 'Nueva salida del CETI: 40 personas parten a centros de acogida en la península', 20 October 2022, available here; Ceuta Actualidad, 'Un sueño cumplido para 30 residentes del CETI', 25 August 2022, available here.

Despite this, in December 2025, Amnesty International denounced that in practice, the administration continued to apply unequal criteria in transfers, i.e. transferring certain nationalities or profiles more quickly (as was the case in the past with Syrians) while other persons have to wait longer for transfers. Unfortunately, there are no clear, transparent and public rules establishing when transfer to mainland should take place, which creates uncertainty and situations of inequality.[559]

## B. Housing

### 1. Types of accommodation

**Indicators: Types of Accommodation**

1. Number of reception centres:[560] Not available
   - ❖ CAPI 4
   - ❖ CETI 2
   - ❖ NGOs participating in reception 24
2. Total number of places in the asylum reception system as of 30 June 2025: 34,062 [561]
3. Type of accommodation most frequently used in a regular procedure:
   ☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☒ Private housing ☐ Other
4. Type of accommodation most frequently used in an urgent procedure:
   ☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☒ Private housing ☐ Other

As mentioned in Criteria and Restrictions to Access Reception Conditions, the Spanish asylum reception system is designed in three phases. Types of accommodation vary in the EYD phase and the "first phase", while during the "second phase" persons are no longer accommodated in the reception system.

As a response to the issue of overcrowding, as mentioned, the EUAA started supporting Spain in the reform of its asylum reception system, including by increasing the number of reception places in the Canary Islands.[562] Aiming at assessing and investigating the provision of material reception conditions, the EUAA launched the Assessment of Reception Conditions (ARC) tool. Spain was one of the Member States which started testing the tool in 2021.[563]

Despite the increase in reception capacity, as mentioned, various asylum seekers were still left homeless in 2025 also due to the mentioned problems in accessing asylum procedure and appointments to register asylum applications. Shortcomings in the reception system are chronical and have been registered by various sources in recent years.

In September 2025, the Council of Ministers approved an additional allocation of €190.7 million to the Ministry of Inclusion, Social security and Migration for the humanitarian assistance and the international protection programme. This measure will allow to guarantee the functioning of the existing 53,500 reception places until the end of June 2026, as well as to strengthen the services to transfer migrants and asylum seekers from the Canary Islands to mainland. Thus, from 1 July 2025 to 30 June 2026 a total budget of €1,035 million has been allocated to the reception system.[564]

559 Amnistía Internacional, 'Qué son los CETI en España y por qué vulneran derechos humanos', 19 December 2025, available here.

560 Centres during the first phase of reception. The CAPI are the centres run by the Ministry of Inclusion, Social Security and Migration and have the same function and services as those managed by NGOs There are also two CETI in Ceuta and Melilla but these are not directly aimed at hosting asylum seekers, even though in practice they do.

561 La Moncloa, 'Informe del sistema de protección internacional en España hasta junio de 2025', June 2025, available here.

562 EASO, 'EASO Executive Director welcomes Spain's commitment to reform reception system', 17 May 2021, available here.

563 EUAA, *Asylum Report 2022*, June 2022, available here, 165.

564 Europa Press, 'El Gobierno aprueba transferir 190,7 millones de euros para programas de atención humanitaria', 2 September 2025, available here.

During 2023, the construction of new reception facilities in different cities was announced and/or started (i.e. in Mérida, Alicante, Vitoria-Gasteiz, Valladolid, Lleida, Lugo, and Soria).[565] Following the municipal and regional elections, the right and right-wing parties which won in some cities and Autonomous Communities started to oppose the construction of new reception centres in their territories.[566] Similarly, the Popular Party (*Partido Popular - PP*) opposed the construction of a reception centre for asylum seekers in Logroño (La Rioja), by highlighting that they rather counted on other measures to offer competent and adequate protection to refugees.[567] In January 2023, the Government announced the construction of a reception centre for asylum seekers in Vitoria (País Vasco), with a budget of €14.1 million and a capacity of 350 places.[568] The plan was opposed by the city major, as the decision appeared to have been taken unilaterally by the central Government. By February 2023, however, an agreement was found.[569]

In October 2024, the Government re-launched the plan to increase the number of asylum reception places that was announced in 2023 by the previous Ministry of Inclusion, Social Security and Migration, which foresaw the creation of 5,700 new reception places with an allocated budget of 176 million euros. The plan was blocked due to the opposition of certain municipalities (led by the right-wing parties Partido Popular and Vox) to the construction of asylum reception facilities in their territories.[570] In 2025, the construction of new migrants and refugees' centres continued,[571] in some cases with the opposition of the

565 Onda Cero, 'El Ayuntamiento ha recibido la solicitud de licencia para la creación del Centro de Acogida de Protección Internacional', 18 July 2023, available here; Alicante Plaza, 'El Gobierno rehabilitará la antigua base militar de Aitana para que sea centro de acogida de refugiados', 11 July 2023, available here; Europa Press, 'El Gobierno central adjudica las obras del centro de acogida internacional de refugiados en Vitoria-Gasteiz', 6 July 2023, available here; La Revista de la Seguridad Social, 'El ministro Escrivá anuncia la construcción de un nuevo centro de refugiados en Tàrrega', 31 March 2023, available here; Europa Press, 'Inclusión abrirá un centro de acogida de refugiados en Castro de Rei (Lugo) para 250 personas', 3 April 2023, available here; El Diario, 'Los Gobierno central y vasco acercan posturas y apelan a la "cogobernanza" sobre el centro refugiados en Vitoria', 27 February 2023, available here; Cadena Ser, 'El ministro de Inclusión, Seguridad Social y Migraciones José Luis Escrivá apoya en Soria a Carlos Martínez', 19 May 2023, available here; Diario de Valladolid, 'El Gobierno frena el centro de refugiados de Valladolid por la negativa municipal a ceder el suelo', 14 January 2024, available here; Heraldo Diario de Soria, 'La Abogacía del Estado ultima un informe sobre la norma de la Junta que limita los centros de refugiados', 4 March 2025, available here.

566 The Objective, 'El Gobierno teme que PP y Vox frenen centros de refugiados previstos en varios municipios', 4 August 2023, available here; El Diario, 'El consejero de Empleo de Vox se opone a la construcción de un centro de refugiados en Valladolid porque "degrada los barrios"', 16 May 2023, available here.

567 La Vanguardia, 'El PP rechaza un Centro de Acogida de Refugiados y afirma que cuenta con otras fórmulas de atención "competentes"', 7 September 2023, available here.

568 El Diario, 'El Gobierno central construirá un centro de acogida internacional de refugiados en Vitoria que Urtaran dice que no se necesita', 16 January 2023, available here.

569 La Vanguardia, 'PNV y PSE pactan una enmienda sobre acogida de refugiados con la que confían en superar sus "diferencias y polémicas", 16.2.23, available here.

570 The Objective, 'El Gobierno reactiva su plan para acoger 5.800 nuevos refugiados y que costará 176 millones', 20 October 2024, available here.

571 Diario de León, 'El centro de refugiados de Villablino tendrá 200 plazas y un coste de ejecución de casi 10 millones', 2 December 2024, available here; Diario Siglo XXI, 'Elma Saiz afirma que se están cumpliendo los plazos para el Centro de Acogida de Protección Internacional de Vitoria', 8 October 2024, available here; La Vanguardia, 'En año y medio Soria tendrá un centro de acogida refugiados con 203 plazas', 1 October 2024, available here; Desde Soria, 'Adjudicadas por trece millones las obras del Centro de Acogida de Protección Internacional de Soria', 1 October 2024, available here; Desde Soria, 'El Gobierno formaliza el contrato de las obras de construcción del Centro de Acogida de Protección Internacional', 20 December 2024, available here; El Mirón de Soria, 'Comienzan las obras del Centro de Refugiados en el barrio de Los Royales', 1 February 2025, available here; El Mirón de Soria, 'Vox rechaza construcción de centro de refugiados por ser puerta "a la ilegalidad"', 26 September 2025, available here; Gente Digital, 'PNV pide paralizar el centro de refugiados de Arana porque "es insostenible e inadecuado" tenga 350 o 200 plazas', 13 September 2025, available here; Diario Siglo XXI, 'El PP reclama "paralizar por completo el macrocentro de refugiados" de Vitoria', 12 September 2025, available here; La Vanguardia, 'El centro de refugiados de Vitoria que siembra la discordia entre PNV y PSE', 5 November 2025, available here; Vitoria Gasteiz, 'El Gobierno de España acepta la propuesta de la alcaldesa de reducir el número de plazas del Centro de Acogida de Protección Internacional de Arana', 31 October 2025, available here.

local population, such as for the case of the facility in Churriana (Málaga),[572] or those in Vitoria, Villalbino and Azuqueca de Henares opposed by right and right-wing parties.[573]

In his 2024 annual report, the Spanish Ombudsperson stated that one of the main challenges facing the asylum reception system is the need to establish effective measures for the inclusion of applicants and beneficiaries of international protection. The concern relates to the lack of protection that many persons face at the end of the reception process, without having acquired the necessary tools to achieve autonomy, learn the language and without support networks or contact with regional and local entities and services.[574] The same concern has been raised by the Spanish Economic and Social Council in a report published in December 2025, which underlined the urgent need to improve procedures and strengthen the international reception and protection system.[575]

The increase in arrivals registered in 2023 led the Government to declare a status of 'migration emergency' in October, which determined to maintain different kinds of emergency shelters open, despite the intention was to close all of them by the end of 2023.[576] In addition, the MISSM adopted different measures and plans to face such increase in arrivals, especially to the Canary Islands (i.e. by shortening the maximum length period of stay at the reception places within the humanitarian assistance program; by foreseeing to extend the stay for vulnerable migrants; by the allocation of more economic resources for creating new reception places within the humanitarian assistance program; by the creation of new reception places; etc.).[577] In January 2024, the declaration of the migration emergency was extended, and the Council of Ministers approved an allocation of 60.6 million Euros. In September 2025, the Government approved the declaration of migration emergency in the Balearic Islands with a budget of €6.75 million.[578]

In January 2025, the Ministry of Inclusion, Social Security and Migration and la Caixa renewed their collaboration by re-launching the project 'Tiende una mano. Acoge', which promotes the inclusion of refugees through an at least six-month accommodation with Spanish families. The programme, created in 2022 to welcome people fleeing Ukraine, is implemented in Madrid and Barcelona, and has implemented 300 family placements so far.[579]

### 1.1 Assessment and referral (EYD) phase

In 2018, the rise in asylum claims resulted in applicants having up to 4 months in some cases hosted in hotels instead of asylum accommodation. No information is available on 2025 apart from what has been

572 Cadena Ser, 'El centro de migrantes, con 200 plazas, en Churriana (Málaga) provoca recelos en los vecinos: "Se quieren meter a las bravas y rozará el hacinamiento"', 16 May 2024, available here; Diario de León, 'El Centro de Protección Internacional de Villablino suma ya un año de retraso burocrático', 4 November 2024, available here; Guada News, 'La polémica construcción de un Centro de Acogida de Protección Internacional en Azuqueca de Henares', 5 November 2024, available here; El Diario, 'El Pleno de Azuqueca pide por unanimidad la "paralización inmediata" de un Centro de Acogida de Protección Internacional', 1 November 2024, available here; La Tribuna de Guadalajara, 'Carlés: "La política no debe ser cerrar sino abrir fronteras"', 4 November 2024, available here; Público, 'La Policía desaloja un pleno en Villaquilambre (León) tras un debate por un centro de migrantes', 20 June 2024, available here; Diario de Almería, 'La rebelión del Poniente almeriense contra los centros de acogida de inmigrantes', 1 June 2024, available here.

573 Europa Press, 'El PP vuelve a exigir "la paralización del macrocentro de inmigrantes" de Arana en Vitoria-Gasteiz', 20 November 2024, available here; Siglo XXI, 'El PP exige la paralización del centro de refugiados de Vitoria-Gasteiz "por su tamaño inasumible y modelo inadecuado", 10 March 2025, available here; Gasteiz Hoy, 'El macrocentro de refugiados en Arana "es inasumible e insostenible para Vitoria", denuncia el PP', 11 March 2025, available here; Cadena Ser, 'El Ayuntamiento de Baeza se opone a un centro para personas con protección internacional porque supone la "reducción de plazas hoteleras"', 7 March 2025, available here.

574 Defensor del Pueblo, 'Informe anual 2024', March 2025, available here.

575 Consejo Económico y Social de España, 'Informe 01/2025. La realidad migratoria en España: prioridades para las políticas públicas', December 2025, available here.

576 Canarias 7, 'El repunte migratorio obliga a Madrid a dejar abiertos centros que quería cerrar', 21 June 2023, available at: https://tinyurl.com/mr258937.

577 Information provided by Accem in February 2024.

578 RTVE, 'El Gobierno aprueba la declaración de emergencia migratoria en Baleares con una inversión de 6,75 millones de euros', 16 September 2025, available here.

579 Europa Press, 'Inclusión y Fundación 'La Caixa' renuevan su colaboración con el programa 'Tiende una mano. Acoge' para refugiados', 28 January 2025, available here.

mentioned under Access and forms of reception conditions, as well as in the previous paragraphs and under Access to the asylum procedure.

### 1.2 Reception phase

Accommodation during the reception phase can take place in:

- International Protection Reception Centres (*Centros de acogida de protección internacional*, CAPI) managed by the Directorate General for Humanitarian Assistance and for the Reception System of International Protection;
- Reception facilities managed by NGOs, subcontracted by the Directorate General for Humanitarian Assistance and for the Reception System of International Protection.

The typologies of reception places vary depending on the institution or entity that manages the centre. The reception system relies on places within big reception centres and apartments, but some reception places are in urban neighbourhoods while other are located in rural areas. The types of available accommodation also differ in terms of services provided and space.

The Ministry directly manages 4 International Protection Reception Centres (CAPI), with a total capacity of 425 reception places.[580]

There are two Migrant Temporary Stay Centres (CETI) in the autonomous cities of **Ceuta** and **Melilla**. This type of centre hosts any migrant or asylum seeker that enters the Spanish territory undocumented, either by land or by sea and arrives in the Ceuta and Melilla enclaves.

Every third country national who enters irregularly the Spanish territory through the two cities is placed in one of the two centres before being moved to the peninsular territory as an asylum seeker or an economic migrant. The capacity of the CETI is 512 places in **Ceuta** and 686 in **Melilla**,[581] including places in tents in the latter. Overcrowding in such facilities and the poor living conditions has been a persisting problem in Spain, as explained in Arrivals in the enclaves of Ceuta and Melilla and below under Conditions in CETI.[582]

Moreover, reception places for asylum seekers are available inside the reception centres and private apartments managed by NGOs, funded by the Ministry. In 2025, the reception system counted 24 organisations, as listed above.

The process of assigning reception places takes into consideration the availability of places and the profile of the asylum seekers, giving special attention to vulnerable persons.

580 Boletín Oficial del estado, Ministerio de Inclusión, Seguridad Social y Migraciones, 'Resolución de 8 de noviembre de 2022, de la Dirección General de Gestión del Sistema de Acogida de Protección Internacional y Temporal, por la que se establece la planificación extraordinaria de prestaciones, actuaciones o servicios del sistema de acogida en materia de protección internacional para atender mediante acción concertada las necesidades derivadas del desplazamiento de personas como consecuencia de la guerra en Ucrania', 11 November 2022, available at: https://tinyurl.com/2xasxn2z.

581 Amnistía Internacional, 'Qué son los CETI en España y por qué vulneran derechos humanos', 19 December 2025, available here.

582 Melilla Hoy, 'El CETI acoge a 900 personas tras el traslado de 90 migrantes a Melilla', 12 June 2018, available at: https://bit.ly/2FybXu5; Europa Press, 'El CETI de Ceuta acoge a 878 extranjeros tras la salida de cien hacia la Península', 30 August 2018, available at: https://bit.ly/2FzOY1G.

## 2. Conditions in reception facilities

| Indicators: Conditions in Reception Facilities | |
|---|---|
| 1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? | ☒ Yes ☐ No |
| 2. What is the average length of stay of asylum seekers in the reception centres? | Not available |
| 3. Are unaccompanied children ever accommodated with adults in practice? | ☐ Yes ☒ No |
| 4. Are single women and men accommodated separately? | ☒ Yes ☐ No |

While the increase in arrivals of asylum seekers in recent years has exacerbated difficulties in accessing reception, the actual conditions in asylum reception facilities have not deteriorated since reception capacity was increased. The problem asylum seekers face on some occasions is the long waiting time before they can be placed in accommodation facilities.

### 2.1. Conditions in CAPI and NGO accommodation

The majority of available places for asylum seekers in Spain are in reception centres, during the first phase of reception, which lasts for a maximum of 6 months. As stressed, during the second phase they are placed in private housing, as the final aim is their autonomy within the Spanish society.

In general, there have not been reports of bad conditions of reception. In fact, there are no registered protests or strikes by applicants. Unless they are placed in private housing, asylum seekers are not able to cook by themselves during the first phase of reception, as meals are managed by the authority in charge of the centre.

Hosted applicants have access to several types of activities, which vary from trainings to leisure activities. In general, particular conditions or facilities within the reception centre depend on the authority managing the reception places. As the majority of centres are managed by specialised NGOs, generally the staff that works with asylum seekers during their reception is trained and specialised.

The accommodation of every asylum seeker is decided on case-by-case basis, in order to prevent tensions or conflicts (such as nationality or religious based potential situations), vulnerability or violence. Single women for example are usually placed in female-only apartments, while the same happens for single men. Family unity is also respected, as family members are placed together.

The usual length of stay for asylum seekers inside the reception facilities is the maximum stay admitted, which is 18 months, extendable to 24 months for vulnerable persons. This is due to the fact that the system is divided into 3 main phases that gradually prepare the person to live autonomously in the host society.

### 2.2. Conditions in CETI

Overcrowding in the CETI in **Ceuta** and **Melilla** is a serious issue that has persisted in recent years, resulting in poor or substandard reception conditions for asylum seekers and migrants.

The two CETI are reception facilities that have received the most criticism from organisations and institutions that monitor migrants' and refugees' rights.[583] Accommodation standards were described as

[583] Human Rights Watch, 'Spain: LGBT Asylum Seekers Abused in North African Enclave', 28 April 2017, available at: http://bit.ly/2oS5jTD. See also The Guardian, 'In limbo in Melilla: the young refugees trapped in Spain's African enclave', 10 May 2017, available at: http://bit.ly/2pyuTxb; Amnesty International, *El asilo en España: Un sistema de acogida poco acogedor*, May 2016, available at: https://goo.gl/G1YtPi, 37; UNICEF, *Acogida en España de los niños refugiados*, 2016, available at: https://goo.gl/SaBZgo; Defensor del Pueblo, *El asilo en España: La protección internacional y los recursos del sistema de acogida*, June 2016, available at: https://goo.gl/rJrg3k, 64

inadequate, and concerns were expressed regarding the exposure of women and children to violence and exploitation due to the continuous overcrowding.[584]

Since 2022, the facilities registered very low numbers of residents, it seems it is due to the increase of transfers of asylum applicants to mainland following the decision of the High Court in 2020 (See Freedom of movement).[585] During 2023, the CETI in Ceuta accommodated a total of 1,093 migrants during all the year, which represents the lowest number since 2010.[586] During 2024 and 2025, some situations of overcrowding were registered following the increase in arrivals, including of Latin American asylum seekers, but migrants were transferred to reception facilities in the mainland to ensure places remained available in those facilities.[587] It is worth noting that the presence of Latin American asylum seekers in the two enclaves is not due to the migratory route they follow to reach Spain, but to the fact that, while they arrived in mainland, they decided to move to Ceuta and Melilla just to apply for asylum, due to the long waiting times to access the procedure in the mainland.[588]

During the summer of 2025, the CETI in Ceuta registered overcrowding by reaching between 900 and 1,000 residents. Despite transfers to mainland being organised,[589] overcrowding continued to be a challenge at the beginning of 2026, when more than 1,000 migrants arrived in Ceuta from Morocco in one month and a half. Authorities warned that the facility was on the 'brink of collapse' due to overcrowding and poor hygienic conditions. To alleviate the situation, transfer of big groups of migrants to mainland were organised. [590]

It can be noted that, on top of overcrowding, CETIs do not provide satisfactory conditions for family units and especially for families with minors. As a result, families are separated, and children stay with only one of their parents. In both centres, the shortage of interpreters and psychologists has also been criticised.[591]

In addition, the lack of a specific regulation determining the rules and procedures for the internal functioning at the CETIs has represented a persistent reason of concern. Lack of transparency and arbitrary in the rules accessing the centre have also been denounced during the years.[592]

In March 2025, fourteen asylum seekers were denied access to accommodation at the CETI of Melilla and had to camp outside the facility, following a decision of the police establishing that applications for asylum in Melilla had to be made online and no longer in person. The Bar Association of the City, together with other stakeholders, tried to find accommodation solutions for them, such as accommodating the

584 Council of Europe, *Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, to Spain, 18-24 March 2018*, SG/Inf(2018)25, 3 September 2018, available at: https://bit.ly/3SFhUJV, para 5.1.

585 Melilla Hoy, 'El CETI, bajo mínimos: solo hay 3 migrantes acogidos', 13 March 2023, available at: https://bit.ly/3Z8dwTF; El Faro de Melilla, 'El CETI bate su récord histórico: cierra 2022 con solo 5 migrantes acogidos', 10 January 2023, available at: https://bit.ly/407FgJn.

586 Ceuta Actualidad, 'Descenso histórico: CETI de Ceuta acoge el menor número de inmigrantes desde 2010', 26 February 2024, available at: https://tinyurl.com/5yee56sa.

587 Andalucía Información, 'Embarcan hacia Algeciras 17 migrantes para distribuirlos por Andalucía y liberar el CETI', 18 July 2024, available here; La Vanguardia, 'Asocian el colapso del centro de inmigrantes de Ceuta al aumento de las entradas a nado', 1 August 2024, available here; El Faro de Melilla, 'El CETI cuenta actualmente con 800 migrantes', 31 January 2025, available here; Melilla Hoy, 'El CETI acoge actualmente a 400 usuarios, la mayoría latinoamericanos', 22 August 2024, available here.

588 ABC, 'El CETI de Melilla cambia de color por el "atajo" del asilo sudamericano', 7 July 2024, available here.

589 Ceuta Actualidad, '43 migrantes salen del CETI rumbo a la península para aliviar la saturación', 11 September 2025, available here; La Verdad de Ceuta, 'Otros 42 inmigrantes abandonan el colapsado CETI de Ceuta', 18 September 2025, available here.

590 Europa Press, 'Una treintena de migrantes parte hacia otras comunidades autónomas desde un CETI de Ceuta ya descongestionado', 2 January 2026, available here; Info Migrants, 'Ceuta migrant center overwhelmed as arrivals from Morocco increase', 20 February 2026, available here; Europa Press, 'Un grupo de 126 migrantes deja el CETI de Ceuta, la salida más numerosa de los últimos años', 17 February 2026, available here

591 Sira, 'Las condiciones de acogida en Frontera Sur agravan el sufrimiento psíquico de las personas migrantes que llegan a España', January 2022, available at: https://bit.ly/3lxGsqH.

592 Amnistía Internacional, 'Qué son los CETI en España y por qué vulneran derechos humanos', 19 December 2025, available here.

asylum applicants at an hotel. Following calls by the President of the City of Melilla and the Ombudsperson, the asylum applicants were finally transferred to a reception facility in Málaga.[593]

In April, different organisations denounced that at least nine Moroccan nationals were living in the streets in Melilla after arriving by swimming to the enclave and being denied entry to the CETI. They denounced this fact as a serious discrimination on the basis of nationality, which prevails in the CETI's admission criteria.[594] In September, the organisations Elín and No Name Kitchen denounced the vulnerability of around 200 persons living outside the CETI of Ceuta due to the poor hygiene and nutrition conditions.[595]

In December, Amnesty International reiterated its call to the Government to guarantee adequate living conditions in the CETIs and to ensure the immediate transfer to mainland of persons in particular vulnerable situations, especially when they cannot receive adequate assistance in the CETI (i.e. persons with disabilities, families with school-age children, pregnant women, people with psychological problems, victims of trafficking, gender-based violence, sexual violence or torture, and LGBTIQ+ persons).[596]

## 2.3. Conditions in other reception facilities

**Living conditions on the Canary Islands**[597]

In the last years, many challenges in providing adequate reception conditions to migrants and asylum seekers continued to be reported in particular on the **Canary Islands**. This is due to the significant increase of arrivals as described in Arrivals by sea, but also because of the overall lack of reception facilities and the deficient humanitarian assistance system on the Canary Islands.

In the last years, the Canary Islands lacked the capacity to face the rapid increase in sea arrivals it faced; this also negatively impacted centres for unaccompanied minors, that struggled to provide adequate reception conditions and services.[598]

In order to overcome the lack of appropriate and sufficient reception facilities, starting from 2020, many stakeholders, such as the Spanish Ombudsperson or the NGO CEAR, repeatedly called upon the authorities to transfer migrants and asylum seekers from the Canary Islands to appropriate reception facilities on the mainland.[599] For this purpose, CEAR called on the Autonomous Communities for more

593 El Faro de Melilla, 'Imbroda califica de "inhumana" la negativa del Gobierno a acoger a 14 solicitantes de asilo en el CETI', 4 March 2025, available here; Melilla Hoy, 'La CAM lleva a un hotel a los migrantes acampados ante el CETI por la lluvia', 7 March 2025, available here; Melilla Hoy, 'El Colegio de Abogados de Melilla deja claro que los migrantes acampados cerca del CETI "tienen derecho a ser acogidos" en el centro', 7 March 2025, available here; El Faro de Melilla, 'Migrantes en Melilla: el Gobierno promete medidas tras la polémica por su rechazo en el CETI, 10 March 2025, available here; La Vanguardia, 'El Defensor del Pueblo insta al Ministerio a acoger a los migrantes acampados en Melilla', 13 March 2025, available here; El Faro de Melilla, 'Los solicitantes de asilo dejan el campamento y son trasladados a Málaga', 14 March 2025, available here.

594 Amnistía Internacional, 'Los derechos al asilo y de acceso al CETI reducidos a un QR', 3 April 2025, available here.

595 El Faro de Ceuta, 'Asociaciones denuncian la "vulnerabilidad" de los inmigrantes fuera del CETI', 5 September 2025, available here.

596 Amnistía Internacional, 'Qué son los CETI en España y por qué vulneran derechos humanos', 19 December 2026, available here.

597 It has to be noted that migrants and asylum seekers/persons in need of international protection can be hosted in the same facilities at the Canary Islands, and in many occasions the sources do not distinguish properly between the two categories. Maybe sources speak about migrants, but also asylum seekers/persons in need of international protection can be included in such label.

598 El Confidencial, 'Canarias, sin plazas para acoger menores: el próximo niño deberá quedarse en comisaría', 1 February 2022, available at: https://bit.ly/365KHBz.

599 ABC, 'El traslado de migrantes desde Canarias, una 'sacudida' política a nivel nacional', 27 October 2023, available at: https://shorturl.at/kMPW6; La Vanguardia, 'Trasladan a unos 200 migrantes más desde Canarias a un hotel de Almería', 27 October 2023, available at: https://bit.ly/3OkTbs0; Hoy Aragón, '140 migrantes serán realojados en Zaragoza y Tarazona tras la llegada de otros 200 a Huesca', 28 October 2023, available at: https://tinyurl.com/57y2a252; Diario de Almería, 'Llegan 200 inmigrantes más desde Canarias, ahora a un hotel de Aguadulce', 27 October 2023, available at: https://tinyurl.com/2s3m8m4f; Onda Cero, 'El gobierno de España prepara un campamento para 300 migrantes en una explanada en Cartagena', 27 October 2023, available at: https://tinyurl.com/yc6r4esp; La Vanguardia, 'CyL acoge a 395 inmigrantes procedentes de Canarias en seis provincias', 25 October 2023, available at: https://tinyurl.com/mre82exk; La Razón, 'El

solidarity among them in sharing the welcoming and reception of the migrants who arrive to the Canary Islands.[600]

Besides, since 2021, the Government adopted plans and increased the budget for expanding the reception system for migrants and asylum seekers in the Canary Islands, as well as to increase transfers of people to reception facilities in mainland.

The deterrence policy followed by the Government on the **Canary Islands** was similar to the one applied for several years in **Ceuta** and **Melilla**, whereby only a minority of transfers were carried out to mainland.[601] Contrarily to this longstanding policy, since 2023 transfers to mainland have increased consistently, even though transfers from the Canary Islands were not considered sufficient compared to the number of arrivals.[602]

The challenges of the reception system in the Canary Islands persisted in 2025.[603] It has been underlined that the emergency approach adopted in dealing with the situation on the islands leads to severe delays in procedures such as age assessment, access to residence permits for children, enrolment in training and vocational courses.[604] Lack of accommodations places targeting ageing out adolescents has caused a great vulnerability of youth migrants when leaving minors protection centres when aging out. Coordination with the other Spanish autonomous communities is needed, and support by the central government is vital to deal with the situation in the long term.

Moreover, as already mentioned above, the EUAA started to support Spanish asylum authorities, after having agreed upon an operational plan mainly focused on support to reception. This includes providing enhanced capacity to reception services in the Canary Islands. In January 2021, the EUAA carried out a needs' assessment mission at six sites in the Canary Islands, which have received a high number of persons with international protection needs in recent months. The mission was carried out in order to enable the Agency to tailor its support to the specific needs in the region, and the results were discussed with the State Secretary for Migration of Spain.[605] The Operation Plan on Special Support to reception agreed between the EUAA and Spain foresees a set of areas where the EU agency can support the Spanish Government, including assessing 'the need for actions in support of emergency reception facilities with a specific focus on the Canary Islands'.[606] As mentioned above, a new operational plan for 2023-2026 has been agreed between Spain and the EUAA, with foresees measures also aimed at strengthening the reception system in the archipelago.[607]

The budget allocated by the Ministry of Inclusion, Social Security and Migration for the transfer of migrants and refugees (especially from the Canary Islands) to mainland for the period covering 2025 and the first half of 2026 amounts to €7.4 million. The estimated expenditure is for the relocation of 30,860 people, with an estimated average cost per person relocated of €240.[608]

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Gobierno planea habilitar en terrenos militares nuevos centros de acogida para migrantes', 20 October 2023, available at: https://tinyurl.com/47mysvun.

600 El Diario, 'La Comisión Española de Ayuda al Refugiado pide solidaridad entre comunidades para un reparto equitativo de migrantes', 7 November 2023, available at: https://tinyurl.com/23zkmn2y.

601 El Diario, Un gran campamento de migrantes llamado Canarias: "Quieren convertir las islas en Lesbos", 21 November 2020, available at: https://bit.ly/3bOoZD5; El Día, 'José Antonio Moreno Díaz: "Canarias es una válvula del Estado para medir el acceso de migrantes", 14 November 2020, available at: https://bit.ly/2KuqURQ; El Día, '"Están utilizando todas las herramientas para que nadie salga del Archipiélago"', 19 January 2021, available at: https://bit.ly/34ojXvJ**.**

602 Information provided by Accem in April 2024; CEAR, 'INFORME 2024. Las personas refugiadas en España y Europa', June 2024, p. 97, available here.

603 CEAR, 'INFORME 2024. Las personas refugiadas en España y Europa', June 2024, p. 98, available here.

604 Information provided by Save the Children on 11 February 2022.

605 EASO, 'Spanish State Secretary for Migration visits EASO following launch of new operation in the country', 1 February 2021, available at: https://bit.ly/3rgJkFA.

606 EASO, 'Operating plan. Special support on reception agreed by EASO and Spain', 2021, available at: https://bit.ly/32HvuFI.

607 EUAA; 'Operational Plan 2023-2026 agreed by the European Union Agency for Asylum and Spain', 12 June 2023, available at: https://tinyurl.com/m23pjfm7.

608 Newtral, 'El Ministerio de Migraciones prevé un gasto de 240 euros por cada inmigrante trasladado desde Canarias', 20 September 2025, available here.

In October 2025, the State Secretary for Migration informed that the asylum and migrant reception system assisted more than 100,000 people who have arrived in the Canary Islands over the last three years.[609]

**Living conditions in *Cañada Real* of Madrid**

An informal settlement of *Cañada Real* has been set up in **Madrid** where many migrants and other persons live. The living conditions are extremely poor and, since the last quarter of 2020, there is no electricity available. This situation affects around 4,600 persons, including 1,800 children, many of them of a young age. In October 2025, the Cañada Real continued to be without electricity after 5 years.[610] The responsible authorities have not taken any measures to address this issue yet.

Since 2020[611] different relevant national and international stakeholders (i.e. the Spanish Ombudsperson[612] and different UN Rapporteurs[613]) have denounced the seriousness of the situation and its impact on the health of children, as well as the violation of the conventions ratified by Spain.[614]

Detailed information on the issue can be found in previous updates of this report.

**Living conditions in other informal settlements**

The situation in informal settlements across Spain (especially in Andalucía) continued to be a concern in 2025. Many migrants, asylum seekers/refugees/persons in need of international protection and seasonal migrant workers live in these settlements in poor living conditions and with no access to basic services.[615] Many of them are victims of trafficking, forced labour and forced prostitution.[616]

In August 2023 the First Strategic Plan to eradicate informal settlements and substandard housing and to foster the social inclusion of persons (basically migrants) living in agricultural areas in Andalucía was approved by the Autonomous Community's Government.[617]

In its 2025 annual report on Southern borders, the NGO 'Asociación Pro Derechos Humanos de Andalucía – APDHA' denounced the serious violations of the human rights of migrant workers in the informal settlements of Almería and Huelva. It reported that migrant workers live in substandard housing conditions without electricity and water, far away for city centres, at risk of suffering fires, with difficulties in accessing health care and schooling for their children and are victim of any kind of abuses in the workplace.[618]

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609 Ministerio de Inclusión, Seguridad Social y Migraciones, 'Pilar Cancela subraya que Migraciones ha atendido a más de 100.000 personas llegadas a las costas canarias en los últimos tres años', 8 October 2025, available here.

610 El Diario, 'Resistir en la Cañada Real, hogar del eterno apagón: "Cuando al resto se les fue la luz, me buscaron. Ya sabía qué hacer"', 11 May 2025, available here. El Salto, 'Cinco años condenadas a la oscuridad: más de 4.000 personas sobreviven sin luz en la Cañada Real', 3 October 2025, available here.

611 For more detailed information, see AIDA, 'Country Report: Spain – Update on the year 2022', April 2023, available at: https://bit.ly/3SaHE0K.

612 Defensor del Pueblo, 'El Defensor exige a la Comunidad de Madrid y a la Delegación de Gobierno una solución urgente para restablecer la luz en la Cañada Real', 21 December 2020, available at: https://bit.ly/3qDSxHK.

613 United Nations Office of the High Commissioner for Human Rights, 'Spain: Power outages put children's lives at risk in informal settlement – UN experts', 22 December 2020, available at: https://bit.ly/2M3hz3Y.

614 El País, "Dejar a familias en esta terrible situación es una violación de convenios que España ha ratificado", 9 January 2021, available at: https://bit.ly/3p5TaJF; El País, 'La ONU insiste: España incumple el derecho internacional en la Cañada Real', 18 February 2021, available at: https://bit.ly/2OX01rT.

615 Público, 'Sin casa, sin trabajo y sin comida: migrantes al límite en Andalucía', 22 May 2020, available at: https://bit.ly/3iD9xLj.

616 Revista la Mar de Onuba, 'Nuevas detenciones en el entorno agrario por explotación laboral de trabajadores en condiciones de esclavitud', 27 May 2020, available at: https://bit.ly/3sHpB3g.

617 Iustel, 'I Plan Estratégico para la erradicación de asentamientos informales y la inclusión social de personas residentes en zonas agrícolas de Andalucía conformados por población migrante', 1 August 2023, available at: https://rb.gy/i85kb.

618 Asociación Pro Derechos Humanos de Andalucía – APDHA, 'APDHA constata en su Informe Frontera Sur 2025 "graves vulneraciones de los Derechos Humanos en los asentamientos de trabajadores migrantes de Almería y Huelva"', 21 January 2025, available here.

Following the death of a migrant in the informal settlement in Lucena del Puerto (Huelva), in January 2025 the political party *Sumar* registered a parliamentary request at the Congress regarding the situation in the informal settlements in Almería and Huelva, highlighting the inactivity of the Regional Government of Andalucía and the inefficiency of the Strategic Plan for the eradication of Informal Settlements adopted in 2023.[619] In October, the central government indicated that the Ministry of Housing and Urban Agenda, in collaboration with the Ministry of Ecological Transition and Demographic Challenge, was working with the municipalities of Moguer, Palos de la Frontera and Lucena del Puerto to define actions to end informal settlements in their municipalities.[620]

Following the fire in an informal settlement close to Moguer (Huelva) in May 2025, the *Asociación Pro Derechos Humanos de Andalucía – APDHA* underlined that the incident demonstrates the extreme vulnerability of persons living in the informal settlements of the area.[621]

In July, the *Asociación Pro Derechos Humanos de Andalucía – APDHA* claimed institutional accountability for the death of a migrant by electrocution in the informal settlement of Níjar (Almería). The organization complained that, despite the well-known substandard and precarious living conditions in informal settlements, the public administration does not act to solve the situation.[622]

## C. Employment and education

### 1. Access to the labour market

| Indicators: Access to the Labour Market | |
|---|---|
| 1. Does the law allow for access to the labour market for asylum seekers? | ☒ Yes ☐ No |
| ❖ If yes, when do asylum seekers have access the labour market? | 6 months |
| 2. Does the law allow access to employment only following a labour market test? | ☐ Yes ☒ No |
| 3. Does the law only allow asylum seekers to work in specific sectors? | ☐ Yes ☒ No |
| ❖ If yes, specify which sectors: | |
| 4. Does the law limit asylum seekers' employment to a maximum working time? | ☐ Yes ☒ No |
| ❖ If yes, specify the number of days per year | |
| 5. Are there restrictions to accessing employment in practice? | ☒ Yes ☐ No |

Asylum seekers are legally entitled to start working 6 months after their application for asylum is officially accepted, while their application is being examined.

Once the first 6-month period is over, applicants may request the renewal of their "red card" (*tarjeta roja*), in which it will appear that they are authorised to work in Spain with the term of validity of the document that has been issued.[623] There are no other criteria or requirements for them to obtain a work permit, which is valid for any labour sector.

Due to this, and to facilitate their social and labour insertion, reception centres for asylum seekers organise vocational and host language training.

619 Gente Digital, 'Sumar registra una pregunta en el Congreso sobre los asentamientos tras la muerte de un migrante en Lucena', 27 January 2025, available here.
620 Andalucía Información, 'El Gobierno trabaja con Moguer, Palos y Lucena en la definición de proyectos para acabar con los asentamientos', 19 october 2025, available here.
621 Asociación Pro Derechos Humanos de Andalucía – APDHA, 'APDHA señala que el incendio del pasado 26 de mayo demuestra la extrema vulnerabilidad de las personas migrantes que residen en los asentamientos informales de Huelva', 27 May 2025, available here.
622 Europa Press, 'APDH ve "responsabilidad institucional" en la muerte de un migrante por posible electrocución en Níjar (Almería)', 2 July 2025, available here.
623 Article 32 Asylum Law; Article 13 Asylum Regulation.

Labour integration supportive schemes offered to asylum seekers within the reception system include services like personalised guidance interviews, pre-employment training, occupational training, active job seeking support.

However, asylum seekers face many obstacles to accessing the Spanish labour market in practice. Many of them do not speak Spanish at the time they receive the red card. Additionally, the recognition of their qualifications is a long, complicated and often expensive procedure. They also face discrimination due to their nationality or religion.[624]

In March 2020, the State Secretary for Migration adopted an instruction addressed to the Autonomous Communities (which are in charge of the protection and guardianship of unaccompanied migrant children), with the aim of providing work permits to adolescents aged between 16 and 18. As mentioned, the measure aimed at improving the situation of unaccompanied migrant children and ensuring access to the labour market within the same conditions as Spanish nationals.[625]

## 2. Access to education

| Indicators: Access to Education | | |
|---|---|---|
| 1. | Does the law provide for access to education for asylum-seeking children? | ☒ Yes ☐ No |
| 2. | Are children able to access education in practice? | ☒ Yes ☐ No |

Children in Spain have the right to education, and the schooling of children is compulsory from age 6 to 16. This right is not explicitly regulated by the Asylum Law but it is guaranteed by other regulations concerning aliens and children.[626]

Minors' protection-related issues fall within competence of the Autonomous Communities, which manage education systems on their territory and must guarantee access to all minors living thereon. Asylum seeking children are given access to education within the regular schools of the Autonomous Community in which they are living or they are hosted in.

The scheme followed for integrating asylum seeking children in the school varies depending on the Autonomous Community they are placed in, as each regional Administration manages and organises school systems as they rule. Some Communities count on preparatory classrooms, while others have tutors within the normal class and some others do not offer extra or specialised services in order to ease the integration within the school.

In practice, asylum seeking children are usually enrolled in school, even during the first reception phase, during which they are accommodated in asylum facilities.

Nonetheless, shortcoming concerning children accessing education have been reported concerning children hosted in the CETI in periods of overwhelmed conditions due to extreme overcrowding. Following various reports denouncing the situation by the Ombudsperson, UN bodies and NGOs, in February 2022 the Minister of Education changed the legislation with the aim of guaranteeing the access to education for all children residing in Ceuta and Melilla.[627]

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624 Federación S.O.S. Racismo, 'Informe anual sobre el racismo en el Estado español – 2022', December 2022, available at: https://bit.ly/3JiAvpo.

625 Ministerio de Inclusión, Seguridad Social y Migraciones, Secretaría de Estado de Migraciones, 'Instrucción 1/2020 de la Secretaría de Estado de Migraciones por la que se habilita a trabajar a menores extranjeros en edad laboral', 6 March 2020, available at: https://cutt.ly/btUCk4z; El País, 'El Gobierno facilitará el permiso de trabajo a los menores migrantes', 7 March 2020, available at: https://cutt.ly/ktUHEK2.

626 Article 10, Law 1/1996 of 15 January 1996 on the legal protection of minors, partially modifying the Civil Code and the Law on Civil Procedure, as modified by Law 26/2015, of 28 July, modifying the system for the protection of children and adolescents, available at: https://bit.ly/39KVeSc.

627 El País, 'El Ministerio de Educación cambia su normativa para garantizar la plena escolarización de los niños en Melilla', 17 February 2022, available at: https://bit.ly/3YPmSUc.

The Royal Decree adopted in March 2022 established the Regulation for the Reception Conditions guarantees children in the Stateless Determination Procedure access to education and other integration programmes.[628]

## D. Health care

**Indicators: Health Care**

1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?
   ☒ Yes ☐ No
2. Do asylum seekers have adequate access to health care in practice?
   ☒ Yes ☐ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?
   ☐ Yes ☒ Limited ☐ No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?
   ☒ Yes ☐ Limited ☐ No

Spanish law foresees full access to the public health care system for all asylum seekers.[629] Through this legal provision, they are entitled to the same level of health care as nationals and third-country nationals legally residing in Spain, including access to more specialised treatment for persons who have suffered torture, severe physical or psychological abuses or traumatising circumstances.

Since the 2012 reform of access to the Public Health System, which limited the previously guaranteed universal access to health care, asylum seekers had been facing problems in receiving medical assistance, even though it is provided by law. In particular, some asylum seekers were denied medical assistance, because medical personnel were not acquainted with the "red card" (*tarjeta roja*) that applicants are provided with, or they did not know that asylum seekers were entitled to such right.

In September 2018, the Government approved a decree reinstating universal access to the Public Health System, thus covering irregular migrants as well.[630]

In 2020, the Ministry of Health announced a law proposal establishing measures for the equality, the universality and the cohesion of the national health system,[631] and launched a public consultation.[632] The proposal was sent to the Parliament by the Council of Minister on June 2022[633] and was approved in May 2023.[634]

Although access to special treatment and the possibility to receive treatment from psychologists and psychiatrists is free and guaranteed, it should be highlighted that in Spain there are no specialised structures for victims of severe violations and abuses like the ones faced by asylum seekers escaping war, indiscriminate violence or torture. There are no specialised medical centres that exclusively and extensively treat these particular health problems.

From 2025, three NGOs (Accem, Red Acoge and San Juan de Dios) manage places for asylum seekers with mental health needs within the asylum reception system. [635]

628 Boletín Oficial del Estado, Real Decreto 220/2022, de 29 de marzo, por el que se aprueba el Reglamento por el que se regula el sistema de acogida en materia de protección internacional, available here.
629 Article 15 Asylum Regulation.
630 El País, 'El Congreso aprueba el decreto para recuperar la sanidad universal', 6 September 2018, available at: https://bit.ly/2Nt140c.
631 El País, 'Sanidad quiere prohibir por ley nuevos copagos y asegurar la atención a inmigrantes', 20 October 2020, available at: https://bit.ly/3bhV4BI.
632 Ministerio de Sanidad, 'Consulta pública previa sobre el anteproyecto de ley de medidas para la equidad, universalidad y cohesión del sistema nacional de salud', October 2020, available at: https://bit.ly/3dmGUBG.
633 La Moncloa, 'El Gobierno refuerza la equidad y la universalidad del Sistema Nacional de Salud', 14 June 2022, available here.
634 Boletín Oficial del estado, 'Ley 16/2003, de 28 de mayo, de cohesión y calidad del Sistema Nacional de Salud', May 2023, available here.
635 Information provided by Accem's psychological service in March 2026.

Despite acknowledging the improvements made in the last years, the 2025 annual report from CEAR continued to highlight the challenges that asylum seekers, migrants and refugees face in accessing the health system. According to the organisation, this is especially due to the insufficient number of specialised reception places and to the duration of stay that is not adequate for offering a comprehensive rehabilitation response allowing a real inclusion in society.[636]

## E. Special reception needs of vulnerable groups

**Indicators: Special Reception Needs**

1. Is there an assessment of special reception needs of vulnerable persons in practice?
   ☒ Yes ☐ No

In the Spanish reception system, efforts are made to place asylum seekers in the reception place which best fits their profile and needs depending on their age, sex, household, nationality, existence of family networks, maintenance, etc.[637] A case by case assessment is made between OAR and the relevant NGO in charge of the reception centres and, after assessing the availability of reception spaces and the individual characteristics of the applicant, the person is placed in the centre which best meets their needs. As asylum seekers' placement is made on case-by-case basis, there is an ongoing monitoring mechanism which takes into consideration the response to reception needs of each person concerning the mentioned profiles.[638]

In addition, based on vulnerability factors referred to under the Asylum Law, most vulnerable profiles are entitled to a longer stay in reception facilities compared to the normal 18-month period. For vulnerable groups, reception can reach a total of 24 months, following an exceptional authorisation from the competent authority.[639]

Nonetheless, available resources are not allocated with a view to provide for the specific needs of more vulnerable asylum applicants, who are referred to external and more specialised services in case of need. The Spanish reception system in fact does not guarantee specialised reception places addressed to asylum applicants such as victims of trafficking, victims of torture, unaccompanied asylum-seeking children or persons with mental disorders. As mentioned in the section on

Health care, some NGOs offer receptions facilities and services for asylum seekers with health mental problems. In addition, some NGOs have specific places in their reception facilities specifically addressed to trafficked women. These NGOs can also provide tailored services targeting specific vulnerable groups (i.e. trafficked persons, asylum seekers with mental health needs), to facilitate their access to education, labour market and healthcare.

In its 2025 annual report, CEAR highlighted that, despite the significant improvements and an increase in the number of specialised places within the reception system addressed to asylum seekers and refugees with mental health needs, which facilitate an adequate interdisciplinary response for these needs, specific reception places remain insufficient in terms of number and length of stay to offer a comprehensive rehabilitation response allowing a real inclusion in society.[640]

Reception places for asylum-seeking victims of trafficking are very few, and their number is not made public by the MISSM. The new Regulation on Reception specifically includes the prevention, detection

636 CEAR, 'Informe 2025. Las personas refugiadas en España y Europa', June 2025, available here.
637 DGIAH, *Reception Handbook*, November 2018, A, 6.
638 DGIAH, *Reception Handbook*, November 2018, G.2 (22), G.3 (24).
639 Boletín Oficial del Estado, 'Real Decreto 220/2022, de 29 de marzo, por el que se aprueba el Reglamento por el que se regula el sistema de acogida en materia de protección internacional', available at: https://bit.ly/3QR8SHo; Migrar con Derechos, 'Instrucción SEM de 15 de diciembre de 2022. Acceso y permanencia sistema acogida protección internacional', 15 December 2022, available at: https://bit.ly/42A0pxQ.
640 CEAR, 'INFORME 2025. Las personas refugiadas en España y Europa', June 2025, available here.

and referral of victims of trafficking as one of the main principles governing any action within the reception system, and it also considers trafficking as a situation of vulnerability.

In February 2022 the Minister of Inclusion, Social Security and Migration, together with UNHCR, started the implementation of an action protocol on gender-based violence within the reception system, with the aim of improving the prevention, risks mitigation and response for gender-based cases, in line with international and EU laws.[641] A leaflet explaining the protocol has been also published in different languages (i.e. Spanish, English, French, Arabic, Ukrainian),[642] together with a pocket guide for the professionals working in the asylum reception system.[643] With UNHCR's support, in 2025 the Ministry of Inclusion, Social Security and Migration resumed the development and application of collaborative mechanisms that had been inactive during 2024. UNHCR also helped the Ministry in processing and analysing the gender-based violence data collected in the reception system for new arrivals and asylum seekers and supported efforts to design an updated and safe data-collection mechanism, which remains under development. In addition, UNHCR delivered capacity-building to almost 800 government, police and NGO staff and other key actors on gender-based violence and gender-related persecution. UNHCR also facilitated four roundtables on the topic of gender-based violence, bringing key actors together and reinforcing capacity-building, coordination, networking and safe referrals at the local level.
UNHCR carried out information sessions on gender-based violence for women, girls and boys arriving by sea, and disseminated awareness-raising brochures and a video available in nine languages, including those commonly spoken among newly arrived women from Africa.
UNHCR's collaboration with the national asylum authority supported access to protection for survivors of gender-based violence, which remained the most frequent basis for granting refugee status (45 per cent of refugee status decisions). Within the border procedure, UNHCR continued supporting the detection of victims of trafficking or people at risk, in coordination with specialised organisations, asylum authorities and the police (the protocol for detecting potential victims of trafficking was activated in 107 cases, most of them at Madrid airport).[644]

Mental health and psychosocial support (MHPSS) remained a key area of concern in the reception system in 2025, and UNHCR continued supporting the Mental Health Reference Group, ensuring ongoing coordination and information-sharing among specialized organisations and key actors. As part of these efforts, UNHCR convened a dedicated meeting on accompanied children's mental health and well-being in the reception system, which led to the creation of a specialized expert group. UNHCR also supported the working group on suicide prevention (composed of psychologists from both inside and outside the reception system) in organizing a two-day training on suicide prevention and response, co-hosted with the Ministry of Inclusion, Social Security and Migration. The training reached more than 300 online participants and 70 participants in person.

UNHCR, together with the Hungarian Helsinki Committee and the support of IE University, organised a two-day seminar on the protection and rehabilitation of torture victims for 35 actors from the asylum and criminal justice sectors.

Finally, UNHCR trained 122 staff from authorities, organisations and other key actors to strengthen support for refugees with specific needs.[645]

In November 2024, the Minister of Inclusion, Social Security and Migration announced that a total of 772 offices of the Social Security started to function as 'Purple Points' (*Puntos Violeta*) for the assistance to

641 ACNUR, 'Inclusión implementa junto a ACNUR el Protocolo de actuación sobre violencia de género en el sistema de acogida', 23 February 2022, available at: https://bit.ly/3PZD0zO.
642 ACNUR, Ministerio de Inclusión, Seguridad Social y Migraciones, 'Protocolo de actuación ante la violencia contra las mujeres solicitantes y beneficiarias de protección internacional y temporal', available at: https://bit.ly/3PWMQCA.
643 ACNUR, Ministerio de Inclusión, Seguridad Social y Migraciones, 'Cómo actuar ante la violencia contra las mujeres solicitantes y beneficiarias de protección internacional y temporal. Guía de bolsillo para profesionales del SAPIT sobre la aplicación del protocolo de actuación ante la violencia contra las mujeres en el sistema de acogida de protección internacional, dirigida al personal técnico', available at: https://bit.ly/3WBmyIv.
644 Information provided by UNHCR in March 2026.
645 Information provided by UNHCR in March 2026.

victims of gender-based violence.[646] 5,988 pharmacies, health centres, police stations, etc. have also been accredited as 'purple points'.

**Unaccompanied asylum-seeking children**

There are no specialised centres destined only to unaccompanied asylum seeking-children, and they are thus hosted in general centres for unaccompanied migrant children or left destitute. In a report submitted to the Committee on the Rights of the Child in the occasion of the 7th cycle of assessment of the implementation of the Convention on the Rights of the Child, the Platform for Childhood (*Plataforma de Infancia*) underlined the necessity to create, especially in the Canary Islands, Andalucía, Ceuta and Melilla, appropriate reception centres to respond to migrant children's international protection needs. It adds that such centres should provide for legal assistance, interpreters with proper training, and to foster quick referral to other facilities if in the best interest of the child[647] (See also

Legal representation of unaccompanied children).

The same month, the Supreme Court (*Tribunal Supremo*) issued a landmark ruling affirming that unaccompanied minors (UAMs) who apply for asylum are entitled to access and remain within the asylum reception system. This means they should not be placed in the general facilities for UAMs or in shelters for abandoned children. The case stemmed from the situation of approximately 1,000 UAMs who had applied for asylum in the Canary Islands. The ruling compelled the central government - responsible for the reception conditions of asylum applicants - to take responsibility for these minors and provide a solution within 10 days.[648] The Government's initial plan to appeal the decision changed.[649] The UNHCR warned that at least the 55% of the UAMs arriving to the Canary Islands are in need of international protection, and it asked the government to prioritise their asylum applications in the decision-making process.[650] The Minister of Youth and Childhood informed that the Government is working with the EUAA in order to train professionals of the child protection system also on asylum issues.[651]

During the following months, negotiations continued between the central government and the government of the Canary Islands on how and where to transfer and accommodate the unaccompanied migrant children asylum applicants, as well as to which facilities.[652] The central government also informed in

646 El Día Digital, 'Un total de 772 oficinas de la Seguridad Social empiezan a funcionar como Puntos Violeta', 25 November 2024, available here.

647 Plataforma de Infancia, 'La situación de la infancia en España en 2022', November 2022, available at: https://bit.ly/3KnfWK3.

648 El Mundo, 'El Supremo da 10 días al Gobierno para hacerse cargo de un millar de menores no acompañados en Canarias que han pedido asilo', 26 March 2025, available here; Europa Press, 'Sistema "sobresaturado" en Canarias: ONG urgen soluciones para los menores migrantes tras la decisión del Supremo', 28 March 2025, available here; Bolaños asegura que el Estado trabaja en cumplir con el TS y dar asilo a los menores migrantes, 28 March 2025, available here; Europa Press, 'La Policía de Extranjería ignora al Supremo y paraliza el proceso de asilo de 675 menores', 28 March 2025, available here; Canarias 7, 'El traslado de los solicitantes de asilo 'topa' con una red de acogida estatal que no está preparada', 27 March 2025, available here; El Periódico, 'El Gobierno se resiste a acoger a los menores refugiados llegados a Canarias, como le exige el Supremo', 31 March 2025, available here.

649 20 Minutos, 'El Gobierno rectifica y no recurrirá el auto del Supremo que le obliga a hacerse cargo de 1.000 menores migrantes de Canarias', 4 April 2025, available here; RTVE, 'El Gobierno retira el recurso contra el auto del Supremo que le obliga a hacerse cargo de mil menores migrantes de Canarias', 4 April 2025, available here.

650 El País, 'El 55% de los menores migrantes en Canarias necesitan protección internacional, según Acnur', 9 April 2025, available here; El Diario, 'ACNUR pide que los menores migrantes no acompañados llegados a Canarias tengan prioridad en la petición de asilo', 10 April 2025, available here.

651 Europa Press, 'El Gobierno trabaja con la Agencia Europea de Asilo para formar a los profesionales del sistema de protección de menores', 10 April 2025, available here.

652 Público, 'IU propone un mecanismo para acelerar la acogida de los menores migrantes que solicitan asilo', 2 April 2025, available here; Canarias 7, 'Estado y Canarias tratarán el jueves el traspaso de los 1.200 menores en asilo, como fija el Supremo', 2 April 2025, available here; RTVC, 'Estado y Canarias se coordinarán «caso a caso» para la distribución de menores migrantes solicitantes de asilo', 3 April 2025, available here; La Vanguardia, 'El Gobierno tutelará 1.008 menores que pidieron asilo en Canarias, pero no asegura distribuirlos', 3 April 2025, available here; El Diario, 'Canarias y el Estado se reúnen este jueves para tratar la distribución de los menores solicitantes de asilo', 3 April 2025, available here; Gobierno de Canarias, 'Clavijo espera que en una semana los menores demandantes de asilo sean acogidos por el Estado', 3 April 2025,

writing the Supreme Court about the difficulty in accommodating and assisting UAMs asylum applicants within its asylum reception system, due to the lack of specific and specialised facilities for UAMs.[653] The political party *Sumar* called the government to create a specific centre to accommodate UAMs asylum applicants. The NGO *CEAR* warned that the Spanish asylum reception system has not been designed with UAMs in mind.[654] In addition, it proposed the government to be available to make adjustments to its facilities within the asylum reception system, to allow the government to comply with the 10 days deadline.[655]

Considering the delay in assuming the reception and assistance of the UAMs asylum applicants by the central government and to find a solution within the 10-days' time limit given to the central government to comply with the decision, the Supreme Court convened the central government to a hearing at the end of May to explain the measures adopted so far to accommodate UAMs asylum applicants from the Canary Islands.[656] The government informed the Supreme Court that, despite not having found a solution to accommodate UAMs asylum seekers, it maintained the intention of complying with the Court's decision.[657] The Supreme Court threatened the government to impose fines for not complying with its decision.[658] At the beginning of June, the central government and the government of the Canary Islands started to organise the reception and assistance of those UAMs asylum applicants in the Canary Islands.[659] The Government planned to open 800 reception places – all of them in the archipelago - specifically for UAMs asylum seekers, thus it agreed with the government of the Canary Islands to assume their reception within

available here; La Moncloa, 'Un grupo de trabajo coordinará la ejecución del real decreto para la acogida de menores migrantes no acompañados', 8 April 2025, available here; El Diario, 'El Gobierno ultima la fórmula para hacerse cargo de mil menores refugiados tras la orden del Supremo', 7 April 2025, available here; El Periódico, 'El Gobierno responderá al Supremo que "activa" su colaboración con Canarias para atender a los menores migrantes "caso a caso"', 10 April 2025, available here; El Diario, 'Canarias envía al Estado los expedientes de más de mil menores solicitantes de asilo', 11 April 2025, available here; The Objective, 'Canarias exige que el Gobierno se haga cargo ya de los mil menores: «Son su responsabilidad»', 17 April 2025, available here.

653 La Provincia, 'El Estado alega al TS que la red de asilo no puede acoger menores solos', 22 April 2025, available here; Onda Cero, 'Canarias En La Onda Noticias 22/04/2025', 22 April 2025, available here.

654 Canarias 7, 'CEAR advierte de que el sistema de acogida a refugiados no responde a la realidad de Canarias', 20 April 2025, available here.

655 Canarias 7, 'Sumar pide que el Gobierno habilite un centro de atención a menores migrantes solicitantes de asilo', 17 april 2025, available here; Europa Press, 'CEAR, "disponible" a hacer adaptaciones en sus centros para acoger menores migrantes solicitantes de asilo de Canarias', 23 April 2025, available here; 20 minutos, 'CEAR ofrece al Gobierno sus centros para acoger a menores solicitantes de asilo tras vencer el plazo de 10 días del Supremo', 23 April 2025, available here.

656 Canarias 7, 'Los servicios jurídicos estudian requerir al Estado por vía judicial que asuma menores', 23 April 2025, available here; El País, 'Canarias aviva la batalla judicial con el Gobierno para que asuma la acogida de los menores refugiados', 9 May 2025, available here; El Periódico, 'El Supremo emplaza al Gobierno a una vista para que le informe sobre las medidas para los menores solicitantes de asilo', 13 May 2025, available here; Europa Press, 'El TS cita al Gobierno el 29 de mayo para que exponga las medidas adoptadas sobre el reparto de menores migrantes', 13 May 2025, available here; La Razón, 'El Gobierno tendrá que explicar al Supremo si se ha hecho cargo de los menores que esperan asilo en Canarias', 13 May 2025, available here.

657 20 minutos, 'El Gobierno admite en el Supremo que no ha acogido a ninguno de los mil menores solicitantes de asilo en Canarias', 29 May 2025, available here; El Mundo, 'El Gobierno reconoce en el Supremo que aún no ha atendido "a ningún" menor de Canarias desde que el tribunal se lo ordenó hace dos meses', 20 May 2025, avaible here; RTVE, 'El Gobierno admite al Supremo que no ha acogido a ninguno de los mil menores solicitantes de asilo en Canarias', 29 May 2025, available here; La Vanguardia, 'Elma Saiz: "Hay voluntad clara de cumplir el auto del Supremo" sobre menores migrantes', 31 May 2025, available here.

658 20 minutos, 'El Supremo amenaza al Gobierno con multas si no garantiza la acogida de los mil menores solicitantes de asilo en Canarias', 5 June 2025, available here.

659 El Día, 'Migraciones contacta con Canarias para iniciar el proceso de asumir a los menores que piden asilo', 10 June 2025, available here; Canarias 7, 'El Estado asumirá a los menores migrantes asilados', 23 June 2025, available here; Público, 'El Gobierno y Canarias acuerdan la acogida de menores refugiados para cumplir la orden del Supremo', 23 June 2025, available here.

the asylum reception system.[660] In addition, it offered 400 reception places in the Autonomous Community of Madrid.[661]

The Supreme Court urged both governments to submit periodic reports every 15 days, in order to inform on the steps taken for the reception of UAMs asylum seekers.[662] Against the denial of some asylum applications lodged by UAMs, and the complaints by the government of the Canary Islands, the Supreme Court reiterated the obligation for the central government to take over the 1,000 UAMs asylum applicants in the Canary Islands.[663]

Between the end of July and beginning of August, a group of 250 UAMs asylum applicants started to be accommodated within the asylum reception system at the facility *Canarias 50* located in the Canary Islands, while other 10 were transferred to a facility in mainland.[664] A Nazi banner was found in front of the facility where the UAMs were accommodated the day in which they arrived to the mainland.[665]

The plan of the government was to transfer small groups of 15-20 children each week and to accommodate them primarily in small reception asylum facilities in all Spanish territory.[666] Accem and CEAR supported the start of the transfers to mainland, and stressed the importance that all the administrations involved assume a co-shared responsibility in the reception of UAMs asylum applicants.[667] The central government informed the intention to approve an allocation of 40 million € for the reception of UAMs asylum applicants from the Canary Islands.[668]

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660 Cadena Ser, 'El plan del Gobierno para la acogida de menores migrantes: 800 plazas nuevas, pero todas en Canarias', 22 June 2025, available here; Demócrata, 'Acuerdo entre el Gobierno y Canarias para registrar a 827 menores migrantes en protección internacional', 25 june 2025, available here; Europa Press, 'El Gobierno pacta con Canarias dar de alta a 827 menores migrantes en el sistema de protección internacional', 25 June 2025, available here; Canarias 7, 'El Estado asumirá «de inmediato» a 827 menores asilados abriendo plazas de acogida en Gran Canaria', 26 Juen 2025, available here.

661 RTVE, 'El Gobierno ofrece a Canarias 400 plazas en Madrid para los menores migrantes', 1 July 2025, available here.

662 Europa Press, 'El Supremo reclama al Gobierno y Canarias informes periódicos y conjuntos con los avances en la acogida de menores', 2 July 2025, available here; Público, 'El Supremo ordena al Gobierno y a Canarias que informe cada 15 días sobre los menores solicitantes de asilo', 2 July 2025, available here.

663 Canarias 7, 'Canarias no ve avances con los menores asilados y el Estado pide aval al Supremo para su traslado', 16 July 2025, available here; Canarias denuncia que Interior acelera el rechazo del asilo a menores tras el auto del TS', 15 July 2025, available here; El Diario, 'Interior rechaza cerca de la mitad de las peticiones de asilo de menores de Canarias resueltas este año', 19 July 2025, available here; RTVE, 'El Supremo reitera al Gobierno que debe hacerse cargo de los menores de Canarias', 24 July 2025, available here; El Supremo reitera al Gobierno que se haga cargo de los 1.000 menores migrantes que han pedido asilo', 24 July 2025, available here.

664 Noticias de Gipuzkoa, 'El Gobierno acogerá a finales de julio en Canarias a los primeros 250 menores migrantes solicitantes de asilo, 9 July 2025, available here; RTVE, 'El Gobierno de España anuncia que acogerá en julio en su red estatal de asilo a los primeros 250 menores migrantes', 9 July 2025, available here; Canarias 7, 'El Estado obvia Pozuelo y deja solo el Canarias 50 para los menores asilados: «Es un paso atrás»', 8 July 2025, available here; Diario de Avisos, 'El Estado asume desde mañana la acogida de los 100 primeros menores solicitantes de asilo desde Canarias', 22 July 2025, available here; Canal 4 Tenerife, 'Cincuenta chicos mayores de 16 años, primeros solicitantes de asilo transferidos al Estado', 23 July 2025, available here; El Diario, 'Migraciones empezará a derivar a la Península a menores solicitantes de asilo en 2 semanas', 29 July 2025, available here; Confilegal, 'El Supremo insta al Gobierno a dar «una pronta y completa integración» a los menores migrantes de Canarias', 30 July 2025, available here; El Diario, 'Más Madrid carga contra PP por "usar la infancia migrante" como "arma arrojadiza" y afea el cierre del CREADE de Pozuelo', 31 July 2025, available here; Europa Press, 'El Gobierno empezará el lunes el traslado de menores migrantes con ocho derivaciones a la Península', 5 July 2025, available here; Cadena Ser, 'Comienzan las derivaciones de menores solicitantes de asilo desde Canarias a la Península', 11 August 2025, available here.

665 El Diario, 'El Gobierno retira una pancarta nazi frente al centro al que han sido trasladados los 10 primeros menores desde Canarias', 12 August 2025, available here.

666 El Diario, 'La ministra de Migraciones asegura que no habrá "excepcionalidad" en las comunidades autónomas en la acogida de menores migrantes', 6 August 2025, available here; El Diario, 'Claves del traslado de menores refugiados desde Canarias: dos grupos por semana y centros pequeños', 5 August 2025, available here.

667 Galicia Press, 'Accem y CEAR aplauden el inicio de traslados de menores migrantes, piden responsabilidad y avisan: "El sistema es hostil"', 6 August 2025, available here.

668 El Diario, 'El Gobierno de España aprobará 40 millones para la derivación de menores solicitantes de asilo desde Canarias', 16 July 2025, available here; Diario de Sevilla, 'El reparto de fondos para acoger a los niños

After the transfer of the first group of 10 UAMs to mainland, the government of the Canary Islands complained about the lack of additional transfers during the same week, despite the central government's commitment to transfer groups of 15-20 UAMs each week. This was justified as being due to the lack of appropriate additional facilities for UAMs asylum applicants in mainland. At the same time, the government of the Canary Islands announced to have reached an agreement with the central government to immediately transfer to mainland unaccompanied migrant girls – 90 in August - with the aim of avoiding assessing their asylum application while accommodated in the facility *Canarias 50*.[669] A second group of 5 Malian UAMs were transferred to mainland in mid-August. By this date, the central government reported to have transferred a total of 240 UAMs (including those who aged out in the meantime) to facilities within the asylum reception system.[670] With the following transfer of a third group of 9 unaccompanied girls to facilities within the asylum reception system in mainland, the Ministry of Inclusion, Social Security and Migration informed that a total of 280 UAMs have been transferred so far from the Canary Islands.[671] The transfers continued, with the intention of the government to speed them up since September, and to prepare 110 new reception places for them in different Autonomous Communities.[672] Since the Supreme Court's decision until the end of August, 470 additional unaccompanied asylum-seeking children arrived in the Canary Islands.[673] With the aim of speeding up the pace of transfers to the mainland, the government of the Canary Islands decided to carry out the asylum interviews at the same facilities where they are accommodated. In addition, the public prosecutor for children took part in asylum interviews. To this purpose, the public prosecutor office's capacity was increased.[674] The government of the archipelago presented a complaint in front of the Supreme Court regarding the central government's failure to comply with the Court's decision.[675] Due to the reticence of around the 25-30% of UAMs asylum seekers to be transferred to mainland and to their willingness to continue to stay in the Canary Islands, the central government started to provide informative sessions on asylum to those UAMs.[676] Despite transfers to the mainland continuing in October and November, the Canary Islands' government reported delays in the

migrantes, otro frente abierto entre la Junta y el Gobierno', 24 July 2025, available here; Ceuta al Día, 'España dedicará más de 33.000 euros a cada plaza de acogida de menor migrante', 21 July 2025, available here.

669 Gobierno de Canarias, 'El Estado incumple, una vez más, con Canarias y no realizará más derivaciones a la Península esta semana', 13 August 2025, available here.

670 La Moncloa, 'El Gobierno ultima un segundo traslado de menores no acompañados a la península esta semana', 14 August 2025, available here; La Vanguardia, 'El Gobierno trasladará este fin de semana otro grupo de cinco menores malienses a la península', 14 August 2025, available here.

671 El Diario, 'Un grupo de nueve menores migrantes solicitantes de asilo viaja este jueves desde Canarias a la Península', 21 August 2025, available here.

672 La Vanguardia, 'Otros 70 menores solicitantes de asilo saldrán de Canarias en los próximos días', 28 August 2025, available here; Europa Press, 'El Gobierno incrementará en septiembre el ritmo de traslados de menores migrantes solicitantes de asilo a la Península', 27 August 2025, available here; Iustel, 'El Gobierno prepara 110 plazas en varias CCAA en septiembre para menores solicitantes de asilo', 29 August 2025, available here; Diario de Avisos, 'Unos 20 menores migrantes viajan a la Península en el sexto traslado desde Canarias', 31 August 2025, available here; Diario de Navarra, 'El ministerio habilita un centro de menores migrantes en Ultzama', 30 August 2025, available here; El Diario, 'El Gobierno trasladará en octubre a otros 120 menores solicitantes de asilo desde Canarias a la península', 23 September 2025, available here; Heraldo, 'Nuevo recurso de Aragón contra el reparto de menores: "No tenemos capacidad para atenderlos"', 3 September 2025, available here.

673 El Día, 'Canarias suma 470 menores más bajo su cuidado desde el auto del Supremo', 25 August 2025, available here; Canarias urge al Estado: «A este ritmo no podemos continuar, tenemos más de 900 menores asilados»', 17 September 2025, available here; El Mundo, 'El informe de la crisis de los menores que piden asilo: el Gobierno sólo saca de Canarias a uno de cada 20 tras cinco meses', 2 September 2025, available here.

674 Gobierno de Canarias, 'Canarias logra que los menores de protección internacional sean valorados en los centros para agilizar su salida', 8 October 2025, available here; El Día, 'Canarias teme que la participación de Fiscalía en las entrevistas de menores ralentice las derivaciones', 21 October 2025, available here; Gobierno de Canarias, 'La Consejería de Presidencia refuerza la Fiscalía para agilizar la tramitación de expedientes de menores migrantes', 10 October 2025, available here; La Provincia, 'Los centros de menores critican la premura en el plan de reubicación de los niños con asilo', 4 November 2025, available here.

675 Canarias 7, 'Canarias informa al Supremo del incumplimiento con los menores asilados: «Es desacato»', 23 September 2025, available here; El Periódico, 'Clavijo envía al Supremo un documento que evidencia el "desacato" del Gobierno al no acoger a menores migrantes que han pedido asilo', 24 September 2025, available here.

676 Canarias 7, 'Solo tres de cada diez menores asilados quieren ser derivados a la península', 9 September 2025, available here; El Diario, 'El Gobierno central impartirá charlas sobre derecho de asilo a menores acogidos en centro de Canarias', 9 September 2025, available here.

process.[677] At the end of October, following the reports lodged by the government of the Canary Islands, the Supreme Court ordered the central government to take over the reception of UAMs asylum applicants within 15 days.[678] Close to the end of November, the central government informed to have complied with the Supreme Court's decision, with a total of 679 UAMs transferred to mainland after an additional 817 new places were created within the asylum reception system.[679] The government of the Canary Islands urged the central government to transfer 2,700 UAMs before the 18 March 2026.[680] In December, the government of the Canary Islands asked the Supreme Court to clarify and to establish concrete rules on the guardianship of the UAMs asylum applicants, as it remains with the archipelago's government despite the transfer to another Autonomous Community.[681] During the same month, a UAM was transferred back to the Canary Islands from mainland due to the denial of his asylum application.[682] In January 2026, 99 UAMs withdrew their asylum application due to the lack of proper conditions in the centres managed by the central government, such as the centre of *Canarias 50*, were they are transferred for the being interviewed and for waiting their transfer to mainland.[683] In addition, some of them withdrew the asylum application as they were already integrated in the archipelago and did not wish to be transferred to centres for asylum applicants in mainland Spain.[684] By the end of December 2025, 410 UAMs asylum applicants have been transferred to the asylum reception facilities in mainland, according to data released by the government of the Canary Islands.[685]

At the beginning of November, the UNHCR warned that a significant number of UAMs arriving in Spain are fleeing armed conflict, violence or persecution in their countries of origin. It also estimated that, since August 2023, around 1,500 children who arrived in the Canary Islands have applied for asylum in Spain.

677 El Periódico, 'El Gobierno incumple con el 79% de los traslados de niños asilados prometidos, 30 September 2025, available here; Diario, de Avisos, 'El Gobierno confirma 70 plazas para el traslado de menores migrantes desde Canarias a la Península, 30 September 2025, available here; El Diario, 'El Gobierno reprocha a Canarias su "tardanza" en el papeleo necesario para trasladar a más menores refugiados a la península', 14 october 2025, available here; Canarias duda que el Estado llegue a efectuar los 500 traslados de menores migrantes solicitantes de asilo: El Mundo, '"De los 946 expedientes resueltos, 200 han alcanzado la mayoría de edad", 14 October 2025, available here; Gobierno de Canarias 'Canarias, escéptica ante la nueva promesa del Estado de llegar a las 500 derivaciones totales de menores este mes', 15 October 2025, available here; Europa Press, 'CC denuncia "reiterados incumplientos" del Estado con el mandato del Tribunal Supremo sobre los menores asilados', 23 October 2025, available here; TRVC, '20 menores migrantes solicitantes de asilo viajan esta semana desde Canarias a la Península', 7 October 2025, available here.

678 Canarias 7, 'El Supremo da la razón a Canarias y da al Estado 15 días para asumir a los menores asilados, 23 October 2025, available here; Gobierno de Canarias, 'Canarias valora la reacción del Estado tras el auto del Tribunal Supremo para el traslado de menores asilados', 29 October 2025, available here; El Diario, 'El Estado ultima esta semana la acogida de 567 menores que pidieron asilo en Canarias desde que se iniciaron los traslados', 4 November 2025, available here; El Diario de Santiago, 'El Gobierno acelera para garantizar plaza de acogida a todos los menores solicitantes de asilo antes del día 21', 7 November 2025, available here.

679 El Periódico, 'El Gobierno espera incorporar a 88 menores migrantes al sistema de acogida antes del viernes para cumplir con el Tribunal Supremo', 19 November 2025, available here; Diario de Avisos, 'El Gobierno asegura que cumplirá con Canarias: confía en que 780 menores estén en acogida antes del viernes', 18 November 2025, available here; El Diairo, 'El Estado da por cumplida la orden del Supremo sobre los menores solicitantes de asilo', 21 November 2025, available here; Canarias 7, 'El Estado ha creado 817 plazas para menores con asilo: «Se ha cumplido el auto» del Supremo', 22 November 2025, available here; Info Migrants, 'Spain: Authorities transfer 679 unaccompanied migrant minors to mainland', 24 November 2025, available here.

680 El Mundo, 'Clavijo apremia al Gobierno a trasladar a 2.700 menores migrantes a la península antes del 18 de marzo', 3 November 2025, available here.

681 El País, 'El auto del Supremo sobre el asilo de menores migrantes plantea dudas sobre la tutela fuera de Canarias', 1 December 2025, available here; Radio Televisión Canaria, 'Canarias pide al Supremo que aclare la tutela de los menores que solicitan asilo', 9 December 2025, available here.

682 Canarias 7, 'El Gobierno confirma que un menor asilado vuelve a las islas al ser rechazada su petición de protección internacional', 5 December 2025, available here.

683 Un centenar de menores rechaza el asilo por las carencias en los centros estatales', 9 January 2026, available here.

684 El Diario, 'Casi cien menores migrantes han renunciado a la protección internacional para no salir de Canarias', 14 January 2026, available here.

685 Gobierno de Canarias, 'Canarias recuerda a Migraciones que solo han salido 410 menores con asilo y 171 por las vías exprés y ordinaria', 30 December 2025, available here.

The majority, around 70%, were Malian nationals, followed by children from other West African countries. Out of the total, 9% are girls and 22% are under the age of 16.[686]

In occasion of the World Refugee Day, the *Platform for Childhood* revealed that UAMs in need of international protection face five-times more risks to suffer mental health issues. It reported that psychological care for them upon arrival is weak, informal, and poorly coordinated, and that it does not guarantee a minimum, uniform response with a rights-based approach. Furthermore, it expressed concerns on the lack of official protocols or teams to provide psychological first aid at points of entry upon arrival in Spain.[687]

In December, the president of the Autonomous Community of Madrid asked the Supreme Court to also dispose the transfer to facilities within the asylum reception system for 50 UAMs asylum applicants accommodated in its system for the reception of UAMs. The Supreme Court gave a 1-month deadline to the central government to transfer those UAMs asylum applicants.[688] With the decree adopted on the precautionary measure required by the Autonomous Community of Madrid, the Supreme Court gives way to the obligation for the central government to accommodate UAMs asylum applicants within the asylum reception system, considering that this falls within the competence of the Ministry of Inclusion, Social Security and Migration.[689] In January 2026, the government of Madrid urged the central government to accommodate those UAMs before they reach the majority of age.[690]

As underlined by Save the Children[691], until now, the national reception system for international protection had never received UAMs, for which it is now facing the challenge to create specialised reception centers with the adequate child centered standards, protocols, staff and procedures. Unfortunately, the tight time limits set by the Supreme Court for the transfers have caused unintended situations, such as children not willing to be transferred to other centers or provinces and in worst situation to children renouncing their asylum application to avoid being moved to other centers and provinces.

Throughout 2025, UNHCR supported child protection authorities in their efforts of strengthening the identification of unaccompanied children in need of international protection and to ensure their effective access to the asylum procedure. In the Canary Islands (where persistent overcrowding and limited resources continued to pose significant challenges despite the efforts of the regional government), UNHCR's presence, albeit reduced, enabled visits to 75 child protection centres. During these visits, UNHCR provided information on asylum to unaccompanied children and support professionals on best-interest assessments, legal counselling and referral pathways.

In this context, UNHCR also monitored transfers of unaccompanied children from the Canary Islands to the mainland, following Supreme Court rulings requiring their inclusion in the national reception system. UNHCR's coordination and monitoring efforts contributed to improved case management and best-interest determinations.

Building on these efforts, and within the framework of the April Royal Decree regulating relocations of unaccompanied foreign children in situations of extraordinary migratory pressure, UNHCR advocated for

686 ACNUR, 'La Agencia de la ONU para los Refugiados (ACNUR) alerta de que un número importante de los niños y niñas no acompañados que llegan a España lo hacen tras huir de conflictos armados, violencia o persecución en sus países de origen', 5 November 2025, available here; Cuatro de cada cinco menores solicitantes de asilo trasladados desde Canarias son chicas', 17 November 2025, available here.

687 Plataforma de Infancia, 'La infancia solicitante de protección internacional no acompañada tiene cinco veces más riesgo de sufrir problemas de salud mental', 20 June 2025, available here.

688 El País, 'El Supremo da un mes al Gobierno para acoger a los menores no acompañados solicitantes de asilo en Madrid, 18.12.25, available here; Tele Madrid, 'La Comunidad de Madrid exige al Gobierno que concrete "sin dilaciones" a dónde llevará a los menores solicitantes de asilo', 19 December 2025, available here.

689 Poder Judicial, 'El Tribunal Supremo requiere al Gobierno que garantice el acceso al Sistema Nacional de Acogida a menores no acompañados solicitantes de asilo en servicios de acogida de la Comunidad de Madrid', 18 december 2025, available here; The Objective, 'El Supremo abre la puerta a que el Gobierno se haga cargo de todos los menas que piden asilo', 22 December 2025, available here.

690 20 Minutos, 'Madrid apremia al Gobierno a atender a los menores migrantes solicitantes de asilo antes de cumplir los 18 años', 21 January 2026, available here.

691 Information provided by Save the Children in February 2026.

the use of a risk assessment tool developed jointly with Save the Children in 2024 to identify specific protection needs of unaccompanied children. This tool was ultimately adopted by the Ministry of Youth and Childhood and, since August 2025, has been used in the Canary Islands and Melilla to guide protection assessments by child protection authorities and inform relocation decisions.

UNHCR intensified efforts to enhance the procedural quality of assessment by the authorities of unaccompanied children's asylum claims, conducting targeted case reviews and providing recommendations to national authorities to support more consistent and well-informed decision making. UNHCR also strengthened coordination between the Asylum Office and child protection entities, contributing to more comprehensive information-sharing and better assessments of children's protection needs. These efforts supported the development of new national guidance by the Asylum Office on managing applications for unaccompanied children and conducting remote interviews.

In parallel, UNHCR strengthened regional child protection capacities in 2025, training 300 professionals in Andalusia on the regional protocol for identifying and assisting children with international protection needs, and an additional 100 officials in the Valencian Community, Zaragoza, Toledo and Madrid, all involved in the relocation of 2,800 unaccompanied children from the Canary Islands.

UNHCR also led an expert reflection group with child rights organizations to identify protection gaps affecting children in family units within the reception system, with findings shared with the Ministry of Inclusion, Social Security and Migration.[692]

A report published by the Economic and Social Council of Spain (*Consejo Económico y Social de España*) in December 2025 highlighted the need to strengthen the child protection system and the resources for the assistance, transition into adulthood and labour market integration when reaching the age of majority, which are essential for preventing situations of vulnerability and marginalisation. It also called on the necessity to strengthen the policies for the protection of children, provide greater resources to the child protection system, facilitate access to regularisation, support the transition to adulthood for young people, especially the most vulnerable, with specific programmes and resources, and commit to inclusive education and intercultural coexistence in schools.[693]

In a report published in February 2026, the Platform for Childhood analysed the situation of migrant children and adolescents who arrive in Spain separated from their parent(s) or legal guardians, and the institutional support they receive upon initial reception. The study highlighted the need to improve protection mechanisms and to establish clear criteria that guarantee respect for the rights of these children from the moment of their arrival. The organisation warned that the lack of legal recognition of the category of 'separated children' in Spanish legislation contributes to this situation of vulnerability. The absence of a regulatory framework and specific protocols means that decisions are taken without clear common criteria and that the responses of the authorities may vary depending on the region or institution. In addition, there is a lack of coordination and clarity regarding the roles of the various actors involved in initial reception. The report also expressed concern about the practice of automatically separating children and adolescents from the adults accompanying them, a measure sometimes adopted as a protective measure. When these decisions are taken without evidence of trafficking, objective danger or imminent risk, and without a specific procedure to ensure the assessment of the child's best interests, they may constitute a violation of their rights. Another element that increases the vulnerability of separated children is the lack of documentation and legal representation. This situation hinders the full exercise of separated children's rights and limits their access to the resources and safeguards provided by the protection system.[694]

692 Information provided by UNHCR in March 2026.

693 Consejo Económico y Social de España, 'informe la realidad migratoria en España: prioridades para las políticas públicas. 01/2025', December 2025, available here; RTVE, 'Tres millones de niños en España son hijos de madre o padre de origen migrante, según un informe', 12 November 2025, available here.

694 Plataforma de Infancia, 'Análisis de la primera acogida de la «infancia separada» en España. Preocupaciones y recomendaciones', February 2026, available here.

In March 2026, around 100 persons gathered in front of the town hall in Castro Urdiales (Cantabria) to show their opposition to the reception centre for UAMs that the Cantabrian Government is planning to open in the municipality. At the same time, another group of persons also mobilised in favour of the centre.[695]

As underlined by Save the Children, investigations and news coming from multiple regions, including the Balearic Islands, the Canary Islands, Andalusia and Catalonia, indicate recurrent cases of child-safeguarding incidents, violence against children and disappearances from centers with suspects or proved presence of exploitation and trafficking networks.[696] The main concerns refer to:

- Absence of standardized child protection protocols: Many centers lack a common framework for safeguarding children, and there is no independent complaints mechanism for children.
- Denounces of mistreatment and inadequate conditions: Cases of verbal and physical abuse and insufficient supervision have been reported, particularly in emergency reception centers.
- Disappearances from centers: numbers on disappeared unaccompanied children raise serious concerns about their protection.
- Police investigations found networks of trafficking and exploitation of children in child protection centers. In 2024, 4,766 children younger than 17 were reported missing.

In view of the implementation of the EU Pact on Asylum and Migration, Save the Children underlined that it introduces measures that significantly impact the rights and protection of migrant children in Spain. While some provisions aim to enhance coordination among EU member states, major risks remain:[697]

- Risk of increased detention of children: The Pact expands border procedures, which may lead to more children being held in detention-like facilities while their asylum claims are processed. This contradicts the best interest principle outlined in the Convention on the Rights of the Child.
- Accelerated asylum and return procedures: The Pact promotes fast-track procedures that could undermine the right to a fair and thorough assessment of asylum claims, particularly for children with special protection needs.
- Challenges in implementing the screening phase within the 72 hours limit for initial detention after arriving by sea.

**The situation of UAMs in the Canary Islands**

The situation of unaccompanied children in the **Canary Islands** started to raise concerns since 2020, when more than 2,000 children were reportedly not receiving adequate assistance and protection.[698]

Due to the increase in arrivals to the Canary Islands in 2023, especially during autumn, many (presumed) UAMs arrived in the archipelago, including young children (i.e. less than 14 years old). This resulted in the UAMs' protection system in the Canary Islands accommodating more than 4,400 UAMs in November 2023, and the accommodation of many UAMs in facilities for adults because they were not identified as minors. Following the challenges that arose because of the substantial increase, different organisations (i.e. the Platform for Childhood, UNICEF, and Save the Children) expressed concerns about the situation, and asked different institutions to take effective measures to guarantee children's rights.[699] Similarly, Amnesty International denounced the situation in the archipelago and the lack of guarantees of UAMs' rights, concretely the lack of information provision on their rights, including the right to asylum, the lack of age assessment procedures, the accommodation of presumed UAMs in centres for adults, the lack of legal assistance and appropriate interpretation, etc.[700] In October, all the Autonomous Communities

695 Europa Press, 'Centenares de personas se concentran en Castro contra el centro de menores', 1 March 2026, available here.
696 Information provided by Save the Children in February 2026.
697 Information provided by Save the Children in February 2026.
698 Info Migrants, "A child needs more than food and shelter': The fate of unaccompanied minors on the Canary Islands', 1 January 2021, available at: https://bit.ly/3smhuZd.
699 El SaltoDiario, 'Urge garantizar los derechos de la infancia migrante que llega a Canarias, apuntan las organizaciones', 6 November 2023, available at: https://tinyurl.com/yut8awyx.
700 Amnistía Internacional, 'AI: Canarias/ Nueva investigación: Niños y niñas que viajan solos detenidos junto a adultos y con sus pertenencias confiscadas', 3 November 2023, available at: https://tinyurl.com/ycyeetme.

reached an agreement to share the reception of 450 UAMs from the Canary islands. The Government of the archipelago assessed the agreement positively but considered the number of UAMs to be transferred very low compared to the migratory situation it is facing.[701] By February 2024, just four Autonomous Communities had indicated to be available for the transfer of a total of 112 children.[702]

During 2024, the Government of the Canary Islands reiterated its calls to the central Government to provide for the responsibility-sharing with the other Autonomous Communities in the reception of and assistance to UAMs arrived in the archipelago.[703] The Spanish Ombudsperson advocated for supporting the Canary Islands and called the Government to change the legislation in order to make the distribution of UAMs among Autonomous Communities compulsory.[704] Different Ministers met in April to discuss the issue, and the central Government called the Autonomous Communities to be involved in the reception of UAMs arrived to the Canary Islands.[705] The State-Secretary for Migration called for an agreement between the central Government and the Autonomous Communities for the distribution of 6,000 UAMs that cannot be assisted by the Canary Islands because the system is overwhelmed (its capacity if for 2,000 UAMs).[706] Similarly, UNHCR, Save the Children and the Spanish Ombudsperson called for the solidarity-sharing among the Autonomous Communities for the proper protection of UAMs. The Spanish Ombudsperson also urged the Government of the Canary Islands to open new facilities for the reception of UAMs.[707]

After months of negotiations, the central Government presented to the Government of the Canary Islands its plan for the distribution of 2,500 to UAMs to other Autonomous Communities. The Plan obtained an agreement between the two Governments and was also welcomed by NGOs.[708] However, the Plan prepared by the central Government for the compulsory distribution of UAMs from the Canary Islands to the other Autonomous Communities was not approved by the Congress in July, due to the contrary votes of the Popular Party, Vox and Junts.[709]

In March 2025, the Government adopted the Royal-Decree 2/2025 which provides for urgent measures to guarantee the best interests of children and adolescents in situations of extraordinary migratory contingencies. It introduced modifications to different dispositions related to migrant children, for example by introducing the mechanism for the distribution of UAMs among Autonomous Communities, by

701 Diario de Canarias, 'Acuerdo unánime para distribuir entre las comunidades autónomas a 450 menores migrantes llegados a Canarias', 11 October 2023, available at: https://tinyurl.com/57ame5jr

702 EFE, 'Canarias inicia el proceso para intentar el reparto obligatorio de los menores migrantes', 11 February 2024, available at: https://tinyurl.com/mrn3bu5f.

703 El Diario, 'Canarias pide al Gobierno de España que interceda en la atención a la población migrante', 21 December 2024, available here; E-noticies, 'El Gobierno quiere obligar a las comunidades autónomas a acoger menores inmigrantes', 3 January 2024, available here; El Diario, 'Qué hacer con los menores que llegan a Canarias', 2 February 2024, available here.

704 Canarias 7, 'Gabilondo: «El reparto de los menores no puede dirimirse en una reunión de tarde»', 24 February 2024, available here.

705 Infobae, 'El Gobierno pide la implicación de las comunidades en la acogida de menores inmigrantes', 16 April 2024, available here; EFE, 'Siete ministerios se reúnen para buscar una fórmula de reparto de menores inmigrantes', 16 April 2024, available here.

706 Cadena Ser, 'Pilar Cancela: "Es absolutamente ridículo pactar el reparto de 300 menores, eso ¿qué resuelve?"', 21 July 2024, available here; Associated Press, 'Thousands of migrant kids have reached the Canary Islands alone. Local officials want Spain's help', 23 July 2024, available here.

707 El Diario, 'Acnur pide a los grupos parlamentarios un pacto de "responsabilidad compartida" en la acogida de menores migrantes', 9 July 2024, available here; Tercera Información, 'ACNUR pide a los parlamentarios solidaridad y responsabilidad para reforzar la protección de menores migrantes y refugiados', 10 July 2024, available here; Cadena Ser, '"Son niños que huyen de guerras y hambrunas": Save The Children reclama un reparto responsable de los menores migrantes', 9 July 2024, available here; El País, 'El Defensor del Pueblo instó en julio al Gobierno a que abriese centros de recepción de menores migrantes ante el aumento de llegadas en Canarias', 5 September 2024, available here.

708 20 Minutos, 'Meses de negociación para una "solidaridad obligatoria": el Gobierno presenta a Canarias su plan final de reparto de menores migrantes', 22 April 20224, available here; Alfa y Omega, ' Acuerdo entre Canarias y el Gobierno central para derivar 2.500 menores a otras autonomías', 23 April 2024, available here; Canarias 7, 'Las ONG celebran el acuerdo entre Estado y Canarias en el reparto de menores migrantes', 23 April 2024, available here.

709 Noticias Obreras, 'El plan del Gobierno para acoger a menores migrantes frustrado por los cálculos partidistas', 24 July 2024, available here.

establishing the criteria for the plan for solidarity sharing among Communities.[710] It is expected that 4,400 UAMs will be transferred from the Canary Islands to other Autonomous Communities. Different organisations (i.e. Accem, UNICEF, Platform for Childhood, etc.) welcomed the agreement and called for the necessity to guarantee high standards for reception and assistance to UAMs, in line with child's rights.[711] The Autonomous Communities of Cantabria and the Balearic Islands expressed their intention to challenge and oppose the decree adopted for the distribution.[712] At the beginning of April, different Autonomous Communities (in practice, those governed by the *Partido Popular*) challenged the Royal Decree in front of the Constitutional Court.[713] Additionally, the High Court of Justice of Madrid (*Tribunal Superior de Justicia de Madrid*) deemed admissible the appeal lodged by the Autonomous Community of Aragón for challenging the requirement made by the Minister of Youth and Childhood to all Autonomous Communities to provide the figures on the number of reception places and its occupancy, with the aim of fixing the quota for each Autonomous Community for the distribution of UAMs coming from the Canary Islands.[714] At the end of June, the Ministry of Youth and Childhood presented the plan for the distribution of about 4,000 UAMs from Ceuta, Melilla and the Canary Islands among the different Autonomous Communities. In the initial plan, Andalucía, Madrid and the Comunitat Valenciana were the Communities expected to receive half of UAMs (exactly a total of 1,895 children).[715] On 22 July, the Council of Ministers adopted Royal Decree 658/2025 establishing the rules, procedure and measures to relocate UAMs from places declared to be in a state of extraordinary migratory contingency (currently, Ceuta, Melilla and the Canary Islands) to other Autonomous Communities. The plan was to start at the end of August with relocations,[716] and that Autonomous Communities must submit annual data on the total number of children assisted, of places available, and of children currently accommodated.[717] At the end of August, the government adopted the Royal Decree foreseeing the compulsory relocation of UAMs from border

710 Boletín Oficial del Estado, 'Real Decreto-ley 2/2025, de 18 de marzo, por el que se aprueban medidas urgentes para la garantía del interés superior de la infancia y la adolescencia ante situaciones de contingencias migratorias extraordinarias', 18 March 2025, available here.

711 El Salto Diario, 'El Gobierno aprueba la distribución de menores migrantes no acompañados entre las comunidades autónomas', 18 March 2025, available here; Jefatura del Estado, 'Real Decreto-ley 2/2025, de 18 de marzo, por el que se aprueban medidas urgentes para la garantía del interés superior de la infancia y la adolescencia ante situaciones de contingencias migratorias extraordinarias', 18 March 2025, available here; la Moncloa, 'Rego defiende la necesidad de garantizar los derechos universales de la infancia migrante que llega a España', 19 March 2025, available here; ABC, 'Clavijo convoca al 'Pacto Canario por la Inmigración' para explicar el acuerdo de menores migrantes', 19 March 2025, available here; El Plural, 'Las CC.AA han esperado hasta el último día para comunicar al Gobierno la cifra de menores migrantes que atienden', 30 March 2025, available here; Accem, 'Posicionamiento de Accem sobre el acuerdo para la distribución autonómica de los menores migrantes no acompañados', 21 March 2025, available here; La Vanguardia, 'UNICEF celebra el acuerdo para reubicar a menores y pide colaborar a todas las comunidades', 18 March 2025, available here; La Vanguardia, 'Organizaciones de infancia temen que el reparto de menores migrantes no garantice "una acogida digna y respetuosa", 20 March 2025, available here; Diario de Avisos, 'ONGs de infancia piden garantizar una acogida digna y respetuosa a los menores migrantes', 21 March 2025, available here; El Faro de Melilla, 'Cuestionan la legalidad del decreto para repartir a menores migrantes entre autonomías', 21 March 2025, available here.

712 El Diario Montañez, 'Cantabria recurrirá el decreto que regula el reparto de menores migrantes', 19 March 2025, available here; Onda Cero, 'Baleares estudiará si es posible rechazar el reparto de menores migrantes', 18 March 2025, available here.

713 El Salto Diario, 'Varias comunidades recurren ante el Constitucional la distribución de menores migrantes no acompañados', 2 April 2025, available here; El Plural, 'Madrid y Aragón se rebelan contra el reparto de menores migrantes que impulsa el Gobierno', 28 April 2025, available here.

714 Heraldo, 'El TSJ de Madrid admite a trámite el recurso presentado por Aragón para frenar el reparto de menores', 1 April 2025, available here; Diario de Avisos, 'Canarias, decepcionada por los obstáculos de algunas comunidades al reparto de los menores migrantes', 22 May 2025, available here.

715 El Día, 'Infancia convoca a las comunidades para presentar el sistema de reparto de menores', 23 June 2025, available here Andalucía y Madrid acogerán a casi la mitad de los menores migrantes de Canarias', July 2025, available here; 2º minutos, 'El Gobierno de Madrid se opone al traslado de menores migrantes "para salvar al sanchismo"', 5 July 2025, available here; La Sexta, 'Así quedaría el reparto de menores migrantes de Rego: Euskadi no recibiría ninguno y Cataluña lo haría de forma voluntaria', 4 July 2025, available here; RTVC, 'Reunión del Gobierno con las autonomías para el reparto de menores migrantes', 8 July 2025, available here.

716 El Periódico, 'El Gobierno acelera para iniciar los traslados de menores migrantes a finales de agosto: "La ley se va a cumplir"', 22 July 2025, available here; Iustel, 'Medidas a adoptar en situaciones de contingencia migratoria extraordinaria para la protección del interés superior de la infancia y la adolescencia migrante no acompañada', 23 July 2025, available here.

717 RTVE, 'El Gobierno aprueba el decreto para reubicar a 3.000 menores migrantes desde Canarias, Ceuta y Melilla', 22 July 2025, available here; Diario Ley, 'Real Decreto que establece el procedimiento para la acogida de la infancia migrante no acompañada', 23 July 2025, available here; Cadena Ser, 'El reparto de menores migrantes por España es inminente: este es el calendario del Gobierno', 23 July 2025, available here.

territories (such as the Canary Islands, Ceuta and Melilla) to other Autonomous Communities. Andalucía was the region expected to accommodate the majority of relocated UAMs.[718] The transfer will be activated maximum 15 days after the arrival of each child.[719] Some Autonomous Communities -especially those governed by the Popular Party - announced the intention to challenge the compulsory distribution of UAMs.[720] The Government of the Balearic Islands lodged an urgent precautionary measure at the Supreme Court asking for the suspension of the transfer of UAMs asylum seekers from the Canary Islands to the archipelago, alleging the decision taken by the Supreme Court was invalid due to having been adopted without the mandatory opinion of the Council of State.[721] Similarly, the government of Cantabria lodged other two appeals in November against the decisions taken by the Government Delegate in Ceuta to transfer and relocate two UAMs there, and an additional one in December against the transfer of a UAM from the Canary Islands.[722] The first transfer was carried out from Ceuta at the end of September 2025.[723] By the end of January 2026, a total of 877 UAMs have been relocated.[724] In January 2026, the Supreme Court dismissed the appeal lodged by the Autonomous Community of Madrid aimed at halting the transfer of 12 UAMs from the Canary Islands and Ceuta to its territory.[725] In February, the government of the Canary Islands informed of its intention to request the Public Prosecutor's Office to take action in case an Autonomous Community refuses to take in the UAMs assigned to it according to the legislation. In fact, the government of the archipelago stated that they are encountering difficulties in relocating UAMs in other Autonomous Communities, because they claim that there are no places or no resources to accommodate them.[726]
The central government's objective is to use the royal decree adopted for the compulsory relocation of UAMs also for the transfer of UAMs asylum seekers from the Canary Islands to mainland.[727]

In October, the Minister of Youth and Childhood allocated a total of 13 million Euros to Autonomous Communities registering the highest number of arrivals of unaccompanied minors. The Canary Islands received 5 million Euros, 4.1 million were allocated to Ceuta, 2.7 million to Melilla and 1.2 million to the

718 El Salto Diario, 'El Gobierno aprueba el Real Decreto que obliga a las comunidades a acoger a menores migrantes no acompañados', 27 August 2025, available here; Cadenas Ser, 'Andalucía será la comunidad que más menores migrantes acoja tras la aprobación del nuevo decreto', 26 August 2025, available here.

719 Cauta Actualidad, 'Ceuta activará el traslado de menores migrantes a la península en un máximo de quince días desde su llegada', 29 August 2025, available here.

720 Iustel, 'Aragón recurrirá el "reparto forzoso de menores", pero cumplirá la ley y trabajará en su llegada', 27 August 2025, available here; El Periódico, 'El Gobierno impondrá la ley a las autonomías del PP rebeldes al reparto de menores', 27 August 2025, available here; Crónica Digital, 'El Govern se ofrece a acoger en Cataluña a 31 jóvenes migrantes no acompañados', 13 September 2025, available here.

721 RTVE, 'Baleares solicita al Supremo suspender cautelarmente los traslados de menores migrantes no acompañados', 6 October 2025, available here.

722 La Vanguardia, 'El Gobierno del PP recurre las resoluciones para trasladar otros dos menores migrantes a Cantabria', 27 November 2025, available here; El Diario, 'Canarias recuerda al Estado que el hacinamiento de los menores no se soluciona con más centros en las islas', 17 November 2025, available here; Ifomo, 'El Gobierno de Cantabria recurre otra resolución para trasladar a un menor migrante desde Canarias', 30 December 2025, available here,

723 El Digital Sur, 'Canarias envía 300 expedientes de los menas y exige al Estado iniciar la derivación', 22 September 2025, available here; Público, 'El Gobierno realiza el primer traslado de un menor migrante a través de la reubicación obligatoria entre comunidades', 29 September 2025, available here.

724 El Pueblo de Ceuta, 'Ceuta ha distribuido entre otras autonomías a 242 menores migrantes', 26 January 2026, available here; El País, 'La reubicación en la Península de menores migrantes llegados a Canarias apenas alcanzó el 30% el año pasado', 23 January 2026, available here; Diario de Avisos, 'Torres certifica el traslado de 877 menores y urge a Canarias a entregar los expedientes de reubicación', 23 January 2026, available here.

725 El País, 'El Supremo rechaza la petición de Madrid para frenar la llegada de menores migrantes desde Ceuta y Canarias', 21 January 2026, available here; cadena Ser, 'Canarias acoge a 3.790 menores migrantes: "El recurso de Madrid es postureo político"', 22 January 2026, available here; Europa Press, 'Comunidad recuerda que los decretos para el reparto forzoso de menores siguen recurridos y subraya que atiende a 120', 21 January 2026, available here.

726 Gobierno de Canarias, 'Canarias pedirá actuar a la Fiscalía si una comunidad autónoma se niega a acoger a menores migrantes', 3 February 2026, available here; Diario de Avisos, 'Luz verde al traslado de 671 menores migrantes: Canarias tiene 5 días para ejecutar su salida a la Península', 19 February 2026, available here.

727 Noticias 8 Islas, 'Canarias remite los primeros expedientes de menores mientras el Estado plantea extender el Real Decreto a los que piden asilo', 3 September 2025, available here; Gobierno de Canarias, 'El Estado plantea aplicar el Real Decreto para trasladar desde Canarias a los menores con protección internacional', 3 September 2025, available here.

Balearic Islands. This amount is in addition to 22 million Euros allocated one month before to the same purpose.[728]

In the same month, four directors of reception centres for UAMs in Gran Canaria and Lanzarote (Canary Islands) have been indicted for the alleged misappropriation of European funds addressed to the reception and assistance of UAMs.[729]

In November, the Minister for Youth and Childhood emphasised the need to improve the reception system for UAMs and to establish uniform standards for the different reception systems in the Autonomous Communities.[730]

In mid-December, the Council of Ministers approved the transfer of €100 million for the care of the UAMs living in the Canary Islands (who are more than 4,500). The budget will be covered by the Ministry of Youth and Children to improve reception mechanisms, assistance, inclusion and support.[731]

During the same month, the government of the Canary Islands authorised the increase of the budgetary expenditure credit for the assistance to UAMs, with an additional allocation of €36,749,189.08. With this increase, a total of €155 million has been allocated in 2025 to the assistance of UAMs.[732]

The Government informed that in 6 months, a total of 810 UAMs have been relocated from the Canary Islands, Ceuta and Melilla to mainland.[733]

In 2025, more than 2,500 UAMs arrived in the Canary Islands.[734]

As Save the Children continued to reiterate[735], the Canary Islands and, to a lesser extent, Ceuta continued to face continuous pressure in 2025, due to the increase in arrivals of UAMs. While a national contingency Law for the relocation of children from overwhelmed regions to other autonomous communities has been slowly implemented because of the political opposition of some regions, key challenges persisted:

- Insufficient resources in reception centers: Many newly established shelters struggled to meet basic standards, leading to overcrowding and inadequate living conditions. Some centers in the Canary Islands, for example, were hosting more than 300 children in a single facility, far exceeding legal and safety standards. Not providing the minimum conditions for a proper vulnerability assessment.
- Delays in access to education and vocational training: Due to administrative bottlenecks, children often faced extended waiting periods before they could enroll in formal education or integration programs. In some cases, children over 16 were left out of the educational system altogether.
- Lack of specialized psychosocial support: Many children have suffered trauma and violence during migration and/or in country of origin but did not receive the necessary psychological assistance upon arrival, and the few times they had access to it, it lacked a transcultural approach.

728 Canarias 7, 'Infancia destina 13 millones a los territorios en contingencia migratoria, 5 a Canarias', 10 October 2025, available here; Diario Palmero, 'Canarias recibe 5 millones de euros para reforzar la atención a la infancia migrante', 28 October 2025, available here.

729 Diario de Avisos, 'Fraude millonario en Canarias: desvían más de 2,4 millones de fondos europeos destinados a centros de menores extranjeros', 25 October 2025, available here.

730 La Moncloa, 'La ministra de Juventud e Infancia subraya la necesidad de mejorar el sistema de acogida', 7 November 2025, available here.

731 El País, 'El Gobierno aprueba la transferencia de 100 millones para atender a los menores migrantes de Canarias', 16 December 2025, available here.

732 Gobierno de Canarias, 'Canarias amplía en 36,7 millones la partida para la atención de los menores migrantes no acompañados', 1 December 2025, available here.

733 El Mundo, 'El Gobierno ha reubicado por las autonomías a casi un millar de menores migrantes desde Canarias, Ceuta y Melilla', 29 December 2025, available here; El País, 'Canarias informa que hasta ahora se han derivado a 581 menores migrantes', 30 December 2025, available here; La Moncloa, 'Más de 800 menores migrantes no acompañados han sido reubicados ya en centros estatales y autonómicos de todo el país', 13 January 2026, available here.

734 Radio Televisión Canaria, 'Canarias cierra 2025 con un descenso del 62 % en la llegada de migrantes', 2 January 2026, available here.

735 Information provided by Save the Children in February 2026.

- Fragmented national coordination: The distribution of UAMs across Spain's autonomous communities lacked a standardized approach, leading to disparities in care and access to essential services.
- Difficult access to documentation and insufficient support after ageing out.

In addition, Save the Children continued to underline that the intra-national relocation mechanism for UAMs aims to alleviate pressure on border regions but must be fully aligned with children's rights[736]:

- Best Interest Determination (BID) must be the guiding principle: Any transfer decision must be based on an individualized assessment of the child's needs and preferences.
- Prohibition of discriminatory selection criteria: Autonomous communities must not impose restrictive conditions—such as age limits or nationality preferences—that undermine the principle of non-discrimination.
- Guarantee of child participation: Children must be informed about and involved in decisions regarding their relocation, ensuring that their opinions are taken into account.
  Coordination between sending and receiving regions: Clear protocols must be established to ensure continuity of care and access to education, health services, and legal support.

In December 2024, the Government of the Canary Islands urged the central Government to solve the situation regarding UAMs in need of international protection. The central Government resumed the negotiations to tackle and solve it, but the political party *PP (Partido Popular)* paralysed the negotiations and conditioned their continuation to a change in the State migration policy.[737]

In view of the summit of the Autonomous Communities' Presidents, Save the Children called for the adoption of a comprehensive strategy to guarantee an affective inclusion of children and youth.[738]

While confirming the failure of the system to protect UAMs who arrive to the Canary Islands and their fear to be considered adults, Amnesty International sent a letter with a set of recommendations to the different competent authorities (Central Government, the Autonomous Communities Governments at the Canary Islands and the Political Parties) on the necessity of respecting the child's best interest for minors reaching the Canary Islands.[739] The organisation also denounced disproportionate punishments, violence and lack of inspections in the centres for UAM's in the Canary Islands.[740]

In January 2025, the Spanish Prime Minister set a 10-day deadline to find a temporary solution for the situation of overcrowding in the reception centres for UAMs in the Canary Islands.[741]

In February, the Government of the Canary Islands announced an extension of the emergency declaration in response to the critical situation that the region is facing for the reception of unaccompanied children, as the facilities in the archipelago are operating at 123% capacity, accommodating approximately 5,860 UAMs.[742]

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736 Information provided by Save the Children in February 2026.

737 El País, 'El PP bloquea la negociación sobre los menores migrantes y la condiciona a un cambio de política migratoria', 5 December 2024, available here; Gobierno de Canarias, **'**Canarias urge al Estado a resolver la situación de los menores solicitantes de asilo', 4 December 2024, available here; El Diario, 'Vuelven las negociaciones sobre la acogida obligatoria de menores migrantes sin que el PP garantice su apoyo', 4 December 2024, available here; Euractiv, 'Sánchez, centre-right, failed to reach a deal on 'solidarity sharing' of migrant minors', 6 December 2024, available here.

738 Europa Press, 'Save the Children reclama una estrategia integral para la "inclusión efectiva" de la infancia y juventud migrante', 12 December 2024, available here.

739 Amnistía Internacional, 'Niños que temen ser adultos: El fracaso del sistema para proteger a los y las menores migrantes llegados a Canarias', 16 January 2025, available here.

740 Amnistía Internacional, 'Menores migrantes en Canarias: documentamos denuncias de violencia y castigos excesivos contra niños en centros de acogida saturados', 18 March 2025, available here; Huffington Post, 'Amnistía Internacional documenta violencia, excesos y descoordinación en la gestión de la infancia migrante', 18 March 2025, available here; El Diario, 'Amnistía Internacional denuncia "castigos excesivos" y falta de inspecciones en los centros de menores migrantes de Canarias', 18 March 2025, available here.

741 Euractiv, 'Sánchez to seek urgent fix for Canary Islands migration crisis', 10 January 2025, available here.

742 Canarian Weekly, 'Canarian government extends emergency measures as youth reception centres are at 123% capacity', 24 February 2025, available here.

A thematic report published by Amnesty International in March 2025 expressed concern about the system of macro-centres for UAMs created in the Canary Islands in recent years and highlighted the lack of coordination between the different administrations, law enforcements agencies and the judiciary, as well as between provinces.[743]

The 2025 annual report published in April 2025 by Amnesty International denounced that the conditions of overcrowding in the reception centres on the Canary Islands undermined the rights of unaccompanied migrant children.[744]

In May, the director and other nine employees of a shelter for UAMs on the island of Gran Canaria were arrested on charges of alleged injuries, abuse and threats against the children.[745]

A report published by Save the Children in June informed that at least the 10% of migrants who arrived in Spain through the Atlantic route to the Canary Islands were boys and girls, although many were not recognised as such, so the actual scale of child migration remains underestimated. In addition, the organisation warned that the lack of professionals responsible for child protection during the initial 72 hours, which means that children and adolescents are in some cases not recognised as such and thus referred to the protection system or specialised resources and without psychological support or interpreters. A simple classification error deprives a child of their rights, such as on guardianship, schooling and healthcare.[746]

In December, the Justice Supreme Court of the Canary Islands upheld the conviction of a local police officer who humiliated a migrant in Tenerife, also using racist insults, by confirming the sentence of six months in prison and two years of disqualification.[747]

In its 2025 annual report, Human Rights Watch reported evidences of abuses facing unaccompanied migrant children in the Canary Islands, including overcrowded accommodation, failures in age determination processes, a general lack of individualized assessment of protection needs, difficulties accessing education, and a lack of follow-up care after turning 18.[748]

In February 2026, it was reported that the FIFA's latest circular impeded to migrant children under the guardianship of the government of the Canary Islands to join a football federation unless they are asylum applicants.[749]

In March, three former workers of a reception centre for migrant children in Tenerife (Canary Islands) have been taken into custody for the alleged mistreatment and abuse of children accommodated in the facility.[750]

**Discrimination and hate crimes**

Discrimination and hate crimes against migrants and refugees continued to be a reason of concern in 2025 and the beginning of 2026.[751]

743 Demócrata, 'Amnistía Internacional critica los macrocentros de menores en Canarias y señala la descoordinación', 11 July 2025, available here; Amnistía Internacional, 'A día de hoy no tengo nada. El fracaso del sistema para proteger a los y las menores llegados a Canarias', 18 March 2025, available here.

744 Amnistía Internacional, 'La situación de los derechos humanos en el mundo: abril de 2025', 28 April 2025, p. 197, available here.

745 Info Migrants, 'Migrant minors center in the Canary Islands seized, ten arrested', 21 May 2025, available here.

746 Save the Children, 'Cruzando fronetras', 18 June 2025, available here.

747 Canarias7, 'El TSJC ratifica la condena a un policía que humilló a una persona migrante en Tenerife', 23 December 2025, available here.

748 Human Rights Watch, 'World report 2026. Spain. Events of 2025', February 2026, available here.

749 Canarias 7, 'Excluyen a los menores migrantes del fútbol base, solo se federa a los asilados', 16 February 2026, available here.

750 Info Migrants, 'Spain: Three former employees of center for migrant minors arrested on allegations of child abuse', 5 march 2026, available here.

751 Maldita Migración, 'Narrativas desinformadoras y cómo te la cuelan con bulos sobre pateras e inmigrantes que llegan a las costas españolas', 30 August 2024, available here.

In February 2025, the Government of Navarra reported and condemned the far-right graffiti painted on the wall of the Directorate-General of Migration Policies, where the Assistance Service for the Fight against Racism and Xenophobia, and the Counselling Service for Migration, among others are located.[752]

In the same month, the mayor of Oviedo accused a migrant of the killing of a woman, despite the author of the crime being a Spanish national.[753]

On the contrary, the major of Córdoba criticised an anti-migrant' campaign run by the political party *Vox*. Different political parties also denounced the campaign in front of the local Public Prosecutor, for encouraging hate against migrants.[754] Similarly, the Government of the Basque Country condemned the xenophobic graffiti that appeared in the office for the legal assistance to migrants in the city of Irún.[755]

In March, the Spanish Observatory on Racism and Xenophobia (OBERAXE), under the Secretary of State for Migration, and LALIGA signed an agreement to use artificial intelligence in the fight against hate speech. The new FARO system will enable the monitoring of thousands of daily messages and is expected to increase the number of reported hate speech incidents by at least 20%.[756]

On the occasion of the International Day for the Elimination of Racial Discrimination, Accem raised concerns about the rising levels of discrimination and hate crimes against migrants and refugees—particularly in relation to access to housing, healthcare, and employment.[757] Similarly, the Council for the Elimination of Racial or Ethnic Discrimination (CEDRE) issued an urgent recommendation denouncing that access to housing in Spain is challenging for migrants and refugees, due to common instances of racial discrimination.[758] In light of this, the Forum for the Social Integration of Immigrants called on the Government to adopt more measure against racial discrimination.[759]

In occasion of International Domestic Workers Day, the trade union *UGT* denounced that domestic workers - often women with a migratory background - continue to suffer from discrimination also based on their gender.[760]

In April, the Guardia Civil started an investigation against the fascist association *Núcleo Nacional* for inciting hate against migrant community.[761] Additionally, a woman was sentenced to six months in prison and fined €2,000 for committing a hate crime after directing racist insults at a migrant in the city centre of Santa Cruz de Tenerife, targeting him because of his skin colour.[762] That same month, news of 116 migrants being accommodated in a hotel in Ciudad Real sparked a wave of hate messages against the

752 Navarra.es, 'El Gobierno de Navarra denuncia la aparición de pintadas ultras en la oficina de los servicios de atención a la población migrante', 3 February 2025, available here.

753 El País, 'El alcalde de Oviedo acusa sin fundamento a un migrante de un crimen machista y pide minutos de silencio para los hombres', 2 February 2025, available here.

754 Cordópolis, 'El alcalde de Córdoba critica la campaña de Vox contra los migrantes: "No tiene nada que ver con nuestro pensamiento", 27 February 2025, available here; Córdoba Hoy, 'El PSOE llevará a la Fiscalía la campaña de Vox contra los migrantes por vulnerar la Ley de Igualdad de Trato y No Discriminación', 24 February 2025, available here.

755 El Diario, 'El Gobierno vasco condena unas pintadas xenófobas en una oficina de atención jurídica al migrante en Irún', 25 February 2025, available here.

756 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Oberaxe incorpora la inteligencia artificial para combatir el discurso de odio gracias al convenio entre LALIGA y el Ministerio de Migraciones', 11 March 2025, available here.

757 El Periódico de Canarias, 'Accem señala un aumento de incidentes de odio y situaciones discriminatorias, especialmente en vivienda, empleo y salud', 21 March 2025, available here.

758 Por un trabajo digno – UGT, 'CEDRE alerta sobre la discriminación étnico-racial en el acceso a la vivienda', 28 March 2025, available here.

759 Por un trabajo digno – UGT, 'El Foro para la Integración Social de los Inmigrantes reclama más medidas contra la discriminación racial', 25 March 2025, available here.

760 UGT,'UGT denuncia que las trabajadoras del hogar continúan sufriendo discriminación por razón de género', 30 March 2025, available here.

761 La Vanguardia, 'La Guardia Civil investiga a Núcleo Nacional por incitar a la "lucha" contra la "invasión" migrante', 1 April 2025, available here.

762 La Provincia, 'Condenada por delito de odio tras insultos racistas a un migrante en pleno centro de Tenerife', 2 April 2025, available here.

establishment on social media.[763] The leader of the neo-Nazi group *Bastión Frontal* had to testify in a trial in which she is accused of 'inciting violence and hostility' against Moroccan migrants and Muslims during a gathering outside the Moroccan Embassy in Madrid in 2021.[764]

During the same month, *CEAR* condemned the islamophobic attack against a house in Puerto Real (Cádiz) that Muslims uses as a mosque.[765] The organisation also warned that xenophobic speeches by politicians increase hate crimes against migrants.[766]

A study published in April 2025, underlined that 2 out 3 LGTBIQ+ migrants have suffered some kind of discrimination in the Balearic Islands due to their sexual orientation.[767]

The 2025 annual report published during the same month by Amnesty International acknowledged the 300% increase in the number of investigations into hate crimes compared to the previous year and warned of the 'excessive tension and polarisation' present in political discourse, which encouraged the spread of misinformation against migrants and other minorities.[768]

In June, the trial against a former National Police inspector charged with linking migration with criminality, and for publicly inciting violence against the migrant population at the end of 2022, started at the Provincial Court of Valencia. The public prosecutor and the private accusation asked for a three-year prison sentence.[769]

During the same month, the Independent Authority for Equal Treatment and Non-Discrimination was appointed.[770]

The 2025 annual report on racism in Spain published by *SOS Racismo* indicated that 544 racist incidents were reported in 2025 – a slight increase compared to the previous year - most of which were related to institutional racism, denial of access to public services, racist attacks and conflicts, police racism, as well as discrimination in the workplace and denial of access to private services.[771]

In July, following the assault against a Spanish man in **Torre Pacheco (Murcia)** allegedly committed by a Moroccan national, neo-Nazis groups started a hunting against migrants living in the city.[772] Civil society and different organisations (among which CEAR, IOM, Council for the Elimination of Racial or Ethnic Discrimination), including Muslim and Arabic ones, strongly condemned the hate crimes and the violence occurred in the city, and organised protests and gathering across Spain.[773] The police arrested nine

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763 El País, '"Tu negocio será la ruina del pueblo": los mensajes de odio contra un hotel de Ciudad Real que iba a acoger a 116 migrantes', 1 April 2025, available here.

764 Newtral, 'Quién es Isabel Peralta, la líder "neonazi" juzgada por un delito de odio contra inmigrantes y musulmanes', 3 April 2025, available here.

765 CEAR, 'CEAR condena el ataque islamófobo en Puerto Real y exige medidas contra los delitos de odio', 15 April 2025, available here.

766 Cadena Ser, 'CEAR alerta de que los discursos xenófobos de los políticos aumentan los delitos de odio', 12 April 2025, available here.

767 Cadena Ser, 'Dos de cada tres personas migrantes LGTBI+ sufren discriminación en Baleares, según un estudio', 15 April 2025, available here.

768 Amnistía Internacional, 'La situación de los derechos humanos en el mundo: abril de 2025', 28 April 2025, p. 197, available here.

769 La Vanguardia, 'La Audiencia de Valencia juzga este miércoles a un exinspector de Policía por racismo', 24 June 2025, available here.

770 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno aprueba el nombramiento de Dª María Teresa Verdugo como Autoridad Independiente para la Igualdad de Trato y la No Discriminación', 9 June 2025, available here.

771 SOS Racismo, 'Informe anual sobre el racismo en el estado español 2025', 1 July 2025, available here.

772 Cadena ser, 'Ultras llegados de otras ciudades salen "a cazar" migrantes y convierten Torre Pacheco en un campo de batalla', 12 July 2025, available here; La Sexta, 'Supuestas fotografías de los agresores, un falso comunicado del Ayuntamiento culpando a los migrante... los bulos que alientan a la violencia', 13 July 2025, available here;

773 Europa Press, 'Asociaciones marroquíes y árabes en España sobre Torre Pacheco: "El clima de terror no surge de la nada", 14 July 2025, available here; Tercera Información, 'La sociedad civil se levanta contra el racismo y la xenofobia tras las algaradas fascistas de Torre Pacheco: Convocada concentración el 17 de julio', 15 July 2025, available here; La Moncloa, 'Comunicado del CEDRE ante la escalada de incitación al

persons after a weekend of anti-migrant violence, including the leader of the racist group 'Deport Them Now' for inciting violence.[774] The Public Prosecutor's Office initiated proceedings against the President of the far-right political party *Vox*.[775]

In the same month, a swastika and xenophobic drawings appeared close to the CAED in Alcalá de Henares (Madrid), following a sexual assault allegedly committed by a migrant.[776] In addition, the far-right party *Vox* proposed a massive expulsion of migrants from Spain, especially those who committed crimes and UAMs.[777]

In its report on Spain, the European Commission against Racism and Intolerance (ECRI) acknowledged the progress made by Spain since the last report, but underlined the concerns still exist. Concretely, it referred to the prejudice and discrimination that LGBTI persons continue to face in their everyday life and to the challenges they face in accessing gender-affirming health care. Similarly, it underlined the persistence of hate speech especially in political speech and online and mostly targeting Roma, migrants, Muslims and people of African descent, and the increase in hate speech against Jewish and transgender persons. ECRI also expressed concerns regarding the situation of UAMs in Spain, especially the challenges they face when they reach the age of 18, as they often find themselves in a precarious situation, facing difficulties to find employment and accommodation.[778]

In September, a person was arrested in Gijón (Asturias) for inciting hate against UAMs with banners displaying Nazi symbols, following the transfer of UAMs asylum seekers from the Canary Islands to mainland. The police investigated an attack with explosives against a centre accommodating 80 migrant children in Lugo (Galicia)[779] and two migrant children living in a reception facility in Madrid were assaulted by hooded persons. The State-Delegation in Madrid denied the authorisation for the far-right party Vox to organise a protest in front of the child protection facility where the two UAMs were living.[780] The Government condemned these episodes and declared their intention is to frighten employees and children living there, more than criticise the Government's decision. For this purpose, the Government considered it essential to maintain discretion on the location of the facilities were UAMs are transferred and hosted.[781]

The right and far right political parties (Popular Party and Vox) continued to connect migration with criminality, especially the migration of UAMs, despite the official data refute such a connection, considering that the number of migrants living in Spain has doubled since 2015 while crime rates decreased.[782]

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odio y violencia xenófoba', 15 July 2025, available here; CEAR, 'CEAR se une a las movilizaciones contra el racismo y la xenofobia tras los sucesos acaecidos en Torre Pacheco', 15 July 2025, available here; OIM, 'OIM condena toda forma de violencia, discriminación y discurso de odio contra la población migrante', 16 July 2025, available here.

774 Politico, 'Spanish police arrest 9 after weekend anti-migrant violence', 14 July 2025, available here; La Guardia Civil detiene al líder del grupo racista 'Deport Them Now' por instigar "cacerías" en Torre Pacheco', 15 July 2025, available here.

775 Público, 'La Fiscalía abre diligencias contra el presidente de Vox en Murcia e investiga publicaciones en redes', 15 July 2025, available here.

776 EPE, 'Una esvástica y mensajes xenófobos aparecen cerca del centro de migrantes de Alcalá', 7 July 2025, available here; El Diario, 'Los ataques xenófobos y de odio se multiplican en Alcalá de Henares tras una violación que se atribuye a un migrante', 12 July 2025, available here.

777 El Diario, 'Vox plantea abiertamente un "proceso" de expulsión "masiva" de migrantes', 7 July 2025, available here; Europa Press, 'Abascal aclara que Vox quiere deportar a "todos" los migrantes que "hayan venido a delinquir" y a los menores', 8 July 2025, available here; Newtral, 'Cuántos extranjeros viven en España y en que se basó de Meer para hablar de ocho millones', 10 July 2025, available here.

778 European Commission against Racism and Intolerance (ECRI), 'ECRI report on Spain. (sixth monitoring cycle)', 30 October 2025, available here.

779 20 minutos, 'Detenido en Gijón por incitar al odio contra los "Menores no acompañados" con pancartas con simbología nazi', 10 September 2025, available here; La Policía investiga un ataque con explosivos contra un centro que acogerá a 80 menores migrantes en Lugo', 20 September 2025, available here.

780 El País, 'Unos encapuchados agreden a dos residentes de un centro de menores en Madrid', 1 September 2025, available here; Público, 'La Delegación del Gobierno en Madrid prohíbe la concentración de Vox frente al centro de menores migrantes de Hortaleza', 2 September 2025, available here.

781 Europa Press, 'El Gobierno afirma que las manifestaciones ante centro de menores migrantes buscan amedrentar a residentes y empleados', 26 October 2025, available here.

782 El Diario, 'La extrema derecha y dirigentes del PP agitan la xenofobia tras la detención por violación de un menor migrante', 1 September 2025, available here; Europa Press, 'Más Madrid carga contra "aquelarre del

In September, the Minister of Youth and Childhood condemned the criminalisation of migrants and reaffirmed the government's commitment to protect vulnerable individuals from racism and xenophobia.[783]

In the same month, the Ministry of Inclusion, Social Security and Migration called on the main digital platforms [X, Meta (Facebook y YouTube), Instagram and TikTok] monitored by the Spanish Observatory on Racism and Xenophobia (OBERAXE) to strengthen joint and ongoing monitoring of hate speech on social media. The call was connected to the first meeting of the working group created in July, following the events in Torre Pacheco and the surge in racist and xenophobic messages detected by OBERAXE. The aim is to collaborate and join forces to effectively combat the proliferation of such discourse.[784]

During the same month, the national police of Santa Cruz de Tenerife (Canary Islands) affirmed that the news on the sexual assault committed by a migrant and circulated on social network was fake.[785]

In October, the Provincial Prosecutor's Office of Santa Cruz de Tenerife filed a complaint against an influencer on social networks for a possible crime of incitement to hatred towards migrants.[786]

In November, CEAR reported having assisted more than 130 migrants who had suffered discrimination in various areas between January and October 2025, particularly in accessing the municipal register, housing, healthcare, employment and banking services.[787]

In December 2025, the political party *PSOE* submitted a law proposal at the Congress calling on the government to strengthen cooperation with major digital platforms in an effort to curb the rise of hate speech against migrants.[788]

In its annual report on racism, the NGO *SOS Racismo* reported on the racism and discrimination faced by domestic and care migrant women workers in Spain. 50.5% of female workers interviewed reported having experienced racial discrimination, while 15.4% witnessed racist acts towards other female colleagues. The report indicated that the women interviewed referred that the most frequent racist expressions they have experienced are humiliation, verbal abuse, insults, mockery and/or derogatory comments. The women interviewed pointed to origin (30.7%), lack of documentation (25.9%), nationality (14.8%) and skin colour (12.7%) as the most common reasons for ethnic and racial discrimination.[789]

In its 2025 annual report, Human Rights Watch reported that in 2025 the Minister of Inclusion, Social Security and Migration noted an increase in hateful online content targeting migrant men and boys, particularly of north African origin. Thus, it called on technology platforms to take more action to tackle online hate.[790]

odio de Vox" con la infancia migrante mientras "agacha orejas con los fuertes"', 3 September 2025, available here; La Sexta, 'El lenguaje del odio: cómo Abascal usa cinco palabras para satanizar al migrante y atacar a PSOE y PP', 1 September 2025, available here.

783 La Moncloa, 'Rego valora los avances en la protección de la infancia migrante no acompañada frente a "discursos racistas"', 3 September 2025, available here.

784 Ministerio de Incusión, Seguridad Social y Migraciones, 'Migraciones se reúne con las plataformas digitales para hacerles entrega del informe anual de discursos de odio racistas y xenófobos en redes', 19 September 2025, available here.

785 Diario de Avisos, 'Desmienten un bulo sobre una agresión sexual por un migrante en La Laguna', 6 September 2025, available here.

786 Diario de Avisos, 'Rudy Ruymán, denunciado por la Fiscalía por incitar presuntamente al odio contra los migrantes', 16 October 2025, available here.

787 CEAR, 'CEAR atiende a más de 130 personas que han sufrido racismo y xenofobia este año a través del proyecto 'Alza la Voz', 13 November 2025, available here.

788 El PSOE reclama en el Congreso más cooperación con plataformas digitales para atajar los discursos de odio contra migrantes', 6 Decmber 2025, available here.

789 SOS Racismo, 'Informe anual 2025. Expresiones de racismo y violencia contra las trabajadoras del hogar y de cuidados en el Estado español", December 2025, available here.

790 Human Rights Watch, 'World report 2026. Spain. Events of 2025', February 2026, available here.

In February 2026, the Supreme Court established that using racist insults is to be considered a hate crime. Thus, it fixed the jurisprudential criteria regarding the existence of hate crimes for racist insults and on the grounds of being migrants.[791]

During the same month, the government of the Comunitat Valenciana launched the new Valencian Inclusion Office for the period 2026-2029. This service was created with the aim of offering specialised assistance to migrants, promoting equal treatment and preventing hate crimes, guaranteeing rights and promoting full equality in Valencian society.[792]

In addition, Catalonia imposed first penalty for property racism on an agency that refused to rent a flat to a Moroccan man.[793]

Racist messages increased by 22% on social media following the announcement of the regularisation of migrants.[794] As underlined by OBEARAXE, 57% of the contents analysed in February were found to dehumanises foreign nationals, representing an increase of 14% compared to the previous month. The observance of Ramadan, the debate on the wearing of the burqa and the regularisation process were the main targets of hate speech in February, particularly due to the proliferation of misinformation and anti-migration messages.[795]

In occasion of the International Day against Racial Discrimination, the Forum for the Social Integration of Migrants (*Foro para la Integración Social de los Inmigrantes*) called on the government to join forces with other EU member States, within the European Council, for including the incitement to hate and hate crimes as European offences in the Treaty on the Functioning of the European Union.[796] In addition, different organisations in Valencia called for an end to racist police checks.[797]

Asylum seekers, refugees and migrants in Spain continued to suffer from financial exclusion and discrimination, because of the challenges often faced while trying to open bank accounts.[798]

Similarly, migrants and asylum seekers continued to face challenging in accessing health, despite the legislation guarantee them such a right.[799]

**LGBTQI+**

In June 2022, the Government approved a law on the equality of transgender individuals and on additional guarantees of LGTBI+ persons' rights, which foresees also the right self-determination and the possibility of gender rectification at the Civil registry.[800] Amnesty International welcomed the proposal as a step to advance in guarantee LGTBI+ rights.[801] The National Federation of Lesbians, Gays, Trans, Bisexuals,

791 Público, 'Llamar a un migrante "negro de mierda" es un delito de odio: el TS fija criterio sobre los insultos racistas', 17 February 2026, available here.
792 Generalitat Valenciana, 'La Generalitat pone en marcha la nueva Oficina Valenciana de Inclusión para la atención especializada de la población migrante y víctimas de discriminación', 26 February 2026, available here.
793 El Diario, 'Catalunya impone la primera sanción por racismo inmobiliario a una agencia que se negó a alquilar a un hombre marroquí', 9 February 2026, available here.
794 Público, 'Los mensajes racistas aumentaron un 22% en redes sociales tras el anuncio de la regularización de migrantes', 5 March 2026, available here.
795 Ministerio de Inclusión, Seguridad Social y Migraciones, 'Cerca del 60% de los contenidos analizados por OBERAXE presentan una visión deshumanizada de las personas extranjeras. Boletín febrero', 19 March 2026, available here.
796 Foro para la Integración Social de los Inmigrantes, 'Declaración del Foro para la Integración Social de los Inmigrantes con motivo del Dia Internacional de la Eliminación de la Discriminacion Racial', 21 March 2026, available here.
797 Cadena Ser, 'Organizaciones piden en València el fin de los controles policiales racistas: "A mis alumnos los detenían casi cada día"', 22 March 2026, available here.
798 CEAR, 'INFORME 2024. Las personas refugiadas en España y Europa', June 2024, p. 125, available here.
799 Ibidem, p. 120.
800 La Moncloa, 'El Gobierno aprueba el proyecto de ley para la igualdad de las personas trans y la garantía de los derechos LGTBI', 27 June 2022, available at: https://bit.ly/3zvLEPi.
801 Amnesty International, 'AI: ley LGBTI, o cuando el DNI tiene que ver con los derechos humanos', 2 November 2022, available at: https://bit.ly/40CTpyt.

Intersexual+ (*Federación Estatal de Lesbianas, Gais, Trans, Bisexuales, Intersexuales y más - Felgtbi+)*[802] called the Government to guarantee the right to change gender at the register to all trans migrants, independently of their administrative situation.[803] The law was approved in March 2023.[804]

On the 2025 LGTBI Pride Day, the Minister of Inclusion, Social Security and Migration informed that the granting of any form of international protection grounded on reasons of persecution for sexual orientation has increased of 2.5% since 2022.[805]

Challenges in accessing housing for being trans, black and with a migrant background have been reported.[806]

## F. Information for asylum seekers and access to reception centres

### 1. Provision of information on reception

Article 17(2) of the Asylum Law provides that, at the time of making of the asylum application, the person shall be informed, in a language they can understand, about the rights and social benefits to which they have access based on their status as applicants for international protection.

The provision of information on the reception system is given orally and in written copy at the moment of expressing the will to apply for asylum. The leaflet regarding asylum related issues and procedures also provides information on the right of the person to be hosted in reception places. At the same time, persons are informed on the codes of conduct and other details when they are welcomed in the reception places.

### 2. Access to reception centres by third parties

**Indicators: Access to Reception Centres**

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
   ☐ Yes ☒ With limitations ☐ No

Family members are not allowed to enter reception centres or apartments. Any external actor who wishes to visit any of the facilities within the official reception system must ask for authorisation from the managing authority. As mentioned in Types of Accommodation, most of the centres are managed by NGOs, and for this reason this type of personnel is already inside the centres.

## G. Differential treatment of specific nationalities in reception

Persons held within the CETI in **Ceuta** and **Melilla** are not free to move outside the two cities, also due to their geographical location. In order to be transferred to the peninsula applicants and migrants have to wait for the permission of the Ministry of Inclusion, Social Security and Migration, which manages the centres, and of the Ministry of Interior which authorises their departure. In two decisions taken in July 2020, the Supreme Court (*Tribunal Supremo*) recognised the right to free movement of asylum seekers from Ceuta and Melilla across Spanish territory.[807] Despite the ruling, reports of asylum seekers denied to freely leave Ceuta and Melilla continued to be reported up until the beginning of 2021 (see Freedom

802 FELGTBI+, see: https://felgtbi.org/.
803 La Vanguardia, 'La Felgtbi+ exige garantizar el cambio registral de género a las personas trans migrantes, al margen de su situación administrativa', 16 December 2022, available at: https://bit.ly/436jzeE.
804 Boletín Oficial del estado, 'Ley 4/2023, de 28 de febrero, para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGTBI', March 2023, available at: https://tinyurl.com/m88ftbnp.
805 La Moncloa, 'El número de refugiados en España por razón de orientación sexual crece un 2,5% desde 2022', 27.6.2025, available here.
806 El Periódico de España, 'Ser trans, negra y migrante, una carrera de obstáculos en España: "No nos alquilan habitaciones porque creen que somos trabajadoras sexuales"', 13 September 2025, available here.
807 Tribunal Supremo, Sala de lo Contencioso, STS 2497/2020, 29 July 2020, available at: https://bit.ly/3bBeLWw; Tribunal Supremo, Sala de lo Contencioso, STS 2662/2020, 29 July 2020, available at: https://bit.ly/2N6iqBt.

of Movement). As above mentioned, two additional decisions the Supreme Court reaffirmed the existence of this right in 2021.[808]

There is a persisting general lack of transparency concerning the criteria followed by the CETI for transferring people to the Spanish peninsula, which has been repeatedly criticised by human rights organisations. In particular, organisations have persistently denounced discriminatory treatment based on countries of origin for the issuance of permits to allow transfer to the peninsula. For years, transfers to the mainland from **Ceuta** have been provided to nationals of Sub-Saharan countries who did not apply for asylum, whereas asylum seekers and nationals of countries such as Pakistan, Bangladesh and Sri Lanka often waited for more than a year in the enclave. In **Melilla**, on the other hand, nationals of Sub-Saharan countries and Syria benefitted from transfers to the mainland, but Moroccans, Algerians and Tunisians did not.[809] As previously mentioned, since the end of 2021 the practice of transfers to mainland seems to have changed. Asylum seekers have started to be transferred to mainland independently of their nationality. Such practice continued in 2024. Despite this, in December 2025 Amnesty International still denounced the lack of transparency and unequal criteria in the transfers from the CETIs to mainland. It reinstated its call to the government to guarantee the immediate transfer to the mainland of persons in particular vulnerable situations, especially when they cannot receive adequate care at the CETIs (i.e. persons with disabilities, families with school-age children, pregnant women, persons with psychological problems, victims of trafficking, gender-based violence, sexual violence or torture, and LGBTIQ+ persons).[810]

808 Tribunal Supremo, Sala de lo Contencioso-Administrativo, Decision nº 173/2021, 10 February 2021, available at: https://bit.ly/3qpUOqa; Tribunal Supremo, Sala de lo Contencioso-Administrativo, Decision nº 508/2021, 14 April 2021, available at: https://bit.ly/3q79dbQ.

809 CEAR, *Refugiados y migrantes en España: Los muros invisibles tras la frontera sur*, December 2017, available at: http://bit.ly/2mEUPqH, 22-26.

810 Amnistía Internacional, 'Qué son los CETI en España y por qué vulneran derechos humanos', 19 December 2025, available here.

# Detention of Asylum Seekers

## A. General

| Indicators: General Information on Detention | |
|---|---|
| 1. Total number of persons detained in 2025: | Not available |
| 2. Number of persons in detention at the end of 2025: | Not available |
| 3. Number of detention centres: | 7 |
| 4. Total capacity of detention centres: | N/A |

In recent years, the following numbers of individuals have been subjected to immigration detention:

| Year | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 |
|---|---|---|---|---|---|---|---|---|
| **Total number** | 8,814[811] | 7,855[812] | 6,473[813] | 2,224[814] | 1,841[815] | 2,082[816] | 2,085[817] | 1,893[818] |

Persons already undergoing an asylum procedure are not detained. However, people who apply for asylum after being placed in detention, both in detention centres for foreigners, called C*entros de Internamiento de Extranjeros* (CIE), and in penitentiary structures, remain detained pending the decision on admission to the asylum procedure. Thus, CIEs centres are theoretically not designed for the detention of asylum seekers, but rather for the detention of migrants who are found to be living without residence permit on the Spanish territory, or for those who are found to have entered irregularly the Spanish territory and have to be expelled or repatriated under the Immigration Law. In 2025, 853 persons applied for asylum from CIEs.[819]

The competent authority to authorise and, where appropriate, annul the placement in a CIE is the Provincial Court (*Audiencia Provincial*) which has territorial jurisdiction over the place where detention is imposed. Moreover, the arrest of a foreigner shall be communicated to the Ministry of Foreign Affairs and the embassy or consulate of the person detained, when detention is imposed with the purpose of return as a result of the refusal of entry.[820]

If the applicant is detained, the urgent procedure will be applied, which halves the time limits for a decision (see Prioritised Examination). The quality of the asylum procedure when the application is made from detention is affected mostly in relation to access to information on international protection, which is not easily available, and access to legal assistance, as communication is not as easy as for asylum seekers at liberty. In addition, several shortcomings are due to the urgent procedure to which applicants are subject, as it hinders access to appeals once the application is rejected, and a subsequent order of removal is applied.

In practice, asylum seekers can also be detained if their international protection needs are not identified or if they have no access to the asylum procedure.

811 *Ibidem.*
812 *Ibidem.*
813 Servicio Jesuita a Migrantes, 'Informe CIE 2019. Diez años mirando a otro lado', July 2020, available at: https://bit.ly/3LjIjtn.
814 Servicio Jesuita a Migrantes, 'Informe CIE 2020. Razón jurídica y sin razón política – Anexo', June 2021, available at: https://bit.ly/3GXh451, 5.
815 Servicio Jesuita a Migrantes, 'Informe CIE 2021. Territorio hostil. Formas diversas de hostilidad en los CIE – Anexo de Cifras', May 2022, available at: https://bit.ly/40JQ5Sv.
816 Defensor del Pueblo, 'Informe anual 2022 – Volumen I', March 2023, p. 168, available at: https://bit.ly/3Kcqaf1.
817 Servicio Jesuita a Migrantes, 'Informe CIE 2023. Internamiento "muteado". Personas cuyo sufrimiento queda oculto a la sociedad', June 2024, available here.
818 Europa Press, 'Interior defiende los 1.893 ingresos en 2024 en los CIE: "Es una herramienta necesaria en la política migratoria de UE"', 24 May 2025, available here.
819 Ministerio del Interior, Subsecretaría del Interior, Dirección General de Protección Internacional, 'Avance de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida. Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2025', January 2026, available here.
820 Articles 60(4) and 62(5) Aliens Act.

In July 2025, twenty-one young asylum seekers from Bangladesh denounced their fear to be deported to their country while detained at the CIE of Zapadores (**Valencia**), where they applied for international protection.[821]

In its 2024 annual report on the situation of CIEs, the Jesuit Migrants Service continued to denounce the lack of monitoring and supervision mechanisms to guarantee transparency and accountability in these facilities. It also reported that several families were put in detention, as well as migrants who were very well rooted in Spain. In addition, the organisation continued to highlight the unnecessary suffering of inmates and the significant economic, social and, above all, human cost they entail.[822]

According to a written parliamentary response, the government informed that Spain carried out a total of 38,391 refusals of entry, returns and expulsions between 2021 and 2024. In addition, it informed to have carried out around 3,000 expulsions in 2024 –a decrease of 30% compared to the previous year- mainly due to the impossibility to locate migrants due to be returned.[823]

In Spain there are 7 CIEs which are under the responsibility of the Ministry of Interior. These facilities are located in **Algeciras, Barcelona, Las Palmas, Madrid, Murcia, Tenerife,** and **Valencia**.[824] It has to be noted that the total capacity can vary according to possible improvements' works, temporary closures, maintenance works, etc.

There have been several developments in 2025 and beginning of 2026 regarding CIEs:

- The construction works of a new CIE in **Algeciras** continued in 2025. The declarations of the Major of the Municipality, according to which the facility will be the most 'social and human' CIE in Spain, raised critics and concerns.[825] During a visit carried out to the construction site, MEP Miguel Urbán defined the facility as the biggest prison in Europe and compared it to Guantanamo.[826] The total cost for the construction of the facility – with a capacity of 507 places - has been 22 million Euros and took 10 years.[827] In its 2025 annual report on the situation of CIEs, the Jesuit Migrants Service asked the government to reconsider the opening of the new CIE in

821 Levante, 'Solicitantes de asilo a la espera de la deportación: "Estamos condenados a muerte"', 24 July 2025, available here; cadena Ser, '21 jóvenes perseguidos políticamente en Bangladés permanecen recluidos en el CIE de Zapadores de València', 24 July 2025, available here; última Hora, 'Veintiún jóvenes bangladesíes llegados a Baleares en patera solicitan asilo por persecución política', 24 July 2025, available here; El Salto Diario', '21 activistas de Bangladés encerrados en el CIE de Zapadores temen por su vida si son deportados', 25 July 2025, available here.

822 Servicio Jesuita a Migrantes, 'Raíces tras los muros. Un modelo fallido de privación de libertad, falto de transparencia y garantías. Informe CIE 2024', 29 September 2025, available here; Noticias Obreras, 'El Servicio Jesuita a Migrantes denuncia el modelo fallido de los centros de internamiento de extrajeros', 28 September 2025, available here; Europa Press, 'Un total de 1.863 migrantes ingresaron en CIE en 2024, 222 menos que en 2023, según SJM que reclama "transparencia"', 29 September 2025, available here; El Diario, 'Los CIE encerraron en 2024 a migrantes con familia y fuerte arraigo en España, según un nuevo informe', 29 September 2025, available here; Vida Nueva Digital, 'Los jesuitas denuncian que en los CIE se 'encarcele' a migrantes con arraigo: casi el 90% lleva más de un año en España', 29 September 2025, available here; RTVE, 'Cuatro de cada diez migrantes recluidos en los CIE sufrieron "una inútil privación de libertad"', 29 September 2025, available here.

823 El Noticiero Digital, 'España ejecutó más de 38.000 denegaciones de entrada, devoluciones y expulsiones entre 2021 y 2024, según el Gobierno', 30 September 2025, available here; Voz Populi, 'El Gobierno reduce un 30% las expulsiones de inmigrantes ilegales por la "dificultad" para localizarles', 23 September 2025, available here.

824 Radio Televisión Española, 'Los Centros de Internamiento para Extranjeros en el punto de mira: "No son de acogida humanitaria, son de represión"', 9 March 2025, available here.

825 Izquierda Diario, 'Racismo: El Estado español albergará el CIE "más social y más humanizado",' 15 June 2023, available at: https://tinyurl.com/ye22db4y; Viva Jaén, 'La construcción del nuevo CIE de Algeciras encara su recta final', 26 October 2023, available at: https://tinyurl.com/mv86x2ux.

826 Europa Sur, 'Miguel Urbán denuncia que el nuevo CIE de Algeciras será "un auténtico Guantánamo"', 26 April 2023, available at: https://tinyurl.com/bdfyep9z.

827 El Correo de Andalucía, 'Diez años y 22 millones de euros después, Algeciras tendrá el CIE más grande de España', 2 March 2024, available at: https://tinyurl.com/yc7zm5hy; La Voz Digital, 'El CIE de Algeciras tendrá un coste de 21 millones de euros', 2 November 2024, available here; Europa Sur, 'El nuevo CIE de Algeciras arrancará con una ocupación reducida por motivos de seguridad', 25 January 2026, available here; Europa Press, 'El Gobierno espera las órdenes ministeriales para inaugurar el CIE de Algeciras, que ha costado 21,5 millones', 25 January 2026, available here.

Algeciras, as its big capacity could lead to serious human rights violations.[828] At the beginning of November, the new facility was opened.[829] The coordinator of the campaign 'CIEsNO' of Cádiz organised a protest against the opening of the new facility.[830] In December, around 20 migrants were detained in the new facility.[831] In February 2026, it was denounced that the centre operated without legal authorisation for three months.[832] For this purpose, a group of organisations lodged a complaint with the Ombudsperson regarding the improper use of the CIE, and especially the illegality of the deprivation of liberty of migrants detained there before the proper authorisation for the opening.[833]

- In February 2025, the political party 'Junts' alleged that CIEs would be closed once the competence on migration is transferred from the central Government to the Autonomous Communities. The Government replied by informing it will draft a law transferring the competence on the reception of migrants and refugees to the Autonomous Communities, but not the competence of border management, and thus CIEs would not be closed.[834] Similarly, responsibility for migration lies with the central government, which will continue to retain this competence.[835] At the beginning of March, an agreement was reached, thus PSOE and Junts submitted a law proposal on the delegation of competences on migration (specifically, the management of CIEs and the forced return of migrants) to Cataluña.[836] Different NGOs expressed concerns on the agreement, in particular regarding the risk of differential treatment received by asylum seekers and migrants in Cataluña compared to other part of the Spanish territory.[837]
- During the National Day against CIEs gatherings and protests were organised to call for the closures of the CIEs and to denounce their bad conditions.[838]
- In August, the instruction judge of Arrecife (Lanzarote) denied the internment at the CIE of 44 migrants – 3 out of them declared to be minors - who arrived in the island by boat, as all of them applied for asylum.[839]

828 Servicio Jesuita a Migrantes, 'Raíces tras los muros. Un modelo fallido de privación de libertad, falto de transparencia y garantías. Informe CIE 2024', 29 September 2025, available here; Europa Sur, 'El Servicio Jesuita Migrante pide al Gobierno que reconsidere la apertura del nuevo CIE de Algeciras', 29 September 2025, available here.

829 Público, 'Interior abre por sorpresa el nuevo CIE en Algeciras con 500 plazas para retener a migrantes', 6 November 2025, available here; Cadena Ser, 'Abierto el nuevo CIE en Algeciras con 507 plazas en su interior', 6 November 2025, available here; Europa press, 'Denuncian la apertura "por sorpresa" en Algeciras del nuevo Centro de Internamiento de Extranjeros', 6 November 2025, available here; Algeciras al minuto, 'La Coordinadora CIE No Cádiz denuncia la apertura del "el mayor centro de detención de migrantes del país" en Algeciras', 8 November 2025, available here.

830 Europa sur, 'La Coordinadora 'CIE no' de Cádiz convoca una marcha en Algeciras contra el nuevo Centro de Internamiento de Extranjeros', 20 November 2025, available here.

831 Campo de Gibraltar Siglo XXI, 'Una veintena de personas estrenan el macro-CIE de Algeciras, pendiente de inauguración oficial', 14 December 2025, available here.

832 El Diario, 'El nuevo CIE de Algeciras funcionó sin habilitación legal durante tres meses', 19 February 2026, available here.

833 Europa Sur, 'Entidades sociales elevan una queja al Defensor del Pueblo por el uso indebido del Centro de Internamiento de Extranjeros de Algeciras', 17 February 2026, available here.

834 El Periódico, 'Junts asegura que Catalunya podrá cerrar los CIE cuando tenga las competencias en inmigración', 5 February 2025, available here; 20 minutos, 'El Govern dice que se tendrá que "analizar con tranquilidad" si se tienen que cerrar los CIE', 6 February 2025, available here; El Diario, 'El Gobierno prepara una ley orgánica que permita a las comunidades gestionar la acogida migratoria pero no las fronteras', 6 February 2025, available here; Europa Press, 'Águeda Micó vincula el apoyo de Compromís al pacto PSOE-Junts sobre migración al cierre de los CIE', 11 March 2025, available here; La Vanguardia, 'El Gobierno insiste en que la Generalitat no podrá cerrar los CIE ni exigir el catalán', 12 March 2025, available here.

835 Europa Press, 'Saiz descarta un modelo migratorio propio para Catalunya: "La normativa es la misma" en toda España', 12 March 2025, available here.

836 Europa Press, 'Cataluña ejecutará expulsiones y los Mossos gestionarán seguridad en la frontera con Policía Nacional y Guardia Civil', 4 March 2025, available here; Onda Cero, 'Qué son los CIE que también gestionarán los Mossos tras el acuerdo de PSOE y Junts', 4 march 2025, available here.

837 Europa Press, 'ONG de migración muestran su preocupación ante el pacto entre PSOE y Junts', 4 March 2025, available here.

838 Algeciras Mundo, 'Coordinadora CIE No Cádiz se concentra esta tarde en Algeciras', 13 June 2025, available here; Diario área, 'Algeciras se suma a la campaña nacional para reclamar el cierre de los CIE', 14 June 2025, available here; Orm, ''Convivir sin racismo' denuncia las condiciones del CIE de Sangonera la Verde y pide el cierre', 15 June 2025, available here; Campo de Gibraltar Siglo XXI, '15 de junio: Jornada Estatal contra los Centros de Internamiento de Extranjeros', 15 June 2025, available here.

839 El Diario, 'El Juzgado rechaza el ingreso en un CIE de los polizones solicitantes de asilo que llegaron a Lanzarote en un remolcador', 11 August 2025, available here.

- During the same month, the organisation *Extranjeristas en Red* asked the public prosecutor office to investigate the illegal restrain of a group of migrants who arrived in a beach of Granada by some bathers. Accem and CEAR warned that the incident is a consequence of the hate speech that criminalises migrant population.[840]
- At the beginning of 2026, the political parties Podemos and Sumar called the Government to close the CIEs. Podemos' request is a condition to support the delegation of competences on migration detention to Cataluña.[841]
- In February, the Ministry of Interior announced the creation of a new CIE in Algeciras and the closure of the old centre, including its annex building in Tarifa.[842]
- In February 2026, sources from the Ministry of Interior informed Europa Press that at the CIE in Murcia there were 31 persons detained out of a total of 100 available places. This is consistent with the national trend, as almost 80% of places in CIEs are empty. In details, at the CIE in Algeciras there were 16 inmates out of the 90 places available, at the Aluche centre (Madrid) the inmates were 72 out of 120, at the Zapadores centre (Valencia) 24 migrants were detained out of 70 places, the Zona Franca centre (Barcelona) held in detention 30 persons out of 158 places, at the Hoya Fría centre (Santa Cruz de Tenerife) there was just 1 migrant out of 210 places, and the same occurred for the facility in Barranco Seco (Las Palmas de Gran Canaria) were just 1 migrant was detained out of 100 places.[843]
- In March, media informed that, since August 2022, the police has been applying an internal instruction advising against the admission of Moroccan migrants at CIEs, regardless of whether they have valid documentation or passports. The main reason for this is Morocco's lack of cooperation in carrying out repatriations, a situation which, according to police sources, remains unchanged so far.[844]

In its 2024 annual report the Jesuit Migrant Service underlined that detention in CIEs penalises migrants who are well-established, have families ties and a history of inclusion in Spain, and that detention is often applied unnecessarily and with releases far from their place of residence.[845] In addition, the organisation reiterated the continued lack of transparency and an absence of state mechanisms that periodically report on detentions, repatriations and procedures applied throughout the process of arrest, deprivation of liberty and forced return.

Regarding return procedures, an important decision was issued by the CJEU in October 2020. The Court ruled that, in light of the Immigration Law, Spain cannot expel migrants just for being undocumented, and that expulsion should be carried out only when aggravating circumstances exist.[846] According to the 2022 annual report of the Public Prosecutor Office, almost half of the deportations of migrants detained in CIEs cannot be executed, thus the body recommended the National Police to carry out deeper investigations prior to detention, as well as to opt for alternative measures as set forth in the Immigration Law.[847]

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840 Europa Press, 'Extranjeristas en red pide investigar la retención de varios migrantes por parte de bañistas en una playa de Granada', 7 August 2025, available here; Europa Press, 'ONG de migración alertan del impacto de los discursos de odio que "criminalizan" a la población migrante', 10 August 2025, available here.

841 Cadena Ser, 'Podemos recela de la cesión a Cataluña de los CIE y del refuerzo de los Mossos como policía migratoria', 29 January 2026, available here; Público, 'Acabar con los CIE y las redadas racistas: las exigencias de Podemos para apoyar la cesión de competencias migratorias a Catalunya, 2 February 2026, available here; La Razón, 'Sumar pide a Marlaska que cierre los CIE', 27 January 2026, available here.

842 Info Migrante, 'El Gobierno creará un nuevo centro de internamiento de extranjeros en Algeciras', 8 February 2026, available here.

843 Europa Press, 'El 70 por ciento de las plazas de los centros de internamiento para extranjeros están desocupadas en la Región de Murcia', 7 February 2026, available here.

844 La Gaceta de la Iberosfera, 'La Policía aplica desde 2022 una instrucción que desaconseja el internamiento en CIE de inmigrantes ilegales marroquíes y argelinos, y provoca que queden en libertad', 2 March 2026, available here.

845 Servicio Jesuita a Migrantes, 'RAÍCES TRAS LOS MUROS. Un modelo fallido de privación de libertad, falto de transparencia y garantías. Informe CIE 2024', 30 September 2025, available here.

846 Court of Justice of the European Union, Case C-568/19, Judgement 8 October 2020, available at: https://bit.ly/3avGw1H; El País, 'Una sentencia europea impide a España expulsar inmigrantes solo por estar en situación irregular', 13 November 2020, available at: https://bit.ly/3s9Dkia.

847 Fiscalía General del Estado, 'Memoria elevada al Gobierno de S. M. presentada al inicio del año judicial por el Fiscal General del Estado Excmo. Sr. Don Álvaro García Ortiz', September 2023, p. 1148, available at: https://tinyurl.com/ms9cyha5.

Asylum seekers may also be *de facto* detained in "areas of rejection at borders" (*Salas de Inadmisión de fronteras*) at international airports and ports for a maximum of 8 days, until a decision is taken on their right to enter the territory. A total of 6,988 persons applied at a border post or transit zone in 2024.[848]

## B. Legal framework of detention

### 1. Grounds for detention

**Indicators: Grounds for Detention**

1. In practice, are most asylum seekers detained
   - ❖ on the territory: ☐ Yes ☒ No
   - ❖ at the border: ☒ Yes ☐ No
2. Are asylum seekers detained during a regular procedure in practice? ☐ Frequently ☐ Rarely ☒ Never
3. Are asylum seekers detained during a Dublin procedure in practice? ☐ Frequently ☐ Rarely ☒ Never

The legal framework of administrative detention of third-country nationals in Spain is set out by the Immigration Law.

#### 1.1. Pre-removal detention

The only grounds for detention included within the Immigration Law are the following, and they are not meant to be applied to asylum seekers:

(1) For the purposes of expulsion from the country because of violations including, being on Spanish territory without proper authorisation, posing a threat to public order, attempting to exit the national territory at unauthorised crossing points or without the necessary documents and/or participating in clandestine migration;[849]
(2) When a judge issues a judicial order for detention in cases where authorities are unable to carry out a deportation order within 72 hours;[850]
(3) When a notification for expulsion has been issued and the non-national fails to depart from the country within the prescribed time limit.[851]

Asylum seekers are not detained during the Dublin procedure. It should be recalled that Spain initiates very few Dublin procedures (see Dublin).

Where persons apply for asylum from CIE before their expulsion, or from penitentiary centres, they will also remain detained pending the asylum decision. If the application is admitted to in-merit proceedings, the asylum claim will be examined under the urgent procedure, for which the notification decision must be made within 3 months.

#### 1.2. Detention at the border

Persons who apply for asylum at borders or in airports must remain in *ad hoc* spaces (*Salas de Inadmisión de Fronteras*) with restricted freedom of movement, until their application is

848 Ministerio del Interior, Subsecretaría del Interior, Dirección General de Protección Internacional, 'Avance de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida. Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2025', January 2026, available here.
849 Articles 53-54 Aliens Act.
850 Article 58(6) Aliens Act.
851 Article 63(1)(a) Aliens Act.

declared admissible.[852] This amounts to *de facto* deprivation of liberty, since applicants are not allowed to leave those spaces.

From the moment an asylum application is made, there is a period of 4 working days to issue a decision of admission, non-admission or rejection. This period may be extended up to 10 days in some cases (see Border Procedure).

In its 2024 annual report, the Spanish Ombudsperson continued to denounce serious problems at the ad hoc space at the Madrid Adolfo Suárez Barajas Airport, due to the unacceptable conditions of overcrowding and unsanitary conditions. In particular, the report highlighted the state of the toilets and lack of hygiene, the bad quality and quantity of food, the lack of basic hygiene materials, and the inability to contact the outside world, as the use of mobile phones is not permitted and the telephone booths provided do not allow calls to be made outside the facility.[853]

## 2. Alternatives to detention

| Indicators: Alternatives to Detention | |
|---|---|
| 1. Which alternatives to detention have been laid down in the law? | ☒ Reporting duties<br>☒ Surrendering documents<br>☐ Financial guarantee<br>☒ Residence restrictions<br>☐ Other |
| 2. Are alternatives to detention used in practice? | ☐ Yes ☒ No |

There are no provisions under Spanish law regarding alternatives to detention for asylum seekers (meaning applicants in CIE, penitentiary centres or *ad hoc* spaces at borders).

Under the Immigration Law,[854] the only cautionary alternative measures that can be taken concern foreigners who are subject to a disciplinary proceeding, under which removal could be proposed, and they are the following:

(a) Periodic presentation to the competent authorities;
(b) Compulsory residence in a particular place;
(c) Withdrawal of passport or proof of nationality;
(d) Precautionary detention, requested by the administrative authority or its agents, for a maximum period of 72 hours prior to the request for detention;
(e) Preventive detention, before a judicial authorisation in detention centres;
(f) Any other injunction that the judge considers appropriate and sufficient.

These alternatives are not applied in practice.

Especially starting from 2020, many stakeholders called on the Government for the implementation of alternatives to migration detention, in particular following the closure of CIEs during the COVID-19 pandemic, which demonstrated there are real alternatives to migration detention.

In its 2024 annual report, the Jesuit Migrant Service underlined that, despite the immigration law establishing that the detention of migrants should be a measure of last resort, on too many occasions migrants with long-standing roots in Spain are deprived of their liberty, without assessing their personal circumstances or considering the alternatives set forth in legislation. For this, it made a recommendation to the instruction judges to analyse in more detail the principle of exceptionality and proportionality, avoiding automatic detention, as well as to assess in detail indicators of roots, social vulnerability and

852 Article 22 Asylum Law.
853 Defensor del Pueblo, 'Informe anual 2024', March 2025, available here.
854 Article 61 Aliens Act.

health, where appropriate by requesting the necessary expert opinions and medical reports. In short, avoid detention by making use of the legal alternatives to deprivation of liberty.[855]

A report published by the organisation CEPAIM on alternatives to detention highlighted that the Humanitarian Assistance Programme in Spain constitutes, in practice, a de facto programme of alternatives to detention.[856]

### 3. Detention of vulnerable applicants

**Indicators: Detention of Vulnerable Applicants**

1. Are unaccompanied asylum-seeking children detained in practice?
   ☐ Frequently ☒ Rarely ☐ Never
   - ❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No
2. Are asylum seeking children in families detained in practice?
   ☐ Frequently ☐ Rarely ☒ Never

Children shall not be detained as a rule,[857] but the Immigration Law foresees the possibility of detaining families with children.[858] Similarly, as already mentioned, unaccompanied or separated migrant children are never detained in CIEs, unless they are not identified as minors before detention.

Although detention of asylum seekers or vulnerable categories is not explicitly allowed by law, in practice several exceptions have been reported concerning unaccompanied children and victims of trafficking. This is due to the lack of identification of the minor age of the person, or of their status of victim of trafficking. For example, according to the 2024 annual report issued by the Jesuit Migrant Service, in 2024 two presumed children underwent age assessment tests while in detention at the CIE in Murcia, and none of them was identified as being minor. It also reported that in five occasions, the protocol for detecting victims of trafficking was applied (twice at the CIE in Barcelona and three times at the CIE in Madrid), but none of those individuals were identified as victims. [859]

Nonetheless, when they are identified as minors or victims of trafficking while they are in detention, they are released and handled to the competent protection systems. In addition, applicants such as pregnant women or persons requiring assistance may be exempted from the border procedure and admitted to the territory in specific cases.

### 4. Duration of detention

**Indicators: Duration of Detention**

1. What is the maximum detention period set in the law (incl. extensions):
   - ❖ CIE: 60 days
   - ❖ Border detention facilities: 8 days
2. In practice, how long in average are asylum seekers detained? Not available

The maximum detention period that a person can stay in a CIE is 60 days, after which they must be released.[860] The maximum detention duration for an asylum seeker who has applied for asylum from the CIE is the 4-day admissibility phase. If they are admitted, they will continue their asylum claim outside detention.

855 Servicio Jesuita a Migrantes, 'RAÍCES TRAS LOS MUROS. Un modelo fallido de privación de libertad, falto de transparencia y garantías. Informe CIE 2024', 30 September 2025, available here.
856 CEPAIM, 'Cepaim, Más allá de la Detención: alternativas a la detención migratoria como modelo de política basado en Derechos', 1 September 2025, available here.
857 Article 62(4) Aliens Act.
858 Article 62-bis(1)(i) Aliens Act. The part of this provision, referring to the need for CIE to guarantee family unity, has been set aside by the Supreme Court: Tribunal Supremo, Application 373/2014, 10 February 2015.
859 Servicio Jesuita a Migrantes, 'RAÍCES TRAS LOS MUROS. Un modelo fallido de privación de libertad, falto de transparencia y garantías. Informe CIE 2024', 30 September 2025, available here.
860 Article 62(2) Aliens Act.

Persons issued with detention orders upon arrival are detained in police stations for a maximum period of 72 hours. Where return has not been carried out within that time limit, they have been transferred to a CIE. In its 2024 annual report, the Jesuit Migrant Service indicated that in 2024, the average duration of detention was of 33.66 days, slightly higher than in 2023 and, in general, than before the Covid-19 pandemic.[861]

The maximum duration of persons' *de facto* detention and their obligation to remain in border facilities is 8 days. When this time limit is not respected, the applicant is usually admitted to territory and will continue their asylum claim through the regular procedure.

## C. Detention conditions

### 1. Place of detention

**Indicators: Place of Detention**

1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? ☐ Yes ☒ No

#### 1.1. Foreigner Detention Centres (CIE)

As already explained above in the General section on detention, there are 7 C*entros de Internamiento de Extranjeros* (CIE) in Spain.[862] These facilities are located in **Madrid**, **Barcelona**, **Valencia**, **Murcia**, **Algeciras, Las Palmas**, and **Tenerife**.

#### 1.2. Police stations and CATE

Persons arriving in Spain by sea and automatically issued with detention orders are detained in police stations for a period of 72 hours with a view to the execution of removal measures. Police stations in **Málaga**, **Tarifa**, **Almería** and **Motril** are mainly used for that purpose.

As mentioned in Access to the Territory, in June 2018 the Spanish Government put in place new resources to manage arrivals and to carry out the identification of persons' vulnerabilities in the first days of arrival. Specific facilities for emergency and referral include the Centres for the Temporary Assistance of Foreigners (*Centros de Atención Temporal de Extranjeros*, CATE) and the Centres for Emergency Assistance and Referral (*Centros de Atención de Emergencia y Derivación*, CAED). While CAED are open facilities, CATE operate under police surveillance and persons cannot go out until they have been identified. As reported by the Spanish Ombudsperson, CATEs are not properly regulated and do not fall under specific protocols, as they are considered as "extensions" of National Police stations.[863]

After the closure of the Arguineguín dock, which was used as the first place for reception of migrants reaching the Canary Islands, the CATE of Barranco Seco was opened.

In its 2024 annual report, the Spanish Ombudsperson, in its capacity as National Prevention Mechanism against Torture reported on the refurbishments carried out in some CATEs thanks to the interventions carried out by the NPM in previous years, as was the case at the facility in Crinavis (Bahía de Algeciras,

861 Servicio Jesuita a Migrantes, 'RAÍCES TRAS LOS MUROS. Un modelo fallido de privación de libertad, falto de transparencia y garantías. Informe CIE 2024', 30 September 2025, available here.

862 For more information on CIE, see Servicio Jesuita a Migrantes, 'Informe CIE 2023. Internamiento "muteado". Personas cuyo sufrimiento queda oculto a la sociedad', June 2024, available here.

863 Defensor del Pueblo, 'Informe anual 2019. Mecanismo Nacional de Prevención', October 2020, available at: https://bit.ly/3p6qWxH, 66.'

Cádiz), where it led to the provision of dining areas, rest areas, hot showers and air conditioning. In any case, even though the conditions of stay in the facility have been improved, it is still not adequate.[864]

Information on observations and recommendations made by the institution to the CATEs is provided in the section on Arrivals by sea.

### 1.3. Border facilities

Applicants at borders are also detained in *ad hoc* facilities during the admissibility phase and in any case for no more than 8 days. According to the OAR, operational transit zones are mainly those in **Madrid Adolfo Suárez Barajas Airport** and **Barcelona El Prat Airport**, accommodating up to 200 and 10 people respectively.[865]

There is evidence of one "non-admission room" (*Sala de Inadmisión de Fronteras*) in **Barcelona El Prat Airport**, one room in **Málaga Airport** and two rooms in Terminals 1 and 4 of the **Madrid Barajas Airport**.[866] These rooms are owned by the public company AENA and are guarded by agents of the National Police.

## 2. Conditions in detention facilities

| Indicators: Conditions in Detention Facilities | | |
|---|---|---|
| 1. Do detainees have access to health care in practice? | ☒ Yes | ☐ No |
| ❖ If yes, is it limited to emergency health care? | ☐ Yes | ☒ No |

### 2.1 Conditions in CIE

According to Article 62-bis of the Immigration Law, CIEs are public establishments of a non-penitentiary nature. Admission to and stay in these facilities shall be solely for preventive and precautionary purposes, safeguarding the rights and freedoms recognised in the legal system, with no limitations other than those applying to their freedom of movement, in accordance with the content and purpose of the judicial detention order of admission.

Article 62-bis of the Immigration Law further entails a list of rights recognised to the detained individuals. This includes the right to be informed and to have access to a lawyer, to an interpreter, to appropriate medical and health support as well as access to NGOs working with migrants. They also have the right to have their life, physical integrity and health respected, and to have their dignity and privacy preserved. The conditions for the access to NGOs as well as the access to adequate social and health care services must be laid down by way of regulation.

Article 3 of the CIE Regulation,[867] adopted in 2014, provides that:

> "The competences on direction, coordination, management and inspection of the centres correspond to the Ministry of the Interior and they are exercised through the General Directorate of the police, who will be responsible for safety and security, without prejudice to judicial powers concerning the entry clearance and control of the permanence of foreigners."

The Ministry of Interior is also responsible for the provision of health and social care in the centres, notwithstanding whether such service can be arranged with other ministries or public and private entities.

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864 Defensor del Pueblo, 'Informe anual 2024. Anexos. Anexos del Mecanismo Nacional de Prevención (MNP). Anexo A - INFORME COMPLETO DEL MNP', March 2025, available here.

865 Information provided by OAR, 8 March 2019.

866 Defensor del Pueblo, 'Mapa de los centros de privación de libertad', 5 February 2018, available at: http://bit.ly/2EDjc30.

867 Real Decreto 162/2014, de 14 de marzo, por el que se aprueba el reglamento de funcionamiento y régimen interior de los centros de internamiento de extranjeros.

On the operation and living conditions within the CIEs, there is scarce official information provided by the administrations responsible for their management. Due to this lack of transparency, during the last years several institutions and NGOs have developed actions of complaint and denounce shortcomings in the functioning of the CIE. Examples of these activities are the specialised annual reports by the Ombudsperson (and its respective representatives at regional level), by the State Prosecutor, and by several organisations of the third sector, academic institutions and media. In addition, valuable information is contained in the rulings of the judicial bodies responsible for controlling stays in the CIE (*Jueces de Control de Estancia*).

While the CIE Regulation was long awaited, it was established with many aspects to be improved and ignoring many of the recommendations formulated by the aforementioned entities. This is reflected by the decision of the Supreme Court, which, right after the adoption of the Regulation, cancelled four of its provisions as contrary to the Returns Directive, regarding the need to establish separated units for families, procedural safeguards on second-time detention and prohibition of corporal inspections.[868]

**Conditions and riots**

Even though under the law CIE do not have the status of a prison, the reality in practice suggests otherwise and conditions of detention therein are still not satisfactory. CIE continued to be the object of high public scrutiny and have attracted media and NGO attention during 2025 and beginning of 2026 due to several incidents that took place throughout the year.

Throughout 2025, the following developments and incidents were registered:

- In March 2025, around 20 inmates at the CIE of **Barcelona** started a hunger strike to denounce the lack of guarantee of their rights, including mistreatments.[869]
- In April, a fire spread at the CIE of **Valencia**, with no consequences for inmates but leaving three police officers injured.[870]
- In June and July, at the CIE of Aluche (**Madrid**) experienced an infestation of bedbugs and rats.[871] Another bedbug's infestation was reported to the Spanish Ombudsperson and the supervising judge in December.[872]

Information on the conditions within detention centres is available in the reports from the CIE visits conducted by the Spanish Ombudsperson, including those within its responsibilities as National Prevention Mechanism against Torture. The findings, facts and recommendations concerning the CIE visited by the Ombudsperson are available in the Annual Report of 2024, published in 2025,[873] as well as in the report issued by the Spanish Ombudsperson in his capacity of National Prevention Mechanism against Torture.[874] In its 2024 annual report, the NPM highlighted that communication with visitors are carried out without the possibility of opening the windows and that the visiting rooms lack chairs for both inmates and visitors. In addition, it reported that inmates interviewed by the NPM at the CIE in Valencia complained about the food and the shortage of water. The NPM verified that this issue required the

868 El País, 'El Supremo anula cuatro artículos de la norma de los Centros de Internamiento', 27 January 2015, available at: http://bit.ly/1uAbrvf.

869 El País, 'Internos del CIE de Zona Franca anuncian una huelga de hambre por "tratos denigrantes"', 28 March 2025, available here.

870 Levante, 'Tres atendidos por un incendio en el CIE de València', 24 April 2025, available here; las Provincias, 'Tres policías heridos, dos de ellos hospitalizados, tras el incendio en el CIE de Zapadores', 24 April 2025, available here; Europa Press, 'Detenido un interno del CIE de Zapadores de València por el incendio de este jueves', 25 April 2025, available here.

871 El Mundo, 'Tras la plaga de chinches, llegan las ratas al CIE de Aluche: "Es una cadena de insalubridad"', 4 July 2025, available here; Plaga de chinches en el CIE: «No tenemos papeles, pero somos también personas»', 23 June 2025, available here; El Mundo, 'Alarma por una plaga de chinches en el CIE de Carabanchel similar a la de Barajas: 30 días de fumigación, cierre de salas y aforo máximo de 50 internos', 20 May 2025, available here.

872 El Salto Diario, 'Internos del CIE Aluche denuncian ante el Defensor del Pueblo y el Juzgado de Control una plaga de chinches', 30 December 2025, available here.

873 Defensor del Pueblo, 'Informe anual 2024'', March 2025, available here.

874 Defensor del Pueblo, 'Informe anual 2024. Anexos. Anexos del Mecanismo Nacional de Prevención (MNP). Anexo A - INFORME COMPLETO DEL MNP', March 2025, available here.

intervention of the supervisory judge. The centre failed to comply with the provisions of the CIE regulations regarding the obligation of the healthcare service to intervene in the condition, preparation and distribution of food offered in CIEs.

Moreover, the annual report of the Jesuit Migrants Service on CIEs in Spain provides relevant information on conditions and their situation, based on visits carried out by the organisation.[875] In its 2024 annual report, the Jesuit Refugee Service continued to underline several elements which need to be significantly improved to ensure adequate conditions and guarantee the rights of detainees. Issues reported continued to include the challenges experienced in accessing communication, due to the restrictions on the use of mobile phones and obstacles to family or NGO visits. In addition, it continued to denounce that healthcare is insufficient, mental health needs are not tackled due to the lack of resources and specialists, safe reporting channels are absent.[876]

Visits to the CIE of Aluche in **Madrid** are regularly carried out by the organisation SOS Racismo, with the objective, among others, of providing legal and psychological support to detainees.[877]

Additionally, the annual report of the Public Prosecutor office informs about the conditions at the CIEs, in light of the visits that the institution carries out.

**Activities, health care and special needs**

The CIE Regulations governs the provision of services for sanitary assistance,[878] including access to medical and pharmaceutical assistance (and hospital assistance when needed), and contains provisions concerning clean clothes, personal hygiene kits and diets that take into account personal requirements.[879] In the same way, Article 15 of the Regulation concerns the provision of services for social, legal and cultural assistance, which can be provided by contracted NGOs. Detained third-country nationals can receive visits from relatives during the established hours,[880] and have access to open air spaces.[881]

As regards families with children in detention, although the Regulation did not initially foresee *ad hoc* facilities, the 2015 ruling of the Spanish Supreme Court obliged the detention system for foreigners to provide separated family spaces. Officially recognised unaccompanied minors are not detained in CIE, although there have been several reported cases of non-identified minors in detention.

Notwithstanding legal provisions, and the improvement in conditions after the adoption of the CIE Regulation, each centre still presents deficiencies, as the establishment of specific available services depends on each of the CIE directors.

In general, shortcomings have been reported concerning structural deficiencies or significant damages which may put at risk the health and safety of detained persons, overcrowding, absence of differentiated modalities for persons who have committed mere administrative infractions, restrictions to visits or to external communications, frequent lack of material for leisure or sports activities. In addition, the provision of legal, medical, psychological and social assistance is limited and not continuous; detained persons often lack information regarding their legal situation, their rights or the date of their return when removal is applicable. Also, interpreters and translators are often not available in practice.

875 Servicio Jesuita a Migrantes, 'RAÍCES TRAS LOS MUROS. Un modelo fallido de privación de libertad, falto de transparencia y garantías. Informe CIE 2024', 30 September 2025, available here.
876 Servicio Jesuita a Migrantes, 'RAÍCES TRAS LOS MUROS. Un modelo fallido de privación de libertad, falto de transparencia y garantías. Informe CIE 2024', 30 September 2025, available here.
877 SOS Racismo, see: https://sosracismo.eu/sos-racismo-madrid/.
878 Article 14 CIE Regulation.
879 Articles 39-47 CIE Regulation.
880 Article 42 CIE Regulation.
881 Article 40 CIE Regulation.

In its 2024 annual report, the Jesuit Migrants Service continued to denounce the lack of adequate health assistance to inmates, as well as the assistance to mental health needs lacks resources and specialists, despite the demands of the supervisory judges.[882]

In its 2024 annual report, the Spanish Ombudsperson, in his capacity of National Prevention Mechanism against Torture reiterated the need to implement an adequate protocol at CIEs for reporting, registering and investigating cases of mistreatment reported by inmates.[883]

In November 2025, the Minister of Interior granted €1,125,000 to the Red Cross for providing assistance to inmates at CIEs.[884]

### 2.2 Conditions in police stations

According to several reports, migrants detained in police stations after arriving in Spain by sea face dire conditions.

In its 2024 annual report, the Spanish Ombudsperson, in its capacity as National Prevention Mechanism against Torture, in relation to his previous recommendations to adopt a regulation of CATEs, informed that the Directorate-General of the Police considers that the regime for persons detained in these facilities is the same as that provided for in the areas of custody for detainees, and therefore the resources made available are the same as those for other persons in custody in police stations, as set out in the instruction of the Secretary of State for Security 1/2024, relating to these areas. This regulation includes specific improvements in relation to the equal treatment of LGTBQI+ persons, pregnant women and persons with mental illness. It also includes the figure of a facilitator and a protocol for dealing with children. The NPM also informed that the recommendation related to the adoption of a protocol for attending migrants upon arrival should include a thorough medical examination was not accepted, as the examination carried out by the Red Cross was considered sufficient. The NPM considered that the system in place for attending to new arrivals is inadequate and does not meet the standards of the Committee for the Prevention of Torture.[885]

### 2.3 Conditions in border facilities

Border facilities are periodically visited and monitored by the Spanish Ombudsperson, also in his capacity as National Prevention Mechanism against Torture.

The situation of the “non-admission room” in **Madrid Barajas Airport** has raised serious concerns in recent years because of its deplorable conditions. Concerns continued to be raised in the 2024 annual report published by the Spanish Ombudsperson, who continued to underline the need to improve its facilities, as well as the international protection procedures carried out there and the urgent need to adopt structural measures to address the registration and formalisation of applications, reception conditions, procedural guarantees and access to effective judicial protection for applicants for international protection.[886]

882 Servicio Jesuita a Migrantes, ‘RAÍCES TRAS LOS MUROS. Un modelo fallido de privación de libertad, falto de transparencia y garantías. Informe CIE 2024’, 30 September 2025, available here.

883 Defensor del Pueblo, ‘Informe anual 2024. Anexos. Anexos del Mecanismo Nacional de Prevención (MNP). Anexo A - INFORME COMPLETO DEL MNP’, March 2025, available here.

884 Boletín Oficial del Estado, ‘Orden INT/1417/2025, de 14 de noviembre, por la que se concede una subvención directa a Cruz Roja Española, para el desarrollo de programas asistenciales en los Centros de Internamiento de Extranjeros en el ejercicio presupuestario 2025’, 9 December 2025, available here.

885 Defensor del Pueblo, ‘Informe anual 2024. Anexos. Anexos del Mecanismo Nacional de Prevención (MNP). Anexo A - INFORME COMPLETO DEL MNP’, March 2025, available here.

886 Defensor del Pueblo, ‘Informe anual 2024’, March 2025, available here.

### 3. Access to detention facilities

**Indicators: Conditions in Detention Facilities**

1. Is access to detention centres allowed to
   - ❖ Lawyers: ☐ Yes ☒ Limited ☐ No
   - ❖ NGOs: ☐ Yes ☒ Limited ☐ No
   - ❖ UNHCR: ☐ Yes ☒ Limited ☐ No
   - ❖ Family members: ☐ Yes ☒ Limited ☐ No

Article 62-bis of the Immigration Law provides that civil society organisations defending migrants and international bodies can visit CIE under the conditions foreseen by way of regulation.

The seventh section of the CIE Regulation thus concerns participation and cooperation of NGOs. In particular, Article 58 foresees the possibility to contract NGOs for the provision of services of social assistance inside the centres. Following the adoption of the Regulation in 2014, a contract was signed in 2015 between the Spanish Red Cross and the Ministry of Interior. As mentioned, in 2025 the Spanish Red Cross continued to receive funding for the provision of assistance at the CIE.[887] In addition, Article 59 of the Regulation allows organisations working with migrants to receive a special accreditation to enter CIE and conduct monitoring of the detained persons. Detained migrants are also allowed to contact an organisation they want to receive support from. Before the agreement, the CIE had a stronger penitentiary character and social assistance to detainees was significantly more limited.

These provisions were welcomed by Spanish civil society organisations committed to migrants' rights protection, as they enabled their regular access to the centres, which can make a significant difference in improving conditions of detention for third-country nationals. In particular, a better identification of the most vulnerable groups or persons with particular needs can be assured, as no specific mechanism with this aim has been established by the state.

The Jesuit Migrant Service continued to denounce the obstacles that inmates face in receiving visits by NGOs and family members in its 2024 annual report.[888]

## D. Procedural safeguards

### 1. Judicial review of the detention order

**Indicators: Judicial Review of Detention**

1. Is there an automatic review of the lawfulness of detention? ☐ Yes ☒ No

2. If yes, at what interval is the detention order reviewed?

Under Article 62 of the Immigration Law and Article 2 of the CIE Regulation, no one may be detained without the order or authorisation of the competent Provincial Court (*Audiencia Provincial*). The judge (*Juzgado de Instrucción*), after hearing the interested party, decides whether to impose detention by reasoned order, assessing the personal circumstances of the person and the lack of domicile or documentation, and the existence of previous convictions or administrative sanctions and other pending criminal proceedings or administrative proceedings.[889]

887 Boletín Oficial del Estado, 'Orden INT/1417/2025, de 14 de noviembre, por la que se concede una subvención directa a Cruz Roja Española, para el desarrollo de programas asistenciales en los Centros de Internamiento de Extranjeros en el ejercicio presupuestario 2025', 9 December 2025, available here.

888 Servicio Jesuita a Migrantes, 'RAÍCES TRAS LOS MUROS. Un modelo fallido de privación de libertad, falto de transparencia y garantías. Informe CIE 2024', 30 September 2025, available here.

889 Article 62(1) Aliens Act.

Against decisions on detention, the third-country national can lodge appeals of reform, appeal and complaint[890] under the Criminal Procedure Act.[891] Reform and appellation appeals will be lodged before the same judge of the Provincial Court (*Audiencia Provincial*) that issued the detention order. Conversely, the judicial appeal of complaint would be lodged before the competent High Court (*Tribunal Superior de Justicia*) within a 2-month time limit.

The judge responsible for monitoring the stay of foreigners in detention centres and in "areas of rejection at borders" will also be the first instance judge of the place they are located in. This judge takes decisions over requests and complaints raised by detainees where they affect their fundamental rights.[892] These decisions may not be appealed. Persons in detention remain available for the judge or court that authorised or ordered the detention.[893]

### 2. Legal assistance for review of detention

**Indicators: Legal Assistance for Review of Detention**

1. Does the law provide for access to free legal assistance for the review of detention?
   ☒ Yes ☐ No
2. Do asylum seekers have effective access to free legal assistance in practice?
   ☐ Yes ☒ No

Free legal assistance is provided by law to both detained persons and asylum seekers in general. Nonetheless, several obstacles faced by lawyers and interpreters to access the CIE have been reported. This is mainly due to shortcomings regarding social and legal assistance and difficulties in external communications as stated in the section regarding Access to Detention Facilities.

The adoption of the CIE Regulation in 2014 has improved the situation, however, as it defines the rules and modalities for access of lawyers and NGOs into the centres. The provisions regarding the collaboration of NGOs in the provision of social and assistance (including legal) services inside the centres also goes in the same direction. In different parts of the territory, collaboration contracts have been issued for free legal assistance of detained persons with the Red Cross and the Spanish Bar Association.

The main reported criticisms on legal assistance and access to international protection for third-country nationals who have been issued a removal order (and wait for the procedure within detention) concern the lack of information on the asylum procedure at the time the person enters the centre, and the short timeframe of the urgent procedure applied to asylum claims made in detention, as they require a fast reaction to official notifications, which is hard to realise when the applicant is detained.

## E. Differential treatment of specific nationalities in detention

Organisations working with migrants in irregular situation or in the area of immigration detention have always reported that most detained migrants are from Maghreb and sub-Saharan countries that is due to the fact that identity checks conducted by police are still mostly based on ethnic and racial profiling. The discriminatory attitude and incidents within the Spanish territory have been the subject of several reports and critiques, which persisted in 2024, as described above. In the monitoring report on Spain published in October 2025, the European Commission against Racism and Intolerance (ECRI) of the Council of Europe reported on cases of racial profiling by law enforcement officials that impacts especially people of African descent, migrants or people with a migration background as well as Roma also underlined the importance of further strengthening safeguards against any racial profiling practices especially affecting those groups.[894]

890 Articles 216 and 219 Code of Criminal Procedure.
891 Real decreto de 14 de septiembre de 1882 por el que se aprueba la Ley de Enjuiciamiento Criminal.
892 Article 62(6) Aliens Act.
893 Article 60(3) Aliens Act.
894 European Commission against Racism and Intolerance (ECRI), Council of Europe, 'ECRI report on Spain - (sixth monitoring cycle)', adopted on 2 July 2025, published on 30 October 2025, available here.

# Content of International Protection

## A. Status and residence

### 1. Residence permit

**Indicators: Residence Permit**

1. What is the duration of residence permits granted to beneficiaries of protection?
   - ❖ Refugee status 5 years
   - ❖ Subsidiary protection 5 years
   - ❖ Humanitarian protection 1 year

Both refugees and beneficiaries of subsidiary protection benefit from a residence permit of 5 years once they are granted status.[895] The responsible authority for issuing the residence permit is the Police of Aliens' Law and Documentation.

There are no difficulties systematically encountered in the issuance and renewal of those residence permits in practice.

The issuance of residence permits for humanitarian reasons is foreseen under the Immigration Law. This residence permit has a one-year duration.

The law foresees also the possibility to request other kinds of residence and work permits under different conditions and requirements (see National protection statuses and return procedure).

Regarding the applicable status to resettled beneficiaries of international protection, an important decision was issued in December 2020. The High Court (*Tribunal Supremo*) established that refugees resettled in Spain must keep their status as refugees. It therefore reverts the decision adopted by the previous Tribunal, denying recognition of the refugee status to four Syrian refugees resettled to Spain in 2015, while granting them subsidiary protection.[896]

In 2024, a total of 18,396 residence permits were granted to beneficiaries of international protection and statelessness, which represents a 1% increase compared to the previous year. The main nationalities of those who obtained a residence permit for international protection or statelessness are Malian (9,114 permits), Syrian (1,260) and Nicaraguan (1,170).[897]

In September 2024, the organisation *CEAR* denounced the obstacles – in terms of the documentation required and long waiting times up to 1 year- that migrants and asylum seekers face in enrolling to the municipal register (*padrón municipal*) in Valencia and the negative consequences this has on their possibility to access basic rights (i.e. education, health, public housing, vocational trainings, etc.).[898] The Ombudsperson of the Autonomous Community of Valencia (*Síndic des Greuges*) opened an investigation on the issue.[899]

With the aim of denouncing the lack of access to basic rights (i.e. health, education, financial support like the unemployment subsidies, etc.) that migrants face for the impossibility to enrol in the municipality

895 Article 34(3) Aliens Regulation.

896 Tribunal Supremo, Decision nº 1773/2020, 17 December 2020, available at: https://bit.ly/3p4L7Mc; Poder Judicial, 'El Tribunal Supremo fija que las personas acogidas en España a través de un programa de reasentamiento del Gobierno tienen la condición de refugiados', 25 January 2021, available at: https://bit.ly/39hiWoW.

897 Observatorio Permanente de la Inmigración, Ministerio de Inclusión, Seguridad Social y Migraciones, 'Flujo de autorizaciones de residencia concedidas a personas extranjeras. Año 2024', 7 July 2025, available here.

898 Valencia Plaza, 'CEAR denuncia los "obstáculos" para acceder al padrón municipal y la escasez de recursos para migrantes', 17 September 2024, available here.

899 Cadena Ser, 'El CEAR denuncia retrasos de hasta un año para empadronar en València a personas vulnerables', 17 September 2024, available here.

register, and to recall the public administration that the enrolment is a right, in October a coalition of sixteen groups of Madrid launched the campaign *Invisibles, padrón por derecho.*[900]

**Regularisation of undocumented migrants**

Following the COVID-19 outbreak, many NGOs called upon the Government to regularise all undocumented migrants in Spain, to guarantee their access to rights and services.[901]

With the aim of promoting a people's legislative initiative to regularise 500,000 persons by collecting 500,000 signatures, a group of organisations (including a political party) joined to form the platform "*ESencialES*".[902] On December 2022, the campaign reached 700,000 signatures that were submitted to the Office for the Electoral Roll, in order to start the Parliamentary procedure. In May 2023 the Platform ESencialES presented the popular initiative to the Congress.[903] In March 2024, the Congress retook the discussion of the proposal, and voted in favour of it in April.[904] According to the promoters of this law proposal, the regularisation of migrants could generate between €790 million and 950 million a year.[905] In addition, based on an estimation made by NGOs working with undocumented migrants, around 500,000 migrants live in an irregular situation in Spain.[906]

Due to the lack of support to the initiative at the Congress by some political parties and the possibility to approve it, the political parties *Podemos* and *Sumar* asked the government to continue with the legislative adoption of the regularisation initiative.[907] Caritas and other religious organisations continued to ask for an extraordinary regularisation procedure for foreign nationals in Spain.[908] At the end of the year, the State Secretary for Migration also urged to debate the proposal in Parliament.[909]

In November 2024, the Government adopted a new Regulation of the Immigration Law, officially aimed at improving the integration of migrants according to three main paths for regularisation: work, training and family ties.[910] The reform entered into force on 20 May 2025, and it aims at regularising 300,000 persons.[911] In addition, it simplifies the requirements for foreign nationals to obtain residence and work

900 Público, 'Pedir cita médica, cobrar una ayuda o ir al colegio: el padrón, una zancadilla para las personas migrantes en España', 25 October 2024, available here.

901 Europa Press, 'CEAR reclama al Gobierno que regularice "con carácter urgente" a las personas migrantes', 2 April 2020, available at: https://bit.ly/3cjXiCr.

902 ESencialES, '¡500.000 firmas EsencialES para la Regularización Extraordinaria de 500.000 personas EsencialES en España!', available at: https://bit.ly/3JprwSF.

903 El Diario, 'El movimiento por una regularización extraordinaria de migrantes presenta su propuesta de ley tras lograr llegar al Congreso', 10 May 2023, available at: https://tinyurl.com/y2ry6rh3; El Diario, 'La ILP por la Regularización avanza dentro de un Parlamento agitado por el año electoral', 8 May 2023, available at: https://tinyurl.com/ey2tkspv.

904 El País, 'Regularizar para transformar un modelo migratorio roto en España', 12 March 2024, available at: https://tinyurl.com/mw7tmm3w; Congreso de los Diputados, 'El Congreso inicia la tramitación de la Proposición de Ley de iniciativa popular para una regularización extraordinaria para personas extranjeras en España', 9 April 2024, available here; Euractiv, 'Spain takes first step to regularise half a million migrants', 10 April 2024, available here; El Diario, 'Una regularización extraordinaria de migrantes aumentaría la recaudación fiscal y daría oxígeno a las pensiones', 16 September 2024, available here; Qué, 'Lograr la regularización de migrantes, una cuestión de voluntad política según en Comú', 30 August 2024, available here.

905 Euractiv, 'Spain considers regularising hundreds of thousands of migrants', 22 October 2024, available here.

906 The Objective, 'El Gobierno quiere regularizar a los inmigrantes irregulares que se formen en sectores en los que no hay trabajadores', 3 June 2022, available at: https://bit.ly/3nXnnyQ.

907 El País, 'La esperanza de una regularización masiva de inmigrantes se esfuma en el Congreso', 18 September 2025, available here; El Diario, 'Sumar quiere acelerar la regularización extraordinaria para enfrentar el relato de la extrema derecha sobre inmigración', 5 October 2025, available here.

908 Cáritas, 'Entidades de Iglesia piden la aprobación de una regularización extraordinaria que ponga en el centro la dignidad de las personas migrantes', 1 October 2025, available here.

909 Diario Siglo XXI, 'El Gobierno llama a debatir la ILP para regularizar migrantes en España y reta a sus detractores a que se "retraten"', 19 December 2025, available here.

910 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno aprueba un nuevo Reglamento de Extranjería para mejorar la integración de las personas migrantes a través de tres palancas: trabajo, formación y familia', 19 November 2024, available here.

911 El Diario, 'El Gobierno aprueba un nuevo reglamento de la Ley de Extranjería que prevé regularizar a unos 300.000 migrantes al año', 19 November 2024, available here; El Diario, 'Qué incluye el nuevo reglamento de

permits, and foresees the regularisation of asylum seekers whose application was rejected, by establishing that the period they have been in Spain as asylum applicants will not count for the issuing of the residence permit for 'arraigo', and that just the period after the denial of the asylum application will be taken into account.[912] While welcoming the new reform, different organisations (i.e. Accem, CEAR, APDHA, Caritas, the Spanish Bar Association, etc.) observed that it could have had more significant impact and there were several missed opportunities; for example, humanitarian visas allowing people in need of international protection to apply for asylum without entering irregularly in Spain could have been introduced, or the possibility for asylum seekers to regularise their situation while still waiting for the asylum decision could have been granted. In addition, despite the adoption of the new Regulation of the Immigration Law, CEAR called the Government to continue in the assessment and adoption of the legislative initiative on regularisation, for which a proposal is undergoing the parliamentary procedure.[913] The trade union UGT warned on the risk for asylum applicants to lose their work permits and called the government to find solutions accordingly.[914]

In May 2025, when the reform entered into force, different NGOs observed it left room for improvements.[915] Similarly, the Platform *RegularizaciónYa* highlighted having informed the Government of the mistakes and problems deriving from the reform already before its adoption.[916] In order to limit negative impacts of the reform for denied asylum seekers, the Government tried to speed up the parliamentary procedure of the law proposal on regularisation.[917] The political party *PSOE* proposed to regularise those migrants who arrived to Spain before the 31 December 2024, and in June 2025 it informed to be open to allow regularisation of those arrived in Spain before 31 March 2025, giving priority to asylum seekers and migrant children.[918] The Platform *RegularizaciónYa* suggested the PSOE to adopt a law decree for the regularisation in case the law proposal on regularisation undergoing the parliamentary procedure should not obtain the necessary votes to be adopted.[919]

The negative effects of the reform for denied asylum seekers and the risk to fall into irregularity have been reported so far.[920] A thematic report on unaccompanied and accompanied children in Spain published in May 2025 by the Spanish Ombudsperson warned on the risk that many children face of falling into irregularity because of the denial of the asylum applications of their parents.[921] The Platform for Childhood

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la Ley de Extranjería y cómo facilitará la regularización de miles de migrantes', 19 November 2024, available here.

912 20 minutos, 'Nuevo reglamento de extranjería: los plazos para solicitar la nacionalidad española, el permiso de trabajo y la residencia', 20 November 2024, available here.

913 Europa Press, 'Accem y CEAR aplauden el nuevo Reglamento de la Ley de Extranjería pero lamentan que no introduzca visados humanitarios', 19 November 2024, available here; Asociación Pro Derechos Humanos Andalucía, 'APDHA lamenta que la reforma del Reglamento de Extranjería se realice en base a criterios utilitaristas y mercantilistas', 21 November 2024, available here; Cáritas, 'Las entidades sociales ven luces y sombras en la reforma del Reglamento de Extranjería', 25 November 2024, available here; Consejo General de la Abogacía Española, 'Nuevo reglamento de extranjería: ¿Una oportunidad perdida?', 20 November 2024, available here; El Salto Diario, 'Personas solicitantes de asilo, las grandes olvidadas en la reforma del Reglamento de Extranjería', 28 November 2024, available here.

914 UGT, 'UGT pide al Gobierno soluciones para las personas solicitantes de asilo que pueden perder la habilitación para trabajar con el nuevo reglamento de extranjería', 2 April 2025, available here.

915 Red Acoge, 'Las entidades sociales insisten en que el Reglamento de Extranjería tiene margen de mejora', 20 May 2025, available here; CEAR, 'Las entidades sociales insisten en que el Reglamento de Extranjería tiene margen de mejora', 20 May 2025, available here.

916 El Salto Diario, 'Regularización Ya señala que ya advirtió de todos los errores del nuevo Reglamento de extranjería', 22 May 2025, available here.

917 El Diario, 'El Gobierno intenta arreglar in extremis los efectos del reglamento de extranjería que empuja a la irregularidad a miles de solicitantes de asilo', 19 May 2025, available here.

918 Europa Press, 'El PSOE propone regularizar a los migrantes que hayan llegado a España antes del 31 de diciembre de 2024', 20 May 2025, available here; Huffinghton Post, 'El PSOE plantea ir más allá de la ILP y regularizar a migrantes llegados a España antes de 2025', 20 May 2025, available here; Europa Press, 'El Gobierno se abre a ampliar la fecha de regularización de migrantes hasta marzo de 2025', 10 June 2025, available here; El País, 'El Gobierno negocia una regularización flexible de inmigrantes con niños y solicitantes de asilo como prioridad', 9 June 2025, available here.

919 Europa Press, 'Regularización Ya propone al PSOE aprobar por real decreto la regularización extraordinaria si no logra los votos', 28 May 2025, available here.

920 El Diario, 'El nuevo reglamento de extranjería ha empujado a la irregularidad a decenas de solicitantes de asilo: "Nos obliga a perder los papeles y el trabajo"', 26 April 2025, available here.

921 Defensor del Pueblo, 'Niñas y niños extranjeros en España solos o acompañados', 11 May 2025, available here.

expressed the same concerns on the negative impact of the reform for migrant children.[922] During the same month, the State Secretary for Migration at the Ministry of Inclusion, Social Security and Migration adopted an instruction to clarify certain aspects of the reform.[923] In June, Caritas called on the Job Commission at the Congress to adopt the law proposal on regularisation.[924]

In January 2025, different NGOs challenged at the Supreme Court (*Tribunal Supremo*) the reform of the Regulation of Immigration Law, specifically the provisions establishing the incompatibility between the international protection procedure and the procedure for the residence permits on 'arraigo' basis. In May 2025, the Supreme Court admitted an appeal lodged by different organisations (*Extranjeristas en Red, Coordinadora de Barrios* and *Asociación Pro Derechos Humanos de España)* which considered that the reform is contrary to different international instruments.[925]

In April, the political party *Sumar* submitted a law proposal to the Congress, with the aim of removing the obstacles that the new Immigration Regulation introduced to asylum seekers, and to ask to speed up the regularisation of around 200,000 asylum seekers and to guarantee their rights.[926]

In July, the organisation *Andalucía Acoge* launched the campaign *#ILoveRegular* to call for the adoption of appropriate measures to foster access of migrants to regularity.[927]

Whereas some EU countries were announcing measures to tighten their borders against migrants, in October 2024 Spanish Prime Minister Pedro Sánchez announced measures to facilitate migrants' settlement in Spain, underling the importance of migrants for the growing of Spanish economy.[928]

In January 2026, the government opened to public consultation the draft text of the extraordinary regularisation measures to integrate foreign nationals already in Spain, with the aim of collecting inputs from different stakeholders before its final adoption. The aim is to provide an immediate and guaranteed response to the situation of hundreds of thousands of foreign nationals who are already in Spain. The authorisation granted will be for residence and to work in any sector and throughout the national territory.[929]

According to the proposal, foreign nationals who are in Spain and arrived before 31 December 2025 can apply for regularisation. Applications must be submitted before 30 June 2026. It will be essential not to have a criminal record in Spain or in the countries where the foreign national has resided during the last five years, not to be prohibited from entering Spanish territory, and to pay the corresponding administrative fee (the amount is still to be determined). The measure provides for two routes to regularisation. The first is regularisation due to exceptional circumstances, which is considered the general route. In this case, in addition to meeting the common requirements, it will be necessary to prove at least five months of continuous residence in Spain at the time of application. In addition, at least one of the following conditions must also be met: having worked in Spain or presenting an employment contract; living with immediate

922 Plataforma de Infancia, 'Las organizaciones de infancia muestran su preocupación por el impacto de la reforma del Reglamento de Extranjería en la infancia migrante no acompañada', 20 May 2025, available here.

923 Ministerio de Inclusión, Seguridad Social y Migraciones, Secretaría de Estado de Migraciones, 'Instrucciones SEM 1/2025 sobre las autorizaciones de residencia temporal por circunstancias excepcionales por razón de arraigo previstas en el reglamento de extranjería, aprobado por el real decreto 1155/2024, de 19 de noviembre', 13 May 2025, available here.

924 Cáritas, 'Cáritas pide ante la Comisión de Trabajo del Congreso que se apruebe la ILP para la regularización extraordinaria de personas extranjeras', 18 June 2025, available here.

925 Confilegal, 'El Supremo decidirá si el nuevo Reglamento de Extranjería vulnera derechos fundamentales', 18 May 2025, available here.

926 Europa Press, 'Sumar pide en el Congreso agilizar la regularización de cerca de 200.000 solicitantes de asilo y garantizar sus derechos', 18 April 2025, available here; La Vanguardia, 'Sumar pide al Gobierno no poner trabas a los solicitantes de asilo para acceder al arraigo', 16 April 2025, available here.

927 Andalucía Acoge, 'I love regular', July 2025, available here.

928 Reuters, 'Spain's Sanchez touts benefits of migration as European neighbours tighten borders', 9 October 2024, available here.

929 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno sube a audiencia pública el texto de la regularización extraordinaria para integrar a personas extranjeras que ya están en España', 27 January 2026, available here; Ministerio de Inclusión, Seguridad Social y Migraciones, 'Preguntas y respuestas. REGULARIZACIÓN', January 2026, available here; El País, 'El Gobierno pacta con Podemos aprobar una regularización extraordinaria de inmigrantes', 26 January 2026, available here.

family members, such as school-age children, adult children who are dependent due to health or disability reasons, or first-degree ascendants; or being in a situation of vulnerability as certified by social services or third sector organisations. Irregular administrative status itself is understood to be a situation of vulnerability. The second route is aimed at applicants for international protection who have submitted their application before 31 December 2025. In this case, they must meet the general requirements, but they are not required to prove the additional circumstances provided for in the general route.[930] Applications are expected to be submitted in early April 2026, once the mandatory procedures for processing the Royal Decree have been completed.[931]

Different organisations and migrant groups (i.e. CEAR, Platform of the Third Sector[932], Spanish Bishops' Conference, etc.) celebrated the initiative.[933] The political party *Podemos* informed it will request the government to allow regularised migrants to vote, and to introduce legal reforms to shorten the time required for naturalisation.[934] Similarly, the Economic and Social Committee advocated for the regularisation of migrants, underlining that it represents the only manner 'to incorporate a population with all its rights and duties' and to eliminate the 'harmfulness' caused by being undocumented.[935]
The Spanish Prime Minister defended the plan to regularise half a million undocumented migrants in responding to critics to the measure, by stating that Spain chose the path of 'dignity, community and justice' in migration management. In addition, regularisation represents a measure to counter labour shortage and boost growth. The European Commission expressed reservations on the proposal, as it considered it could conflict with the European Union's current policy on migration.[936]
As soon as the regularisation measure was announced, several organisations working with migrants and refugees, as well as the trade union *Comisiones Obreras*, warned of possible cases of fraud by supposed collaborators who offer to speed up the paperwork in exchange for money.[937]

The new draft proposal, which includes the inputs received during the public consultation phase, introduced the provision according to which the government will verify, through a police report, that migrants who wish to access extraordinary regularisation do not pose a threat to public order or public health.[938] In addition, the government announced that Catalan or Basque will not be required to access the extraordinary regularisation, although knowledge of the 'official languages' will be required for subsequent renewals in certain circumstances.[939] In March, the government also adopted an order for the

930 Accem, 'Regularización 2026: información práctica para personas migrantes en España', 18 February 2026, available here; The Objective, 'Miles de extranjeros con el asilo denegado por España podrán ser regularizados ahora', 9 February 2026, available here; El País, 'El gran dilema de los solicitantes de asilo político ante la regularización del Gobierno, 29.1.26, available here.

931 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno sube a audiencia pública el texto de la regularización extraordinaria para integrar a personas extranjeras que ya están en España', 27 January 2026, available here.

932 Plataforma del tercer Sector, https://www.plataformatercersector.es/

933 Plataforma del Tercer Sector, 'La Plataforma del Tercer Sector celebra la aprobación de la regularización extraordinaria de personas migrantes', 27 January 2026, available here; Conferencia Episcopal, 'Nota de prensa sobre el inicio de un proceso para la regularización extraordinaria de personas migrantes', 27 January 2026, available here; Público, 'Los colectivos de migrantes celebran el acuerdo de regularización extraordinaria: "Es de justicia"', 27 January 2026, available here; CEAR, 'CEAR celebra la regularización de personas migrantes por ser un paso decisivo para garantizar derechos', 29 January 2026, available here; CEAR, 'La regularización de personas migrantes, un paso decisivo para garantizar derechos', 29 January 2026, available here.

934 Podemos pedirá al Gobierno que los migrantes regularizados puedan votar y una reforma legal que acorte los plazos de nacionalización', 2 February 2026, available here.

935 El Diario, 'El Consejo Económico y Social aboga por regularizar migrantes: "Es dramático y un despilfarro para el país"', 3 March 2026, available here.

936 The Guardian, 'Spanish PM defends plans to regularise half a million undocumented migrants', 2. February 2026, available here; Euro News, 'Exclusive: EU Commission balks at Sánchez's regularisation of undocumented migrants', 10 February 2026, available here; Euronews, 'Spain bets on migrants to counter labour shortage and boost growth', 1 October 2025, available here.

937 Cadena Ser, 'Estafas a migrantes ante el anuncio de regularización: "No paguen nada"', 9 February 2026, available here; La Tribuna de Ciudad Real, 'CCOO alerta de intentos de estafas a migrantes', 17 March 2026, available here.

938 La Sexta, 'El Gobierno comprobará con un informe policial que los migrantes solicitantes de regularización no suponen ninguna amenaza', 20 February 2026, available here.

939 Siglo XXI, 'El Gobierno aclara que catalán o euskera no serán necesarios para regularizarse pero los incluye para renovaciones', 20 February 2026, available here.

creation of an electronic register of collaborators, a new tool that will allow trade unions and NGOs working on migration and international protection to submit and manage for free the administrative procedure for regularisation for migrants and refugees before the administration. The register is attached to the State Secretary for Migration at the Minister of Inclusion, Social Security and Migration.[940] In addition, it was announced that specific desk to submit applications would be opened at the Post offices and at the Social Security offices.[941] While acknowledging the need of specialised legal assistance to assist migrants in the regularisation process, the Ministry of Inclusion, Social Security and Migration agreed with the Spanish Council of Law Professionals (*Consejo General de la Abogacía Española*) to cooperate in publicising the regularisation process and in jointly organising information sessions, round-table discussions and public awareness campaigns, with the aim of providing clear and accessible information about the process.[942]

Following the flooding in Valencia at the end of October 2024 and the damages occurred, different stakeholders (i.e. migrant movement in Valencia, the trade union *Comisiones Obreras*) called on the Government to dispose an extraordinary regularisation of migrants in an irregular situation living in the area affected by the flooding.[943] In February 2025, the Government announced the regularisation of 25,000 migrants affected by the flooding.[944] According to the information released by the Minister of Inclusion, Social Security and Migration, 95% of these applications received a positive result.[945] In addition, the Minister of Inclusion, Social Security and Migration issued an internal note to clarify that it is not necessary for asylum applicants to withdraw from the asylum procedure before applying for the regularisation due to the flooding, as the procedure is to be considered an exceptional one, so the two procedures are not incompatible.[946]

## 2. Civil registration

Beneficiaries of international protection follow the same civil registration procedure as Spanish nationals. The required documentation from the country of origin can be substituted by a certificate issued by the OAR.

Registration of childbirth is made through a declaration in an official format duly signed by the person. To that end, the doctor or the nurse assisting the birth will prove the identity of the mother in order to include this information into the report. Parents make their declaration by filling the corresponding official format, and the officer at the Civil Registry proceeds to registration accordingly.

No obstacles to civil registration have been observed in practice.

## 3. Long-term residence

**Indicators: Long-Term Residence**

1. Number of long-term residence permits issued to beneficiaries in 2025: Not available

940 Ministerio de Inclusión, Seguridad Social y Migraciones, 'Migraciones abre el registro de colaboradores de extranjería para que sindicatos y organizaciones sin ánimo de lucro ayuden en la regularización', 9 March 2026, available here; Europa Press, 'El Gobierno crea un registro para que sindicatos y ONG tramiten expedientes de extranjería en nombre de migrantes', 5 March 2026, available here.

941 El País, 'La regularización de migrantes tendrá ventanillas propias en las oficinas de Correos y de la Seguridad Social', 23 March 2026, available here.

942 El Derecho, 'El CGAE, colaborador esencial de la próxima regularización de extranjeros', 1 April 2026, available here.

943 El Salto Diario, 'El movimiento migrante valenciano exige otra regularización extraordinaria tras la DANA', 18 December 2024, available here; Noticias Obreras, 'CCOO pide al Gobierno una regularización temporal para las personas trabajadoras migrantes afectadas por la DANA', 13 November 2024, available here.

944 El País, 'El Gobierno regularizará a 25.000 inmigrantes afectados por la dana', 10 February 2025, available here.

945 Servimedia, 'Cerca de 23.000 inmigrantes han solicitado la regularización extraordinaria para víctimas de la dana', 16 April 2025, available here.

946 El Diario, 'Los solicitantes de asilo afectados por la DANA podrán pedir la regularización sin desistir antes de su petición de protección', 21 February 2025, available here.

The long-term residence permit in Spain is governed by the Immigration Law and can be obtained when the following conditions are fulfilled:[947]

- Having legal residence;
- Not having non-entry bans applied;
- Not having criminal penalties;
- Five years' legal and continuous residence within Spanish territory;
- Five years' residence as holder of the EU Blue Card in the European Union, proving that the two last years occurred in Spanish territory;
- Being a beneficiary resident of a contributory pension;
- Being a resident beneficiary of a pension of absolute permanent disability or severe disability, tax, including modality consisting of a lifetime, not capital income, sufficient for its continued existence;
- Being a resident and being born in Spain, and upon the reaching the age of majority having resided in Spain legally and continuously for at least the last three years consecutively;
- Spanish nationals who have lost the Spanish nationality;
- Being a resident that, upon reaching the age of majority, has been under the guardianship of a Spanish public entity during the last preceding five years;
- Being stateless or having refugee or beneficiary of subsidiary protection;
- Having contributed significantly to the economic, scientific or cultural advancement of Spain, or the projection of Spain abroad. (In these cases, it will be the Ministry of Inclusion, Social Security and Migration holder the granting of long-term residence authorization, following a report from the head of the Ministry of the Interior).

Refugees and beneficiaries of subsidiary protection can request the issuance of a long-term residence permit after the 5-year duration of the refugee or subsidiary protection permit when they meet the aforementioned legal requirements.

The application procedure must be started in the Aliens Offices of the territorial administration in which the applicant has taken up residence. The whole process has a duration of 3 months, after which the administration has to give an answer. There are no systematic or generalised obstacles to obtaining long-term residence permits.

## 4. Naturalisation

| Indicators: Naturalisation | |
|---|---|
| 1. What is the waiting period for obtaining citizenship? | |
| ❖ Refugee status | 5 years |
| ❖ Subsidiary protection | 10 years |
| 2. Number of citizenship grants to beneficiaries in 2024: | 17[948] |

There are several criteria foreseen by the law for obtaining the Spanish nationality:

- Spaniards of origin: applicants born from a Spanish national mother or father, or applicants born from foreign parents, but who have at least one parent was born in Spain.

- Residence in Spain: which vary depending on the nationality and status of the applicant. These are:
  - 5 years for **refugees** and 10 years for beneficiaries of **subsidiary protection**;
  - 2 years for nationals of Spanish American countries, Andorra, Philippines, Guinea, Portugal or Sephardi;

947 Article 148 Aliens Regulation.

948 In 2024, a total of 221,805 persons were granted Spanish citizenship for residence in Spain. See: Ministerio de Inclusión, Seguridad Social y Migraciones, Observatorio Permanente de la Inmigración, 'Concesiones de nacionalidad española por residencia. Año 2024', 22 May 2025, available here.

- 1 year for applicants who were born in Spain and those who were under public guardianship for a period of 2 years, applicants married to Spanish nationals for at least 1 year, widows of Spanish nationals, and Spanish descendants.

❖ Possession: applicants of Spanish citizenship during 10 years continuously;

❖ Option: applicants who are or have been under Spanish custody (*patria potestad*) or with Spanish nationals or born parents.

The management of the naturalisation process is undertaken by the Directorate-General for Registers and Notaries. The procedure is exclusively administrative, and Civil Registers participate in the final oath taken by the naturalised person.

The application is submitted through an online platform, a website which will allow starting the process immediately with the request of the necessary documents and the assignment of a registration number.

Another feature of the procedure of acquisition of Spanish nationality by residence is the replacement of the interview on integration with two examinations or tests to be carried out at the Headquarters of the Cervantes Institute. The first test assesses the knowledge of the Spanish language (except for countries that are already Spanish speaking). The second test is on knowledge of constitutional and socio-cultural aspects of the country (CCSE). This second test consists of 25 questions, 13 of which must be correct to pass the exam. Neither disabled persons nor children go through these tests. 5 calls are scheduled for the taking of the first test and 10 for the second.

Costs foreseen under the whole procedure include around 104.05 € tax for naturalisation,[949] plus €85 for the constitutional and socio-cultural test and between €130 and €160 (prices can vary according to the city) for the language exam.[950]

The CCSE tests have been subject to several critiques due to the type of information that can be asked, as it seems not to be relevant to assessing the degree of integration of the applicant, and as many organisations and newspapers have pointed out that most of the Spanish population would not know to answer either.[951] The test consists in 25 questions on constitutional and socio-cultural knowledge of Spain, and participants have to respond correctly to at least 15 questions to pass the exam. Almost 30,000 persons registered to carry out the test in 2025.[952]

According to available information, the situation appears to have improved recently, as the tests have been simplified, and a preparatory handbook is available for candidates.

The whole naturalisation process is known to be highly bureaucratic and lengthy. The average duration of the process reaches a minimum of 1.5 years. In 2025, a total of 295,107 applications for nationality were submitted, and 221,284 persons who obtained citizenship status. Out of the total, 8,622 applicants were waiting for a decision on their cases at the end of 2025.[953]

949 Ministerio de Justicia, 'Residencia', available here.

950 Instituto Cervantes, 'Exámenes', available here; Visal Immigration, Online Process Service, 'Nacionalidad Española por Residencia 2025: ¿Cuánto cuesta realmente? Tasas oficiales, exámenes y trámites obligatorios', 27 October 2025, available here.

951 El Debate, 'Solo el 61 % de españoles aprobarían el examen para obtener la nacionalidad', 11 July 2024, available here.

952 Instituto Cervantes, 'Calificaciones CCSE disponibles de septiembre de 2025', 28 October 2025, available here.

953 Ministerio de la Presidencia, Justicia y Relaciones con Las Cortes, 'Datos estadísticos básicos de nacionalidad a 31/12/2025', available here.

## 5. Cessation and review of protection status

**Indicators: Cessation**

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the cessation procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

The Asylum Law and Regulation foresee the cessation of **refugee status** in the following cases:[954]

a. When the refugee expressly so requests;
b. When the refugee has obtained Spanish nationality;
c. When the refugee avails, again, voluntarily, to the protection of the country of nationality;
d. When the refugee has voluntarily established him or herself in another country, producing a transfer of responsibility;
e. When, after a fundamental change of circumstances in the given country, it is considered that have disappeared the causes that justified the recognition of its nationals, or of a determined social group, as refugees, the Inter-Ministerial Commission of Asylum and Refuge (CIAR) after consulting UNHCR, may agree the cessation of the status.

This provision shall be communicated at the time of renewal of the residence permit. The refugee will be given a deadline to formulate allegations that they deem appropriate. Under the latter situation, continuation of residence permit under Immigration Law will be allowed when the person concerned alleges reasonable justification to stay in Spain.

Similar grounds are foreseen for the cessation of **subsidiary protection**.[955]

Cessation is not applied to any specific group in practice. In the case of changes in the circumstances of their countries of origin, refugees and beneficiaries of subsidiary protection can ask for a long residence permit to remain in Spain, which is granted without many problems in practice.

In 2024, the OAR took cessation decisions in 1,426 cases related to temporary protection.[956]

**Procedure for cessation**

The process for cessation foreseen is the same for the withdrawal of the protection status, and it is ruled in Article 45 of the Asylum Law. The initiative is taken in both cases by the OAR.[957] The beneficiary will be informed in writing of the start of the process and its motivation, and they will be heard for their submissions on the case. UNHCR provides the necessary information for the OAR to take the decision. Information is under no circumstance provided by the persecuting authorities, nor would the process put the beneficiary in danger in any way.[958] Finally, the OAR's decision is submitted to the CIAR, which is responsible for taking the final decision concerning withdrawal or cessation.[959]

The decision will have to be notified to the beneficiary in a time limit of 6 months since the start of the procedure.[960] When this time limit is not respected, the process procedures no effects on the beneficiary's

954 Article 42 Asylum Law; Article 37 Asylum Regulation.
955 Article 43 Asylum Law.
956 Ministerio del Interior, 'Asilo en cifras 2024', November 2025, available here.
957 Article 45(1) Asylum Law.
958 Article 45(2) Asylum Law.
959 Article 45(4) Asylum Law.
960 Article 45(7) Asylum Law.

protection status. If a decision is taken, the beneficiary can lodge an initial administrative appeal face to the Ministry of Interior or directly lodge a judicial appeal against the notified decision.[961]

### 6. Withdrawal of protection status

**Indicators: Withdrawal**

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the withdrawal procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

The withdrawal of protection status is foreseen by Article 44 of the Asylum Law in the following cases, where:

a. Any of the exclusion clauses provided in Articles 8, 9, 11 and 12 of the Asylum Law apply;
b. The beneficiary has misrepresented or omitted facts, including the use of false documentation, which were decisive for the granting of refugee or subsidiary protection status;
c. The beneficiary constitutes, for well-founded reasons, a danger to the security of Spain, or who, having been convicted by final judgment for offence serious, constitutes a threat to the community.

The withdrawal of international protection leads to the immediate application of existing rules in matters of aliens and immigration law, and when appropriate, expulsion proceedings.

The Asylum Law also prohibits any revocation or eventual expulsion which may lead to the return of the beneficiary to a country in which exist danger for life or freedom or in which they can be exposed to torture or to inhuman or degrading treatment or in which lacks effective protection against return to the persecuting country.[962]

The process for the withdrawal of protection status is the same as that described in the Cessation and Review section.

Overall, withdrawal procedures are not applied in practice.

## B. Family reunification

### 1. Criteria and conditions

**Indicators: Family Reunification**

1. Is there a waiting period before a beneficiary can apply for family reunification? ☐ Yes ☒ No
   - ❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application? ☐ Yes ☒ No
   - ❖ If yes, what is the time limit?
3. Does the law set a minimum income requirement? ☒ Yes ☐ No

The right to family unity is established in Articles 39-41 of the Asylum Law. The law reflects two aspects which add to and comply with this right: “Extension” of the international protection status of the beneficiary

961 Article 45(8) Asylum Law.
962 Article 44(8) Asylum Law.

to their family (*Extensión familiar del derecho de asilo o de la protección subsidiaria*),[963] and "Family reunification" (*Reagrupación familiar*).[964] The applicant can opt for any of these, except for cases where the family has different nationality. In these cases, it will be mandatory to opt for family reunification.

Reunification can apply also for families created post-flight from the country of origin, especially if they have children, even though the assessment of the case and documentation is stricter. Spanish law does not establish a legal time limit for the administration to decide, and in practice the procedure lasts more than 9 months.

Regarding legal remedies foreseen in case of a negative decision, both an appeal before an administrative body and a judicial appeal are possible. In practice, there are difficulties to access such remedies, as in many cases there are challenges in obtaining the written decision of denial (i.e. long waiting time), which is necessary to lodge the appeal.

Free legal aid is foreseen. According to a new instruction adopted by the MISSM at the beginning of 2023 which provides for new rules on reception conditions, in order to benefit from economic support, the applicant has to be within the asylum reception system.

The procedure is initiated by the beneficiary of international protection and has to be presented at the OAR. The application for visa for family reunification at embassies or consulates does not entail the payment of any fee. In case of absence of travel documents, the Government usually issues a laissez-passer.

### 1.1. Family extension

The "extension" applies to:[965]

- First degree ascendants that prove dependence;
- Descendants who are minors;
- Spouse or person who is linked by analogous relationship or cohabitation;
- Any other adult who is responsible for the beneficiary of international protection in accordance with current Spanish legislation, when the beneficiary is an unmarried minor;
- Other family members of a beneficiary, in cases where dependence and cohabitation with these individuals in the country of origin has been proved.

Even though not foreseen by law, same sex couples follow within this disposition: the difficulty in practice is to prove the relationship with appropriate documentation.

As the extension is attached to the main norm on beneficiaries established by the Asylum Law, there are no distinctions between refugees and subsidiary protection beneficiaries when it comes to setting requirements for extension.

When referring to the extension of international protection of the beneficiary to those relatives who are *ascendants*, the original Asylum Law did not establish economic dependence requirements from the sponsor, although the law was amended in 2014 to include the requirement of economic dependence.[966] Therefore, the requisite threshold is to prove that the ascendant depends economically on the beneficiary of international protection.

The requirements are birth certificates, family book, family passbooks or other similar documents existing in the origin country. In addition, the initial information recorded in the asylum application, as well as the declarations presented during the asylum procedures and, if existing, photos, are also used as a proof for the family extension procedure and taken into consideration. DNA testing is also used to prove family

963 Article 40 Asylum Law.
964 Article 41 Asylum Law.
965 Article 40(1)(a)-(d) Asylum Law.
966 Final Provision 3 Law 2/2014 of 25 March 2014.

links. In principle, is the same applicant who has to pay for the test, even though economic support can exist, for example by the NGOs managing reception facilities.

Such requirements apply also for family ties formed during the journey if the persons reached Spain together. On the contrary, it is necessary to follow the same procedure for proving the family ties foreseen for the other cases.

A major difficulty faced in practice is the certification and proof of dependence and cohabitation in the cases of ascendants of beneficiaries of international protection, as well as with the extended family (i.e. siblings), which in the past years became especially burdensome in the case of **Syrian** nationals and later also affected Afghans. Even though, in relation to Afghans, Accem observed a certain opening towards the proofs to demonstrate cohabitation.[967]

Regarding extension of the international protection of the beneficiary to those relatives who are *descendants*, the only requirement set to the beneficiary of protection is to prove family ties. There is no economic requirement established for the individual who benefits from protection.

In relation to the extension of the international protection of the beneficiary to other family members, the requisite conditions established by law are economic dependence and previous cohabitation in the country of origin. If both aspects are not proved, the "extension" is not granted.

As to economic dependence, the law does not establish a clear criterion. In practice, concessions are given as long as the beneficiary of protection sends money to the family which is in the country of origin. This, however, is a major problem for countries in conflict where money transfers is not possible.

One of the main problems in practice concerns children who are over 18 but depend on the beneficiary of protection. These are normally cases of 19 or 20-year-olds who still live in the family unit together with underage siblings. In these cases, extension is granted to underage children but is denied to those who are over 18, thereby not respecting the principle of family unit, and leaving these individuals in a vulnerable situation in their countries of origin.

Similar issues arise, when trying to reunite minors who are dependent on the beneficiary of protection but are not their children (nephews / nieces, underage siblings etc.), who also conform the family unit.

In order to improve the situation and to properly assess the family reunification procedures, the Forum for the Social Integration of Migrants recommended to establish uniform criteria for demonstrating family links, as well as the dependency or existence of previous cohabitation, and to adapt them to the socio-cultural realities of countries of origin and/or countries of residence of family members, as well as to their security conditions.[968]

Recently, the procedure for the family extension and reunification was slightly changed and simplified, so family members residing in another country have to go to the Spanish Embassy or Consulate just when they are convened to carry out a concrete formality related to the application.[969]

### 1.2. Family reunification (only in law)

The concept of family reunification is established by law as an alternative to "extension" except in cases involving different nationalities of spouses, in which it is compulsory.[970]

967 Information provided by Accem's legal service in March 2026.

968 The Forum for the Social Integration of Migrants (*Foro para la Integración Social de los Inmigrantes*) is foreseen by Article 70 of the Immigration Law and it is a consulative, information and counselling body about the integration of migrants in Spain (http://www.foroinmigracion.es/).

969 Ministerio del Interior, 'Solicitudes de extensión o reagrupación familiar por parte de un beneficiario de protección internacional a familiares residentes fuera de España', available here.

970 Article 41(1) Asylum Law.

Article 41 of the Asylum Law establishes that neither refugees or beneficiaries of subsidiary protection nor beneficiaries of family reunification will be subject to the requirements established in the Immigration Law but will be subject to specific rules defined through a Regulation. Nevertheless, the establishment of these requirements and duties is still pending since 2009, which means that all applications for family reunification have been on hold and waiting to be resolved since October 2009, even though in practice these applications are decided upon, despite the lack of formal rules on the procedure.

This is particularly concerning for the cases of family members who have different nationality than the sponsor beneficiaries of protection, because the compulsory application of the family reunification excludes them from "extension" and leaves them with no other option. In these particular cases, applicants are prevented from exercising their right to maintain their family unit.

However, a judgment of the *Audiencia Nacional* at the end of 2017 recognised a Palestinian refugee's right to family reunification with her 71-year-old Syrian mother under the family reunification provisions of the Asylum Law. Importantly, the *Audiencia Nacional* states that whilst Article 41(2) does refer to an implementing regulation, the provision itself contains a sufficiently detailed regulation, almost analogous to that contained in Article 40, which makes it perfectly applicable in practice. The judgment also highlighted the favourable report issued by UNHCR supporting the case, on the basis of the fundamental right to family unity of refugees.[971] Following this decision, the OAR finally reunited some mixed families (e.g. Palestinians and Syrians).

### 1.3. Procedure

The procedure starts with the presentation of a report to the OAR, which has to be complemented by the following documents:

- Copy of the card which certifies the person as beneficiary of extension;
- Copy of the resolution where international protection is granted;
- Copy of the documentation which certifies and proves family ties;
- In the case of parents: birth certificate of children and family book;
- In the case of siblings: birth certificate of the corresponding siblings and family book;
- Copy of the documentation which proves that the applicant and his family cohabited together in the country of origin and was dependent on them;
- Copy of each family member's passport;
- In the cases of spouses of siblings, marriage certificate;
- Report where the applicant provides a verbal account and description of the family situation.

It is also necessary to choose the consulate where the applicant wants to submit the extension application to be formalised in and leave contact details.

The OAR sends a letter to the applicant and with it, the family members are able to formalise the application in the Spanish consulate they have chosen. Family members formalise the application of family extension in the consulate of choice by presenting originals of all the documents required. Following this, the consulate sends all the documentation to the OAR and the application is studied. The instructor gives CIAR the proposal for resolution. Lastly, CIAR gives a final resolution to the case, if it is positive, it will be communicated to the consulate, and the visas are issued accordingly.

The OAR received 2,044 applications for family extension with a beneficiary of international protection in 2024.[972].

In 2021 the Ministry of Interior issued a note on family extension and reunification establishing that, when family members are in the country of origin, the beneficiary of international protection in Spain has to begin the procedure.[973]

971 Audiencia Nacional, Decision SAN 5372/2017, 15 December 2017.

972 Ministerio del Interior, Subsecretaría del Interior - Dirección General de Protección Internacional, 'Asilo en cifras. 2024', November 2025, available here.

973 Ministerio del Interior, 'Solicitudes de extensión o reagrupación familiar por parte de un beneficiario de protección internacional a familiares residentes fuera de España', 2021, available at: https://bit.ly/3mtvuCV.

As highlighted by the 2023 EUAA Asylum report, UNHCR expressed concerns about the long processing times for family reunification in Spain, considering that the procedure could take more than 18 months, as it involves a complex procedure with several authorities. The organisation also observed that beneficiaries usually received very little information on the status of their request.[974] In its 2023 annual report, the EUAA informed that the Administrative Court in Barcelona referred questions for a preliminary ruling on the circumstances and procedure to provide reunited family members with an autonomous residence permit.[975]

### 2. Status and rights of family members

As explained in the section on Family Criteria, only "extension" of international protection status is applied in practice, as the rules on family reunification have not yet been defined. In the context of extension, the beneficiary's international protection status is extended to cover family members. There is no difference relating to this as regards refugees and subsidiary protection beneficiaries.

Once the extended family members obtain their visa, they will be able to travel. Once they are in Spain, the recognition of their extended international protection status is automatic. They go to the OAR to receive their temporary "red card" (*tarjeta roja*) while they wait for the residence permit to be issued.

## C. Movement and mobility

### 1. Freedom of movement

Beneficiaries of international protection have freedom of movement around the entire Spanish territory. In practice, they generally reside in the area where the procedure has been conducted, unless they have family members or networks in other cities. As with asylum seekers, most refugees are accommodated in **Andalucía**, **Madrid** and **Catalonia** (see Reception Conditions: Freedom of Movement).

### 2. Travel documents

Article 36(1)(d) of the Asylum Law governs the issuance of travel documents for refugees and, where necessary, for beneficiaries of subsidiary protection. The validity of these documents is 5 years for both types of protection. The travel documents have similar format, but only the refugee travel document refers to the 1951 Refugee Convention.

The beneficiary has to go personally to request the expedition of the document to the OAR or to the competent provincial police department of foreigners. There are no formal limitations to the permitted area of travel except the country of origin of the person benefitting from international protection.

Travel documents for beneficiaries of international protection issued by other countries are accepted in Spain. Spain has also ratified the Council of Europe Agreement for Transfer of Responsibility for Refugees.

The number of travel documents issued in the years between 2018 and 2025 is not available.

974 EUAA, 'Asylum report 2023', July 2023, available at: https://bit.ly/3PAlFOb, 259.
975 EUAA, 'Asylum report 2024', June 2024, p. 193, available here.

## D. Housing

| Indicators: Housing | | |
|---|---|---|
| 1. | For how long are beneficiaries entitled to stay in reception centres? | 6 months |
| 2. | Number of beneficiaries staying in reception centres as of 31 December 2025 | Not available |

The three-phase reception and integration process is available for all persons who ask for asylum, even in the case they are granted with international or subsidiary protection during the 18-month period. In case a person receives a negative response during the process, usually the person is allowed to complete at least the first period within the reception phase. In any case, the Ministry of Inclusion, Social Security and Migration must give permission for the rejected applicant to continue the on-going phase and the following ones, also accessing financial support foreseen within the second and third phases. It should however be noted that usually applicants receive their asylum decision after 1 year or more from the moment of the asylum claim.

Therefore, beneficiaries follow the same process as described in Reception Conditions: Criteria and Restrictions. They are hosted within the asylum reception centres during the first 6 months. The typologies of reception places vary depending on the institution or entity that manages it: the system relies on places within big reception centres and apartments; some reception places are in urban neighbourhoods while other are located in rural areas. The different types of available accommodation also differ from the point of view of provided services and spaces.

After this first phase of accommodation inside the reception system, beneficiaries are granted financial support to help them pay rent in private accommodation. Due to the rigidity which characterises the Spanish three-phase reception process, they must complete their stay inside the reception places in order to have access to the following foreseen financial support for private housing, also because the participation to initial integration activities developed during the first reception phase is considered is well evaluated and relevant at the time of asking for other financial support available in the last 2 phases.

This factor obviously causes obstacles for those beneficiaries that can either pay their own housing since the beginning or for those who have relatives or personal contacts that can host them. In case they decide to go and live by themselves, they would be renouncing to the entire assistance and support foreseen under the reception system.

The lack of social housing alternatives, the insufficient financial support allocated for rent expenses, high requirements (i.e. payslips, high quantities for deposit, etc.) and criteria in rental contracts and discrimination exposes many beneficiaries of protection to economic vulnerability and in some cases leads to destitution.[976] Although many NGOs who work with refugees and asylum seekers during the first phase try to mediate between refugees and house holders at the time they start looking for private housing, there is no specialised agency or intermediate service helping beneficiaries to find a home. Even in cases in which NGOs act as intermediaries, asylum seekers face serious discrimination in renting apartments. Some of them face homelessness and are accommodated in homeless shelters.[977] *CEAR Euskadi* denounced the discrimination that asylum seekers face in renting flats, and that 7 out of 10 real estate-agencies admit implementing explicit forms of discrimination, while the other 3 apply more subtle forms of it.[978]

976 Provivienda, 'Una casa como refugio: itinerarios residenciales de las personas solicitantes de protección internacional en Madrid y Vigo', 28 October 2019, available at: https://cutt.ly/BtR8WUN.

977 El País, 'La red de albergues de Madrid deja en la calle a familias con niños', 18 November 2018, available at: https://bit.ly/2PAw8Nb; Público, 'Varios solicitantes de asilo denuncian que España les deja fuera del sistema de acogida', 16 May 2018, available at: https://bit.ly/2AUvKQr.

978 Cadena Ser, 'Siete de cada diez inmobiliarias admiten implementar formas explicitas de discriminación', 31 October 2021, available at: https://bit.ly/3PF63H3.

Such challenges continued in 2025 and the beginning of 2026.[979] The lack of houses for rent and high prices in certain cities are an impediment to the integration of refugees. Similarly, the lack of sufficient public housing for persons at risk of exclusion has been described as another barrier that asylum seekers and refugees face in Spain. In addition, discrimination by landlords and neighbours continued to represent the main obstacle for accessing housing.[980] In April 2025, the organisation CEAR joined the claims for the right to decent and free from discrimination access to housing of migrants and refugees, and prepared a set of proposals to the new national plan for accessing housing for 2026-2029.[981] In May, different organisations called the Government to act against the discrimination that migrants and refugees face in the real-estate sector, by registering a law proposal on the topic at the Congress.[982] In July, the organisation *Provivienda* denounced that the 99% of real-estate companies are discriminating migrants in accessing housing for rent. It also underlined that it obtained a compensation of 4,000 euros by a real-estate company in the Canary Islands for a Moroccan woman that could not access housing for rent due to her migrant background.[983] Against the increase of rents, *Provivienda* suggested that, in the short term, the solution would be to use already built houses that are left empty.[984]

In February 2025, around 60 people in the process of being evicted from the informal settlement of Níjar (Almería) and looking for an apartment to rent, denounced that nobody wanted to rent flats to Moroccan migrants.[985]

A report published by the Economic and Social Council of Spain (*Consejo Económico y Social de España*) in December 2025 highlighted the systemic exclusion from access to accommodation that migrants continue to face in Spain.[986]

Autonomous Communities have (or should put in place) programs for the assistance to the autonomous and independent life of young adults (some of these programs start when they are 17 until the age of 21 or 24). Accem manages some of them in different autonomous communities (i.e. Castilla La Mancha, Murcia, Aragón).

A report published in March 2025 by the organization *Provivienda* continues to highlight the discrimination faced by migrants and refugees in accessing rental housing, also addressing the discrimination against migrants carried out by estate agencies.[987]

In September, the Minister of Inclusion, Social Security and Migration committed to allocate 40 million euros from the Social Impact Fund to affordable housing.[988]

In December, the police carried out eviction orders to clear an abandoned school building where around 400 migrants were living in a squat in Badalona (Catalonia).[989]

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979 Diario de Burgos, 'Un mercado de la vivienda hostil expulsa al migrante', 20 March 2025, available here; Público, '"No alquilamos el piso a moras": la lucha de la población migrante contra el racismo inmobiliario', 8 May 2025, available here.

980 CEAR, 'INFORME 2024. Las personas refugiadas en España y Europa', June 2024, p. 119, available here.

981 CEAR, 'CEAR se une a las reivindicaciones por el derecho a una vivienda digna y sin discriminaciones', 4 April 2025, available here.

982 La Vanguardia, 'Organizaciones sociales piden al Gobierno medidas "urgentes" frente a la "discriminación" inmobiliaria a migrantes', 7 May 2025, available here; Organizaciones sociales reclaman al Gobierno tomar medidas urgentes frente a las prácticas de discriminación inmobiliaria', 7 May 2025, available here.

983 Diario de Avisos, 'Provivienda denuncia que el 99% de las inmobiliarias aceptan que el titular discrimine a migrantes', 2 July 2025, available here.

984 Cadena Ser, 'Una ONG señala la solución al problema de la vivienda: "La respuesta a la emergencia habitacional está en las viviendas ya construidas"', 10 August 2025, available here.

985 ABC, '"Nadie quiere alquilar a un marroquí": la realidad de los migrantes a desalojar en Níjar', 21 February 2025, available here.

986 Consejo Económico y Social de España, 'informe la realidad migratoria en España: prioridades para las políticas públicas. 01/2025', December 2025, available here.

987 Provivienda, '¿Se alquila?(2). Racismo y segregación en el alquiler de vivienda', March 2025, available here.

988 La vanguardia, 'Inclusión compromete hasta 40 millones de euros del FIS para viviendas asequibles en la España rural, 4.9.25, available here.

989 APN News, 'Spanish police evict hundreds of migrants from squat deemed unsafe', 17 December 2025, available here.

In February 2026, the Social Housing Fund has secured a €7.2 million investment for the purchase of 63 homes that will be added to the affordable rental housing stock. The initiative will be managed by the NGO Provivienda and Primero H, a project promoted by Asocimi and Hogar Sí, with the aim of expanding the supply of housing for social entities and people in vulnerable situations.[990]

## E. Employment and education

### 1. Access to the labour market

Access to the labour market for refugees and beneficiaries of subsidiary protection is not limited by law or by any other measure in such as a labour market test or restricted access to certain sectors. It is fully accessible under equal conditions to nationals.

As mentioned in the chapter on Reception Conditions, during the first phase of reception, asylum applicants are provided with financial support for requesting the recognition of their studies or professional qualifications when this is feasible. This financial support is welcomed as recognition process usually undertakes important expenses for the legalisation and the translation of the documentation. Unfortunately, financial support is often not sufficient for guaranteeing full coverage to recognition related expenses. In the following two phases, beneficiaries of international protection are required to be more financially self-sufficient, providing financial help for punctual support, as self-sufficiency is hardly achievable.

Reception centres in Spain provide educational aid to facilitate parents' attendance at training courses, such as providing their children with nurseries, school canteens, or teaching materials.[991]

Nonetheless, as mentioned in the section on Reception Conditions: Access to the Labour Market, all persons within the 18-month long process are provided with individualised schemes to support their training, qualification recognition etc. After they complete the 3-phase process, beneficiaries can still access labour integration and orientation services provided by NGOs addressed to the migrant population in general. These generalised services are funded by the Ministry of Inclusion and co-financed by EU funds, and include personalised schemes, employment orientation, vocational trainings, support in drafting CV, etc.

In general, the same NGOs who provide for reception conditions and have an employment service continue to support beneficiaries who require or need it. For example, Accem runs an employability program with IKEA since 2017, which foresees the provision of vocational trainings as well as internship opportunities at its shops. The organisation also manages a program with the *Fundación Tent*, which consists in a mentorship program with women and carried out by professionals from companies, with the aim of supporting and empowering them in defining their skills for the job search in a concrete sector and in developing such professional competencies. Similarly, Accem collaborates with the *Grupo Northius*, a platform for digital education, which has granted 20 scholarships for the participation of beneficiaries in different vocational trainings aiming at improving the employability of participants.[992]

Even when they are granted with refugee or subsidiary protection status, in the practice many beneficiaries face obstacles entering the labour market due to language, qualifications, and discrimination-based obstacles. This situation is made worse by the fact that the Spanish economy went through a long economic crisis, which led the country to high levels of unemployment, affecting both migrants and Spanish citizens. In addition, many companies lack information on labour laws and permits

990 Demócrata, 'El Fondo de Vivienda Social destina 7,2 millones a la compra de 63 pisos para alquiler asequible', 16 February 2026, available here.

991 European Migration Network, 'Integration of applicants for international protection in the labour market', October 2023, available at: https://tinyurl.com/yeuzscsf.

992 Information provided by Accem's employment service in March 2023.

on their applicability in the cases of asylum seekers and refugees, which in turn hinders their access to the job market.[993]

CEAR and the *Casa Árabe* (a centre promoting Arabic culture, art and language) launched in Madrid the initiative '*Acoge un Plato Catering'* during the summer of 2021. It aims at promoting Arabic gastronomy, as well as social and labour inclusion for refugees in Spain.[994] The project, which employees 14 between refugees and migrants, continued to be implemented in 2022.[995] In addition, within such an initiative, CEAR published a cookery book in September 2022, which gathers the recipes and histories of the refugees who participated in *Acoge un Plato*.[996] In July 2023 the initiative was present with a food truck at the *Río Babel* Music Festival in Madrid.[997]

The recognition of diplomas and degrees in Spain has always been a challenge for migrants and refugees due to bureaucratic burdens, with waiting times ranging from 9 months to 2 years. Since October 2022, establishing the deadline of 6 months for the administration has to decide on diploma recognition within 6 months.[998] In February 2025, the Ministry of Science, Innovation and Universities informed about the new measures put in place to speed up the procedure for the recognition of diplomas and degrees, and the objective for 2025 is to reach 80,000 recognitions. It also informed that in 2024 a total of 40,200 applications were resolved, representing an increase compared to the 27,200 applications decided in 2023.[999] In January 2026, CEAR denounced that the lack of recognition of diplomas and degrees condemns migrant and refugees to job insecurity.[1000]

In July 2022, a reform of the Regulation of the Immigration Law was adopted, aiming at widening the possibilities of employment of third country nationals in Spain.[1001] Among others, the reform introduces the residence permits for 'training roots' reasons (*arraigo por formación*), meaning that any undocumented person living in Spain for 2 years can access a vocational training and thus employment. The reform also modifies the already existing figure of residence permit for 'social roots' reasons (*arraigo social*), by easing the requirements requested for obtaining it. While acknowledging the improvements that the reform introduces, different organisations (i.e. Andalucía Acoge, Cáritas, CEAR, Convive Fundación CEPAIM and Red Acoge) underlined the necessity to continue in its improvement in order to tackle other relevant issues not interested by such a reform (i.e. family reunification, the issuing of visa for job search, a better synergy between the immigration and asylum laws, etc.).[1002] As underlined by Accem, in the year following the adoption of the reform there was an increase of 98.5% in the number of persons who received a

993 Newtral, 'La falta de información dificulta el acceso al mercado de trabajo a los solicitantes de asilo y protección internacional', 13 January 2022, available at: https://bit.ly/3Kk4RHV.

994 CEAR, 'Acoge un Plato inaugura restaurante en la terraza de la Casa Árabe de Madrid', 24 June 2021, available at: https://bit.ly/3mYrO9l.

995 Cadena Ser, '"La cocina es la manera más fácil de integrar": así funciona el proyecto más sabroso de la Comisión de Ayuda al Refugiado', 18 August 2022, available at: https://bit.ly/3AxOOSL; CEAR, 'Acoge un Plato', available at: https://bit.ly/3F1qHOo.

996 CEAR, 'Recetario de celebraciones Acoge un Plato', September 2022, available at: https://bit.ly/3W1s2vB.

997 CEAR, ''Acoge un Plato' acercará a Río Babel las recetas de personas refugiadas', 27 June 2023, available at: https://tinyurl.com/48m7k84m.

998 Cope, 'Gobierno limita a seis meses el plazo para homologar los títulos extranjeros', 18 October 2022, available at: https://bit.ly/3XDWbCn.

999 El País, 'Las homologaciones de títulos extranjeros se doblan en un año, con 80.000 como meta en 2025', 5 February 2025, available here; El País, 'La odisea de homologar un título universitario extranjero', 15 June 2025, available here.

1000 Info Migrantes, 'La falta de reconocimiento de títulos condena al talento migrante a la precariedad laboral: CEAR', 24 January 2026, available here.

1001 El Periódico, 'El Gobierno aprueba la reforma de extranjería para sumar a miles de migrantes al mercado laboral', 25 July 2022, available at: https://bit.ly/3pDUrcM; República, 'Entra en vigor la reforma que facilita la incorporación de extranjeros al mercado de trabajo', 15 August 2022, available at: https://bit.ly/3AjruYr; Boletín Oficial del Estado, 'Real Decreto 629/2022, de 26 de julio, por el que se modifica el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009, aprobado por el Real Decreto 557/2011, de 20 de abril', 27 July 2022, available at: https://bit.ly/3c94J1H.

1002 Andalucía Acoge, 'Reglamento de extranjería: una reforma necesaria, aunque limitada', 27 July 2022, available at: https://bit.ly/3wqWdlw; Andalucía Acoge, 'Resumen reforma ley extranjería', August 2022, available at: https://bit.ly/3PCtCAo.

residence permit for any of the 'roots' reasons, with 15,019 having been granted a permit on the ground of 'training roots' until June 2023.[1003]

In December 2023 the Government of Cataluña launched a call to look for mentors, with the aim of supporting asylum seekers and beneficiaries of international protection in their integration process.[1004] Since the launch of the programme in 2017, 1,286 mentors and 961 mentees have participated in the initiative.[1005]

In June 2024, the Government and IKEA signed a protocol to foster refugees' employability, which objectives include, among others, certification of professional competences, access to the job market, learning of Spanish, etc.[1006] In October, the Minister of Inclusion, Social Security and Migration launched projects to foster the employability of beneficiaries of international protection with different companies (i.e. IKEA, Amazon, Cisco Systems, Grupo COBRA and INECO), with the aim of fostering their integration in the labour market.[1007] More than 300 persons were hired during the first quarter of 2025.[1008] During 2025, these projects continued.[1009]

In February 2025, the *Banco Santander* joined the initiative *Tent España,* a coalition of more than 50 big companies aiming at fostering the access to the labour market for asylum seekers and refugees through vocational trainings and offering job opportunities.[1010] In addition, in a discussion with the leaders of different national and international companies held for the commemoration of the 1st anniversary of the business coalition *Tent España*, the Minister of Inclusion, Social Security and Migration called to companies to join initiatives which foster the employability of asylum seekers and refugees.[1011]

In the same month, the Ministry of Inclusion, Social Security and Migration published the follow-up report of the 2023-2027 Strategic Framework for Citizenship and Inclusion against Racism and Xenophobia.[1012] The report noted that inequalities persist in education, employment, housing and access to basic public services such as healthcare. It also highlighted the need to implement integration, and coexistence plans in all Autonomous Communities, considering that, until 2023, only six Autonomous Communities had such plans, and only three had implemented specific strategies against racism and xenophobia.[1013]

During the same month, the Asociación KARIBU, Catalyst 2030 Spain, TRIPLE and United Way España within the worldwide Conecta Community and in collaboration with Bridge for Billions launched the programme *IMPACTA*, aiming at fostering entrepreneurship skills of migrants, refugees and persons at risk of social exclusion.[1014]

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1003 Accem, 'Se duplican las autorizaciones de residencia por la vía del arraigo y te explicamos por qué', 6 October 2023, available at: https://tinyurl.com/3dffar57.

1004 Diari Mes, 'La Generalitat busca mentores para acompañar a solicitantes de asilo', 7 December 2023, available at: https://tinyurl.com/2vndktev.

1005 El Periódico, 'Se buscan mentores para refugiados: cuando un informático catalán se convirtió en el "hermano mayor" de un abogado afgano', 20 June 2024, available here.

1006 La Revista de la Seguridad Social, 'El Gobierno e IKEA firman un protocolo para facilitar la empleabilidad de los refugiados en España', 10 June 2024, available here.

1007 La Moncloa, 'Migraciones impulsa programas de formación con multinacionales para solicitantes de protección internacional', 28 October 2024, available here; La Moncloa, 'Migraciones impulsa la integración laboral de refugiados con alianzas estratégicas y formación a medida', 20 December 2024, available here.

1008 Revista de la Seguridad Social, 'El Ministerio de Migraciones amplía su programa de inserción laboral de personas refugiadas con nuevas empresas y convenios', 12 May 2025, available here.

1009 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Ministerio de Migraciones sigue apostando por la inserción laboral de personas refugiadas con la colaboración de empresas y asociaciones', 30 October 2025, available here.

1010 Santander, 'Banco Santander se une a Tent España para impulsar la inclusión laboral de las personas refugiadas', 19 February 2025, available here.

1011 Ministerio de Inclusión, Securidad Social y Migraciones, 'Elma Saiz llama a las empresas a unirse a iniciativas que apuesten por la empleabilidad de las personas refugiadas', 19 February 2025, available here.

1012 Observatorio Español del Racismo y la Xenofobia (OBERAXE), 'Marco Estratégico de Ciudadanía e Inclusión contra el Racismo y la Xenofobia (2023-2027)', 4 July 2023, available here.

1013 Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno presenta una detallada radiografía de los avances y retos en materia de convivencia e inclusión de la población migrante', 19 February 2025, available here.

1014 Programa IMPACTA, available here.

In June 2025, Accem and LinkedIn Social Impact launched a joint initiative to foster access to labour market of migrants and refugees.[1015]

In February 2026, the Construction Labour Foundation and CEAR signed a collaboration agreement with the aim of promoting the social and labour integration of refugees, stateless persons and migrants in need of international protection and/or at risk of social exclusion assisted by CEAR in Spain, through access to training and employment services.[1016]

During 2025, UNHCR continued working on the identification, support and development of initiatives that favour the labour inclusion and employability of applicants and beneficiaries of international protection and stateless people in Spain. The collaboration with the *Green Jobs Platform* enhanced refugees' employability and provided job opportunities in the green economy sector. The *Building Digital Equity* initiative supported refugee women through coaching to improve their employability. The *Contigo* mentoring project which promotes social engagement and participation among young refugees, was expanded to also support participants in accessing employment opportunities. In addition, UNHCR worked with the Ministry of Inclusion, Social Security and Migration to reinforce its strategy to support refugees' and asylum seekers' access to employment, including through the deployment of a UNHCR expert.[1017]

## 2. Access to education

No major differences are reported between the situation of asylum seekers and beneficiaries of international protection. See the section on Reception Conditions: Access to Education.

Nonetheless, concerning this topic and many others related to their rights and protection, refugee unaccompanied minors are the most vulnerable collective, and are sometimes excluded from education or vocational training. Obstacles faced by these minors concern the lack of proper attention paid by administrations that have their legal guardianship.

In the past years, several cases were reported concerning unaccompanied minors, highlighting the shortcomings of the public system for minors' protection, which have mainly been witnessed in the City of **Melilla** and **Madrid**. Although none of the reported cases concerned directly refugee children, the system in which they are received faces problems and obstacles concerning their documentation, their integration and their protection. Following the denunciations and calls to the Spanish Government by different bodies (including the UN Committee on the Rights of the Child, the Spanish Ombudsperson, Parliament's members, the Spanish Commissioner against Child Poverty, etc.).
In a decision taken in June 2024, the UN Committee on the Rights of the Child established that the administrative processes impeding school registration of a child in Melilla only on the grounds of her being a Moroccan national constituted discrimination.[1018]

In its 2025 World Report, Human Rights Watch reported the concern expressed by the Spanish Ombudsperson about the lack of sufficient places in schools for migrant children arriving in the Canary Islands compared to high numbers of demands.[1019]

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1015 Accem, 'Accem y LinkedIn Social Impact: una alianza que transforma vidas', 4 September 2025, available here.

1016 Inter Empresas, 'La Fundación Laboral de la Construcción y CEAR impulsan la inserción laboral de personas migrantes y refugiadas', 13 February 2026, available here; La Razón, 'La construcción ofrece un plan al Gobierno para incorporar de forma inmediata al sector a 12.000 trabajadores extranjeros en situación irregular', 11 December 2025, available here.

1017 Information provided by UNHCR in March 2026.

1018 United Nations Convention on the Rights of the Child. Committee on the Rights of the Child, 'Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communication No. 165/2021', 28 June 2024, available here.

1019 Human Rights Watch, 'World Report 2025. Spain – Events for 2024', January 2025, available here.

During 2025, UNHCR supported refugee inclusion in higher education by providing expert advice on the design of initiatives and by connecting refugees with opportunities offered by universities. UNHCR has also supported a feasibility study on the implementation of the European Qualifications Passport for Refugees in Spain (EUQPR) commissioned by the Ministry of Science, Innovation and Universities to the Carlos III University in Madrid.[1020]

During the summer of 2025, some Universities (i.e. Universidad de Granda, Universidad Autónoma de Madrid) launched calls for financial support for the academic year 2025/2026 addressed to asylum seekers and refugees.[1021]

In November, the University of Granada launched a collaborative project with the infant and primary school 'San José' in the city, aimed at facilitating the linguistic and social integration of migrant and refugee children and their families in classrooms.[1022]

## F. Social welfare

Refugees and subsidiary protection beneficiaries have access to social welfare under the same conditions as Spanish nationals.[1023] They are entitled to, among others, employment and unemployment, benefits, scholarship, social assistance allowances, emergency allowances, allowances for housing, etc.

The Ministry of Inclusion, Social Security and Migration is responsible for the provision of social assistance. In practice, beneficiaries access benefits without any particular obstacles.

Social welfare is not conditioned on residence in a specific place, since it is managed at the national level. However, assistance may be complemented by support at municipal and regional level if applicable.

In September 2025, the High Court of Justice of Cantabria ruled in favour of an asylum-seeking family, recognising their right to receive the Minimum Living Income[1024] after proving more than one year of legal residence in Spain with the well-known 'red card'. The National Social Security Institute (INSS) had initially denied the assistance, arguing that they did not meet the requirement of 'continuous legal residence'. However, the high court confirmed that the red card for asylum seekers certifies legal residence from the moment it is granted.[1025]

## G. Health care

No differences between the situation of asylum seekers and beneficiaries of international protection for what concerns access to health care were reported. See the section on Reception Conditions: Health Care.

In May 2022, *CEAR* and the *Fundación Sanitas* signed an agreement to provide comprehensive health assistance to refugees. Concretely, more than 75 refugees will be provided with mental healthcare, dental

1020 Information provided by UNHCR in March 2026.
1021 Info Migrantes, 'Refugiados y solicitantes de asilo podrán optar a ayudas para continuar sus estudios universitarios', 29 July 2025, available here; Universidad de Granada, 'Ayudas para estudiantes de grado, máster y doctorado refugiadas/os o demandantes de protección internacional en el curso académico 2025/2026', 30 July 2025, available here.
1022 Universidad de Granada, 'Proyecto para favorecer la inclusión lingüística y cultural de niños inmigrantes y refugiados', 18 November 2025, available here.
1023 Article 36(1)(f) Asylum Law.
1024 The Minimum Living Income (Ingreso Mínimo Vital – IMV) is a benefit aimed at preventing the risk of poverty and social exclusion among people who live alone or are part of a household and lack the basic financial resources to cover their basic needs.
1025 Info Migrantes, 'Tribunal de Cantabria reconoce que la tarjeta roja de asilo sí acredita residencia legal en España', 19 October 2025, available here.

assistance and support for their emotional well-being.[1026] The project continued to be implemented during 2024 and was renewed for 2025. Since the project launch in 2022, 270 refugees received support.[1027]

In May 2024, the Government adopted the law proposal establishing the universality of the National Health System, which if approved will reintroduce the access to the health system to any person residing in Spain, independently of their residence status.[1028] The universality of the Spanish National Health System existed until 2012, when it was limited by law. While welcoming the law proposal which incorporates significant improvements that respond to long-standing demands from the third sector, the Third Sector Platform (*Plataforma del Tercer Sector*) suggested specific proposals to reinforce the principle of universality and guarantee effective access to healthcare for all, without distinctions or administrative obstacles. According to the Platform, effective residence and administrative simplification are key to guaranteeing universal access to healthcare. Thus, it called for the right to healthcare to be recognised for all persons who are effectively resident in Spain. To prove such residence, it proposed that registration with the local council (the so-called '*empadronamiento*') be used as the main method, but that other alternative means such as sworn statements, social services reports or accreditations issued by third sector entities also be accepted. This flexibility would guarantee access to the healthcare system without discrimination and with greater legal certainty. The Platform also considered it essential to address administrative simplification by establishing a clear, simple and uniform legal framework that avoids differing interpretations between autonomous communities and guarantees access without delays or bureaucratic obstacles.[1029] In March 2026, the Council of Ministers approved the royal decree regulating the procedure for recognising the right to health protection and healthcare at public expenses for foreign nationals who are in Spain without legal residence. To reduce bureaucracy in the process, entitlement will be recognised with a sworn statement. In this document, the applicant declares that they do not have health coverage through any other means, that they cannot export their entitlement from another country and that there is no third party obliged to pay for their care. In addition, the royal decree facilitates the accreditation of habitual residence in Spain. Although registration with the local council ('*empadronamiento*') is the preferred document, other forms of proof will be accepted in its absence, such as certificates of enrolment or registration at public schools, social services reports or certificates of visit registration, electricity, gas, water, telephone or Internet bills in the applicant's name, registration certificates or consular registration documents.[1030]

In January 2025, the Autonomous Community of **Andalucía** launched the *Red Isir*, a network of health professionals aiming at improving their knowledge and tools in the assistance to migrants.[1031]

In November 2025, the organisation 'Médicos del Mundo' reported that 28,000 persons have been excluded from access to health in Spain from January 2022 and August 2024, including many vulnerable persons such as asylum seekers.[1032]

1026 Seguros News, 'Fundación Sanitas y Ayuda al Refugiado acuerdan cuidar de la salud de los refugiados', 23 May 2022, available here.

1027 Sanitas, 'Fundación CEAR', 3 February 2025, available here.

1028 Diario de León, 'El Consejo de Ministros aprueba el proyecto de Ley de Universalidad del Sistema Nacional de Salud', 14 May 2024, available here; Diario la Ley, 'Universalidad del Sistema Nacional de Salud', 28 May 2024, available here.

1029 Plataforma del tercer Sector, 'La Plataforma del Tercer Sector reclama en el Congreso que se garantice el derecho a la atención sanitaria a todas las personas con residencia efectiva en España', 22 October 2025, available here.

1030 Ministerio de Sanidad, 'El Consejo de Ministros aprueba el real decreto que refuerza la universalidad en el acceso a la asistencia sanitaria pública', 10 March 2026, available here.

1031 Junta de Andalucía, 'Salud impulsa la mejora de la atención sanitaria a la población migrante a través de su Red Isir', 3 January 2025, available here.

1032 La Vanguardia, 'Médicos del Mundo documenta 70.000 exclusiones sanitarias en España entre enero de 2022 y agosto de 2024', 18 November 2025, available here; Cadena Ser, 'La falta de empadronamiento deja fuera de la sanidad a quienes viven en caravanas o alquileres clandestinos', 21 November 2025, available here.

**Inclusion measures**

In March 2023, the municipal public transport entity 'ETM' of **Valencia** launched, together with the NGO 'CEAR' the initiative 'ETM Refugio', consisting in the provision of free passes for public transports to asylum seekers and refugees, with the aim of improving their social and labour inclusion.[1033] In April 2024, the validity of the initiative was extended until April 2025.[1034] No information on further extensions of this initiative was available at the time of writing.

In 2025, UNHCR continued to support initiatives aimed at advancing the inclusion of refugees through employment, social engagement, higher education, participation, sports and language learning, while ensuring access to these initiatives for the broader refugee community.
In relation to the initiatives facilitating refugees' access to sports as a powerful tool for inclusion, UNHCR collaborated to initiatives such as the UEFA Unity Cup, Special Olympics and the Women's Race.[1035]
In addition, UNHCR continued its 'Contigo' mentoring project in partnership with the NGO Diaconía, targeting refugee children and youth aged 15 to 30. The initiative supported 104 participants through community engagement and awareness-raising activities, with the involvement of 123 volunteer mentors residing in Madrid, Málaga and Cádiz. The project strengthened beneficiaries' prospects for integration while promoting the role of civil society and local communities, as well as supporting access to the labour market. Building on the progress made in 2024, the project continued throughout 2025 and successfully facilitated the labour integration of 17 beneficiaries into 14 private companies operating in Spain.[1036]

In April 2025, CEAR launched the *CEAR CF Football Team* to foster the inclusion of refugees through sport.[1037]

In December 2025, the political party *PSOE* submitted a law proposal at the Congress urging the Government to promote sports programmes to integrate migrants and asylum seekers.[1038]

The lottery ticket of the 15 December was dedicated to the UNHCR and its work, with 5 million the tickets for sale.[1039]

In 2025, UNHCR provided two small grants to women refugee-led organisations creating safe spaces for 172 refugee women, mostly survivors of gender-based violence, and strengthening their autonomy, resilience, well-being, inclusion and community networks. UNHCR also promoted a stronger interaction between women refugee-led organisations and organisations working in the asylum reception system.[1040]

As underlined by UNHCR, increasing arrivals in 2024 put a focus on the need to support longer-term integration. Building on the positive response related to the arrival in large numbers of Ukrainians in the past years and on the results of the Spain with Refugees Forum, more opportunities arose especially for private sector engagement, and many initiatives started to consolidate, providing more meaningful opportunities for refugee integration and inclusion through employment, education, sports and refugee participation. A Memorandum of Understanding with the Spanish Federation of Municipalities and Provinces (FEMP) was signed to promote local refugee inclusion.[1041]

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1033 El Periodic, 'La EMT lanza "EMT Refugio", un nuevo bono gratuito para refugiados o solicitantes de asilo', 13 March 2023, available at: https://tinyurl.com/2m3bz67k.
1034 Valencia Plaza, 'La vigencia del bono EMT Refugi se amplía hasta abril de 2025', 26 April 2024, available here.
1035 Information provided by UNHCR in March 2026.
1036 Information provided by UNHCR in March 2026.
1037 CEAR, 'Presentado el CEAR CF, un equipo que golea por el refugio y la inclusión de las personas refugiadas', 1 April 2025, available here; Cadena Ser, 'El CEAR CF, un gol para la inclusión de los refugiados', 13 May 2025, available here; CEAR, 'CEAR club de futbol', available here.
1038 Europa Press, 'PSOE insta al Gobierno en el Congreso a impulsar programas deportivos para integrar a migrantes y solicitantes de asilo', 7 December 2025, available here.
1039 ONCE, 'El cupón de la ONCE difunde la labor de ACNUR, la Agencia de la ONU para los Refugiados', 12 december 2025, available here.
1040 Information provided by UNHCR in March 2026.
1041 Information provided by UNHCR in March 2025.

Following a proposal made by the Minister of Inclusion, Social Security and Migration, in July 2023 the Council of Ministers approved the funding of EUR 1.5 million until 2026 to the Spanish Olympic Committee with the aim of promoting sports within the reception systems for migrants and refugees.[1042]

In 2026, the NGO CEAR, in partnership with the LaLiga Foundation and with the support of "JD Sports", launched a series of training clinics in various cities across Spain, which are addressed to refugees who are members of CEAR CF teams, with the aim of enhancing their sporting development, technical training and the values of football.[1043]

*Refugee participation*

UNHCR strengthened two-way communication and collaboration among more than 70 refugee and community-led organizations through the *Red-refugiadas* network, sharing over 60 initiatives and facilitating three meetings to enhance exchange, mutual support and capacity-building.

UNHCR also conducted participatory assessments, including a focus group with 13 Syrian women contributing to a regional study on return, and nine discussions with 146 unaccompanied asylum-seeking children to better understand their experiences and protection needs in both the child protection system in the Canary Islands and in the asylum reception system in the mainland.

Refugee participation was further reinforced through the "Pass the Mic" programme, which helped to build communication and advocacy skills of 16 refugees, and through three small grants awarded to three refugee-led organizations to implement empowerment and mental health and psychosocial support -related projects through arts and entrepreneurship that reached 230 people.

In addition, UNHCR created opportunities for refugee-led organisations to expand their visibility and engagement with authorities and key partners, including participation in UNHCR's regional consultations, the European Youth Parliament summit (where five young refugees participated), cultural events and UNHCR's seventy-fifth anniversary celebrations. These spaces helped position refugees and their organisations as essential protection actors with direct insight into community needs.[1044]

1042 Europa Press, 'Aprobada una subvención al COE de 1,5 millones para favorecer el deporte en los centros de acogida', 4 July 2023, available at: https://tinyurl.com/yc3truz2.

1043 Diario Siglo XXI, 'La CEAR y LaLiga ponen en marcha una serie de clínics formativas para personas refugiadas del CEAR CF', 26 March 2026, available here.

1044 Information provided by UNHCR in March 2026.

# ANNEX I – Transposition of the CEAS in national legislation

Directives and other CEAS measures transposed into national legislation

Spain has not yet fully transposed the recast Qualification, Asylum Procedures and Reception Conditions Directive.

**Transposition and reforms into national legislation**

| Directive / Regulation | Deadline for transposition | Title of legislation in national language | Participation of NGOs |
|---|---|---|---|
| **Directive 2011/95/EU**<br>Recast Qualification Directive | 21 December 2013 | Proyecto de Real Decreto por el que se aprueba el Reglamento de la Ley 12/2009, de 30 de octubre, reguladora del Derecho de Asilo y de la protección subsidiaria (8 noviembre 2013) | ☒ Yes ☐ No |
| **Directive 2013/32/EU**<br>Recast Asylum Procedures Directive | 20 July 2015<br>Article 31(3)-(5) to be transposed by 20 July 2018 | Proyecto de Real Decreto por el que se aprueba el Reglamento de la Ley 12/2009, de 30 de octubre, reguladora del Derecho de Asilo y de la protección subsidiaria (8 noviembre 2013) | ☒ Yes ☐ No |
| **Directive 2013/33/EU**<br>Recast Reception Conditions Directive | 20 July 2015<br><br>29 March 2022 | Proyecto de Real Decreto por el que se aprueba el Reglamento de la Ley 12/2009, de 30 de octubre, reguladora del Derecho de Asilo y de la protección subsidiaria (8 noviembre 2013)<br><br>Real Decreto 220/2022, de 29 de marzo, por el que se aprueba el Reglamento por el que se regula el sistema de acogida en materia de protección internacional. | ☒ Yes ☐ No |
| **Regulation (EU) No 604/2013**<br>Dublin III Regulation | Directly applicable 20 July 2013 | Proyecto de Real Decreto por el que se aprueba el Reglamento de la Ley 12/2009, de 30 de octubre, reguladora del Derecho de Asilo y de la protección subsidiaria (8 noviembre 2013) | ☒ Yes ☐ No |

# Annex II – EU Pact on Migration and Asylum

In May 2025, the government published its National Implementation Plan for the European Pact on Migration and Asylum.[1045] Regarding necessary amendments to legislation, the Plan foresees the adoption of a new asylum law and a regulation to implement it, as well as the introduction of necessary amendments both in the Organic Law on the rights and freedoms of foreigners in Spain (and their social integration (*Ley Orgánica de Extranjería*)) and its regulation, as well as in other legal instruments related to the judiciary system and reception.

The Plan also indicates that national IT systems related to migration, asylum, reception, and biometrics are being updated in order to manage the information necessary to implement the different procedures established by the Pact. Screening will be carried out in the locations where it is currently conducted (thus, assumedly, in CATE and airport facilities) and within the existing maximum time limits for police detention, namely 72 hours. Within this process, it is foreseen that the vulnerability assessment will be reviewed to achieve a higher degree of thoroughness, better coordination between the different actors, and more specialized training. Regarding the application of rules on the asylum border procedure, the Plan states that the use of alternatives to detention and other restrictions on freedom of movement will be the general rule, so that detention is used only in specific and justified circumstances. According to information collected by national NGOs, the monitoring mechanism in the context of screening and border procedures will be entrusted to the national Ombudsperson.

According to the Plan, the reception system should not undergo major structural changes. A contingency plan has been presented to the EU Agency for Asylum.[1046] Additionally, the Plan indicates that special attention will be paid to the proper application of provisions concerning minors in cases where coordination with the autonomous communities is required. Relevant issues include, among others, multidisciplinary age assessment, strengthening safeguards, adequate provision of information, timely appointment of representatives, and swift referral to reception institutions. From the funding perspective, it is expected that the main funding needs regarding the implementation of the new rules will regard increasing staff, IT equipment and its development, and the adaptation of the reception system.

The government also published the executive summary of the strategy for the management of asylum and migration.[1047] The strategy focuses on addressing persistent challenges such as sustained migratory pressure, pressure on the asylum system, evolving migration routes, the increasing sophistication of smuggling networks, and difficulties in effectively implementing returns. At the same time, it identifies key opportunities, notably the digitalisation of procedures, strengthened cooperation with countries of origin and transit, and increased access to EU funding under the Pact. The strategy promotes an approach centred on international partnerships, the fight against criminal networks, and integrated governance. Its priorities include ensuring an effective and rights-compliant return system, improving external border management while guaranteeing access to asylum procedures, and developing a fair asylum and reception system that supports early integration. It also emphasises the need to focus on solidarity and responsibility-sharing, crisis preparedness through contingency planning, stronger institutional coordination, and the allocation of sufficient resources to ensure the effective implementation of the Pact.

In October 2024, representatives from 20 organisations working on migration, asylum and human rights met with the Prime Minister and the Minister for Inclusion and Social Security, to urge them to implement the Pact in a way that fully guarantees human rights, both at the borders and within the Spanish territory. In particular, the organisations called on the Prime Minister to commit to not extending the constitutional 72-hour limit on pre-trial detention and to prioritise the use of no deprivation of liberty's measures. They

1045 Ministerio del Interior, 'Plan Nacional de Implementación del Pacto Europeo de Migración y Asilo. Resumen ejecutivo', May 2025, available here; Ministerio del Interior, 'España. Plan nacional de implementación, Implementación del Pacto sobre Migración y Asilo. Diciembre 2024', 2025, available here.

1046 European Commission, Annex to the Communication from the Commission to the European Parliament and the Council on the European Annual Asylum and Migration Report (2025), 11 November 2025, available here, p.12.

1047 Ministerio del Interior, 'Estrategia de gestión del asilo y la migración. Resumen ejecutivo', 2025, available here.

asked to guarantee free legal aid at all stages of the procedure, as well as the individualised assessment of applications and adequate healthcare, the right to an interpreter, to information and to be heard; to process applications through the standard procedure when special needs or situations of vulnerability are identified during border procedures, amongst other proposals. Furthermore, they emphasised the need for a system that is prepared, adequately resourced and structurally designed to respond appropriately to emergencies and to avoid derogations and exceptions to asylum rules. Finally, they called for the implementation of a human rights monitoring and oversight mechanism involving civil society.[1048]

In December, Oxfam Intermon published a legal analysis of the legal basis for the implementation of the Pact in Spain. It warned on the potential risk of increased inequality and violations of rights that may result from an implementation of the Pact which does not preserve those standards of protection and support for human mobility that mitigate the heightened risks of vulnerability to which certain populations are exposed. Thus, the organisation explored the options available for developing an implementation of the Pact that infringes as little as possible on human rights[1049]

Similarly, CEAR published a report in which highlighted the challenges and threats of the Pact to human rights. In particular, it concludes that 'the new European Pact on Migration and Asylum does not address the main shortcomings that for decades have prevented the construction of a true Common European Asylum System and weakens the necessary balance between solidarity and shared responsibilities among Member States. Falling far short of a protective approach focused on the protection of individuals, the reform poses serious risks to the right to asylum and human rights, with a particular focus on measures for the externalisation of borders and return to third countries. The primary objective is to prevent people from arriving and, if they do arrive, to expel them as quickly as possible'.[1050]

At the end of 2024, the Minister of Interior called for not adopting measures at the EU level that could undermine the right to asylum in the European Union.[1051]

In light of the adoption of the new asylum law, in April 2025 CEAR presented a set of proposals to be taken into consideration. Among others, the organisation called to ensure fair and safe pathways for persons in need of protection, to avoid detention and to establish alternatives to it, and to guarantee that reception conditions are adapted to people in vulnerable situations.[1052]

In view of the implementation of the Pact, Save the Children underlined that it introduces measures that significantly impact the rights and protection of migrant children in Spain. While some provisions aim to enhance coordination among EU member states, major risks remain:[1053]

- Risk of increased detention of children**:** The Pact expands border procedures, which may lead to more children being held in detention-like facilities while their asylum claims are processed. This contradicts the best interest principle outlined in the Convention on the Rights of the Child.
- Accelerated asylum and return procedures**:** The Pact promotes fast-track procedures that could undermine the right to a fair and thorough assessment of asylum claims, particularly for children with special protection needs.
- Challenges in implementing the screening phase within the 72 hours limit for initial detention after arriving by sea.

1048 CEAR, 'Organizaciones sociales se reúnen con el presidente del Gobierno para reclamar una implementación del Pacto de Migración y Asilo que garantice los derechos humanos', 7 October 2024, available here; Europa Press, 'Organizaciones sociales piden a Sánchez que la implementación del Pacto de Migración y Asilo garantice derechos humanos', 7 October 2024, available here; CEAR, 'Pacto Europeo de Migración y Asilo: retos y oportunidades para su aplicación desde un enfoque de derechos humanos', 30 October 2024, available here.

1049 Oxfam Intermon, 'El impacto del Pacto Europeo de Migración y Asilo. Análisis jurídico de las bases para su implementación en el Estado español', December 2024, available here.

1050 CEAR, 'European Pact on Migration and Asylum. Challenges and threats to human rights', 2024, available here.

1051 La Vanguardia, 'España pide no tomar medidas que puedan menoscabar el derecho al asilo en la Unión Europea', 12 December 2024, available here.

1052 CEAR, 'Propuestas de la Comisión Española de Ayuda al Refugiado (CEAR) a la nueva Ley de Asilo', April 2025, available here.

1053 Information provided by Save the Children in February 2026.

In April 2026, UNHCR, and the Platform for Childhood called on the Government to strengthen the protection of children in the implementation of the Pact. According to both organisations, the best interests of the child must be the guiding principle at every stage of the Pact's implementation, and they emphasised the importance of ensuring that migrant and refugee children have effective access to the rights recognised in the United Nations Convention on the Rights of the Child.[1054] Similarly, the Spanish bar Association (*Abogacía Española*) stated that the successful implementation of the Pact will require strengthening the legal safeguards for unaccompanied migrant children, in particular by ensuring they have access to early, ongoing and specialised legal assistance.[1055]

[1054] Diario Siglo XXI, 'Acnur y la Plataforma de Infancia piden reforzar la protección de niños en la aplicación del Pacto europeo de Asilo', 14 April 2026, available here.

[1055] Abogacía Española, Consejo General, 'La Abogacía Española subraya la importancia de que el Pacto Europeo de Migración y Asilo garantice la asistencia jurídica temprana a los menores', 14 April 2026, available here.