

UPDATE ON 2024



SPAIN



COUNTRY REPORT

APRIL 2025

Acknowledgements & Methodology

Since 2018 and up to 2024, 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 2024, 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 aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. It covers 24 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 5 non-EU countries (Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom). 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
CAR	Refugee Reception Centre Centro de Acogida de Refugiados
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 Migration
JCCA	Central Administrative Judge Juzgado Central de Contencioso-Administrativo
MISSM	Minister of Inclusion, Social Security and Migration Ministerio de Inclusión, Seguridad Social y Migraciones
OAR	Office of Asylum and Refuge Oficina de Asilo y Refugio
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 2024

	Applications lodged in 2024 (1)	Pending for admission at 1st instance at end of 2024	Pending for decision at End of 2024	Total decisions 2024	Total in merit decisions	Total rejection	Refugee status	Subsidiary protection	Humanitarian protection (2)
Total	167,366	133,102	108,954	90,029	N/A	38,686	6,355	11,453	33,535
Breakdown by countries of origin of the total numbers									
Venezuela	66,134								
Colombia	40,140								
Mali	10,673								
Peru	10,427								
Senegal	7,708								

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 2024, January 2025, available [here](#).

(1) Applications refers to the total number of applicants, and not only to first-time applicants.

(2) 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 2024 were **Mali** (9,358), **Syria** (1,242), **Nicaragua** (1,177), **Somalia** (964), and **Afghanistan** (796), while the top 5 countries of persons who were granted *protection for humanitarian reasons* were **Venezuela** (32,786), **Colombia** (334), **Peru** (165), **Chile** (108), and **Panama** (39).

The top 5 countries of applications *rejected* were **Colombia** (17,294), **Peru** (6,611), **Morocco** (3,070), **Senegal** (2,018), and **Honduras** (1,792).

Gender/age breakdown of the total number of applicants: 2024

	Men	Women
Number	96,582	70,784
Percentage	57.707%	42.29%

	Adults	Children (Accompanied and unaccompanied)
Number	136,582	30,782
Percentage	81.60%	18.39%

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 2024, January 2025, available [here](#).

First instance and appeal decision rates: 2024

National authorities did not provide detailed statistics on first instance and second instance decisions on 2024 at the time of writing of this report.

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 Official Gazette No 263, 31 October 2009 <i>Amended by:</i> Law 2/2014 of 25 March 2014 Official Gazette No 74, 26 March 2014	Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria BOE núm. 263, de 31 de octubre <i>Modificada por:</i> Ley 2/2014, de 25 de marzo BOE núm. 74, de 26 de marzo	Asylum Law	http://bit.ly/1R7wKyD (ES) https://bit.ly/2BuulIM (ES)
Organic Law 4/2000 of 11 January 2000 on rights and liberties of aliens in Spain and their social integration Official Gazette No 10, 12 January 2000 <i>Amended by:</i> Organic Law 4/2015 of 30 March 2015 on the protection of citizen security 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 BOE núm. 10, de 12 de enero <i>Modificada por:</i> Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana BOE núm. 77, de 31 de marzo	Immigration Law (LOEX)	http://bit.ly/1gto175 (ES) http://bit.ly/21nrJwQ (ES)
Organic Law 4/2015 of 30 March on the protection of citizen security. Official Gazette nº 77, 31 March 2015	Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana. 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/ntelpTI (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 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 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. <i>Modified by:</i> 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. <i>Modificado por:</i> 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/2BXCnTl (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/OtwlX6 (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. 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/2sqqZDi (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 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 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 **April 2024**.

International protection

- ❖ **Key asylum statistics:** A total of 167,366 persons applied for international protection in Spain in 2024. A total of 164,010 were first time applicants, while 2,140 were subsequent applicants.¹ Venezuela, Colombia, Mali, Peru, and Senegal were the top five nationalities of applicants. Among them, 57.70% were men, while 42.29% were women. As regards decision making at first instance, a total of 38,686 applications were rejected, while refugee status was granted to 6,355 persons, subsidiary protection to 11,453 persons and 33,535 were granted protection for humanitarian reasons. The recognition rate for international protection remained low, with only around 19.78% of cases being recognised refugee status or subsidiary protection. It should however be highlighted that the overall recognition rate reaches almost the 57% 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 2024 were Mali, Syria, Nicaragua, Somalia, and Afghanistan. At the end of the year, 133,102 applications were still pending at first instance.

Asylum procedure

- ❖ **Access to territory and pushbacks:** In 2024, 63,970 migrants reached Spain by land and sea, which represents an increase of 7.1% compared to 56,852 arrivals in 2023. The vast majority of arrivals were by sea (61,323) and the main route for sea arrivals were the Canary Islands: 46,843 persons arrived by sea on the archipelago.
- ❖ **Situation on the Canary Islands and in the Mediterranean:** The NGO *Caminando Fronteras* (Walking Borders) estimates that 10,457 persons died while reaching Spain in 2024, including 9,557 who lost their life on the Canary route. It further reported that 421 of victims were women, 1,538 were children, and that a total of 131 vessels disappeared with those 10,457 persons on board. The persons who died belonged to 28 different nationalities.
- ❖ **Delays in the appointments for registering the asylum application:** During 2024, 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. This situation led to gatherings of asylum seekers in different cities to protest, as well as to a joint claim lodged by around 100 asylum seekers and 20 NGOs in front of the Spanish Ombudsperson.

Reception conditions

- ❖ **Challenges in the reception of unaccompanied minors (UAMs) in the Canary Islands:** During 2024, the Government of the Canary Islands reiterated its calls to the central Government to ensure proper responsibility-sharing with other Autonomous Communities in the reception of and assistance to UAMs arrived in the archipelago. 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. 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 hosting capacity is for a maximum of 2,000 unaccompanied minors). Similarly, UNHCR, Save the Children and the Spanish Ombudsperson called for the solidarity-sharing among the Autonomous Communities for the

¹ Eurostat, 'Asylum applicants by type, citizenship, age and sex - annual aggregated data', 20 March 2025, available [here](#).

proper protection of UAMs. The Spanish Ombudsperson also urged the Government of the Canary Islands to open new facilities for the reception of UAMs. After months of negotiations, the central Government presented its plan for the distribution of 2,500 to UAMs to other Autonomous Communities to the Government of the Canary Islands. The Plan was agreed upon by the two Governments and was also welcomed by NGOs. Unfortunately, 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.

Detention of asylum seekers

- ❖ **Poor living conditions and overcrowding at the Madrid Barajas Airport:** In August 2024, the asylum rooms at the Madrid Airport continued to face situations of overcrowding, due to the increase of persons (mainly Mauritanian nationals) applying for asylum while transiting in Spain during their travel to South America. The Spanish Confederation of the National Police reported an increase of asylum applicants up to 350% since June 2024. The Bar Association of Madrid warned the Minister of Interior about the serious structural deficiencies (i.e. the lack of qualified interpreters, the overloading of the police professionals, the lack of basic tools such as the asylum forms, etc.), which rendered it impossible to guarantee proper legal assistance.

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 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. The reform will enter into force 6 months after its publication, and it aims at regularising 300,000 persons. In addition, it simplifies the requirements for third-country nationals to obtain residence and work permits, and establishes stricter rules for 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. 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; 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, the NGO CEAR called the Government to continue in the assessment and adoption of the legislative initiative on regularisation, which proposal is undergoing the parliamentary procedure. In January 2025, different NGOs challenged the reform of the Regulation of Immigration Law in front of the Supreme Court (*Tribunal Supremo*), specifically the provisions establishing the incompatibility between the international protection procedure and the procedure for the residence permits based on 'arraigo'. The Minister of Inclusion, Social Security and Migration informed about the intention of meeting those NGOs which challenged the Regulation, with the aim of clarifying doubts and make possible corrections to the Regulation's provisions, before its entering into force in May 2025.

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 2024, the Asylum Office granted temporary protection to 36,704 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.
- ❖ **Information provision:** 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, Farsi and Bambara.

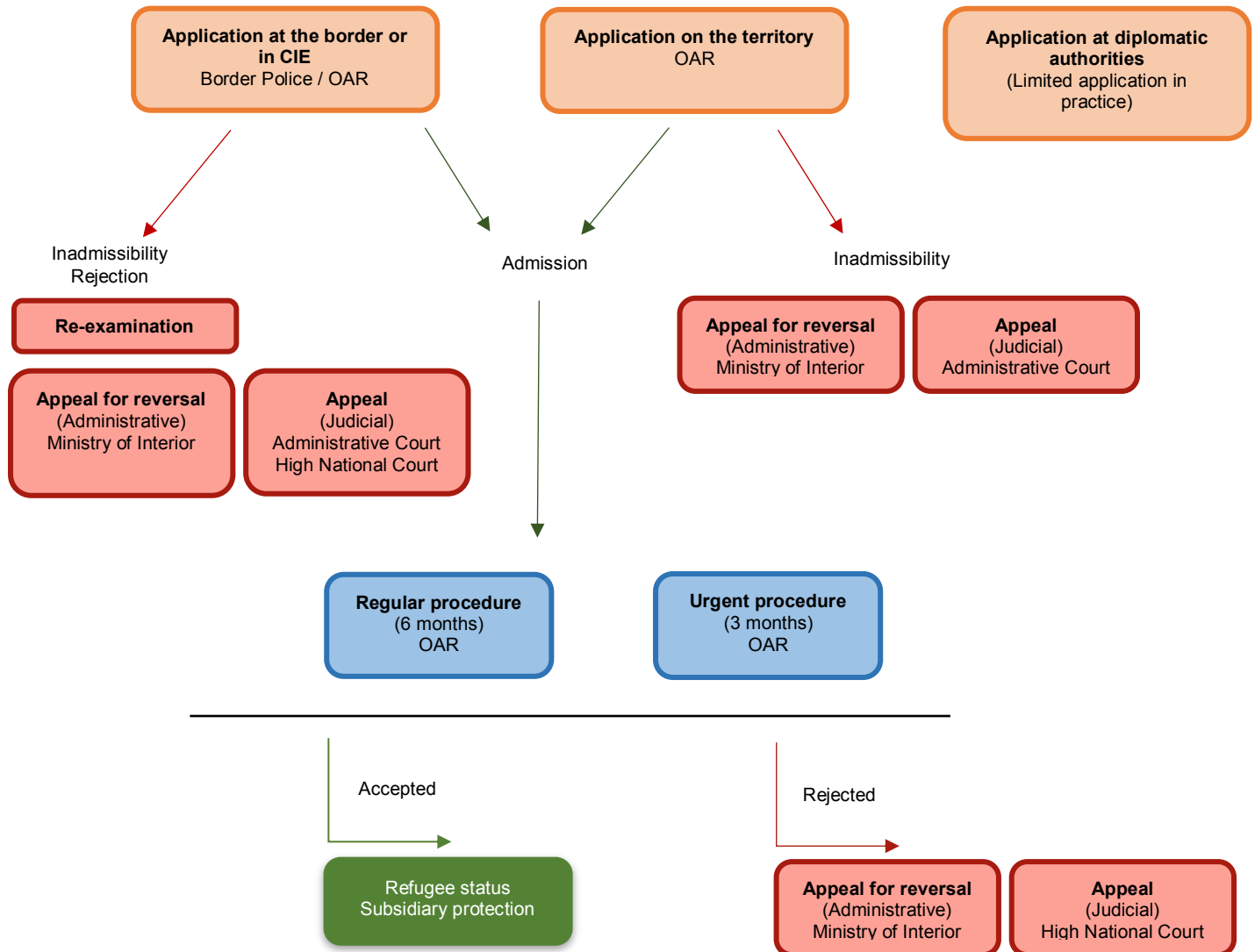
Content of temporary protection

- ❖ **Extension of validity:** An order issued in February 2025 extended the validity of residence permits granted to beneficiaries of temporary protection until 4 March 2026.
- ❖ **Residence permits:** The permits granted until 31 December 2024 were 219,788. 59% of beneficiaries were women and 41% men.
- ❖ **Access to job market:** According to available data, 28,197 beneficiaries of temporary protection were working as of 31 December 2024 mainly in the following labour sectors: hospitality (4,680 persons), construction (4,605 persons), commercial sector (3,088 persons), and information and communication (2,862). The majority of these workers counted with full-time and indefinite contract.
- ❖ **Access to education:** A report published by the MISSM indicates that, since the outbreak of the war until 31 December 2024, 39,741 children fleeing from Ukraine accessed schooling. Among them, about 5,500 children are enrolled in early education, 15,500 in primary education, 9,500 in secondary education, and more than 8,000 in vocational training courses and in Spanish classes. Regarding the university context, 1,800 students are enrolled in degrees, master and PhD courses.
- ❖ **Funding:** Since the outbreak of the war, Spain has allocated more than €1,530 millions 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: ²	☒ Yes	☐ No
▪ Fast-track processing: ³	☐ Yes	☒ No
❖ Dublin procedure:	☒ Yes	☐ No
❖ Admissibility procedure:	☒ Yes	☐ No
❖ Border procedure:	☒ Yes	☐ No
❖ Accelerated procedure: ⁴	☐ 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
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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 admitted 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. 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-passers', 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

² For applications likely to be well-founded or made by vulnerable applicants.

³ Accelerating the processing of specific caseloads as part of the regular procedure.

⁴ Labelled as "accelerated procedure" in national law.

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**, UNHCR observed delays in 2024, due to staff fluctuations at the Office for Asylum, affecting file processing and timely data publication. UNHCR facilitated and supported the participation of the Office for Asylum in training activities on statelessness in Spain and Europe. The 70th anniversary of the 1954 Statelessness Convention was commemorated with active participation from the Government, enabling a shared diagnostic exercise. The Spanish Coalition for Stateless Displacements, supported by UNHCR, was consolidated, uniting NGOs working with stateless persons and applicants.¹¹

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 2025.

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

Stage of the procedure	Competent authority (EN)	Competent authority (ES)
Application ❖ At the border ❖ On the territory	Border Police Office of Asylum and Refuge, Aliens' Office	Policía Fronteriza 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 Inter-Ministerial Commission on Asylum (CIAR)	Oficina de Asilo y Refugio Comisión Interministerial de Asilo y Refugio
Appeal ❖ First appeal ❖ Onward appeal	❖ National Court ❖ Supreme Court	❖ Audiencia Nacional ❖ Tribunal Supremo
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.¹² 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.¹³ 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.¹⁴

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).¹⁵ According to the

¹² Royal Decree 400/2012 of 17 February 2012 developing the basic organic structure of the Ministry of Interior.

¹³ 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](#).

¹⁴ Servimedia, 'Interior crea la Dirección General de Protección Internacional ante el récord de solicitudes de asilo', 5 December 2023, available [here](#).

¹⁵ ECRE, 'Asylum authorities: An overview of internal structures and available resources', 2019, available [here](#), 12.

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 2024 were not available at the time of writing of this report.

The examination of an application by the OAR culminates in a draft decision which is submitted to the Inter-Ministerial Asylum and Refugee Commission (CIAR),¹⁶ 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.

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

In July 2024, the trade union *Central Sindical Independiente y de Funcionarios (CSIF)* reported on the scarcity of officers at the OAR, and the high workload of those working there. The union alleged that, due to the high workload, the office has lost the 30% of its personnel since 2018.¹⁷

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

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.²²

¹⁶ Article 23(2) Asylum Law.

¹⁷ Servimedia, 'CSIF denuncia la escasez de personal y elevada carga de trabajo en la Oficina de Asilo y Refugio', 23 July 2024, available [here](#); Europa Press, 'La Oficina de Asilo ha perdido desde 2018 un 30% de su personal por "cargas de trabajo excesivas", según CSIF', 23 July 2024, available [here](#).

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 Articles 21 and 25 Asylum Law.

Following the identification of irregularities in the processing of the asylum applications lodged at the borders, in July 2022 the Spanish Ombudsperson recommended the Minister of Interior to register and count all asylum applications lodged at the borders, and to present disaggregated data with respect to those who were not admitted, specifying how many applications were rejected despite having received a positive supporting report issued by UNHCR. The General- Directorate of Internal Policy of the Minister of Interior has not answered to the recommendation at the time of writing of this report.²³

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 in the border procedure, but as applications made on the territory.²⁴

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.²⁵ 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.²⁶

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:²⁷

- (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;²⁸
- (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.

²³ Defensor del Pueblo, Solicitudes de protección internacional en puestos fronterizos, 11 July 2022, available [here](#); El Correo, 'El Defensor del Pueblo denuncia irregularidades de Interior al tramitar los asilos', 5 September 2022, available [here](#).

²⁴ 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](#).

²⁵ Article 20(2) Asylum Law.

²⁶ Article 20(1) Asylum Law.

²⁷ Article 25 Asylum Law.

²⁸ Article 17(2) Asylum Law.

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.²⁹

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.³⁰

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.³¹

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.

²⁹ Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sección Quinta, Sentencia núm. 1.458/2021, 13 December 2021, available [here](#).

³⁰ Tribunal Supremo, Sala de lo Contencioso, STS 4338/2022, 16 November 2022, available [here](#).

³¹ 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](#).

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, and the impact of COVID-19 restrictions on irregular arrivals was only temporary. In 2024, 63,970 migrants arrived in Spain by land and sea, which represents an increase of 7.1% compared to 56,852 arrivals in 2023.³² The vast majority of arrivals were by sea (61,323) and the main route for sea arrivals were the Canary Islands: 46,843 persons arrived by sea on the archipelago.

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.³³

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.³⁴

The political and social crisis in Senegal which led to riots and deaths in June 2023 produced an increase in the number of boats departing from the country to reach the Canary Islands.³⁵

In June 2023, 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 led by the Spanish National Police and coordinated by Frontex, involving police officers from 16 European countries, and lasted until the beginning of September.³⁶ In 2022, the operation led to 2,034 identifications in more than 1,900 interventions.

³² Ministerio del Interior, ‘Inmigración irregular 2024. Datos acumulados del 1 de enero al 31 de diciembre’, January 2025, available [here](#).

³³ Rabat Process, ‘6th Ministerial Conference: Adoption of the Cadiz Action Plan’, 21 December 2023, available [here](#).

³⁴ EU MED5, Ministerial Conference, ‘DECLARACIÓN COMÚN DEL MED5. Las Palmas de Gran Canaria, 19-20.04.24’, April 2024, available [here](#).

³⁵ El País, ‘Political crisis in Senegal triggers influx of migrants to Spain’s Canary Islands’, 16 July 2023, available [here](#).

³⁶ Hora Sur, ‘Arranca la Operación Minerva, con 16 países implicados en la seguridad fronteriza del Estrecho’, 24 June 2023, available [here](#); Ceuta Ahora, ‘Policía Nacional y FRONTEX coordinan la operación MINERVA

In January 2024, Frontex threatened to leave Spain, if the Government would not sign the agreement with the EU Agency. According to available information, it seems that Spain was resisting signing the agreement and the conditions set forth by Frontex, especially due to concerns regarding potential violations of migrants' right to privacy in terms of data that should be shared with the EU Agency.³⁷ Despite these initial concerns, an agreement was signed at the end of the same month.³⁸

A report published in the same month by the *Centre Delàs* and *Irídia* questioned the work and budget of Frontex since its creation, the human rights violations committed by the agency in different EU orders, and especially the lack of an independent monitoring of its activities.³⁹

A report published jointly by ECRE and PICUM on the use of EU funding for border surveillance, indicated that Spain is among eight Member States that have planned to support the establishment or upgrade of border crossing points and surveillance infrastructure along their external borders. In addition, it highlighted that Spain has also foreseen to purchase vehicles for transporting people apprehended at the borders, as well as the acquisition of service dogs through BMVI funds.⁴⁰

In July, the political party '*Partido Popular*' suggested to the Government to deploy the army with the aim of stopping irregular migration.⁴¹

A report launched by EuroMed Rights in August 2024 on the digital technologies for migration control at the Spanish southern border underlined that, while there are new systems being implemented in these areas, the outcomes of the investigation reveal that the implementation of such technologies is costly and its full implementation slow.⁴²

In October 2024, the Spanish Government asked Frontex to seek permission from West African countries for patrolling their seas, with the aim of stopping migrants wishing to reach the Canary Islands.⁴³

In the same month, the *Fundación porCausa* published a report on the externalisation policy of migration both by the EU and Spain under the guise of European cooperation. The report highlighted that, since 2005, Spain has led and pivoted the measures of controlling and managing the externalisation of borders, exporting its model to the rest of the EU.⁴⁴

In a report published in November 2024, Amnesty International denounced that in Spain the deprivation of liberty of migrants apprehended and found to be in an irregular situation is almost automatic, without respect for the provisions of EU and national law establishing that detention should only be used as a measure of last resort. According to the organisation, deprivation of liberty represents one of the main pillars of Spanish migration management policy through the detention in CIEs.⁴⁵

en los puertos de Algeciras', 23 June 2023, available [here](#); Asociación Pro Derechos Humanos de Andalucía, 'Investigación del posible uso fraudulento de fondos europeos en prácticas que vulneran los Derechos Humanos', 10 May 2023, available [here](#).

³⁷ El País, 'Frontex amenaza con irse de España', 25 January 2024, available [here](#); Público, 'Canarias ve con "preocupación" la posible marcha de Frontex de España e Interior dice que todo se arreglará "en horas"', 25 January 2024, available [here](#).

³⁸ El País, 'Frontex y España llegan a un acuerdo 'in extremis' para retomar las operaciones contra la inmigración irregular', 29 January 2024, available [here](#).

³⁹ Centre Delàs, Irídia: 'Qui vigila el vigilant? Violència a les fronteres i impunitat a Frontex', January 2024, available [here](#).

⁴⁰ PICUM, ECRE, 'Beyond walls and fences: EU funding used for a complex and digitalised border surveillance system Study on the use of the Border Management and Visa Instrument during the 2021 – 2027 Multiannual Financial Framework', April 2024, available [here](#).

⁴¹ Euractiv, 'Spain's PP suggests deploying army to curb irregular migration', 5 July 2024, available [here](#).

⁴² EuroMed Rights, 'Digital technologies for migration control at the Spanish southern border', August 2024, available [here](#).

⁴³ Info Migrants, 'Spain asks Frontex to patrol African waters to curb migration', 11 October 2024, available [here](#).

⁴⁴ PorCausa, 'Externalización (*) Caos, corrupción y control migratorio bajo la apariencia de cooperación europea', April 2024, available [here](#).

⁴⁵ Amnistía Internacional, 'España: La privación de libertad, el oscuro método de gestión migratoria', 20 November 2024, available [here](#).

During the last months of 2024, the Spanish migration route to the Canary Islands experienced a widening, due to the arrivals of migrants and refugees from Asia (mainly from Pakistan and Bangladesh, but also Syria and Afghanistan) with boats departing from Mauritania. This seems to be due to the tightening of borders by authorities in the Balkans and in the Mediterranean (i.e. Libya, Tunisia, and Turkey).⁴⁶

Besides, the airport of **Palma de Mallorca** (Balearic Islands) became the main air entrance in the EU using forged passports.⁴⁷ In addition, during just four days at the beginning of November, more than 700 migrants were rescued off the Balearic Islands. The regional authorities expressed the challenges they face in accommodating and urged the central government to amend laws in order to allow more transfers to other regions in Spain.⁴⁸

In 2024, El Hierro, a small island part of the Canary Islands archipelago, became one of the main migration frontlines in Europe.⁴⁹ In addition, the Canary Islands registered the highest number of annual arrivals in history, with 46,843 arrivals between 1 of January and 31 December of 2024.⁵⁰

In addition, the arrivals of migrants and asylum seekers from Latin America countries (especially from Venezuela) also continued to increase. Their arrival has been registered also in the Canary Islands, particularly of people coming from Venezuela, due to the presence of a large community of Venezuelans in the archipelago.⁵¹

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.⁵²

In the same month, a boat with 19 bodies was found off the coasts of **St. Kitts and Nevis** (in the Caribbean). The authorities believed that the vessel originated off the West African coast with migrants on board.⁵³

According to the information released by the Moroccan Minister of Interior, Morocco stopped almost 80,000 attempts of migrants to reach the EU.⁵⁴

In connection with the situation of poor living conditions and overcrowding at the *ad hoc* spaces for asylum seekers at the Madrid Barajas Airport (for more information, see '[Conditions in border facilities](#)'), in February 2024 the National Police dismantled a smuggling network which facilitated the entrance to Spain of migrants from Senegal who had to impersonate minors and to apply for asylum at the airport.⁵⁵

⁴⁶ La Vanguardia, 'The Spanish migration route is widening due to the increase in arrivals of Asians', 9 December 2024, available [here](#); ABC, 'Un cayuco con medio centenar de sirios y pakistaníes abre un giro inesperado en la Ruta Canaria', 2 September 2024, available [here](#).

⁴⁷ Diario de Mallorca, 'Palma se convierte en escala preferente de la ruta aérea para entrar a Europa con pasaportes falsos', 31 August 2024, available [here](#).

⁴⁸ Info Migrants, 'Spain: More than 700 migrants rescued off the Balearics over four days', 8 November 2024, available [here](#).

⁴⁹ Reuters, 'The Spanish island that is Europe's new migration frontline', 21 November 2024, available [here](#).

⁵⁰ Reuters, 'Number of migrants reaching Spain's Canary Islands breaks all-time record', 2 December 2024, available [here](#); Ministerio del Interior, 'Inmigración irregular 2024. Datos acumulados del 1 de enero al 31 de diciembre', January 2025, available [here](#).

⁵¹ Info Migrants, 'Under the radar: The growing wave of Latin American asylum seekers fleeing to Europe', 16 August 2024, available [here](#).

⁵² Info Migrants, 'Pakistan to the Canary Islands: Does a migrant shipwreck shed light on a new route?', 21 January 2025, available [here](#).

⁵³ Info Migrants, 'Caribbean: 19 suspected migrants from West Africa found dead in drifting fishing boat', 31 January 2025, available [here](#).

⁵⁴ Info Migrants, 'Morocco: Nearly 80,000 attempts to reach the EU prevented in 2024', 7 February 2025, available [here](#).

⁵⁵ Madrid Diario, 'Desarticulada una red que introducía migrantes por Barajas simulando ser menores', 15 February 2024, available [here](#).

1.1. Arrivals in the enclaves of Ceuta and Melilla

The number of persons arriving in Ceuta and Melilla by land in 2024 was 2,647, marking an increase compared to 2023, when 1,234 persons entered the enclaves. In addition, a total of 49 people arrived by sea to the enclaves, with 21 reaching Melilla (representing an 89.8% decrease compared to 2023), and 28 Ceuta (a 58.2% decrease compared to the previous year).⁵⁶

Arrivals in Spain by land: 2024	
Point of entry	Number of irregular arrivals
Ceuta	2,531
Melilla	116
Total arrivals by land	2,647

Arrivals in Spain by sea: 2024	
Point of entry	Number of irregular arrivals
Ceuta	28
Melilla	21
Total arrivals by sea	49

Source: Ministerio del Interior, 'Inmigración irregular 2024. Datos acumulados del 1 de enero al 31 de diciembre', January 2025, 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 2024. 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.⁵⁷

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.⁵⁸ 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](#)).

In August 2024, the *Guardia Civil* prevented the entrance to Melilla of a group of migrants who tried to enter the city with a recreational boat. Two days before, eleven migrants had reached the city through the same mean.⁵⁹

⁵⁶ Ministerio del Interior, 'Inmigración irregular 2024. Datos acumulados del 1 de enero al 31 de diciembre', January 2025, available [here](#).

⁵⁷ 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](#).

⁵⁸ CEAR, 'Informe 2020: las personas refugiadas en España y Europa', June 2020, available [here](#), 74.

⁵⁹ Melilla Hoy, 'Impiden un intento de entrada de migrantes a Melilla por la zona de Aguadú', 26 August 2024, available [here](#).

Following the renovations at the **Ceuta** and **Melilla** fences which started in 2019 to remove the steel wire, different organisations have reported that the height of the fences was increased by 30%, thus further increasing the risk for life and safety for those attempting the jump, and the breaching of human rights standards.⁶⁰ In August 2020 the Government announced an enlargement of the asylum post at the **Melilla** border with a budget of €138,000,⁶¹ and of the asylum post in **Ceuta** with a budget of €125,000, despite the fact that the latter has never been used since it was opened.⁶² Research carried out by the newspaper *Público* and the *Fundación por Causa* denounced the shadow industry of migration control in Spain, referring to more than € 660 million in 5 years, and 1,677 public contracts signed without public tenders.⁶³ In July 2022, the Council of Ministers approved the plan to carry out additional renovations to the borderline fence in Ceuta, allocating a budget of EUR 4 million. Such renovations are part of the Plan to reinforce and modernize the land border protection system in Ceuta and Melilla, which started in 2019.⁶⁴ The refurbishments of the fences in Ceuta and Melilla were finalised in March 2024.⁶⁵

Similarly to the previous update of the report, which provided a list of incidents at the border in 2023, the following list provides an overview of several incidents that were reported at the border in 2024 and at the beginning of 2025:

- ❖ In December 2022, a Sudanese young man who was pushed back to Morocco on 24 June 2022 applied for asylum at the Spanish Embassy in Rabat, with the aim of challenging the declarations of the Minister of Interior regarding the possibility to apply for asylum at the Spanish Embassies and Consulates, as well as at the Spanish land borders of Ceuta and Melilla without jumping the fences.⁶⁶ In March 2023, his asylum interview was held at the Spanish embassy in Rabat (Morocco).⁶⁷ In occasion of the one-year anniversary of the jump and the deaths of 24 June 2022, he wrote a letter to the President of the Spanish Government to complain about the lack of a decision on his asylum application after six months since it was lodged.⁶⁸ In December 2023, in the absence of a decision by the Spanish Government on his asylum application after 1 year from its lodging, the asylum applicant lodged an appeal to the National Court (Audiencia Nacional) to ask for a precautionary measure urging his transfer to Spain.⁶⁹ In December 2023, the applicant lodged a claim for precautionary measures at the National Court (*Audiencia Nacional*), that ruled in favour of his transfer to Spain.⁷⁰ In April, his lawyers denounced that the administration had not yet complied with this judicial decision, and the transfer had not yet been realised.⁷¹ He was finally admitted to Spain in May 2024.⁷²

⁶⁰ Público, 'Menos concertinas y más altura: colectivos de Melilla y Ceuta denuncian que las nuevas vallas continúan vulnerando los derechos humanos', 29 August 2020, available [here](#).

⁶¹ El Faro de Melilla, 'La oficina de asilo de Beni Enzar tendrá dos plantas para ampliar sus dependencias', 26 August 2020, available [here](#).

⁶² Ceuta al Día, 'Interior renueva los módulos que albergan la oficina de asilo del Tarajal a la que apenas ha dado uso', 26 August 2020, available [here](#).

⁶³ Público, 'El control migratorio en España: una oscura industria de más de 660 millones en cinco años', 1 July 2020, available [here](#).

⁶⁴ Europa Press, 'El Gobierno aprueba las últimas reformas de modernización de la valla de Ceuta por un importe de 4 millones', 19 July 2022, available [here](#).

⁶⁵ El Faro de Melilla, 'Terminado el nuevo sistema de seguridad de la valla', 19 March 2024, available [here](#).

⁶⁶ Público, 'Reto a Marlaska: un sudanés devuelto a Marruecos en la tragedia de Melilla pide asilo en la embajada de España en Rabat', 13 December 2022, available at: <https://bit.ly/3hLTzmc>.

⁶⁷ El Faro de Melilla, 'Entrevistado el joven sudanés que pidió asilo en la Embajada española en Rabat hace tres meses', 6 March 2023, available at: <https://bit.ly/3ZMxjJi>; Público, 'El salvoconducto a España del sudanés que sobrevivió a la tragedia de Melilla ya está en manos del embajador en Marruecos', 8 March 2023, available at: <https://bit.ly/3YDmmIM>.

⁶⁸ El Diario, 'La carta a Pedro Sánchez de un sudanés devuelto a Marruecos: "Jamás habría intentado saltar la valla si tuviera otra opción"', 24 June 2023, available at: <https://tinyurl.com/fkfyama7>.

⁶⁹ Público, 'Basir, superviviente de la tragedia de Melilla, recurre a la Audiencia Nacional tras un año ignorado por el Gobierno', 16 December 2023, available at: <https://tinyurl.com/426zsth8>.

⁷⁰ Público, 'Basir, superviviente de la tragedia de Melilla, recurre a la Audiencia Nacional tras un año ignorado por el Gobierno', 16 December 2023, available at: <https://tinyurl.com/38d473af>.

⁷¹ Afrofeminas, 'La Justicia ordena a España acoger al migrante sudanés que pidió asilo en la embajada de Rabat', 11 April 2024, available [here](#).

⁷² El País, 'El refugiado sudanés que ganó el pulso al Gobierno ya está en España', 24 May 2024, available [here](#); Radio Televisión Española, 'Llega a España el joven sudanés que pidió asilo en la embajada de Rabat tras la tragedia de la valla de Melilla', 28 May 2024, available [here](#).

- ❖ At the beginning of January 2024, Morocco claimed to have intercepted around 1,100 migrants in different towns close to the Spanish borders and prevented their entrance to Ceuta and Melilla.⁷³
- ❖ At the beginning of August, around 200 persons tried to enter Ceuta by sea, reaching the shores swimming.⁷⁴ At the end of the same month, 1,500 persons tried to do the same.⁷⁵
- ❖ During the same month, the Moroccan Human Rights Association (Asociación Marroquí de Derechos Humanos - AMDH) based in Nador (Morocco) denounced that the Guardia Civil had killed a migrant while trying to attempt a small boat carrying 4 people to enter Melilla.⁷⁶
- ❖ In September, the Moroccan authorities detained at least 60 persons for planning a group illegal entry to Spain.⁷⁷ During the same month, an eight-month pregnant woman reached Ceuta after swimming for two hours from the Moroccan coast.⁷⁸
- ❖ In October, the competent judge suspended the hearing of a Malian migrant who denounced the Guardia Civil for losing the eyesight during the jump of the fence in Melilla in October 2022.⁷⁹
- ❖ At the end of November, 44 migrants reached Ceuta by swimming, despite the bad weather conditions. 35 of them were minors.⁸⁰
- ❖ 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.⁸¹

The above incidents illustrate how migrants and asylum seekers continue resorting to dangerous ways to enter **Ceuta** and **Melilla**, sometimes resulting in their deaths. Further incidents at the border are likely to occur in 2025.

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 illegally.

The amendment, introduced through the adoption of the Law “on the protection of citizen security”,⁸² includes a specific regulation within the Immigration Law concerning the “Special regime of Ceuta and Melilla”. This regime consists of three elements:

⁷³ El Debate, ‘Marruecos aborta un intento masivo de asalto a las vallas de Ceuta y Melilla’, 1 January 2024, available [here](#).

⁷⁴ Onda Cero, ‘Alrededor de 200 migrantes tratan de entrar a nado a Ceuta’, 12 August 2024, available [here](#).

⁷⁵ Reuters, ‘Hundreds of migrants swim into Spain's Ceuta enclave from Morocco’, 26 August 2024, available [here](#).

⁷⁶ El Plural, ‘La Guardia Civil en Melilla enfrenta acusaciones tras el fallecimiento de un migrante’, 26 August 2024, available [here](#).

⁷⁷ El Pueblo de Ceuta, ‘Marruecos arresta al menos a 60 personas por planear una entrada masiva a Ceuta’, 11 September 2024, available [here](#).

⁷⁸ Info Migrants, ‘“I wanted my son to be born in Europe”: Pregnant woman swims to Ceuta to give birth’, 5 September 2024, available [here](#).

⁷⁹ El Diario, ‘El refugiado que denunció a la Guardia Civil por quedar ciego de un ojo en un salto a la valla: “Ha de saberse la verdad”’, 6 October 2024, available [here](#); El Faro de Melilla, ‘Suspendida la declaración judicial de un inmigrante contra la Guardia Civil en Melilla’, 7 October 2024, available [here](#).

⁸⁰ Info Migrants, ‘At least 44 migrants arrived swimming in Ceuta, 35 minors’, 20 November 2024, available [here](#).

⁸¹ 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](#).

⁸² Organic Law 4/2015 of 30 March 2015 on the protection of citizen security.

- (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,⁸³ the Council of Europe Commissioner for Human Rights,⁸⁴ 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.

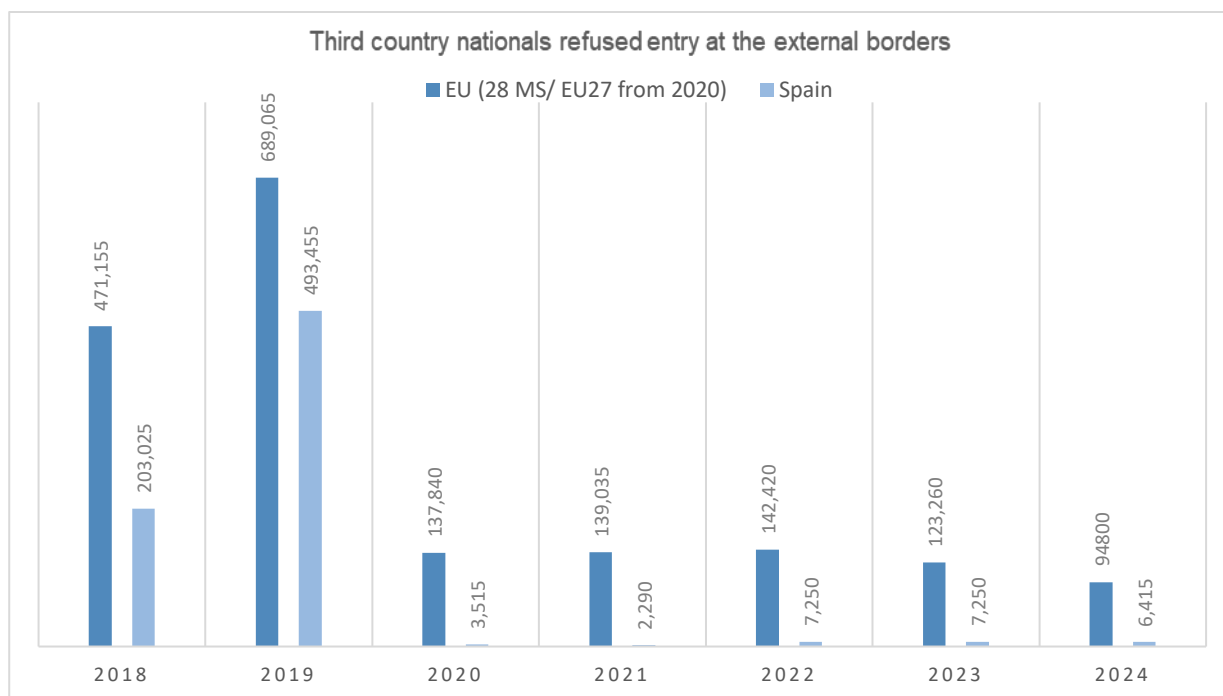
These circumstances made Spain one of the European countries with the highest numbers of refusal of entry at the border between 2017 and 2019.

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, as both in 2022 and 2023 only 7,250 refusals of entry decisions were issued;⁸⁵ 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 borders in the past years, while the Atlantic route became the main way of access to the country.

⁸³ 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 threatens the right to asylum – Op-Ed by Estrella Galán, CEAR’, 27 March 2015, available [here](#).

⁸⁴ 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](#).

⁸⁵ Eurostat; *migr_eirfs*.



Source: Eurostat; *migr_eirfs*.

* Please note that the 2024 data for the EU27 was still provisional at the time of publication, as data from GR, PL, and PT had not yet been provided.

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

In October 2024, the Congress retook 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 expulsions, and at processing asylum applications according to human rights legal provisions and to the international protection regulations.⁸⁶ After the agreement of all political parties – with the exclusion of the Partido Popular and Vox –, the reform underwent the urgent legislative procedure.⁸⁷

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).⁸⁸

⁸⁶ 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](#).

⁸⁷ 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](#).

⁸⁸ ECtHR, *N.D. and N.T. v. Spain*, Application Nos 8675/15 and 8697/15, Judgment of 3 October 2017.

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 after attempting to cross the border of the Melilla enclave,⁸⁹ overturning the 2017 judgment. The GC addressed whether the removal of the applicants amounted to an expulsion or ‘non-admission’ of entry.⁹⁰ 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 4.⁹¹

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 4.⁹²

This GC’s decision has been heavily criticised by civil society organisations and other stakeholders, including the Progressist Union of Public Prosecutors,⁹³ who saw the case as a lost opportunity in condemning the Spanish authorities for their pushback practices at the border.⁹⁴

In November 2022, Netflix launched the documentary ‘The Gourougou trial’ on the stories of two migrants from Africa, ND & NT, who in 2014 joined other 500 migrants to jump the fence in Melilla from Morocco to enter Spain, and that were pushed back.⁹⁵

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**.⁹⁶ 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).

⁸⁹ ECtHR, Grand Chamber, *Case of N.D. and N.T. v. Spain*, Applications nos. 8675/15 and 8697/15’, 13 February 2020, available [here](#).

⁹⁰ 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](#).

⁹¹ Ibid.

⁹² Ibid.

⁹³ 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](#).

⁹⁴ 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](#).

⁹⁵ Netflix, ‘The Gourougou Trial’, November 2022, available [here](#).

⁹⁶ 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](#).

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*.⁹⁷

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.⁹⁸ 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.⁹⁹ 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.¹⁰⁰ In February 2025, a survivor who lost the eye vision during the incident filed a complaint against Spain at the UN Committee against Torture.¹⁰¹

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.

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 2021.¹⁰²

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.¹⁰³ Different organisations (*Border Forensics*, in collaboration with *Iridia-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.¹⁰⁴

Throughout 2024, and at the beginning of 2025, pushback practices continued to be reported.

⁹⁷ 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](#).

⁹⁸ El Correo, ‘El Supremo confirma el archivo de la causa sobre la tragedia de El Tarajal’, 2 June 2022, available [here](#).

⁹⁹ 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](#).

¹⁰⁰ The Guardian, ‘Refugee files complaint to UN against Spain over 2014 border deaths’, 1 February 2024, available [here](#).

¹⁰¹ 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](#).

¹⁰² Tribunal Supremo. Sala de lo Contencioso, STS 114/2024 - ECLI:ES:TS:2024:114, 22 January 2024, available [here](#).

¹⁰³ El Salto, ‘Para el movimiento migrante y antirracista, la masacre en la valla de Melilla continúa en la impunidad’, 23 June 2024, available [here](#).

¹⁰⁴ Border Forensics, in collaboration with Iridia-Centre for the Defense of Human Rights and AMDH-Moroccan Association for Human Rights, ‘The Nador-Melilla border trap’, 18 June 2024, available [here](#).

In July, a young migrant who reached Ceuta by swimming was pushed back to Morocco by the Guardia Civil.¹⁰⁵

In August 2024, the Government Delegate in Ceuta informed that, between 22 and 26 of August, the authorities had registered an average of 700 attempts per day to enter the enclave from Morocco, and that around 150-200 returns had been carried out daily.¹⁰⁶ Different organisations (i.e. *No Name Kitchen*, *Solidary Wheels*, *Asociación Elín* and *EXMENAS*) urged the authorities to end pushbacks and to respect the existing legislation, by making possible to obtain visas and ensure the possibility to apply for asylum in origin and transit countries.¹⁰⁷

In September, the Administrative Court nº 2 of Ceuta ruled against the return of an Argelian migrant to Morocco carried out by Spanish authorities without any administrative procedure. The Court decided that the person can return to Spain, be assisted by a lawyer and an interpreter, with the aim both of applying for asylum or of undergoing the return administrative procedure.¹⁰⁸ A previous decision adopted by the same Court in January had already nullified the return to Morocco of a Moroccan migrant who arrived to Ceuta by sea.¹⁰⁹

Bilateral agreements with third countries

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 2003.¹¹⁰

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.¹¹¹

In December 2020, **Algeria** joined Morocco and Mauritania among the countries accepting returns of their nationals from Spain.¹¹² Thus, Algerian migrants were returned from Spanish CIEs.¹¹³ In the same month, Spain increased the deportation of Moroccan migrants arriving to the Canary Islands.¹¹⁴ In November 2020, Spain had also reached a similar agreement with **Senegal**.¹¹⁵ Consequently, the Government

¹⁰⁵ Ceuta al Día, 'Devoluciones en caliente, el sistema pactado actualmente entre Marruecos y España aplicado esta misma semana en Ceuta', 9 July 2024, available [here](#).

¹⁰⁶ Levante, '700 intentos al día de entrada irregular a Ceuta desde el 22 de agosto, con picos de 1.500', 26 August 2024, available [here](#).

¹⁰⁷ No Name Kitchen, 'A un lado y al otro de la valla: responsabilidad española y europea en las devoluciones en Ceuta y Melilla', 26 September 2024, available [here](#).

¹⁰⁸ Europa Press, 'Un juzgado de Ceuta declara nula la devolución a Marruecos de un migrante argelino', 17 September 2024, available [here](#).

¹⁰⁹ Europa Press, 'Un juzgado de Ceuta ya ha dictado dos veces como irregulares las devoluciones sumarias por mar', 17 September 2024, available [here](#).

¹¹⁰ El País, 'Mauritania recibe un tercio de los vuelos de expulsión de inmigrantes desde España', 1 July 2020, available [here](#).

¹¹¹ 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 February 2024, available [here](#); Canarias 7, 'Pestana pide refuerzo policial para atender el repunte migratorio', 8 February 2024, available [here](#).

¹¹² Cope, 'Argelia se suma a Marruecos y Mauritania y ya empieza a aceptar inmigrantes retornados desde España', 2 December 2020, available [here](#).

¹¹³ Público, 'Interior retoma las deportaciones de migrantes argelinos desde los CIE', 2 December 2020, available [here](#).

¹¹⁴ El País, 'Interior incrementa la deportación de los marroquíes llegados a Canarias', 7 December 2020, available [here](#); El Español, 'Rabat acepta la devolución de migrantes de Canarias en la negociación con la UE para lograr más visados', 3 December 2020, available [here](#).

¹¹⁵ El Confidencial, 'España alcanza un acuerdo con Senegal para repatriar a los migrantes irregulares', 22 November 2020, available [here](#); El Salto Diario, 'El plan de España en Senegal: extractivismo para empobrecer pero migración criminalizada', 10 April 2021, available [here](#).

announced in February 2021 that it would resume return flights to **Senegal** by the end of the month.¹¹⁶ The agreement also foresaw the reinforcement of the Spanish monitoring mechanism in Senegal against irregular migration, through the allocation of a Guardia Civil's patrol boat and an airplane.¹¹⁷

It should be further noted that the Government opened a €10 million tender to airlines wishing to carry-out return flights from Spain.¹¹⁸ Moreover, in 2020, the Minister of Interior announced that it was tripling financial support to African countries, aiming at stopping irregular migration.¹¹⁹ In November 2020, the Government also adopted a plan aimed at providing third countries (e.g. **Senegal**, **Mauritania** and **Morocco**) with equipment such as vessels, helicopters and airplanes in order to stop migration and increase expulsions of rejected applicants for international protection.¹²⁰

In September 2022, Spain and **Senegal** started negotiations to resume returns of migrants irregularly staying in the Spanish territory.¹²¹ During the same month, the Directorate-General of the National Police announced the decision to send six systems for the identification of forged documents to **Gambia**, with the aim of fighting smuggling rings.¹²²

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.¹²³

In a paper published in October, 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.¹²⁴

In October 2024, the EU announced the approval of €30 million funds dedicated to strengthen the Senegalese authorities' capacity to aid migrants at risk and fight migrant smuggling and human trafficking. The European Commission already funds a €5.75 million project strengthening the capacity of Senegalese security forces to combat irregular immigration, trafficking and migrant smuggling.¹²⁵

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,

¹¹⁶ Público, 'España retomará los vuelos de deportaciones de migrantes a Senegal', 5 February 2021, available [here](#).

¹¹⁷ El País, 'La ministra de Exteriores cierra en Senegal un acuerdo para reactivar las repatriaciones', 22 November 2020, available [here](#).

¹¹⁸ Voz Populi, 'El Gobierno pagará hasta diez millones a las aerolíneas por devolver inmigrantes a sus países de origen', 31 December 2020, available [here](#).

¹¹⁹ El País, 'Interior triplica las subvenciones a países africanos para contener la inmigración irregular', 29 June 2020, available [here](#).

¹²⁰ El Diario, 'El Gobierno activa un plan para "evitar la salida de pateras" a Canarias que incluye el envío de más aviones y buques a los países de tránsito,' 13 November 2020, available [here](#); El Día, 'Repatriaciones y más vigilancia, el plan del Estado ante la inmigración,' 14 November 2020, available [here](#); Canarias7, 'El Gobierno deportará a inmigrantes sin protección internacional y no los derivará a la península', 13 November 2020, available [here](#).

¹²¹ Público, 'España y Senegal negocian para retomar las deportaciones de migrantes', 19 September 2022, available [here](#).

¹²² El Confidencial Digital, 'Interior proporcionará material policial a Gambia para frenar la inmigración irregular', 15 September 2022, available [here](#).

¹²³ 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](#);

¹²⁴ ECRE, 'The EU-Mauritania partnership: whose priorities?', ECRE Working Paper 21, October 2024, available [here](#).

¹²⁵ Le monde, 'EU announces €30 million package to prevent irregular migration from Senegal', 16 October 2024, available [here](#).

Guinea Conakry, Mali, and Niger).¹²⁶ A legal brief published in April 2024, contained a list of all the migration agreements on readmission or cooperation signed by Spain.¹²⁷ 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.¹²⁸ 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.¹²⁹ See the [2021](#), [2022](#) and [2023 updates of the AIDA report](#) for more details on the issue on previous years.

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 seems to relate to the maintenance of three patrol boats of the Guardia Civil, five refrigerated trucks, and 190 thermal cameras.¹³⁰

Following the XII High Level Meeting between Spain and Morocco held at the beginning of February 2023, the two countries issued a joint declaration establishing the renewal and reinforcement of the cooperation in the fight against irregular migration, border management, the fight against smuggling and the readmission of migrants in irregular situations.¹³¹

The closure of the Moroccan borders, along with the COVID-19 pandemic and the Spanish migration policy in the Mediterranean,¹³² 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'.¹³³ In January 2021, Frontex and Spain agreed on renewing the activities of the EU agency for one more year, with 257 officers deployed covering the Gibraltar Strait and the Alborán Sea, as well as the Canary Islands.¹³⁴

On 17 June 2022, Frontex launched the operation 'Minerva 2022' in Algeciras, Tarifa and Ceuta; it lasted until mid-September, with 101 officers deployed by participant States.¹³⁵ The joint operation 'Minerva 2023', led by the Spanish National Police and coordinated by Frontex, was carried out from mid-June to beginning of September, with the participation of 94 experts coming from 16 countries.¹³⁶ During 2022, a total of 2,034 identifications and more than 1,900 police actions were carried out.

¹²⁶ European Migration Network (EMN), 'Bilateral Readmission Agreements', September 2022, available [here](#).

¹²⁷ Claudia Finotelli, Laura Cassain and Gabriel Echeverria, 'Spain Country Brief on Irregular Migration Policy Context', April 2024, available [here](#).

¹²⁸ Heraldo, 'Marruecos impidió en los últimos tres años a 10.000 migrantes entrar en Ceuta y Melilla', 7 December 2023, available [here](#).

¹²⁹ 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](#).

¹³⁰ The Objective, 'El Gobierno ya lleva donados 118 millones a Marruecos para vigilar sus fronteras y costas', 18 February 2024, available [here](#).

¹³¹ La Moncloa, 'XII reunión de alto nivel Marruecos-España. 1-2 febrero 2023. Declaración conjunta', February 2023, available [here](#).

¹³² ECSaharai, 'Covid-19 cambia la ruta de la inmigración ilegal procedente de Marruecos; del estrecho de Gibraltar a Gran Canarias', 19 July 2020, available [here](#).

¹³³ El País, 'España y Frontex negocian una operación para cerrar la ruta migratoria canaria', 7 November 2020, available [here](#).

¹³⁴ El País, 'Frontex renueva un año más sus operaciones en España', 29 January 2021, available [here](#).

¹³⁵ Cadena Ser, 'Arranca la Operación Minerva '22 en los puertos de Algeciras y Tarifa', 17 June 2022, available [here](#); El Mundo, 'Interior destina más policías de plantilla para la Frontera del Tarajal en Ceuta', 17 June 2022, available [here](#).

¹³⁶ Ministerio del Interior, 'Policía Nacional coordina y dirige junto a FRONTEX la operación conjunta MINERVA en los puertos de Algeciras, Ceuta y Tarifa', 23 June 2023, available [here](#).

In addition, Morocco (together with Algeria) became the new route for Sudanese refugees migrating to Europe, due to the serious political instability in Libya, the violence in such country and the militias controlling its territory.¹³⁷

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.¹³⁸

In 2023, the Spanish Prime Minister reiterated the essential role that Morocco has in managing and controlling migration to Spain and Europe.¹³⁹

During the XXII Meeting of the Spanish-Moroccan Permanent Group on Migration Issues (*XXII Reunión del Grupo Permanente de Asuntos Migratorios Hispano-Marroquí*) held in October 2024 in Marrakech, the Spanish Government reiterated the exemplary collaboration and the consolidated relationship with Morocco in the field of migration, especially in the fight against organised crime and in the joint management of order and safe migration.¹⁴⁰

1.2. Arrivals by sea

In 2024, 61,323 persons and 1,807 boats reached Spain via sea routes.¹⁴¹

Out of the total number of persons arriving by sea, the vast majority (46,843 persons) were disembarked on the **Canary Islands**, which has become one of the main destinations for boats since the last months of 2019, while 14,431 persons arrived on the **mainland** and the **Balearic Islands**. Only a few migrants disembarked in **Ceuta** (28 persons) and **Melilla** (21 persons).¹⁴²

The trend showing an increased number of boat arrivals in the Canary Islands continued at the beginning of 2025, with 780 migrants who arrived in the archipelago during the first week of January.¹⁴³

Regarding the number of deaths in the Mediterranean, several figures have been reported. In September 2024, the UNHCR reported that during the first seven months of 2024, at least 702 persons died in the Canary Islands migratory route, and three more than the Central Mediterranean.¹⁴⁴ The NGO *Caminando Fronteras* (Walking Borders) estimates that 10,457 persons died while reaching Spain in 2024, including 9,557 who lost their life on the Canary route.¹⁴⁵ It further reported that 421 of victims were women, 1,538 were children, and that a total of 131 vessels disappeared with those 10,457 persons on board. The persons who died belonged to 28 different nationalities.

According to IOM's figures, a total of 1,166 persons died in the Atlantic route.¹⁴⁶ It is worth noting, looking at the gap between the figures provided by IOM and Caminando Fronteras, that the methodology and

¹³⁷ François Fois, 'Le Maroc, nouvelle voie migratoire pour les Soudanais en route vers l'Europe', 29 July 2022, available [here](#).

¹³⁸ News EsEuro, 'Inmigración ilegal: La UE prevé destinar más de 500 millones de euros a Marruecos (Medios españoles)', 15 August 2022, available [here](#).

¹³⁹ Le Monde, 'Madrid salue le rôle « essentiel » du Maroc en matière migratoire', 20 April 2023, available [here](#); Diario de Sevilla, 'El Gobierno defiende sus políticas migratorias y de fronteras', 19 April 2023, available [here](#); La Razón, 'Marruecos erige a Sánchez como freno de la inmigración ilegal', 15 April 2023, available [here](#); El Debate, 'La mayor presión marroquí sobre la inmigración dispara la ruta argelina a Baleares', 17 July 2023, available [here](#).

¹⁴⁰ Ministerio de Inclusión, Seguridad Social y Migraciones, 'España y Marruecos estrechan lazos y abordan el futuro de las migraciones en un encuentro de alto nivel que se ha celebrado en Marrakech', 21 October 2024, available [here](#).

¹⁴¹ Ministerio del Interior, 'Inmigración irregular 2024. Datos acumulados del 1 de enero al 31 de diciembre', January 2025, available [here](#).

¹⁴² Ibidem.

¹⁴³ Euro News, 'Hundreds of migrants arrive in Spain's Canary Islands continuing the record-breaking influx', 8 January 2025, available [here](#).

¹⁴⁴ La Vanguardia, 'Canary Islands migratory route already claims more lives than the Central Mediterranean', 19 September 2024, available [here](#).

¹⁴⁵ Caminando Fronteras, 'Monitoreo del derecho a la vida – Año 2024, December 2024, available [here](#).

¹⁴⁶ IOM, 'Migration Flow to Europe. Dead and Missing', 2024, available [here](#).

source differs 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.

In July 2023, the organisation 'Caminando Fronteras' asked the Public Prosecutor Office to open an investigation for the crime of failure to provide assistance to 36 persons who died after waiting ten hours to be rescued in their route to the Canary Islands by the Moroccan authorities, while a boat of the Spanish Salvamento Marítimo was at 1 hour navigating distance from the boat in distress.¹⁴⁷

In March 2024, the police dismantled a network that offered families of missing migrants' false information about their location in exchange for money.¹⁴⁸

Situation on the Canary Islands

As demonstrated by the figures above, boats arrivals to the **Canary Islands** continued in significant numbers throughout 2024. It is very likely that the Canary Islands will continue to be one of the main point of entry to Spain for migrants and refugees throughout 2025.

The 'Canary route' continues to be the deadlier route to reach Spain, with 9,757 out of 10,457 registered deaths of migrants trying to reach Spain in 2024 recorded on this route.¹⁴⁹ During 2024, the deaths on the migration route to the Canary Islands reached up to 1,000 persons per day, and Mauritania surpassed Senegal as the main departure zone in the Atlantic route.¹⁵⁰

Nevertheless, while the focus has continuously to be on the Canary Island during the last years, the so-called 'Algerian route' has also recorded many arrivals since 2022, especially to the **Balearic Islands, Murcia and Alicante**. This route was the second deadliest in 2024, with 517 deaths.

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](#)). Regarding access to the asylum procedure, several shortcomings were reported in 2020, especially regarding the lack of legal assistance for migrants arriving by sea to the Canary Islands, resulting in important violations of their rights and the law.¹⁵¹ In November 2023 the Government of the Canary Islands and the Bar Association of Santa Cruz de Tenerife reached an agreement aiming at assessing and guaranteeing a better quality of the legal assistance provided to migrants arriving by boat to the archipelago.¹⁵²

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. Similarly, EUAA (former EASO) 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.¹⁵³

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

¹⁴⁷ Diario de Canarias, 'Caminando Fronteras pide a la Fiscalía una investigación penal sobre la neumática hundida rumbo a Canarias', 6 July 2023, available [here](#).

¹⁴⁸ Info Migrants, 'Spain: Network 'profited for years' from families of missing migrants', 14 March 2024, available [here](#).

¹⁴⁹ Caminando Fronteras, 'Monitoreo del derecho a la vida – Año 2024, December 2024, available [here](#).

¹⁵⁰ The New Humanitarian, 'Deaths on migration route to Canary Islands soar to 1,000 a month', 19 June 2024, available [here](#).

¹⁵¹ Cadena Ser, 'La mayoría de los inmigrantes que llegan a Canarias en las últimas semanas no reciben asistencia jurídica', 11 November 2020, available [here](#).

¹⁵² Gobierno de Canarias, 'El Gobierno de Canarias acuerda con el Colegio de Abogados un mejor control de calidad en la atención a migrantes', 10 November 2023, available [here](#); El Diario, 'Las lagunas de la asistencia letrada que reciben los migrantes en Canarias: "Reciben peor atención que los delincuentes"', 12 November 2023, available [here](#).

¹⁵³ EASO, 'EASO support to Spain becomes fully operational', 10 March 2021, available [here](#).

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.¹⁵⁴

Spain has received operational support by the EASO/EUAA since 2021. In June 2023, at the end of the 2022-2023 operational plan, the EUAA and Spain renewed their cooperation with an operational plan covering the period 2023-2026.¹⁵⁵

Throughout 2024, the EUAA deployed a total of 103 experts in Spain,¹⁵⁶ 56 of which were temporary agency workers and 41 external experts. This included 14 social workers, 11 help desk information provision personnel, 11 intermediate asylum and reception programme and project management experts, and 11 intermediate reception training experts as well as other monitoring, legal and administrative staff (e.g., health liaison personnel, intermediate asylum information provision officers, intermediate vulnerability experts, etc). As of 11 December 2024, there were 48 EUAA experts present in Spain, mainly intermediate reception training experts (10), helpdesk information provision officers (6), and intermediate asylum and reception programme and project management experts (6).¹⁵⁷

In 2024, the EUAA delivered 177 training sessions to a total of 2,407 experts and personnel of national authorities, relevant partners and EUAA contracted personnel.¹⁵⁸

In March 2024, the Spanish Ombudsperson opened two investigations ex officio to investigate the situation of migrants arriving to the Canary Islands.¹⁵⁹

In September, the President of the Canary Islands called for a co-responsible and shared management of migration in the archipelago.¹⁶⁰ Negotiations between the central and regional governments were tough.¹⁶¹ Due to the high number of arrivals, especially of UAMs, the President of the Canary Islands accused the central Government of abandoning the region amid the serious migration situation it is facing, and he informed about the possibility of taking legal action against the Spain state.¹⁶²

At the end of November, a mission of the EU Parliament with the aim of assessing the migratory situation in the archipelago that would be carried out in 2025 was announced.¹⁶³

A report published in December denounced the human rights violations occurring in the context of arrivals in the Canary Islands, i.e. the lack of guarantees of UAMs rights, the lack of adequate legal assistance, lack of quality of translation and interpretation services, etc.¹⁶⁴

¹⁵⁴ EUAA, 'Operational Plan 2023-2026 agreed by the European Union Agency for Asylum and Spain', 12 June 2023, available [here](#).

¹⁵⁵ EUAA, *Operational Plan 2023-2026 agreed by the European Union Agency for Asylum and Spain*, June 2023, available at: <https://bit.ly/3RKjdai>.

¹⁵⁶ EUAA personnel numbers do not include deployed interpreters by the EUAA in support of asylum and reception activities.

¹⁵⁷ Information provided by the EUAA, 14 March 2025. 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.

¹⁵⁸ Information provided by the EUAA, 14 March 2025.

¹⁵⁹ Cadena Ser, 'El Defensor del Pueblo abre dos investigaciones de oficio en Canarias sobre la situación migratoria', 14 March 2024, available [here](#).

¹⁶⁰ Gobierno de Canarias, 'Clavijo llama a una gestión corresponsable y solidaria con Canarias en el Día Canario de las Migraciones', 10 September 2024, available [here](#).

¹⁶¹ Euractiv, 'Spanish centre-right at odds with government over migrant crisis in the Canaries', 7 October 2024, available [here](#).

¹⁶² Euractiv, 'Canary Islands government accuses Spanish State of 'abandoning' the region amid a serious migratory crisis', 2 September 2024, available [here](#); EU News, "'On migrants, Madrid abandoned us': Canary Islands government threatens legal action", 2 September 2024, available [here](#).

¹⁶³ Gobierno de Canarias, 'El Parlamento europeo enviará una misión a Canarias para examinar la crisis migratoria', 20 November 2024, available [here](#); EPP Group in the European Parliament, 'Dos misiones del Parlamento Europeo viajarán a Canarias para abordar la inexistente y caótica gestión migratoria del Gobierno', 29 January 2025, available [here](#).

¹⁶⁴ NoNovact, Irídia, 'Vulneración de Derechos Humanos en Canarias 2024. Infancia migrante y Criminalización', December 2024, available [here](#).

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, is responsible for search and rescue carried out in the search and rescue zone belonging to Spain and Morocco.¹⁶⁵ The Police (*Guardia Civil*) usually participates along with the personnel of Maritime Rescue in **Almería**, but not in **Algeciras**. The Maritime Rescue always informs the Spanish Red Cross (Cruz Roja Española)¹⁶⁶ 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.¹⁶⁷

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. The main objective of the presence of UNHCR is 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 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.

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 2019.¹⁶⁸ The judgement started in Palermo in October 2021.¹⁶⁹ The first hearings were held in 2022.¹⁷⁰ 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.¹⁷¹ In December 2024, Matteo Salvini was acquitted by the Court of Palermo with the formula 'because the alleged fact does not exist'.¹⁷²

It should be further noted that, in February 2019, the Spanish Ombudsperson addressed a recommendation to the Ministry of Interior, asking to modify the instructions related to irregular immigrants

¹⁶⁵ CEAR, 'Refugiados y migrantes en España: Los muros invisibles tras la frontera sur', December 2017, 8.

¹⁶⁶ Cruz Roja Española, see [here](#).

¹⁶⁷ 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](#).

¹⁶⁸ Europapress, 'Barcelona se personará en el juicio en Italia contra Salvini por el bloqueo del Open Arms', 27 January 2021, available [here](#).

¹⁶⁹ La Vanguardia, 'Arranca el juicio contra Salvini por bloquear el desembarco del Open Arms', 23 October 2021, available [here](#).

¹⁷⁰ 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](#).

¹⁷¹ Ansa, 'Open Arms, le parti civili chiedono oltre un milione a Salvini', 20 September 2024, available [here](#).

¹⁷² Euro New, 'Open Arms, Matteo Salvini assolto dal tribunale di Palermo perché il fatto non sussiste', 21 December 2024, available [here](#).

as they affect possible asylum seekers found in vessels navigating in Spanish territorial waters.¹⁷³ The Minister of Interior accepted the recommendations.¹⁷⁴ In April 2022 however, the Minister of Interior reverted its decision and refused to adopt the changes proposed by the Ombudsperson.¹⁷⁵

In January 2023, the Maritime Captainty of Valencia opened an administrative procedure against the Spanish NGO rescue vessel 'Aita Mari' for certain alleged deficiencies detected 3 years before in Italy and that, according to the NGO managing the vessel, were corrected in the meantime. The Aita Mari risks to be fined with a fee between EUR 60,000 and 80,000.¹⁷⁶

Denial of asylum following disembarkation from the *Aquarius* vessel

In September 2019, the CIAR started to deny asylum to some of the persons rescued in the Mediterranean Sea by the vessel *Aquarius* in 2018. Similarly, persons disembarked in **Barcelona** from the Open Arms' vessel were denied asylum and the right to reception conditions, thus raising heavy criticism from experts.¹⁷⁷

By November 2020, the Spanish government had granted international protection to only 9 persons out of 374 who applied for asylum, while 49 of them were denied any form of protection and 300 of them were still waiting an answer on their application after 2 years and a half.¹⁷⁸ The same situation persisted during 2021.¹⁷⁹ According to available information, in June 2022, just 58 persons out of 629 had received asylum, 200 applications were denied, and 93 were still pending.¹⁸⁰ In June 2023 the President of the Association 'Survivors of Aquarius' denounced that, 5 years after their arrival, 80% of the asylum applications lodged by those who arrived with the vessel had been denied, while the vast majority of the others are still waiting for a decision on their asylum application.¹⁸¹

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.¹⁸²

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,¹⁸³ 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

¹⁷³ Defensor del Pueblo, 'El Defensor del Pueblo recomienda al Ministerio del Interior modificar las instrucciones sobre polizones extranjeros para proteger a posibles solicitantes de asilo', 28 February 2019, available [here](#).

¹⁷⁴ Defensor del Pueblo, 'Polizones extranjeros. Tratamiento de solicitudes de asilo', available [here](#).

¹⁷⁵ Público, 'Interior cambia de criterio y se niega a mejorar la protección de los polizones que piden asilo en España', 21.4.22, available [here](#).

¹⁷⁶ El Diario, 'El buque de rescate 'Aita Mari' se enfrenta a una multa de un millón de euros tras una denuncia de Italia de 2020', 27 January 2023, available [here](#).

¹⁷⁷ El País, 'El Gobierno deniega el asilo a rescatados por el 'Aquarius'', 28 September 2020, available [here](#).

¹⁷⁸ Las Provincias, 'El Gobierno se olvida del Aquarius', 15 November 2020, available [here](#).

¹⁷⁹ Las Provincias, 'El fiasco del Aquarius', 21 May 2021, available [here](#).

¹⁸⁰ Cadena Ser, 'Cuatro años después los migrantes de la flotilla del 'Aquarius' se sienten abandonados', 15 June 2022, available [here](#).

¹⁸¹ Cadena Ser, 'Cinco años después de la llegada del Aquarius: 'Nos consideran ilegales cuando nos invitaron a venir'', 13 June 2023, available [here](#).

¹⁸² Ibid, 10.

¹⁸³ El País, 'España expulsa 30 inmigrantes por día desde 2013', 7 January 2019, available [here](#).

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. The 2022 annual report of the Spanish Ombudsperson confirms such challenges and shortcomings.¹⁸⁴

In its annual report on 2023, the Ombudsperson continued to express concerns regarding legal assistance provided during sea arrivals. The report referred to the lack of private interviews, of individualised counselling and of provision of information on rights and possible remedies. In addition, the Ombudsperson underlined that during 2023 such deficiencies were identified not only in the Canary Islands, but also in the Balearic Islands.¹⁸⁵

In August 2021, the General Council of the Spanish Bar Association published guidelines on legal assistance during maritime arrivals, which contains practical guidance for lawyers on how to guarantee quality legal assistance to newcomers, including information on how to access the asylum procedure, and the right to defence.¹⁸⁶

In addition, in order to respond to the increasing number of arrivals, from 2018 the Spanish Government put in place resources in order 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).¹⁸⁷

- ❖ **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: **San Roque-Algeciras** in Cádiz, **Almería**, **Motril** in Granada, in **Málaga**, **Cartagena**, **Barranco Seco** in Las Palmas de Gran Canarias, **Tenerife**, **Arrecife** in Lanzarote, **Fuerteventura**. 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 prisons. Concerns relating to the conditions of detention and of the facilities have been raised and continued to be a concern.¹⁸⁸ 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 2022.¹⁸⁹ The Government further announced the construction of two additional CATEs in 2021, namely in **Motril** (Granada),¹⁹⁰ for which construction works were finalised in October 2022 and whose opening is foreseen for 2025,¹⁹¹ and in **Las Palmas** on the Canary Islands, which was opened in **Barranco Seco** with a capacity of 1,000 places.¹⁹²

¹⁸⁴ Defensor del Pueblo, 'Informe anual 2022 – Volumen I', March 2023, available [here](#), 169.

¹⁸⁵ Defensor del Pueblo, 'Informe anual 2023. Volumen I', March 2024, p. 176, available [here](#).

¹⁸⁶ Consejo General Abogacía Española, Fundación Abogacía Española, 'Asistencia jurídica en llegadas marítimas Guía práctica para la abogacía', August 2021, available [here](#).

¹⁸⁷ 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](#).

¹⁸⁸ Defensor del Pueblo, Mecanismo Nacional de Prevención, 'Informe anual 2023', March 2024, 45, available [here](#).

¹⁸⁹ 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](#).

¹⁹⁰ Andalucía Información, 'El Nuevo CATE de Motril entrará en funcionamiento en 2022, según Gobierno', 23 September 2021, available [here](#).

¹⁹¹ Ideal, 'El Gobierno avanza que el nuevo CATE de Motril ya está preparado para entrar en uso', 4 March 2025, available [here](#).

¹⁹² APDHA, *Derechos Humanos en la Frontera Sur 2021*, March 2021, available [here](#), 60.

In its 2023 annual report the Spanish Ombudsperson, in its capacity as National Mechanism for Prevention of Torture, continued to reiterate the need for the adoption of a specific legal instrument defining and regulating these centres created to manage sea arrivals.¹⁹³ In addition, the body insisted on the importance of having minimum furniture to allow people to sleep and sit in decent conditions. It also urged the Directorate-General of the National Police to install a system to properly store and adequately preserve food. Similarly, it recommended to allow migrants to use their mobile phones, as well as to improve the deficiencies previously identified by the NMP in terms of provision of legal assistance and interpretation services.

In December 2023, the Minister of Interior announced that 1,980 places would be made available at the CATEs of El Hierro and Fuerteventura, as well as the opening of two new CATEs in Fuerteventura and Tenerife, with the aim of facing the increase in arrivals to the Canary Islands.¹⁹⁴

- ❖ **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*, DGI AH) Ministry of Inclusion, Social Security and Migration, and are usually large centres where certain assistance services are provided, including information, social and legal assistance.¹⁹⁵ For example, the CAED in Chiclana de la Frontera, **Cádiz** is managed by the Spanish Red Cross and has capacity for 600-700 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.¹⁹⁶ As of December 2024, there was a total of eleven CAED managed by NGOs (i.e. Accem, CEAR, Spanish Red Cross).¹⁹⁷ The Spanish Red Cross manages 7 CAED (3 in Madrid, 2 in Barcelona, 1 in Murcia, 1 in Valencia, 1 in Granada). Accem manages 3 of such facilities (in Mérida, Cartagena and Alcalá de Henares), and CEAR 1 in Cádiz. In 2023, the Directorate-General for Humanitarian Assistance and Social Inclusion of Migrants announced the plan to reduce the number of such facilities as well as the number of reception places due to the decrease in the occupancy. The plan was to reduce the capacity from 1,410 to 1,060, and the number of facilities to 9.¹⁹⁸

1.3. Border monitoring

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

UNHCR's work aims to support the authorities in the early identification of the international protection and special needs of people reaching Spanish territory, and in fostering appropriate access to the asylum procedure. UNHCR provides information 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.

Monitoring is carried out through regular visits to detention and reception centres to document refoulement related incidents, assess the profiles of sea and land arrivals and their specific needs, observe asylum interviews, as well as the access to and quality of interpretation and legal assistance. UNHCR offers

¹⁹³ Defensor del Pueblo, Mecanismo Nacional de Prevención, 'Informe anual 2023', March 2024, 45, available [here](#).

¹⁹⁴ La Razón, 'Interior aumentará en casi 2.000 plazas la capacidad de acogida temporal a migrantes en Canarias', 13 December 2023, available [here](#).

¹⁹⁵ Europapress, '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](#).

¹⁹⁶ APDHA, 'Derechos Humanos en la Frontera Sur 2019', February 2019, 36-37.

¹⁹⁷ Information provided by Accem's reception department in March 2025.

¹⁹⁸ Ministerio de Inclusión, Seguridad Social y Migraciones, 'Resolución de 14 de noviembre de 2022, de la Dirección General de Atención Humanitaria e Inclusión Social de la Inmigración, 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', 14 November 2022, available [here](#).

advice and recommendations to authorities and NGOs on ways to better ensure access to territory and to the asylum procedure, in compliance with international and national legal standards.¹⁹⁹

Based on the needs of persons arriving to the **Canary Islands**, in June 2022 Accem started to implement a project providing an interpretation service funded by the UNHCR. Such a service was directed at supporting the authorities and other actors involved in the reception of sea arrivals, including in detention and reception centres and in the provision of medical services, with the aim of improving the identification of persons in need of international protection among those arriving by boat and of fostering their access to the asylum procedure and to specialised assistance. The service initially counted a team of 12 interpreters (8 men and 4 women) speaking different languages and dialects, i.e. Arabic, English, French, Dahiya, Hassanal, Bambara, Soninke, Pular, Wolof and Diola. The interpreters had been trained on international protection, prevention of and response to gender-based violence, child protection, protection of LGBTIQ+ persons, the psychological impact of migration process, as well as on the role of interpreters and on professionalism. The project continued in 2024, by providing interpretation services to the police, NGOs, lawyers and reception centres, primarily for African minority languages for new arrivals in the Canary Islands. The project supported 9,169 individuals of various nationalities (Senegal, Morocco, Mali, Guinea Conakry, and Gambia) significantly improving communication possibilities in their native languages and enhancing the identification of persons with specific needs and in need of international protection and referrals to services and the asylum procedure. The interpreter project also supported the authorities with interpretation services in minority languages at Madrid Barajas airport and in Ceuta.²⁰⁰

The project significantly improved communication possibilities in the applicants' native languages and enhanced the identification of persons with specific needs and in need of international protection and referrals to services and the asylum procedure. Continuous training in interpretation within a refugee context, including specific areas such as gender, child protection, and LGBTIQ+ issues, further professionalised interpreters.²⁰¹

Monitoring is carried out by visiting and assessing the situation in border facilities. This includes assessing the conditions in the facilities, access to information on asylum, the way in which asylum interviews are carried out, as well as the access to interpretation and legal assistance. UNHCR generally supports, advises and recommends authorities and NGOs on how to improve access to territory and the procedure, in compliance with international and national legal standards.

1.4. Legal access to the territory

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.

In 2024, 738 refugees referred by UNHCR were resettled in Spain. The arrival of 516 Syrians from Lebanon and 222 Nicaraguans from Costa Rica represented a 61% implementation rate of the pledged yearly resettlement quota of 1,200 people. Security and logistical challenges at departure points in Lebanon hindered the possibility to travel for some of the persons due to be resettled. Arrivals included 110 Nicaraguans that are taking part in the second edition of the resettlement+ employment scheme started in 2023 under the leadership of the Ministry of Inclusion, Social Security and Migrations (for more details, see below).²⁰²

¹⁹⁹ Information provided by UNHCR in March 2025.

²⁰⁰ Information provided by UNHCR in March 2025.

²⁰¹ Information provided by UNHCR in April 2024.

²⁰² Information provided by UNHCR in March 2025.

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.²⁰³

Newly resettled families are also channelled into the regional community sponsorship programmes and positive integration outcomes were registered for those families who completed the programmes, especially related to language learning, rapid access to employment and local inclusion. UNHCR continued supporting community sponsorship programmes in the Basque Country and Navarra: 28 resettled Syrians (six families) were welcomed under the third edition of the regional community sponsorship initiative in the Basque Country.²⁰⁴

Expansions to established community sponsorship programs were agreed in the Basque Country and Navarra. A positive evaluation of the programme in Valencia prompted interest in resuming it in 2024. Other regions expressed interest in implementing similar schemes.²⁰⁵

In December 2023 the Government allocated 1.8 million Euros for the resettlement of 1,200 refugees from Costa Rica, Lebanon and Türkiye.²⁰⁶ 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 2025.²⁰⁷ 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 2023, almost 1,200 refugees were resettled to Spain from Costa Rica, Lebanon and Türkiye.²⁰⁸

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.²⁰⁹ In December 2023, 74 persons arrived to Spain within this framework.²¹⁰ The project continued in 2024 and at the beginning of 2025, involving almost 200 Nicaraguan refugees resettled from Costa Rica.²¹¹

In April 2023, Spain informed about its participation, together with Canada and Mexico, in the US program to foster regular pathways of migration for persons coming from Central and South America.²¹²

In 2023 UNHCR continued to support the implementation of Spain's resettlement programme through participation in the national resettlement coordination group. In the context of resettlement, Spain achieved a 92% implementation rate of its committed quota of 1,200 places, comprising 302 Syrians from Türkiye and Lebanon and 96 Nicaraguans from Costa Rica. UNHCR advocated for Spain's participation in resettlement initiatives from the American continent, resulting in the resettlement of Nicaraguans from Costa Rica. Another 72 resettled Nicaraguans arrived from Costa Rica under a labour mobility pilot

²⁰³ 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](#).

²⁰⁴ Information provided by UNHCR in March 2025.

²⁰⁵ Information provided by UNHCR in April 2024.

²⁰⁶ 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](#).

²⁰⁷ 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](#).

²⁰⁸ Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno aprueba el Programa Nacional de Reasentamiento de Refugiados en España para 2024 por el que se acogerá a 1.200 personas', 9 January 2024, available [here](#).

²⁰⁹ El Español, 'Más de un centenar de refugiados nicaragüenses serán reasentados en Valladolid para trabajar en un proyecto pionero', 13 October 2023, available [here](#).

²¹⁰ 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](#).

²¹¹ Diario de Valladolid, 'Valladolid acogerá a otros cien nicaragüenses para las plantas eólicas de Villalba de los Alcores', 7 January 2025, available [here](#).

²¹² La Moncloa, 'España y EEUU colaborarán para impulsar la migración regular desde América Central y del Sur', 27 April 2023, available [here](#); Texas Tribune, 'New Biden plan will let people in Latin American countries apply to legally enter U.S., Canada or Spain', 27 April 2023, available [here](#).

project, which was linked to Spain's participation in the Safe Mobility Offices Initiative. This pilot program continued and in December 2024 other 202 resettled Nicaraguan refugees arrived in Spain from Costa Rica, with a labour contract.²¹³

Spain responded swiftly to UNHCR's call for prompt resettlement upon the tragic earthquakes in Türkiye, by executing an urgent resettlement operation, providing assistance to 302 earthquake affected refugees, with UNHCR promoted resettlement coordination group playing a crucial role.²¹⁴

In January 2024 the Government approved the National Programme for the Resettlement of Refugees in Spain, with the commitment to resettle 1,200 refugees in Spain during 2024.²¹⁵

In its 2024 annual report, Human Rights Watch remarked that the Government's pushback policy and failure to offer legal routes to claim asylum at its borders continued to contribute to deaths at sea.²¹⁶

In a report mapping visa schemes and other practices enabling people in need of international protection to reach Europe safely, Spain resulted to be one of the few EU countries implementing sponsorship schemes.²¹⁷

In June, the Spanish Government (concretely the Minister of Inclusion, Social Security and Migration) has been chosen by the UNHCR to chair the 2025 annual Consultations on Resettlement and Complementary Pathways, which will be co-chaired also by the Spanish NGO Accem.²¹⁸

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.²¹⁹

During the same month, a total of 471 Syrian refugees were resettled to Spain from Lebanon.²²⁰

A new resettlement quota of up to 1,200 places for 2025 was approved by the Council of Ministers at the end of 2024.²²¹

In March 2025, UNHCR called for more labour migration channels to Spain to curb the dangerous route to the Canary Island.²²²

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.

²¹³ OIM, 'Llegan a España 202 personas nicaragüenses procedentes de Costa Rica en el marco del programa de reasentamiento', 13 December 2024, available [here](#).

²¹⁴ Information provided by the UNHCR in April 2024.

²¹⁵ Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno aprueba el Programa Nacional de Reasentamiento de Refugiados en España para 2024 por el que se acogerá a 1.200 personas', 9 January 2024, available [here](#).

²¹⁶ Human Rights Watch, 'World report 2023. Spain, events of 2023', January 2024, available [here](#).

²¹⁷ 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](#).

²¹⁸ Accem, 'Accem copreside las Consultas Anuales sobre Reasentamiento y Vías Complementarias de ACNUR junto con el Gobierno de España', 13 June 2024, available [here](#).

²¹⁹ CEAR, 'El abrazo más esperado', la nueva campaña de CEAR para garantizar el derecho a la reagrupación familiar', 12 december 2024, available [here](#).

²²⁰ Accem, 'Acogida de 31 personas refugiadas de origen sirio reasentadas desde Líbano', 19 December 2024, available [here](#).

²²¹ Information provided by UNHCR in March 2025.

²²² El Diario, 'ACNUR pide más vías de migración laboral a España para frenar la peligrosa ruta canaria', 12 March 2025, available [here](#).

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? ☒ Yes²²³ ☐ 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).²²⁴

In case of irregular entry, preliminary checks and specific procedures for the forced return (*devolución*) apply. This return procedure²²⁵ 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.²²⁶ 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.²²⁷

Irregular entries into Spain occur mainly by sea, by jumping over the fences in Ceuta and Melilla²²⁸ 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

²²³ The only exception is when preliminary checks are carried out at the airports, where the fiction of no entry applies.

²²⁴ Articles 12, 13 and 14 of the Regulation of the Immigration Law.

²²⁵ Article 50 Immigration Law; article 23 of the Regulation of the Immigration Law.

²²⁶ Ministerio del Interior, Policía Nacional, 'Trámites de Extranjería. Más Información. Devolución de Extranjeros', available [here](#).

²²⁷ Article 17 of the Asylum Law.

²²⁸ Claudia Finotelli, Laura Cassain and Gabriel Echeverría, 'MIRREM – Measuring Irregular Migration. Spain Country Brief on Irregular Migration Policy Context', May 2024, p. 11, available [here](#).

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.²²⁹

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 for prioritising cases 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.²³⁰ 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.²³¹

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 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.

²²⁹ Wikipedia, 'Equipo de Respuesta Inmediata en Emergencias', available [here](#).

²³⁰ Ministerio del Interior, Secretaría de Estado de Seguridad, 'Instrucción núm. 1/2024 de la Secretaría de Estado de Seguridad por la que se aprueba el "procedimiento integral de la detención policial"', 16 January 2024, available [here](#).

²³¹ 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](#).

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, that in the Madrid's airport is provided by CEAR). If the person has not a valid document for entry in Spain, thus he/she tries to enter the country in an irregular manner, the person is 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 occasion 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 station.²³² In practice, "registration" and "lodging" of asylum applications entail different procedural steps.

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.²³³ When this time limit is not respected, the law foresees the possibility to apply the urgent procedure.²³⁴ 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.

²³² Article 4(1) Asylum Regulation.

²³³ Article 17(2) Asylum Law.

²³⁴ *Ibid.*

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 be 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.²³⁵ UNHCR shall receive notification of an asylum application within a maximum period of 24 hours, which is applied in practice.²³⁶

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.²³⁷

3.2 Obstacles to registration in practice

Due to the increase in asylum applications in Spain in recent years, which slowed down the functioning of the Spanish asylum system, applicants have to wait long periods of time before getting an appointment to be interviewed by the OAR. In 2021, a telematics system to request an interview was put in place at the Aluche police station in Madrid; some problems affecting such system were reported, due in particular to the limited places available for interviews, and to technical problems encountered when operating such system.²³⁸ As mentioned below, the same problems persisted in 2024.

To shed light on the situation, the Spanish Ombudsperson opened an investigation looking into the measures taken by the General Commissariat for Aliens and Borders (*Comisaría General de Extranjería y Fronteras*) of the Police to avoid long queues. The investigation further assesses the conditions to which asylum seekers in **Madrid** are confronted to when lodging their application.²³⁹ In February 2023, the Minister of Interior informed that the national Ombudsperson had started to examine new internal coordination mechanisms aiming at reducing the waiting time between the lodging and the registration of the asylum application.²⁴⁰

The average waiting time for an appointment varies depending on the province. In certain provinces, waiting times could range from 8 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 for 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.

²³⁵ Articles 34-35 Asylum Law.

²³⁶ Article 6(4) Asylum Regulation.

²³⁷ Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sentencia núm. 1772/2024, 6 November 2024, available [here](#).

²³⁸ Information provided by the legal service of Accem in March 2022.

²³⁹ Defensor del Pueblo, ‘El Defensor del Pueblo investiga las dificultades para acceder a la cita previa para solicitar protección internacional en Madrid’, 15 November 2018, available [here](#).

²⁴⁰ Cope Melilla, ‘Grande-Marlaska anuncia que Interior estudia «nuevos mecanismos internos de coordinación» para reducir el tiempo que media entre la solicitud y la formalización de la petición de asilo’, 15 February 2023, available [here](#).

To improve access to the asylum procedure through prior appointment, and to ensure that the waiting time does not exceed 1 month, the Commission of Internal Affairs of Congress approved a legislative proposal at the end of 2022.²⁴¹

Despite the authorities' efforts, UNHCR observed that the absence of a uniform system at the state level for accessing a procedure that is efficient, accessible, secure and sensitive to all individuals seeking asylum in Spain continued. UNHCR also observed that challenges to access the asylum procedure continued to negatively impact the rights of persons who wished to apply for international protection, and in particular access to reception, leaving asylum seekers, including those with specific needs, at risk. In a context of high numbers and reduced capacity, accessing the asylum procedure remained challenging in 2024. A fast-track channel established in a specific centre (CREADE) located in Madrid was used to conduct asylum interviews of people transferred to the mainland from the Canary Islands, facilitating access to the procedure for around 10,000 applicants, particularly Malians. An average of 14,000 applicants were registered monthly despite existing challenges. The newly established General Directorate for International Protection and the increase in staff numbers at the Office for Asylum within the Ministry of the Interior, along with expedited processing channels, resulted in a total of 96,000 decisions taken by year's end. The international protection rate increased to 20% from 12% in 2023.²⁴²

UNHCR promoted triaging of cases and quality decision-making for people with specific needs, unaccompanied children and family reunifications. Despite persistent procedural and quality issues, gender-related cases and applicants from conflict-affected countries like Mali, Central African Republic and Palestine, were assessed and granted subsidiary protection. Some challenges related to obtaining or renewing documentation for applicants and beneficiaries of international protection and to the notification of asylum decisions also persisted in 2024.²⁴³

Difficulties in accessing the asylum procedure remained one of the main challenges in the Spanish asylum system in 2024²⁴⁴ and at the beginning of 2025.²⁴⁵ In March 2024, around 100 asylum seekers and 20 NGOs lodged a joint claim in front of the Spanish Ombudsperson.²⁴⁶ During the same month, around fifty persons in need of international protection started a hunger strike in **Chiclana de la Frontera** (Andalucía) to ask for their access to the asylum procedure.²⁴⁷ The same month, a young Moroccan asylum seeker died while in hunger strike to protest against the lack of access to asylum appointments. The Spanish Ombudsperson asked information about the incident to the Public Prosecutor and the State Secretary of Migration.²⁴⁸ The General Council of Spanish Lawyers denounced the violation of the right to asylum due to the impossibility to obtain an appointment via Internet.²⁴⁹ In April, it was reported that, in **Murcia**, asylum appointments were sold for up to €500 also on Wallapop.²⁵⁰ In May, 31 persons were detained in **Vitoria**

²⁴¹ Cope, 'El Congreso pide reformar la cita previa para las solicitudes de asilo', 19 December 2022, available [here](#).

²⁴² Information provided by UNHCR in March 2025.

²⁴³ Information provided by UNHCR in March 2025.

²⁴⁴ 20 minutos, 'El negocio alrededor de las citas de asilo en España: "Sin pagar, no consigues una"', 4 May 2024, available [here](#); El País, 'Conseguir una cita de asilo en España: más de 8.000 llamadas al día y algo de suerte', 16 December 2024, available [here](#); Cadena Ser, 'La población migrante de Castellón denuncia la "gran dificultad" para conseguir cita en las Oficinas de Extranjería', 18 December 2024, available [here](#).

²⁴⁵ 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](#).

²⁴⁶ El País, 'La desesperación de quienes quieren pedir asilo en España: "Es frustrante poner tu vida en pausa porque no te responden al teléfono"', 5 March 2024, available [here](#).

²⁴⁷ Canal Sur, 'Medio centenar de migrantes en Chiclana se declaran en huelga de hambre para pedir asilo', 8 March 2024, available [here](#).

²⁴⁸ El Diario, 'Muere un migrante en un centro de acogida de Madrid tras la huelga de hambre por la falta de citas de asilo', 15 March 2024, available [here](#); 20 Minutos, 'El Defensor del Pueblo pide investigar la muerte de un migrante en un hostal madrileño', 16 March 2024, available [here](#).

²⁴⁹ Consejo General Abogacía Española, 'La Abogacía denuncia la vulneración del derecho de asilo ante la imposibilidad de obtener una cita por internet', 26 March 2024, available [here](#).

²⁵⁰ Alfa e Omega, '500 euros por una cita en la oficina de asilo', 18 April 2024, available [here](#); Onda Regional Murcia, 'Conseguir cita en la Oficina de Extranjería de Murcia es misión "casi imposible"', 26 May 2024, available [here](#).

for selling asylum appointments.²⁵¹ In June, the Spanish Ombudsperson urged the police in **Valencia** to guarantee the right to access asylum, following thousands of reports made for the impossibility to book appointments to register asylum applications in the city.²⁵² In July, the National Police detained seven persons in **El Ejido** (Almería) for forging and selling asylum documents.²⁵³

During World Refugee Day, seven young Malians living in **A Coruña** denounced the delay in obtaining an appointment to express their will to apply for asylum, after 7 months since their arrival.²⁵⁴

In September, the Archdiocese of **Burgos** expressed concerns on the selling of the asylum appointments, and about what migrants are obliged to do in order to gather the money necessary to buy them.²⁵⁵ The same month, the Police arrested two persons in Valencia for fraud and for committing cybercrimes, including digital fraud.²⁵⁶ Similarly, two persons were detained for fraud for selling appointments in Valladolid.²⁵⁷ In October, the political party EAJ-PNV criticised the Ministry of Interior alleging that the right of asylum is not guaranteed in Spain due to the long times necessary to obtain an appointment throughout the country.²⁵⁸ The backlog in the appointments in **Barcelona** led the police to double the shifts.²⁵⁹ The impossibility to obtain an appointment in a short span of time in the city leaves 20% of migrants and asylum seekers in a legal limbo.²⁶⁰ In order to avoid cyber-attacks aiming at monopolising the appointments and to illegally resell them, the police in **Cataluña** decided to come back to the previous system by using in person, phone and email means.²⁶¹ In December, the Police arrested a woman selling asylum appointments near **Alicante**.²⁶²

During 2024, UNHCR worked with the police's training division, organising regular sessions on asylum interviewing techniques. It also trained lawyers from bar associations and NGOs in various provinces, enhancing the quality of legal assistance and judicial engagement.²⁶³

In 2023, in the context of its collaboration with the Ministry of the Interior, UNHCR supported the Spanish Office for Asylum (OAR) with a specialised consultancy to improve access and quality of the asylum procedure. During its development, multiple support documents and proposals were produced to improve access to the asylum procedure and to support the management and processing of asylum cases and decisions with improved quality, efficiency, and greater fairness. Through this consultancy, different tools were also designed to facilitate prompt and safe identification of persons with specific needs and support them through the asylum procedure in conformity with national and EU law, including enhancing coordination with asylum reception authorities to guarantee their referral to adequate reception spaces.²⁶⁴

²⁵¹ El Correo, 'Identificadas 32 personas por vender citas para trámites de asilo en Vitoria', 3 May 2024, available [here](#).

²⁵² Valencia Plaza, 'El Defensor del Pueblo insta a la policía valenciana a garantizar que se pueda pedir asilo', 4 July 2024, available [here](#); ES Diario, 'Colapsa el sistema de petición de asilo por el aluvión de solicitudes', 4 June 2024, available [here](#).

²⁵³ Almería Hoy, 'Siete detenidos en El Ejido por falsificar documentos de Protección Internacional', 23 July 2024, available [here](#).

²⁵⁴ Cadena Ser, 'Siete jóvenes de Mali residentes en A Coruña denuncian la tardanza en la obtención de la protección internacional', 17 June 2024, available [here](#); El Salto Diario, 'Burocracia para los 'refugiados de segunda': siete jóvenes malienses ante el bloqueo del Estado al pedir asilo', 19 July 2024, available [here](#).

²⁵⁵ Europa Press, 'Delegación de Migraciones de Archidiócesis de Burgos avisa de la "venta" de citas para pedir protección internacional', 19 September 2024, available [here](#).

²⁵⁶ Diario Siglo XXI, 'Detenidas dos personas en Valencia por vender citas falsas para trámites de extranjería', 21 September 2024, available [here](#).

²⁵⁷ La Voz Digital, 'Detenidos por estafar a inmigrantes con falsas citas de extranjería en Valladolid', 29 August 2024, available [here](#).

²⁵⁸ EAJ-PNV, 'EAJ-PNV reprocha a Grande-Marlaska que el Estado español no garantiza el derecho de asilo', 22 October 2024, available [here](#).

²⁵⁹ El País, 'El atasco en las citas para solicitar asilo en Barcelona lleva a la Policía a doblar turnos', 22 October 2024, available [here](#).

²⁶⁰ Ara, 'La falta de citas en Extranjería deja un tercio de los migrantes en el limbo legal', 21 October 2024, available [here](#).

²⁶¹ El País, 'La Policía regresa al cara a cara, el teléfono y el correo ante las mafias que acaparan citas de extranjería en internet', 29 October 2024, available [here](#).

²⁶² El Confidencial, 'Detenida una mujer en Alicante por vender citas falsas para los trámites de solicitud de asilo', 3 December 2024, available [here](#).

²⁶³ Information provided by UNHCR in March 2025.

²⁶⁴ Information provided by UNHCR in April 2024.

Gender-based violence prevention and response in the asylum reception system has been strengthened with the adoption of a protocol supported by UNHCR, which includes an identification and data collection tool, a risk assessment map and referral pathways, enhancing the capacity of multidisciplinary teams to detect, refer, assist and protect GBV survivors in the reception system. UNHCR has observed that the protocol has also improved access to asylum for GBV survivors, reversing the previous trend which saw most women preferring to continue their journey to other countries.

In addition, UNHCR provided training on the prevention and response to GBV and gender-related persecution to government officials and NGOs assisting women and girls arriving by sea or seeking asylum. UNHCR also worked with communities to raise awareness on gender-based violence, providing key information through brochures, posters and videos. To address the needs of newly arrived women and girls, UNHCR translated its awareness-raising video into Soninke and Wolof. UNHCR facilitated local roundtable discussions on GBV, bringing together strategic actors to promote coordination, networking and safe referrals, conducted information sessions for women arriving by sea and worked in collaboration with women-led refugee organisations.

UNHCR supported the police in developing an online course on asylum interviews, including a module on interviewing GBV survivors. UNHCR also collaborated with the Office for Asylum to ensure proper support for survivors of GBV. Many of these asylum applicants, particularly from Sub-Saharan African countries, have suffered female genital mutilation, domestic violence and forced marriage.

UNHCR's efforts to promote coordination among stakeholders, have led to the enhancement of procedures for detecting and referring potential victims of human trafficking at Spanish airports. UNHCR, IOM and the Spanish Network Against Trafficking have developed recommendations to ensure that asylum-related issues are included in the future comprehensive law on trafficking, as well as to implement the relevant EU Directive and the EU Pact on Migration and Asylum.²⁶⁵

In February 2025, the Minister of Interior has informed that the Ministry is working on the implementation of a system allowing for the possibility to present online applications for asylum.²⁶⁶

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.

In 2024, the delay in obtaining an appointment to express the intention to apply was especially serious in Cartagena and Murcia, where it exceeded one year. In other provinces such as A Coruña, Álava, Alicante, Almería, Burgos, Castellón, Cáceres, Gijón, Huelva, Jerez de la Frontera, León, Málaga, Sevilla, Toledo, Valencia and Zaragoza, the estimated time to obtain an appointment was between six months and one year.²⁶⁷

²⁶⁵ Information provided by UNHCR in March 2025.

²⁶⁶ La Vanguardia, 'Interior trabaja para implantar a corto plazo un sistema online para solicitudes de asilo', 5 February 2025, available [here](#).

²⁶⁷ Information provided by Accem in February 2025.

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
JEREZ DE LA FRONTERA	INTERNET/EMAIL/IN PRESENCE	4-6 months
TERUEL	EMAIL	
ALMERÍA	PHONE	1-3 months
CASTELLON	INTERNET	
CÓRDOBA	INTERNET	
HUELVA	INTERNET	
SEVILLA	EMAIL	
VALENCIA	PHONE	
VIGO	IN PRESENCE	
VITORIA	INTERNET	
ZARAGOZA	INTERNET	
OVIEDO	INTERNET	
GIJÓN	INTERNET	1 month
MÁLAGA	PHONE	
BURGOS	INTERNET	Less than 1 month
SALAMANCA	INTERNET	
CÁCERES	INTERNET	
CARTAGENA	INTERNET/NGO's email	
MURCIA	INTERNET/NGO's email	
SEGOVIA	INTERNET	
LEÓN	PHONE	
LUGO	INTERNET	
A CORUÑA	EMAIL	
ALICANTE	INTERNET/NGO's email	
TOLEDO	INTERNET/NGO's email	

Source: Accem, February 2025.

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
MORE THAN 1 YEAR	LUGO, TOLEDO y VIGO.
10-12 MONTHS	CADIZ, OVIEDO y TERUEL
7-9 MONTHS	A CORUÑA, ALICANTE, HUELVA, LEÓN y SEVILLA
4-6 MONTHS	ÁVILA, CASTELLON, JEREZ DE LA FRONTERA, MÁLAGA y SALAMANCA
1-3 MONTHS	ALMERÍA, BURGOS, CÁCERES, CÓRDOBA, GIJÓN, SEGOVIA, VALENCIA, VALLADOLID, VITORIA y ZARAGOZA
LESS THAN 1 MONTH	CARTAGENA y MURCIA

Source: Accem, February 2025.

PLACES WHERE THE APPOINTMENT FOR REGISTRATION IS GIVEN WITHOUT PRIOR APPOINTMENT FOR THE MANIFESTATION OF THE INTENTION TO APPLY FOR ASYLUM		
PROVINCE	MECHANISM TO ACCESS THE APPOINTMENT	WAITING TIME TO PLAZOS PARA FORMALIZAR LA SOLICITUD PI DESDE LA OBTENCION DE CITA
MADRID	PHONE	4-6 MONTHS
GUADALAJAR A	PHONE	1-3 MONTHS
ALBACETE	INTERNET	LESS THAN 1 MONTH
BARCELONA	PHONE	LESS THAN 1 MONTH
CIUDAD REAL	INTERNET/REQUEST	LESS THAN 1 MONTH
VALLADOLID	INTERNET/EMAIL	LESS THAN 1 MONTH

Source: Accem, February 2025

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,²⁶⁸ 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.²⁶⁹ Conversely, there has been virtually no asylum claim made at the **Ceuta** border point. This is mainly due to the impossibility faced by migrants and asylum seekers to exit the Moroccan border due to the severe 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

²⁶⁸ 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](#).

²⁶⁹ 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](#).

access the Spanish border rather than on the number of asylum claims overall. 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](#)).²⁷⁰

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.²⁷¹

Access to the procedure from detention

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.²⁷² 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 particular, the Ombudsperson highlighted the difficulties faced by detainees in applying for asylum at CIEs. In particular, in **Madrid**, individuals are instructed to put their written intention to apply for asylum in a mailbox and to wait until the mailbox has been opened for the asylum procedure to start, and the fact that many persons have been expelled without having had access to the asylum procedure.²⁷³ 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.²⁷⁴ This included establishing a register and providing applicants with a receipt of their application for international protection. The Ombudsperson thus reiterated its recommendation to the General Commissariat for Aliens and Borders of the National Police. 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. Despite that, in its 2023 annual report on the situation of CIEs, the Jesuit Migrant Service underlined the obstacles that inmates face in accessing legal counselling in some CIEs.²⁷⁵

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 2024 following the increase of arrivals and the lack of available resources. This hindered the access to registration and to the asylum procedure.

²⁷⁰ El Diario, 'Migrantes que solo pueden pedir asilo si saltan la valla en contra de lo que dice Marlaska', 6 December 2022, available [here](#).

²⁷¹ 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](#).

²⁷² Human Rights Watch, *Spain: Migrants held in poor conditions*, 31 July 2017, available [here](#).

²⁷³ Defensor del Pueblo, 'El Defensor del Pueblo reclama un sistema de registro de las solicitudes de asilo para los CIE que cumpla con la normativa vigente', 22 May 2018, available [here](#).

²⁷⁴ 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](#).

²⁷⁵ Servicio Jesuita a Migrantes, 'Informe CIE 2023. Internamiento "muteado". Personas cuyo sufrimiento queda oculto a la sociedad', June 2024, available [here](#).

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 2024: 133,102²⁷⁶
4. Average length of the first instance procedure in 2024: 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.²⁷⁷ 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 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.

During 2021, the OAR expedited the decision-making of certain applications, particularly of certain nationalities (i.e. Colombia, Venezuela, etc.), and the average time decreased (i.e. 4-6 months). This has not been considered as an overall positive development, as in many cases the process was aimed at expediting applications with a high likelihood of being rejected.²⁷⁸

The backlog of asylum applications in Spain has been an important 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.²⁷⁹ In its 2023 annual report, the body continued to express concerns on the delays in accessing asylum procedure and the impacts it has on the lives and rights of asylum seekers.²⁸⁰ Despite the Government announcing that the Annual Budget of the Ministry of Interior would be doubled in 2021,²⁸¹ the number of pending cases in the last year continues to be concerning. 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 2024 the number of pending cases continued to increase, with 133,102 cases pending at first instance and 108,954 pending for a resolution at the end of

²⁷⁶ 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 2024', January 2025, available [here](#).

²⁷⁷ Article 24(3) Asylum Law.

²⁷⁸ Information provided by Accem's legal service in March 2022.

²⁷⁹ Defensor del Pueblo, 'Informe Anual 2019. Volumen I – Informe de Gestión', 2020, p. 170, available [here](#).

²⁸⁰ Defensor del Pueblo, 'Informe Anual 2023. Volumen I', p. 180, March 2024, available [here](#).

²⁸¹ El Diario, 'El presupuesto para resolver peticiones de asilo crece casi el doble ante el colapso del sistema', 28 October 2020, available [here](#).

2023.²⁸² In February 2025, CEAR observed that the backlog of pending cases increased in 2024, up to 27% compared to the previous year.²⁸³

Backlog of pending cases at first instance: 2019-2024					
2019	2020	2021	2022	2023	2024
111,740	N/A	72,271	122,035 ²⁸⁴	106,546	133,102

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 2024', January 2025, available in Spanish [here](#).

In its 2024 annual report, the NGO CEAR continued to highlight the challenges that the Spanish asylum system still faces, both in terms of access to the territory and access to the procedure.²⁸⁵ Spain was the third country in the EU when looking at asylum applications lodged in 2023. Despite this, as noted by CEAR, the international protection recognition rate remained very low (12%) compared to the average rate at EU level (42% in 2023).²⁸⁶

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.²⁸⁷

The urgent procedure is applicable in the following circumstances:²⁸⁸

- (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.²⁸⁹ 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.²⁹⁰

²⁸² 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 2024', January 2025, available [here](#).

²⁸³ El Diario, 'CEAR denuncia que han crecido un 27 % las peticiones de asilo por resolver, hasta 242.000', 11 February 2025, available [here](#).

²⁸⁴ 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](#).

²⁸⁵ CEAR, 'Informe 2024: Las personas refugiadas en España y Europa', June 2024, available [here](#).

²⁸⁶ Onda Cero, 'España a la cola de la UE en reconocimiento de asilo, pese a ser el tercero con más solicitantes', 17 June 2024, available [here](#).

²⁸⁷ Article 25(4) Asylum Law.

²⁸⁸ Article 25(1) Asylum Law.

²⁸⁹ Article 25(2) Asylum Law.

²⁹⁰ Article 25(3) Asylum Law.

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?
❖ If so, are interpreters available in practice, for interviews?
☒ Yes ☐ No
☒ 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.²⁹¹ The law also provides the possibility of carrying out other 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.

The interview is not carried out by the case examiners but rather the auxiliary personnel, using documents prepared by the case examiner. The Ombudsperson reports that the documents contain the questions which the official must take into account during the interview. The purpose of these questions is to detect fraudulent applications, and instructions are included for the case in which it is required to pass the nationality test to prove the country of origin of the applicant in case doubts exist.²⁹²

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 asylum interview. This mostly happens to asylum claims made at borders and from the CIE, 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.²⁹³ 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. After a stop at the beginning of the pandemic, second interviews were resumed in person in 2021 and the

²⁹¹ Information provided by Accem's legal service in March 2023.

²⁹² Defensor del Pueblo, 'El asilo en España: La protección internacional y los recursos del sistema de acogida', June 2016, available [here](#).

²⁹³ Article 17(8) Asylum Law.

situation was still similar to pre-pandemic years.²⁹⁴ Interviews with the Social Work Units (UTS) are instead 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.

These observations remained valid in 2024, since arrangements vary according to the province where the interview takes place. In its 2023 annual report, CEAR continued to report on the challenges observed regarding how asylum interviews are conducted. It recommended to carry them out in accordance with the minimum standards required by the Asylum law, as well as to allocate sufficient human resources and to provide continuous trainings to the personnel in charge of them.²⁹⁵

In a decision taken in July 2023, the National Court (*Audiencia Nacional*) annulled a resolution denying international protection to an applicant, as the asylum interview was carried out only with phone interpretation and without a lawyer.²⁹⁶

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.²⁹⁷

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

²⁹⁴ Information provided by Accem in March 2023.

²⁹⁵ CEAR, ‘INFORME 2024. Las personas refugiadas en España y Europa’, June 2024, available [here](#).

²⁹⁶ Audiencia Nacional, SAN 3949/2023, 12 July 2023, available [here](#).

²⁹⁷ EUAA, ‘Asylum report 2024’, June 2024, p. 106, available [here](#).

seekers to access computers or accessing internet connection. These tools continued to be used in 2024, and with some challenges in the quality of interpretation.²⁹⁸

Some provinces can still face difficulties in providing interpreters for some languages (such as, among others, Persian, 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.²⁹⁹ 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.³⁰⁰

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
☒ Judicial	☒ Administrative
☐ 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.³⁰¹

The first type of appeal should be submitted before the OAR under the Ministry of Interior, within 1 month from the notification of refusal.³⁰² 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

²⁹⁸ Information provided by Accem's legal service in February 2025.

²⁹⁹ Information provided by Accem's legal service in February 2025.

³⁰⁰ UNHCR-ACNUR, 'Manual para intérpretes en procedimientos de asilo', April 2024, available [here](#).

³⁰¹ Article 29(2) Asylum Law.

³⁰² 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.³⁰³

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.³⁰⁴ 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 its 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.³⁰⁵

For this reason, most applicants and their lawyers prefer to collect more documentation to support the asylum application, in order to start a new asylum claim from scratch. 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 2023, 62 administrative and 3,329 judicial appeals were rejected.³⁰⁶ Figures for 2024 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.³⁰⁷

UNHCR continued issuing a (monthly) COI bulletin and a quarterly Judicial update summarising relevant international and national judicial decisions on asylum and distributed them among asylum authorities and counterparts including the judiciary.³⁰⁸

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*),³⁰⁹ which in case of a positive finding has the power to grant the applicant with an international protection status.

³⁰³ Information provided by Accem's legal service in March 2023.

³⁰⁴ Article 29(2) Asylum Law; Article 46 Law 29/1998 of 13 July 1998 concerning the regulation of jurisdiction of administrative courts.

³⁰⁵ EUAA, *Asylum report 2023*, July 2023, available [here](#), 165.

³⁰⁶ Ministerio del Interior, 'Asilo en cifras 2023', 2024, available [here](#).

³⁰⁷ 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](#).

³⁰⁸ Information provided by UNHCR in March 2025.

³⁰⁹ Article 29(2) Asylum Law.

1.5. Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum seekers have access to free legal assistance at first instance in practice?
☒ 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.³¹⁰

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”.³¹¹ 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.³¹²

Shortcomings in access to legal aid have been registered in the last years for persons arriving by sea.³¹³

³¹⁰ Tribunal Supremo, Sala de lo Contencioso, STS 4002/2022, 2 November 2022, available [here](#).

³¹¹ Supreme Court, Decision STS 3186/2013, 17 June 2013, available [here](#).

³¹² Supreme Court, Decision STS 4316/2015, 19 October 2015, available [here](#).

³¹³ CEAR, ‘Informe 2021: Las personas refugiadas en España y Europa’, June 2021, available [here](#).

A report published in December 2024 highlighted the human rights violations committed during arrivals in the Canary Islands, including the lack of adequate legal assistance and of quality of translation and interpretation services.³¹⁴

As mentioned in [Access to the territory and push backs](#), in 2020 there was a general lack of legal assistance for migrants and refugees reaching the Canary Islands.³¹⁵ In 2022, the Government of the archipelago started to work together with the UNHCR, with the aim of improving the provision of legal assistance to migrants and asylum seekers in the islands. In addition, the Government of the Canary Islands increased the budget for the provision of legal assistance and decreased the number of persons assisted by each lawyer of the legal aid roster.³¹⁶

To guarantee asylum seekers' rights, some Bar Associations from the southern cities of **Andalucía** have created *ad hoc* teams of lawyers. Nonetheless, assistance has been undermined by obstacles such as the lack of information on asylum to newly arrived persons and the lack of possibility to access a lawyer (see [Access to the Territory](#)). The CATE and CAED facilities established for newly arrived persons in 2018 did not significantly improve the possibility to access legal assistance for new applicants, although in the CAED operated by CEAR asylum seekers are reported to receive legal assistance.

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, which foresees to attend more than 2,000 persons and facilitate access to their rights, including the right to be documented, the freedom of movement, as well as the rights to reception, employment, health, education and any other rights fostering their protection in Spain.³¹⁷ 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.³¹⁸ The same initiative was implemented with the Bar Association of **Almería**.³¹⁹ Thanks to the agreements, 1,436 refugees, asylum seekers and stateless persons were assisted.³²⁰

In 2024, UNHCR continued its partnership agreements with the Bar Associations of Madrid, Almería and Murcia to provide legal counselling and assistance, reaching 3,280 asylum seekers and refugees. This support facilitated access to the asylum procedure, documentation and associated rights. Moreover, two specialized legal aid services for international protection commenced in Almería and Murcia, supported by UNHCR, with other provinces in Spain expressing interest in similar initiatives.³²¹

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.³²²

Since 2018, no information was provided by the OAR on the number of requests.

³¹⁴ NoNovact, Irídia, 'Vulneración de Derechos Humanos en Canarias 2024. Infancia migrante y Criminalización', December 2024, available [here](#).

³¹⁵ Cadena Ser, *La mayoría de los inmigrantes que llegan a Canarias en las últimas semanas no reciben asistencia jurídica*, 11 November 2021, available [here](#).

³¹⁶ Diario de Visos – El periódico de Tenerife, 'Canarias trabaja con ACNUR para mejorar la asistencia jurídica a los migrantes', 10 March 2022, available [here](#).

³¹⁷ El Imperial, 'La Abogacía de Madrid y ACNUR refuerzan la atención legal a solicitantes de protección internacional', 15 July 2022, available at [here](#).

³¹⁸ La Verdad, 'El Colegio de Abogados de Murcia y Acnur impulsan la atención legal a solicitantes de protección internacional', 21 September 2022, available [here](#).

³¹⁹ 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](#).

³²⁰ Information provided by UNHCR in March 2023.

³²¹ Information provided by UNHCR in March 2025.

³²² 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](#).

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.³²³ 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 2024:

Incoming procedure*			
	Requests	Accepted	Transfers
Total	8,334	3,582	N/A
France	3,926	1,751	
Germany	2,426	1,004	
Belgium	768	317	
Switzerland	663	308	
Netherlands	551	N/A	

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 2024', January 2025, available [here](#).

* In relation to the figures above, it should be noted that 3,582 out of the total 3,582 requests received were accepted, while 1,130 out of the total were denied.

The OAR rarely applies the Dublin Regulation. It only issued 10 outgoing requests in 2016, 11 in 2017, 7 in 2018,³²⁴ and 120 in 2019.³²⁵ Thus, the Dublin Regulation usually concerns incoming requests and transfers to Spain. In 2019, the country received a total of 17,086 requests and 1,917 transfers, while only 5 outgoing transfers were carried out.³²⁶ In 2022, Spain issued 633 requests to other EU Member States, and a total of 5 transfers were carried out.³²⁷ In 2023, Spain issued 688 requests to other EU Member States.³²⁸ Figures on the number of outgoing requests in 2024 were not available at the time of writing.

³²³ Audiencia Nacional, Decision SAN 3274/2017, 21 July 2017, available [here](#).

³²⁴ Information provided by OAR, 28 February 2017; 2 March 2018; 8 March 2019.

³²⁵ OAR, Oficina de Asilo y Refugio, 'Asilo en cifras 2019', July 2020, available [here](#), 62.

³²⁶ Ibidem, 61.

³²⁷ Ministerio del Interior, 'Asilo en cifras 2022', November 2023, available [here](#).

³²⁸ Ministerio del Interior, 'Asilo en cifras 2023', 2024, available [here](#).

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 604/2013.³²⁹ The other leaflet contains information for applicants for international protection found in a Dublin procedure, pursuant to article 4 of Regulation (EU) No 604/2013.³³⁰ 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. According to the European Commission's evaluation of March 2016, Spain also undertakes responsibility for unaccompanied children, even where there is evidence that the Dublin family criteria could apply.³³¹ However, the sovereignty clause was not applied in 2017.³³² There is no information available on the application of the sovereignty clause in 2024.

Concerning the humanitarian clause, it appears that no case has met the relevant criteria on the basis of Article 17(2) of the Regulation. In 2016 and 2017, the OAR has not applied the dependent persons and humanitarian clauses.³³³ There is no information available on the application of the humanitarian clause in 2022, 2023 and 2024.

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

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.

³²⁹ 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](#).

³³⁰ 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](#).

³³¹ European Commission, *Evaluation of the implementation of the Dublin III Regulation*, March 2016, 20.

³³² Information provided by OAR, 2 March 2018.

³³³ Information provided by OAR, 28 February 2017; 2 March 2018.

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.³³⁴

2.2.1. Individualised guarantees

There are very few outgoing requests made by Spain. No specific guarantees have applied to these cases.³³⁵

2.2.2. Transfers

According to the OAR an average duration of the Dublin procedure is not available for 2017. The OAR implemented 2 transfers in 2016, 2 in 2017, 2 in 2018,³³⁶ 5 in 2019³³⁷, and 5 in 2022.³³⁸ In 2023, 149 outgoing transfers were carried out, while 1,310 ingoing tranfers were received.³³⁹ Figures on the number of transfers in 2024 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.³⁴⁰ 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.

2.7. The situation of Dublin returnees

The number of incoming procedures to Spain is far higher than the number of outgoing procedures. In 2024, Spain received 8,334 requests, mainly from France (3,926), Germany (2,426), and Belgium (768).³⁴¹

³³⁴ 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](#).

³³⁵ Information provided by OAR, 20 August 2017.

³³⁶ Information provided by OAR, 28 February 2017; 2 March 2018; 8 March 2019.

³³⁷ OAR, 'Asilo en cifras 2019', July 2020, available [here](#), 62.

³³⁸ Ministerio del Interior, 'Asilo en cifras 2022', November 2023, available [here](#).

³³⁹ Ministerio del Interior, 'Asilo en cifras 2023', 2024, available [here](#).

³⁴⁰ European Commission, 'Evaluation of the implementation of the Dublin III Regulation', March 2016, 12.

³⁴¹ 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 2024', January 2025, available [here](#).

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.³⁴² Nevertheless, civil society organisations have witnessed particular difficulties with regard to victims of trafficking returning to Spain under the Dublin system, mainly from **France**. These are due to different factors, i.e. the fact that victims of trafficking are not effectively identified as such, the lack of an effective mechanism to register and identify trafficked persons before return, as well as to identify victims among Dublin returnees once they arrive in Spain. The lack of coordination among the Spanish competent authorities (Dublin Unit, OAR, Ministry of Inclusion, Social Security and Migration in charge of reception) is another factor.

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.³⁴³ 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.³⁴⁴ 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.

2. 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.³⁴⁵ 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;
- (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

³⁴² Information provided by OAR, 20 August 2017.

³⁴³ 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](#).

³⁴⁴ La Vanguardia, 'Los solicitantes de asilo que abandonen voluntariamente España no serán excluidos del sistema de protección', 22 January 2019, available [here](#).

³⁴⁵ Article 20(2) Asylum Law.

- (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?
- | | | |
|--|--|--|
| ❖ If yes, is it | ☒ Yes | ☐ No |
| ❖ If yes, is it automatically suspensive | ☒ Judicial | ☒ Administrative |
| | ☐ 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.

3. 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 border³⁴⁶ ☐ 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

³⁴⁶

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 CIE.³⁴⁷ 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*.³⁴⁸

In 2024, a total of 7,382 persons applied at a border post and 853 at a CIE.³⁴⁹ Border procedures represented around 4.92% of the total caseload of the Office for Asylum and Refuge (OAR) 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.³⁵⁰ 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 arbitrarily to the different persons.³⁵¹ 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),³⁵² 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.³⁵³ 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.³⁵⁴ In addition, Spain requires such a transit visa also for nationals from Palestine and Syria.³⁵⁵ 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.³⁵⁶ From August 2024, the same requirement was introduced for Mauritanian nationals.³⁵⁷ Sixteen organisations called on the Government to eliminate this requirement.³⁵⁸ Similarly, CEAR criticised the fact that nationals from the Central African Republic's nationals were also subject to visa obligations starting from mid-August 2024.³⁵⁹

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

³⁴⁷ See e.g. Audiencia Nacional, Decision SAN 1908/2019, 23 May 2019; SAN 1282/2019, 13 February 2019.
³⁴⁸ 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](#).
³⁴⁹ 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 2024', January 2025, available [here](#).
³⁵⁰ 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](#).
³⁵¹ CEAR, *Informe 2020. Las personas refugiadas en España y en Europa*, June 2020, available [here](#), 85.
³⁵² Articles 21 and 25 Asylum Law.
³⁵³ CEAR, 'España comienza el año exigiendo visado de tránsito a las personas de Yemen', 3 January 2020, available [here](#).
³⁵⁴ Information provided by Accem's legal service in February 2025.
³⁵⁵ Information provided by Accem's legal service in March 2023.
³⁵⁶ CEAR, 'España impone el visado de tránsito a personas de Sudán, un país en conflicto', 27 June 2024, available [here](#).
³⁵⁷ Newtral, 'España impone el visado de tránsito a los mauritanos para evitar que pidan asilo en los aeropuertos', 27 August 2024, available [here](#).
³⁵⁸ 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](#).
³⁵⁹ 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.

According to information shared by the Spanish authorities, the Dublin III Regulation is not applied in application lodged at Spanish border posts.

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:³⁶⁰

- (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.³⁶¹

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 Spanish 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

³⁶⁰ Article 21(2)(b) Asylum Law.

³⁶¹ 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.

on admissibility must be notified within 4 days from the lodging of the application,³⁶² 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 again, the answer to the re-examination will have to be notified within another 2 days.³⁶³ 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](#)).³⁶⁴

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.³⁶⁵ 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.³⁶⁶

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 in 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,³⁶⁷ who denounce the low number of admissions in border procedure compared to the regular procedure, and has also been supported by the jurisprudence of the Supreme Court.³⁶⁸ 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.³⁶⁹ 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.

³⁶² Article 21(2) Asylum Law.

³⁶³ Article 21(4) Asylum Law.

³⁶⁴ Defensor del Pueblo, 'Recomendación a la Secretaria 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](#).

³⁶⁵ Article 21(3) Asylum Law.

³⁶⁶ Article 21(3) Asylum Law.

³⁶⁷ CEAR, *Las personas refugiadas en España y Europa 2015*, Capítulo IV: La admisión a trámite, available [here](#).

³⁶⁸ Supreme Court, Decision 4359/2012, 22 November 2013, available [here](#).

³⁶⁹ 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?

❖ If yes, is it

❖ If yes, is it automatically suspensive

☒ Yes

☐ Judicial

☒ Yes

☐ No

☒ Administrative

☐ 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.³⁷⁰ The National High Court has clarified that this time limit must be calculated in hours rather than in working days.³⁷¹

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.³⁷²

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*

³⁷⁰ Article 21(4) Asylum Law.

³⁷¹ Audiencia Nacional, Decision SAN 2591/2017, 8 June 2017; Decision SAN 2960/2017, 30 June 2017.

³⁷² Spanish Supreme Court, Decision STS 1682/2019, 27 May 2019, available [here](#).

centrales de lo contencioso). Conversely, in the case of rejection on the merits, the judicial appeal will 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.³⁷³ 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.³⁷⁴ 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.³⁷⁵

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 are several reported cases concerning refusal of entry, *refoulement*, collective expulsions and push backs at the Spanish borders.³⁷⁶ 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. At the moment, there are different organisations 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,³⁷⁷ Fundación Cruz Blanca,³⁷⁸ 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.³⁷⁹ In its 2023 annual report, the Spanish Ombudsman reiterated observations on the challenges in providing legal assistance to persons arriving by boat and in the coast areas, especially in the Canary Islands and the Balearic Islands. Such challenges refer to the lack of private interviews, lack of individualised interviews and of individual provision of information on rights and remedies.³⁸⁰

³⁷³ Article 16(2) Asylum Law, citing Article 21.

³⁷⁴ Audiencia Nacional, Decision SAN 5389/2017, 28 December 2017.

³⁷⁵ Article 16(2) Asylum Law, citing Article 21.

³⁷⁶ 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](#).

³⁷⁷ Cáritas, see [here](#).

³⁷⁸ Fundación Cruz Blanca, see [here](#).

³⁷⁹ Information provided by Accem -Tenerife in April 2022.

³⁸⁰ Defensor del Pueblo, 'Informe anual 2023. Volumen I', March 2024, available [here](#).

As regards the provision of legal assistance at **Madrid Barajas Airport**, the main concerns relate to private lawyers, i.e. the lack of specialisation in asylum-related issues and paid services; since asylum seekers have the right to free legal aid provided by NGOs or Bar Associations. CEAR has a team of lawyers assisting asylum seekers at the Madrid Barajas Airport.

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 absence of 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. Concerns continued to be raised by the Spanish Ombudsperson, in its capacity as National Prevention Mechanism against Torture in its 2023 annual report.³⁸¹ The body highlighted the deficiencies in terms of lack of individual and private interviews with newcomers, limited information provided on their rights, lack of interpreters, and impossibility to contact with the assigned lawyer due to lack of their contact information.

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 in an irregular situation 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.³⁸²

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.

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.

³⁸¹ Defensor del Pueblo, Mecanismo Nacional de Prevención de la Tortura, ‘Informe anual 2023 - Supervisión de lugares de privación de libertad en España, de acuerdo con el Protocolo Facultativo de la Convención de las Naciones Unidas contra la Tortura y otros tratos o penas crueles, inhumanos o degradantes (OPCAT), March 2024, p. 48, available [here](#).

³⁸² Article 31 and ss. of the Immigration Law; Articles 124 and ss. of the Regulation of the Immigration Law.

The permits for temporary residence granted based on different links ('*arraigo*', that can be translated in English as 'roots') that the foreigner has with Spain can be of different kinds:³⁸³

- ❖ To grant a 'second chance'. 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 renewed due to lack of knowledge regarding the necessity of renewal or due to the person being outside Spain at the time it expired.³⁸⁴
- ❖ For social and labor 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 foreigner 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.³⁸⁵ The reform will enter into force 6 months after its publication, and it aims at regularising 300,000 persons.³⁸⁶ 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

³⁸³ Articles 125, 126 and 127 of the Regulation of the Immigration Law.

³⁸⁴ 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](#).

³⁸⁵ 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](#).

³⁸⁶ 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](#).

of the asylum application will be taken into account.³⁸⁷ 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.

The law³⁸⁸ 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.

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.³⁸⁹

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.³⁹⁰ 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

³⁸⁷ 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](#).

³⁸⁸ Article 128 of the Regulation of the Immigration Law.

³⁸⁹ Article 129 of the Regulation of the Immigration Law.

³⁹⁰ Article 31-bis of the Immigration Law; Articles 133-141 of the Regulation of the Immigration Law.

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.³⁹¹ 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 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.³⁹² 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.³⁹³ 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.³⁹⁴ In 2020, the Minister of Inclusion, Social Security and Migration finally adopted an instruction on such a compatibility between the two procedures.³⁹⁵ 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.³⁹⁶

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.

³⁹¹ Article 59-bis of the Immigration Law; Articles 148-155 of the Regulation of the Immigration Law.

³⁹² 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](#); Díez 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](#).

³⁹³ Defensor del Pueblo, 'Clarificación de la compatibilidad de los procedimientos de asilo y los regulados por la ley de extranjería', available [here](#).

³⁹⁴ 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](#).

³⁹⁵ 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](#).

³⁹⁶ 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.

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.³⁹⁷ 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 16.³⁹⁸

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.³⁹⁹ 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.⁴⁰⁰

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. 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.⁴⁰¹ 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

³⁹⁷ Article 35 of the Immigration Law, Articles 172-174 of the Regulation of the Immigration Law.

³⁹⁸ PICUM, 'Spain adopts law to facilitate regularisation of young migrants', 18 November 2021, available [here](#).

³⁹⁹ Article 128 of the Regulation of the Immigration Law.

⁴⁰⁰ Ministerio de Política Territorial y Memoria Democrática, 'Solicitudes Telemáticas de Autorizaciones de Extranjería', available [here](#).

⁴⁰¹ Article 126 of the Regulation of the Immigration Law.

incompatibility between the international protection procedure and the procedure for the residence permits on 'arraigo' basis.⁴⁰²

Statistics on the number of people granted all these protection statuses are issued by different bodies. From January to November 2024, a total of 56,498 work permits for 'arraigo' and other exceptional circumstances have been issued. Out of them, 33,478 beneficiaries were men and 23,020 women.⁴⁰³ According to the last published figures, as of 31 December 2023, the Central Register of Foreign Nationals recorded 210,334 persons with a first residence permit for 'arraigo' in force, which represents an increase of 84,983 persons in the previous year.⁴⁰⁴

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. Two years later, as of 31 December 2023, this number had risen to 15,045 persons.⁴⁰⁵

In 2023, the OAR granted a total of 41,506 residence permits for humanitarian reasons, mainly to Venezuelans (40,693). Out of the total of all permits granted for humanitarian reasons, 21,630 were women and 19,876 were men.⁴⁰⁶

During the same year, a total of 7,143 residence and work permits has been granted to foreigner women victims of gender-based violence.⁴⁰⁷

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.⁴⁰⁸

According to Save the Children, Spain's efforts to synchronize asylum and return decisions pose significant risks to children's rights.⁴⁰⁹

- 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.

⁴⁰² 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](#).

⁴⁰³ Ministerio de Trabajo y Economía Social, 'Estadística de autorizaciones de trabajo a extranjeros', November 2024, available [here](#).

⁴⁰⁴ Ministerio de Inclusión, Seguridad Social y Migraciones, Observatorio Permanente de la Inmigración (OPI), 'Personas con autorización de residencia por arraigo', 9 April 2024, available [here](#).

⁴⁰⁵ Ministerio de Inclusión, Seguridad Social y Migraciones, Observatorio Permanente de la Inmigración (OPI), 'Menores no acompañados y jóvenes extutelados con autorización de residencia', 22 February 2024, available [here](#).

⁴⁰⁶ Ministerio del Interior, 'Asilo en Cifras 2023', 2024, available [here](#).

⁴⁰⁷ Ministerio de Igualdad, 'Boletín estadístico anual - Año 2023', 2024, available [here](#).

⁴⁰⁸ Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sección Quinta, Sentencia núm. 1.458/2021, 13 December 2021, available [here](#).

⁴⁰⁹ Information provided by Save the Children in February 2025.

- Inadequate legal assistance: Expedited asylum procedures leave little time for legal counsel 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 minors 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.⁴¹⁰ 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.⁴¹¹ At a meeting of the European Council held in October 2024, the Spanish Prime Minister expressed his opposition to the creation of reception centres outside the EU, as he considered that they would not address the existing problems, and instead give rise to new challenges.⁴¹²

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

⁴¹⁰ 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](#).

⁴¹¹ 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](#).

⁴¹² Agenzia Nova, 'Spain, Sanchez: "Against the creation of reception centers for migrants outside the EU"', 18 October 2024, available [here](#).

provided to the person.⁴¹³ 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.

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. In addition, the increase in the number of asylum seekers since 2017 exacerbated difficulties in the identification of vulnerabilities. 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.⁴¹⁴ 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 2024. Vulnerable groups such as single women, families with children, LGBTIQ+ people, and religious minorities, cannot be adequately protected in these centres.⁴¹⁵ 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](#)). Save the Children started to deploy teams of professionals in some parts of the coast of Andalucía, in order to monitor sea arrivals, especially in relation to children. In particular, since 2018, the organisation works with migrant and refugee children arriving by boat to Algeciras, Almería and Málaga providing child-friendly spaces and counselling, and since 2022 also in the Canary Islands. The organisation also has a child friendly space at the land border in Melilla since 2014.⁴¹⁶

In relation to persons with disabilities, UNHCR and the Spanish Committee of Representatives of Persons with Disabilities (*Comité Español de Representantes de Personas con Discapacidad – CERMI*) underlined the importance of reinforcing guarantees for disabled asylum seekers and refugees. The organisations announced that they are preparing guidelines in order to assist persons with disabilities in

⁴¹³ Article 46(2) Asylum Law.

⁴¹⁴ Articles 34-35 Asylum Law.

⁴¹⁵ CEAR, *Informe 2020, Las personas refugiadas en España y en Europa*, June 2020, available [here](#), 89.

⁴¹⁶ Information provided by Save the Children on March 2023.

the context of the international protection procedure from a human rights perspective.⁴¹⁷ Guidelines to guarantee equal treatment and no discrimination of asylum seekers, statelessness applicants, refugees and stateless people with disabilities were published in May 2021.⁴¹⁸

In a report launched in June 2023, the State Observatory of Disabilities at the Ministry of Social Rights and Agenda 2030 called for the implementation of measures, protocols and tools aiming at improving the asylum procedure and the asylum reception system in line with the needs of persons with disabilities, and removing those barriers that impede their inclusion.⁴¹⁹ In terms of obstacles persons with disabilities face in accessing asylum and the procedure, the report highlights the lack of provision of individualised information on rights and obligations of asylum seekers, as well as the lack of access to services for persons with disabilities, disregard of emotional needs, exclusion in the participation and decision making processes.

In July 2023 the Spanish Committee of Representatives of Persons with Disabilities (*Comité Español de Representantes de Personas con Discapacidad – CERMI*), Amnesty International and the ONCE Foundation signed an agreement with the aim of tackling the needs of persons with disabilities in the promotion and protection of human rights, with a specific focus on the international protection of persons with disabilities.⁴²⁰

In 2023, UNHCR signed an agreement with the ONCE Foundation and the Spanish Committee of People with Disabilities for the inclusion of impaired persons. Moreover, the Forum “Spain with the Refugees” organised by UNHCR in advance to the Global Refugee Forum (GRF) recorded six pledges in favour of persons with disabilities, to improve access to information, assistance, referral to adequate services, and protection with a special focus on the inclusion of refugees with disabilities by strengthening their access to training and employment.⁴²¹

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.⁴²²

Positive developments were reported in 2020 regarding identification of vulnerabilities related to the fact that the OAR now considers Female Genital Mutilation as an indicator for gender persecution, that LGBTBI+ cases are better assessed (especially those of Sub-Saharan asylum applicants), and that there has been an increase in recognition of a form of international protection to Moroccan women victims of gender-based violence. These positive improvements continued in 2024.

During 2024, UNHCR reactivated the LGBTBI+ working group to consolidate good practice exchange and strengthen collaboration improving LGBTBI+ 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.⁴²³

⁴¹⁷ Servimedia, ‘Acnur y Cermi coinciden en reforzar la perspectiva de discapacidad en las situaciones de protección internacional’, 15 December 2020, available [here](#).

⁴¹⁸ Comité Español de Representantes de Personas con Discapacidad – CERMI, ‘¡Tengo derechos humanos! Garantías para la igualdad de trato y no discriminación de las personas refugiadas, apátridas y solicitantes de asilo y apatridia con discapacidad’, May 2021, available [here](#).

⁴¹⁹ Servicio de Información sobre Discapacidad, ‘Derechos Sociales pide un sistema de protección internacional inclusivo y respetuoso con las personas refugiadas con discapacidad’, 21 June 2023, available [here](#); Observatorio de la Discapacidad, ‘Las personas con discapacidad en situación de protección internacional en España: situación, desafíos y propuestas’, available [here](#).

⁴²⁰ El Derecho, ‘Alianza entre CERMI, Amnistía Internacional y Fundación ONCE’, 5 July 2023, available [here](#).

⁴²¹ Information provided by UNHCR in April 2024.

⁴²² Information provided by UNHCR in March 2025.

⁴²³ Information provided by UNHCR in March 2025.

In addition, the UN Agency hosted, jointly with the Council of Europe, a seminar on the Protection of asylum-seekers and refugees with specific needs. The event brought together over 400 participants and speakers from the CoE, UNHCR, NGOs, academia, and competent authorities, including the police, the Ministry of Inclusion, Social Security and Migrations, and the Asylum Office. Among the topics addressed were the Council of Europe and UNHCR standards regarding the protection of asylum seekers and refugees with specific needs, the ECtHR case law of relevance, the identification and access to procedures, the referral mechanisms and the reception system. The event served to advocate for the strengthening of the protection of asylum seekers and refugees with specific needs in Spain.⁴²⁴

In 2024, UNHCR observed an increasing need to address mental health and psychosocial support (MHPSS) related needs of asylum seekers and refugees in the asylum system and established a mental health reference group, involving NGOs, refugee-led organizations and authorities to improve coordination and promote community-based mental health and psychosocial support initiatives.⁴²⁵

Human trafficking victims

Major shortcomings are still reported regarding the treatment of trafficking victim's cases; however, various improvements have been reported in recent years. Despite the adoption of two National Plans against Trafficking of Women and Girls for the purpose of Sexual Exploitation,⁴²⁶ and of a Framework Protocol on Protection of Victims of Human Trafficking,⁴²⁷ aiming at coordinating the action of all involved actors for guaranteeing protection to the victims, several obstacles still exist. The fight against trafficking is focused on girls and women trafficked for the purpose of sexual exploitation. 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 2023 annual report, the Spanish Ombudsperson continued to highlight the challenges in identifying trafficked persons especially during arrivals in the Canary Islands, and it reiterated the necessity to adopt appropriate protocols to detect possible trafficked persons, especially women and girls.⁴²⁸

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.⁴²⁹ 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 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.⁴³⁰ 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.⁴³¹

⁴²⁴ Information provided by UNHCR in April 2024.

⁴²⁵ Information provided by UNHCR in March 2025.

⁴²⁶ 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](#).

⁴²⁷ Framework Protocol of 2011 against trafficking ("Protocolo Marco de Protección de las Víctimas de Trata de Seres Humanos"), available [here](#).

⁴²⁸ Defensor del Pueblo, 'Informe anual 2023 – Volumen I', March 2024, available [here](#).

⁴²⁹ 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](#).

⁴³⁰ Information provided by Fundación Cruz Blanca, 11 January 2021.

⁴³¹ Information provided by Fundación Apip-Acam in March 2023.

Since the start of 2017, the OAR started considering Nigerian women as part of a “particular social group” according to refugee law, and as such as possible beneficiaries of international protection due to individual persecution suffered as connected to trafficking. This continues to be positively observed since then; the OAR also granted asylum to a Colombian man victim of trafficking in 2021. There were also cases, in the past years, in which refugee status was granted to persons trafficked for the purpose of labour exploitation.

In April 2021, the Government launched a public consultation for the adoption of a law on trafficking, focusing on the sexual exploitation of women and girls.⁴³² 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.⁴³³ 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.⁴³⁴

In December 2021, the Minister of Interior adopted the National Strategic Plan on Trafficking in Human Beings and Exploitation for the period 2021-2023, aimed at guaranteeing adequate protection and assistance to all victims of trafficking and exploitation.⁴³⁵ The Plan makes reference to the Asylum Law, specifically for what concerns the differential treatment foreseen by Article 46 for certain groups – among which trafficking victims - in the asylum procedure. Additionally, the plan addresses the topic of international protection needs as regards certain trafficked persons. A new Plan has not been adopted at the time of writing of this report.

Another relevant instrument adopted in the same month is the ‘National Action Plan against Forced Labour: compulsory labour relations and other forced human activities’.⁴³⁶ Even though it does not explicitly refer to asylum, the Action Plan represents an important step forward in tackling forms of trafficking different from trafficking for sexual purposes, and in addressing all victims.

In 2021, the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe started its third evaluation round of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Spain. The country visit was carried out in July 2022⁴³⁷ and the evaluation report was published in June 2023.⁴³⁸ Among the recommendations made, GRETA urged the Spanish authorities ‘to put in place and operationalise a National Referral Mechanism (NRM) and to ensure that, in practice, formal identification of victims does not depend on the presence of sufficient evidence for the initiation of criminal proceedings’. It also called on the Spanish authorities to strengthen the proactive detection of victims of trafficking among asylum seekers and migrants arriving in Ceuta, Melilla and the Canary Islands.

In October 2024, the European Court of Human Rights condemned Spain for not adequately investigating and protecting a victim of human trafficking.⁴³⁹

⁴³² Ministerio de Igualdad, ‘Consulta pública previa a la elaboración de un proyecto normativo consistente en una ley integral contra la trata’, April 2021, available [here](#).

⁴³³ Ministerio de Justicia, ‘El Gobierno aprueba el Anteproyecto de Ley Orgánica Integral contra la Trata’, 29 November 2022, available [here](#).

⁴³⁴ 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](#).

⁴³⁵ Gobierno de España, Presidencia del Gobierno, ‘Interior presenta el Plan Estratégico Nacional contra la Trata y la Explotación de Seres Humanos 2021-2023’, December 2021, available [here](#).

⁴³⁶ Boletín Oficial del Estado (BOE), ‘Resolución de 20 de diciembre de 2021, de la Secretaría de Estado de Empleo y Economía Social, por la que se publica el Acuerdo del Consejo de Ministros de 10 de diciembre de 2021, por el que se aprueba el Plan de Acción Nacional contra el Trabajo Forzoso: relaciones laborales obligatorias y otras actividades humanas forzadas’, 20 December 2021, available [here](#).

⁴³⁷ Council of Europe, ‘GRETA carries out third evaluation visit to Spain’, 4-8 July 2022, available [here](#).

⁴³⁸ Group of Experts on Action against Trafficking in Human Beings (GRETA), Council of Europe, ‘Evaluation report – Spain – Third evaluation round - Access to justice and effective remedies for victims of trafficking in human beings’, 12 June 2023, available [here](#).

⁴³⁹ El Diario, ‘El Tribunal de Derechos Humanos condena a España por no investigar “de forma adecuada” la denuncia de una víctima de trata’, 10 October 2024, available [here](#); European Court of Human Rights, ‘Judgment concerning Spain’, 10 October 2024, available [here](#).

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.⁴⁴⁰ 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,⁴⁴¹ but it also sets out the exceptions to this 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, NGOs⁴⁴², academics, the UN Committee on the Rights of the Child, as well as administration officers and the Spanish Ombudsperson.⁴⁴³ 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

⁴⁴⁰ Framework Protocol of 13 October 2014 on actions relating to foreign unaccompanied minors, available [here](#).

⁴⁴¹ Chapter II, para 6 Protocol on Unaccompanied Minors.

⁴⁴² Plataforma de Infancia, "El informe de aportaciones a la Lista de Cuestiones Previa a la Presentación de Informes (LOIPR) en el marco del VII Ciclo del procedimiento de informes periódicos a España ante el Comité de Derechos del Niño", October 2022, available [here](#), 25.

⁴⁴³ Defensor del Pueblo, 'Informe anual 2022 – Volumen 1', March 2023, available [here](#), 166.

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.⁴⁴⁴ 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.

The Law on the protection of children from violence adopted in 2021 establishes the obligation to apply the presumption of minority of age when age cannot be determined, and that integral nudes, genital explorations or other invasive examinations cannot be carried out under any circumstances.⁴⁴⁵

The provisions of the Protocol do not follow a 2014 Spanish Supreme Court ruling, which has provided clarification and the right interpretation of Article 35 of Immigration Law, which provides that "in case it is not possible to surely assess the age, tests for age determination can be used".⁴⁴⁶

In this judgment, the Supreme Court ruled that, when the official documentation of the minor states the age minority, the child must be sent to the protection system without the conduct of medical tests. In cases where the validity of the documentation is unclear, the courts will have to assess with proportionality the reasons for which the mentioned validity is questioned. In that case, medical tests can be conducted but always bearing in mind that the doubts based on the physical aspects of the minor must be given in their favour. In the same way, documented unaccompanied minor migrants cannot be considered undocumented if they hold an official document issued by their country of origin. As said above, this latter aspect is contradicted by the Protocol.

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 Spain⁴⁴⁷, and issued several decisions condemning Spain for its illegal practices and methodologies used for carrying out the procedure.⁴⁴⁸

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.⁴⁴⁹

⁴⁴⁴ Clara Isabel Barrio Lema, María José Castaño Reyero and Isabel Díez Velasco, Instituto Universitario de Estudios sobre Migraciones, Universidad Pontificia Comillas, 'Colectivos vulnerables en el sistema de asilo', December 2019, available [here](#).

⁴⁴⁵ Diario La Ley, 'La nueva ley de la infancia prohíbe los desnudos integrales a menores migrantes para determinar su edad', 13 May 2021, available [here](#).

⁴⁴⁶ Supreme Court, Judgment No 453/2014, 23 September 2014, available [here](#). See EDAL summary [here](#).

⁴⁴⁷ 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](#).

⁴⁴⁸ 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 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 summary [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](#).

⁴⁴⁹ 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](#).

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 revert the trend existing so far in Spain.⁴⁵⁰

Despite ongoing efforts to reform the age assessment procedure in Spain, significant concerns persist regarding its effectiveness and compliance with children's rights, according to Save the Children.⁴⁵¹ The following challenges remain:

- 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.
- 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 Centres for Foreigners (CATE) often undergo age assessments without legal assistance or the presence of a guardian, 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.⁴⁵² 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.⁴⁵³ 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.⁴⁵⁴

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.⁴⁵⁵

In view of the General Elections, the Platform for Childhood (*Plataforma de Infancia*) and UNICEF sent to the political parties a set of proposals, which includes, among others, the call to reform the age assessment procedures.⁴⁵⁶

⁴⁵⁰ 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](#).

⁴⁵¹ Information provided by Save the Children in February 2025.

⁴⁵² 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](#).

⁴⁵³ 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](#).

⁴⁵⁴ Information provided by Save the Children in March 2023.

⁴⁵⁵ 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](#).

⁴⁵⁶ Plataforma de Infancia, 'Propuestas de Infancia para programas electorales Elecciones Generales 2023', June 2023, available [here](#); UNICEF, 'En estas elecciones, gana la infancia. Contribución de UNICEF España a los Programas Electorales', June 2023, available [here](#).

Within the reporting procedure of the UN Committee for the Rights of the Child, one of the questions presented to the Spanish Government in the List of Issues Prior to Reporting refers to the measures put in place to end with the human rights violations that occur with the age assessment procedure.⁴⁵⁷

At the end of 2022, the Constitutional Court (*Tribunal Constitucional*) examined a case regarding appealing against age assessment decisions. The court considered that the opportunity to challenge an age assessment decision was a requirement for the right to effective judicial protection to be upheld.⁴⁵⁸

In January 2024, the political group *Sumar* registered a set of questions to the Government at Congress on age assessment of UAMs.⁴⁵⁹

In view of the Universal Periodic Review of the UN Human Rights Council that Spain will undergo in 2025, 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.⁴⁶⁰

Other obstacles in practice

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 2020.⁴⁶¹ 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.⁴⁶² 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 2021.⁴⁶³ 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.⁴⁶⁴ In May 2022, 976 children (40% of the children under the guardianship of the Autonomous

⁴⁵⁷ Plataforma de Infancia, 'El Comité de los Derechos del Niño insta al Gobierno de España a proporcionar información sobre medidas de apoyo a la crianza', 1 March 2023, available [here](#).

⁴⁵⁸ Tribunal Constitucional de España, SENTENCIA 130/2022, de 24 de octubre, (BOE núm. 288, de 01 de diciembre de 2022), ECLI:ES:TC:2022:130, available [here](#).

⁴⁵⁹ Qué, 'Sumar advierte al Gobierno sobre los migrantes: dudas y sin transparencia', 21 January 2024, available [here](#).

⁴⁶⁰ 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](#).

⁴⁶¹ Fundamental Rights Agency (FRA), 'Migration: key fundamental rights concerns. 1.10.2020-31.12.2020. Quarterly bulletin', 2021, available [here](#).

⁴⁶² 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](#).

⁴⁶³ Canarias7, 'Canarias comienza el traslado de menores extranjeros no acompañados a la Península', 11 March 2021, available [here](#).

⁴⁶⁴ 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](#).

Community) continued to wait their age assessment.⁴⁶⁵ In September 2023, there were around 2,000 UAMs waiting to undergo age assessment procedure.⁴⁶⁶ 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.⁴⁶⁷

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.⁴⁶⁸ 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. To this date, 5,500 migrant children are waiting for the result of their age assessment procedures.⁴⁶⁹

In February 2024, the UN Committee on the Rights of the Child urged Spain to transfer to a minors' reception facility a 14-year-old unaccompanied child from Gambia who had been living on the street for four days in the Autonomous Community of **Madrid**. Despite providing his birth certificate, his passport and his childlike appearance, he was treated as an adult and left in a situation of abandonment.⁴⁷⁰ Regarding unaccompanied children in need of international protection, UNHCR conducted trainings directed at more than 1,000 professionals from central and regional government and NGOs working in child protection centres, resulting in an increased sensitivity and attention to their specific needs and enhanced collaboration among relevant actors to speed up their referrals to the asylum procedure. UNHCR, with the support of the University of Comillas, developed a Practical Guide for Professionals working with Unaccompanied and Separated Refugee Children, a practical tool for professionals who play a role in the protection and assistance of refugee children arriving in Spain, and started its dissemination with the police, child protection services, the Office for Asylum and Refugee (OAR), NGOs and lawyers.⁴⁷¹

Statistics on age assessments are always published in the month of September of the following year: i.e. figures on 2024 will only be made available in September 2025. From 2018 to 2023, the Prosecutor concluded the following age assessment examinations:

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

Source: Fiscalía General del Estado, 2019, 2020, 2021, 2022 and 2023 Activity reports, available at: <https://bit.ly/3nDnGsF>, <https://bit.ly/3eMepwr>, <https://bit.ly/3RuAXDV> <https://tinyurl.com/46a2ae2j> and [here](#).

⁴⁶⁵ Canarias7, 'El 40% de los menores sigue pendiente de las pruebas de edad', 30 May 2022, available [here](#).

⁴⁶⁶ Defensor del Pueblo, 'Informe anual 2023 – Volumen I', March 2024, p. 76, available [here](#).

⁴⁶⁷ Radio Televisión Canaria, 'Sandra Rodríguez: «Unos 400-500 menores migrantes esperan por pruebas de edad»', 13 January 2025, available [here](#).

⁴⁶⁸ 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](#).

⁴⁶⁹ Cadena Ser, 'El Defensor del Pueblo canario abre una investigación para esclarecer la situación de los menores en prisión', 16 February 2024, available [here](#).

⁴⁷⁰ El Diario, 'El menor gambiano que ha acudido a la ONU tras acabar en la calle en España: "Me sentí solo y distinto a los otros"', 23 February 2024, available [here](#); El Diario, 'La ONU exige a España que acoja a un niño migrante de 14 años abandonado en Madrid en la calle desde hace 4 días', 15 February 2024, available [here](#).

⁴⁷¹ Information provided by UNHCR in March 2023.

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,⁴⁷² 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.⁴⁷³ 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.⁴⁷⁴

In view of the reform of the Ruling 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.⁴⁷⁵ 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 16.⁴⁷⁶ The change is expected to improve living conditions and integration prospects for thousands of young people. From the entry into force of the reform in November 2022 until 31 December 2023, a total of 15,045 children and young adults aged between 16 and 23 years old had a residence permit. In addition, the 60% of them were in the labour register.⁴⁷⁷

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:⁴⁷⁸

- 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 identified as adults - are unable to benefit from the reform despite having their identity confirmed by embassies.
- 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.

⁴⁷² Audiencia Nacional, 'Sala de lo Contencioso-Administrativo, Sección Séptima, nº recurso 770/2017', 28 December 2018, available [here](#).

⁴⁷³ Tribunal Supremo. Sala de lo Contencioso, Decision nº 473/2022, 25 April 2022, available [here](#).

⁴⁷⁴ El Salto Diario, 'Melilla: ¿se cumple el derecho de la infancia migrante a empadronarse?', 25 April 2023, available [here](#).

⁴⁷⁵ La Merced Migraciones, 'Garantizar el derecho a documentarse de los niños y niñas que llegan solos a España', February 2021, available [here](#).

⁴⁷⁶ PICUM, 'Spain adopts law to facilitate regularisation of young migrants', 18 November 2021, available [here](#).

⁴⁷⁷ Ministerio de Inclusión, Seguridad Social y Migración, Observatorio Permanente de la Inmigración, 'Menores no acompañados y jóvenes extutelados con autorización de residencia', available [here](#).

⁴⁷⁸ Information provided by Save the Children in February 2025.

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.

In view of the General Elections, in its set of proposals to the political parties, the Platform for Childhood (*Plataforma de Infancia*) asked to guarantee the rights of children, notably requesting for the asylum procedure and the asylum reception system are adapted to the needs of children, and that they guarantee their rights, including the right to be heard, to be informed, and that their best interest is assured in any decision affecting the child.⁴⁷⁹ A similar proposal was made by UNICEF.⁴⁸⁰

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.⁴⁸¹

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.⁴⁸² 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.⁴⁸³

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

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.

⁴⁷⁹ Plataforma de Infancia, 'Propuestas de Infancia para programas electorales Elecciones Generales 2023', June 2023, available [here](#).

⁴⁸⁰ UNICEF, 'En estas elecciones, gana la infancia. Contribución de UNICEF España a los Programas Electorales', June 2023, available [here](#).

⁴⁸¹ Information provided by Accem's legal service in April 2023.

⁴⁸² Article 24(2) Asylum Regulation.

⁴⁸³ Articles 37(b) and 46(3) Asylum Law.

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.⁴⁸⁴

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. In these cases, children are left in the street, homeless and undocumented. 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. So far, the reform is having a positive impact on the lives of children, by making sure they are not left undocumented, as well as to avoid situations of homelessness, and it is hoped that such positive effects will continue.⁴⁸⁵

In its 2023 annual report the Spanish Ombudsperson reiterated its concerns regarding the challenges that UAMs face in the **Canary Islands**, including the delays in undergoing age assessment procedure, and insisted on the necessity of allocating appropriate infrastructures and specialised personnel in the arrivals for the identification, reception and integration of UAMs.⁴⁸⁶

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.

⁴⁸⁴ Chapter VII, para 1(2) Protocol on Unaccompanied Minors.

⁴⁸⁵ PICUM, 'Spain adopts law to facilitate regularisation of young migrants', 18 November 2021, available [here](#).

⁴⁸⁶ Defensor del Pueblo, 'Informe anual 2023 – Volumen I', March 2024, p. 75, available [here](#).

Nevertheless, it should be highlighted that there are very few asylum applications made by unaccompanied children. In 2020, 45 unaccompanied migrant children applied for international protection,⁴⁸⁷ while in 2021 they were 50⁴⁸⁸, in 2022 they were 94⁴⁸⁹, and in 2023 they were 31.⁴⁹⁰ Statistics on the year 2024 were not available at the time of writing.

Following a parliamentary request, the Government informed that, from 2019 to 30 September 2024, a total of 20,332 UAM arrived in Spain. In addition, it informed that a total of 318 asylum applications were lodged by UAMs between 2019 and 2023 (98 in 2019, 43 in 2020, 50 in 2021, 94 in 2022 and 31 in 2023).⁴⁹¹

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.⁴⁹²

In 2024, UNHCR observed progresses in the identification of unaccompanied children in need of international protection by competent authorities, and in facilitating their access to the asylum procedure. In some locations, regional child protection authorities promoted priority channels with the police, supported by UNHCR.

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.

Despite the intense efforts by the Canary Islands government, there is still no agreement for the mandatory relocation of the estimated 5,400 foreign unaccompanied children under the guardianship of child protection authorities. Although an initial agreement was reached for the transfer of 4,400 children from the Canary Islands (4,000) and Ceuta (400) to the mainland, the criteria for relocation have hindered the effective implementation of the agreement. As a result, important challenges related to the lack of resources and overcrowding of child protection centres persist up to the time of writing, impacting on the psychosocial needs of children, and leading in some cases to incorrect assessments of age, so that children are incorrectly registered as adults and then transferred to centres destined to adults. In this context, child trafficking is becoming an increasing concern, with a growing number of children disappearing from some child protection centres.

During the first quarter of 2024, UNHCR interviewed 576 unaccompanied children (502 boys and 74 girls) across 37 centres in the Canary Islands and concluded that 55% were in need of international protection.

⁴⁸⁷ Ministerio del Interior, 'Asilo en cifras 2020', 2020, available [here](#), 94.

⁴⁸⁸ Ministerio del Interior, 'Asilo en cifras 2021', 2021, available [here](#), 88.

⁴⁸⁹ Ministerio del Interior, 'Asilo en cifras 2022', 2022, available [here](#), 105.

⁴⁹⁰ Ministerio del Interior, 'Asilo en cifras 2023', 2024, available [here](#).

⁴⁹¹ Valencia Plaza, 'El Gobierno dice que 20.332 menores migrantes no acompañados han llegado a España desde 2019', 30 November 2024, available [here](#).

⁴⁹² Irídia, Novact, 'Vulneración de Derechos Humanos en Canarias 2024. Infancia Migrante y Criminalización', december 2024, available [here](#).

A report was shared with the relevant authorities, highlighting key areas for improvement, recommendations, and UNHCR's proposed support.

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 and child protection authorities was developed to create a needs assessment tool for unaccompanied asylum-seeking children arriving in the Canary Islands. This tool, that should start being implemented in 2025, will enable early identification of international protection needs and risks, ensuring timely referrals to the asylum procedure, relocation within Spain, and tailored protection interventions, such as family reunification.⁴⁹³

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 2,140 in 2024.⁴⁹⁴

⁴⁹³ Information provided by UNHCR in March 2025.

⁴⁹⁴ Eurostat, 'Asylum applicants by type, citizenship, age and sex - annual aggregated data', available [here](#).

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.

Before the Taliban takeover, Afghans nationals were often denied asylum in Spain. After the evacuation, Afghans already living in Spain started receiving some form of international protection (most commonly subsidiary protection). Those arrived through the evacuation operation, are in general receiving refugee status.⁴⁹⁵ In addition, Afghans are now arriving through the application of Article 38 of the Asylum Law, that allows them to apply for asylum at embassies and consulates, and they are receiving refugee status.

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 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.⁴⁹⁶ 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.⁴⁹⁷ 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.⁴⁹⁸ 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.⁴⁹⁹

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

⁴⁹⁵ Information provided by Accem’s legal service in April 2024.

⁴⁹⁶ Article 20(1)(d) Asylum Law.

⁴⁹⁷ Information provided by Accem’s legal service in April 2024.

⁴⁹⁸ Information provided by Accem’s legal service in February 2025.

⁴⁹⁹ Audiencia Nacional, Decision SAN 1441/2018, 15 March 2018.

signatory to the Geneva Convention, as the latter must also guarantee the application of the Convention.”⁵⁰⁰ In principle, both the ratification and the application of the Geneva Convention are necessary conditions for the application of the safe third country concept.⁵⁰¹

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.⁵⁰² The same reasoning was used in a case concerning **Algeria**.⁵⁰³ 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.⁵⁰⁴

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.⁵⁰⁵

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”.

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.⁵⁰⁶

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,⁵⁰⁷ 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.

⁵⁰⁰ Audiencia Nacional, Decision SAN 428/2018, 2 February 2018.

⁵⁰¹ *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.

⁵⁰² Audiencia Nacional, Decision SAN 428/2018, 2 February 2018.

⁵⁰³ Audiencia Nacional, Decision SAN 3838/2016, 17 October 2016.

⁵⁰⁴ Information provided by Accem in March 2025.

⁵⁰⁵ Audiencia Nacional, Decision SAN 428/2018, 2 February 2018.

⁵⁰⁶ Audiencia Nacional, Decision SAN 428/2018, 2 February 2018.

⁵⁰⁷ Audiencia Nacional, Decision SAN 4076/2016, 17 October 2016; Decision SAN 3838/2016, 17 October 2016.

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.⁵⁰⁸ 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.⁵⁰⁹ 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.⁵¹⁰

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.

On the International Woman Day, on March 2021, UNHCR launched a video to prevent gender-based violence against refugee and asylum seeker women. The video is available in 4 languages (Spanish, English, French and Arabic), and is aimed at preventing and identifying possible situations of gender-based violence, and informing refugee and asylum seekers women on what to do and where to refer in such cases⁵¹¹. In addition, in April 2021, UNHCR launched two animated videos to inform persons reaching Spain about international protection. The videos are available in Spanish, English, French and Arabic, and they explain to newcomers what international protection is and how to access the procedure in Spain, both at the borders and in territory.⁵¹²

Through its presence at main entry points and in Madrid, UNHCR provided information to 29,098 individuals who were newly arrived and seeking asylum in 2024. This support was provided through face-to-face counselling, group information sessions, helplines and email correspondence and during UNHCR's monitoring visits to reception centres and detention centres for sea arrivals. Information was also disseminated through adapted materials such as videos in various languages.

UNHCR also disseminated information through videos and leaflets in various languages (including African languages) as well as its HELP portal on how to access the asylum procedure and the reception system and the rights and obligations of refugees, asylum seekers and stateless people.

Information provision was also reinforced through group sessions, individual counselling and the "*Know Your Rights*" programme implemented by DLA Piper law firm. Furthermore, a special edition dedicated to Afghan refugees was implemented, engaging five Afghan Refugee-Led Organisations in its design and

⁵⁰⁸ Article 5(1) Asylum Regulation.

⁵⁰⁹ The leaflet is available [here](#).

⁵¹⁰ Article 5(2) Asylum Regulation.

⁵¹¹ UNHCR/ACNUR, 'ACNUR presenta un vídeo para ayudar a prevenir la violencia de género en mujeres refugiadas y solicitantes de asilo', 5 March 2021, available [here](#).

⁵¹² UNHCR/ACNUR, *ACNUR lanza dos vídeos animados sobre protección internacional y asilo en España*, 19 April 2021, available [here](#).

implementation to ensure the initiative was community-driven and culturally relevant for the 114 Afghan participants.

UNHCR, issued a virtual newsletter for refugees and stateless people to disseminate information and opportunities to the community, enabling to reach out to forcibly displaced populations outside the reception system, reaching 3,000 people.⁵¹³

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, Farsi and Bambara.⁵¹⁴

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 CEAR⁵¹⁵ and the Red Cross⁵¹⁶ have presence at the airports of Madrid and Barcelona,⁵¹⁷ 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. As mentioned, UNHCR and CEAR are present in different parts of **Andalucía** in order to support the authorities in detecting persons with vulnerabilities and special needs, as well as in informing persons about the right to international protection. Save the Children also has team of professionals that monitor sea arrivals. In November 2020, UNHCR and OIM announced plans to open an office in the **Canary Island**.⁵¹⁸ As already mentioned, both organisations started to work in the archipelago at the beginning of 2021, but IOM's operation was finalised in June 2022.

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](#).

⁵¹³ Information provided by UNHCR in March 2025.

⁵¹⁴ 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](#).

⁵¹⁵ CEAR, see [here](#).

⁵¹⁶ Cruz Roja Española, see [here](#).

⁵¹⁷ Information provided by the OAR, 14 September 2020; Accem, 29 September 2020.

⁵¹⁸ Canarias 7, 'Gran Canaria contará con una oficina de ayuda al refugiado', 19 November 2020, available [here](#); La Vanguardia, 'ACNUR y la OIM ayudarán a gestionar la crisis migratoria de Canarias', 16 November 2020, available [here](#).

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?⁵¹⁹ ☐ 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.⁵²⁰

In 2024, out of a total of 33,432 first instance decisions on humanitarian grounds, 32,786 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.⁵²¹

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).⁵²²

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.⁵²³

Following the presidential elections in July 2024, the opposition leader Edmundo González fled Venezuela and reached Spain in September, to apply for asylum. A warrant for his arrest was issued in Venezuela after he disputed the presidential election result.⁵²⁴

⁵¹⁹ Whether under the “safe country of origin” concept or otherwise.

⁵²⁰ Audiencia Nacional, Decisions SAN 2522/2018, 26 June 2018; SAN 4063/2018, 8 October 2018; SAN 4060/2018, 18 October 2018.

⁵²¹ 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 2024’, January 2025, available [here](#).

⁵²² Information provided by the legal services of Accem on February 2021.

⁵²³ Tribunal Supremo, Decision 352/2021 (STS 1052/2021), 11 March 2021, available [here](#).

⁵²⁴ BBC, ‘Venezuelan opposition leader lands in Spain after fleeing homeland’, 8 September 2024, available [here](#).

Syria

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.⁵²⁵ The same trend continued in 2022, when 1,019 Syrians were granted refugee status⁵²⁶, 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.⁵²⁷

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**.⁵²⁸ 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.⁵²⁹ 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.⁵³⁰

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, LGTBI+ individuals, gender-based violence victims) were granted protection.⁵³¹

Colombia

In the last years, asylum seekers from **Colombia** frequently received a differential treatment due to nationality, as they were systematically denied asylum due to the situation in the country being considered to be critical only because of the widespread criminality, instead of acknowledging the presence of organised armed groups. In addition, similar cases of persecution (i.e. for political grounds) have received different outcomes (i.e. granting of international protection or denial).⁵³² Accem noticed improvements in the recognition of international protection to women victims of gender-based violence.⁵³³

⁵²⁵ Eurostat, First instance decisions on applications by citizenship, age and sex. Annual aggregated data (rounded)[migr_asydcfst], available [here](#).

⁵²⁶ Ministerio del Interior, Oficina de Asilo y Refugio (OAR); 'Asilo en cifras 2022', November 2023, available [here](#).

⁵²⁷ The Objective, 'El Gobierno descarta suspender los trámites de asilo a ciudadanos sirios en España', 10 December 2024, available [here](#).

⁵²⁸ Audiencia Nacional, Decision SAN 5110/2017, 22 November 2017; SAN 5189/2017, 22 November 2017; SAN 3930/2017, 14 September 2017.

⁵²⁹ Audiencia Nacional, Decision SAN 508/2018, 9 February 2018.

⁵³⁰ 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](#).

⁵³¹ Information confirmed by Accem's legal service in February 2025.

⁵³² Information provided by the legal service of Accem in February 2022.

⁵³³ Information provided by Accem's legal service in April 2024 and confirmed in February 2025.

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,⁵³⁴ as well as their reception and granting of either refugee status or subsidiary protection.⁵³⁵ The Spanish military base in Torrejón (Autonomous Community of Madrid) worked as a hub for the Afghan refugees who were later transferred to the US or other EU countries.⁵³⁶ Different Spanish Autonomous Communities offered places for the reception of Afghans, with a special concern for women and children. After the temporarily reception of maximum 72-hours at the Torrejón military base,⁵³⁷ Afghan refugees were referred to centres or apartments in the framework of the international protection reception system.⁵³⁸ At the Torrejón facility, the Spanish Red Cross provided the first temporary assistance to refugees.

By the end of August 2021, the Spanish Government had transferred more than 2,200 Afghans to Spain. Around 1,700 applied for international protection, and many were referred to the reception asylum system.⁵³⁹ One-third of them were under 15 years of age.⁵⁴⁰

The MISSM concluded the referral of Afghans to different reception facilities across the countries by mid-November, and the military base of Torrejón was dismantled.⁵⁴¹ Afghans applicants in Spain have been required to make an asylum application through the usual channels.⁵⁴² The Asylum Office (OAR) prioritised the first interview with Afghans applicants for the formalisation of the international protection application. It has to be underlined that interviews were carried out in a complete and detailed manner, also taking into account different characteristics (i.e. belonging to a minority group) and vulnerabilities of applicants. Additionally, the assessment phase was quicker than usual.⁵⁴³

In January 2022 the National High Court adopted a decision granting subsidiary protection to the appellant,⁵⁴⁴ as it considered that, as far as the conflict in Afghanistan continues and it is not possible to find an internal flight alternative due to the total control of the country by the Taliban regime, the existing violence creates a real risk of suffering serious and individual threats against the life or security of civil population, and that sometimes this real risk may simply exist due to the presence of the applicant in the territory. Such a decision represents a change of criteria in relation to the international protection

⁵³⁴ 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](#).

⁵³⁵ El País, 'España prepara la evacuación de afganos que trabajaron para sus militares y cooperantes', 11 August 2021, available [here](#).

⁵³⁶ Newtral, 'Así será la acogida de refugiados afganos que ha ofrecido España', 18 August 2021, available [here](#); Cadenaser, 'España acogerá en Rota y Morón a un máximo de 4.000 colaboradores afganos de EEUU durante dos semanas', 23 December 2021, available [here](#).

⁵³⁷ ECRE, *Afghans seeking protection in Europe. ECRE's compilation of information on evacuations, pathways to protection and access to asylum in Europe for Afghans since August 2021*, December 2021, available [here](#).

⁵³⁸ El Diario, 'El Gobierno acelera la acogida de refugiados afganos: "La prioridad es sacarlos de Torrejón lo antes posible"', 23 August 2021, available [here](#).

⁵³⁹ Público, 'Más de 1.700 personas evacuadas de Afganistán solicitan protección internacional en España', 27 August 2021, available [here](#); Público, 'La mitad de los refugiados afganos llegados a España piden protección internacional en nuestro país', 23 August 2021, available [here](#); The Objective, 'Más de 1.700 de los afganos que llegaron a España están en el sistema de acogida aprendiendo el idioma', 4 December 2021, available [here](#).

⁵⁴⁰ El Diario, 'Un tercio de los refugiados afganos evacuados y acogidos en España son menores de 15 años', 2 September 2021, available [here](#).

⁵⁴¹ El Confidencial Autonómico, 'La base aérea de Torrejón, despejada después de atender a los últimos 240 afganos', 16 November 2021, available [here](#).

⁵⁴² ECRE, *Afghans seeking protection in Europe. ECRE's compilation of information on evacuations, pathways to protection and access to asylum in Europe for Afghans since August 2021*, December 2021, available [here](#).

⁵⁴³ Information provided by the legal service of Accem on February 2022.

⁵⁴⁴ Audiencia Nacional. Sala de lo Contencioso, SAN 250/2022, 13 January 2022, available [here](#).

mechanisms for Afghan nationals in Spain, and has been adopted taken into consideration the UNHCR recommendations after the evacuation of August 2021.

At the end of 2022, a group of 27 Afghan female public prosecutors arrived to Spain from Pakistan together with their families, in an action coordinated by the Spanish Minister of External Affairs and thanks to the initiative of a group of Spanish judges and public prosecutors.⁵⁴⁵

In December 2022, the political party *Unidas Podemos* presented a parliamentary request aimed at gathering more information and devising solutions in relation to the problems that Afghan nationals are facing at the Spanish embassies in Pakistan and Iran for applying for asylum.⁵⁴⁶

Following a parliamentary request, in March 2023 the Government reported that 1,500 Afghans arrived to Spain since August 2021 after applying for asylum at Spanish embassies in Iran and Pakistan.⁵⁴⁷

In October 2023, the NGO CEAR denounced the return from Pakistan to Afghanistan of seven Afghans who are family members of an Afghan refugee in Spain, who had been waiting for 2 years for the Spanish authorities to decide on their family reunification request.⁵⁴⁸

In 2023, a total of 1,120 Afghans were granted international protection.⁵⁴⁹

In January 2024, the Supreme Court (*Tribunal Supremo*) urged the immediate transfer of eight Afghans from Pakistan to Spain, who were already granted a safe conduct by the Spanish Ministry of Foreign Affairs and were waiting for their transfer since 2021.⁵⁵⁰

In February, the Public Prosecutor Office asked the National Court (*Audiencia Nacional*) to transfer to Spain an Afghan public prosecutor who was working on counterterrorism, as her life is in danger.⁵⁵¹ The National Court ordered the Spanish Ambassador in Pakistan to provide the woman and her son the appropriate documents to reach Spain.⁵⁵²

With a decision issued in February, the Supreme Court (*Tribunal Supremo*) asked for the urgent transfer of an Afghan family from Pakistan to Spain.⁵⁵³

On the occasion of the 3-years anniversary of the Talibans 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.⁵⁵⁴

In October, 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

⁵⁴⁵ Epe, 'Las fiscales afganas objetivo de los talibanes y auxiliadas por Exteriores llegan a España', 27 December 2022, available [here](#).

⁵⁴⁶ Mundo Obrero, 'UP alerta sobre los problemas de las personas huidas de Afganistán que solicitan asilo en las embajadas de Pakistán e Irán', 30 December 2022, available [here](#).

⁵⁴⁷ Europa Press, 'El Gobierno ha facilitado la llegada a España de 1.444 afganos que huían de los talibán desde Irán y Pakistán', 6 March 2023, available [here](#).

⁵⁴⁸ CEAR, 'CEAR denuncia la devolución de una familia a Afganistán que había solicitado ser reagrupada en España', 17 October 2023, available [here](#).

⁵⁴⁹ 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 2023', January 2024, available [here](#).

⁵⁵⁰ La Razón, 'El TS ordena a la embajada española en Pakistán el traslado urgente de ocho afganos que tienen un salvoconducto de Exteriores', 9 February 2024, available [here](#).

⁵⁵¹ Europa Press, 'La Fiscalía pide traer a España a una fiscal antiterrorista afgana que huyó a Pakistan cuando llegaron los talibán', 13 February 2024, available [here](#).

⁵⁵² Poder Judicial, 'La Audiencia Nacional ordena al embajador en Pakistán que dote a una fiscal antiterrorista afgana y a su hijo de documentación para trasladarse a España', 11 April 2024, available [here](#).

⁵⁵³ Tribunal Supremo. Sala de lo Contencioso, STS 680/2024 - ECLI:ES:TS:2024:680, 6 February 2024, available [here](#).

⁵⁵⁴ CEAR, 'Afganistán, tres años buscando refugio del "apartheid de género"', 14 August 2024, available [here](#).

consulates.⁵⁵⁵ During the same month the Congress, following a request made by the PSOE, condemned the gender apartheid in Afghanistan.⁵⁵⁶

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.⁵⁵⁷

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.⁵⁵⁸

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 42.⁵⁵⁹

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](#) and [AIDA 2023 update](#)).

Russia

Following the call to arms by the Russian President in November 2022, around 200 Russian draft evaders reached Spain to seek protection.⁵⁶⁰ 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.

Ukraine

Concerning the response to the outbreak of war in **Ukraine** in February 2022, see the [Temporary Protection Annex](#) to the report.

Palestine

At the beginning of 2024, Accem started running the *Gaza Project*, funded by the Directorate-General of Spanish Citizens Abroad and Return Policies of the Spanish Ministry for Inclusion, Social Security and Migration, and aimed at Spanish citizens returning from Gaza. In early 2024, the project involved a total of 119 people, mostly women (54%) and children (43%). Accem provides reception, legal assistance, Spanish lessons, access to the job market, as well as access to other services, with the aim of fostering their reintegration. As of 14 August 2024, 3 of the 119 persons had been granted subsidiary protection, one was granted international protection, and 18 applied for international protection, while the other four applied for residence permits and Spanish nationality. Twenty were left undocumented. However, it is important to note that, since the beginning of the project, the administrative situation of some beneficiaries has changed, or may change.⁵⁶¹

⁵⁵⁵ 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](#).

⁵⁵⁶ PSOE, 'El Congreso condena, a instancias del Grupo Socialista, el "apartheid de género" en Afganistán', 29 October 2024, available [here](#).

⁵⁵⁷ 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](#).

⁵⁵⁸ El Confidencial Digital, 'Mujeres afganas fuerzan en los tribunales poder viajar a España para huir de los talibán', 31 December 2024, available [here](#).

⁵⁵⁹ 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](#).

⁵⁶⁰ Cadena Ser, 'Más de 200 desertores rusos llegan a España en busca de protección internacional', 21 November 2022, available [here](#).

⁵⁶¹ Information provided by Accem in July 2024.

In June, 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 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 will manage 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'.⁵⁶²

Patients and their families arrived in Spain on 24 July 2024 from Cairo (Egypt), and the project is expected to last approximately three months. The project is aimed at a group of 12 Gazan families whose children require urgent health care due to serious pathologies (cancer patients and severe trauma). There are 43 people: 16 patients (15 children and one adult), and 27 accompanying persons. Patients will be cared for in hospitals in the regions of the Basque Country (Barakaldo and Donostia), Castilla-La Mancha (Toledo), Asturias (Oviedo), Navarre (Pamplona) and Madrid (Gómez Ulla Central Defence Hospital). Accem will accompany and provide psychosocial care to children and their families through specialised teams, coordinated from the organisation's headquarters in Madrid.⁵⁶³ By the end of 2024, Accem supported a total of 14 families.⁵⁶⁴

In August, a group of 26 Palestinians applied for asylum at the Spanish Embassy in Cairo (Egypt).⁵⁶⁵

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.⁵⁶⁶

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.⁵⁶⁷

In February 2025, around 500 people who fled Gaza and the West Bank were present in the Spanish asylum and reception system.⁵⁶⁸

⁵⁶² 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](#).

⁵⁶³ Information provided by Accem in July 2024; Radiotelevisión del Principado de Asturias, 'Los menores de Gaza tratados en el HUCA continúan sus tratamientos con normalidad', 11 September 2024, available [here](#).

⁵⁶⁴ Accem, 'Accem ha acogido este año a 14 familias procedentes de Gaza con menores necesitados de atención sanitaria urgente', 9 December 2024, available [here](#).

⁵⁶⁵ El País, 'Un grupo de gazatíes solicita desde Egipto su traslado a España para poder pedir asilo', 6 August 2024, available [here](#).

⁵⁶⁶ Middle east Monitor, 'Spain, Ireland demand EU suspend free trade agreement with Israel', 15 October 2024, available [here](#).

⁵⁶⁷ 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](#).

⁵⁶⁸ Europa Press, 'España ya acoge a medio millar de personas que han huido de Gaza y Cisjordania', 7 February 2025, available [here](#).

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.⁵⁶⁹

According to the available information, Palestinians in Spain are granted international protection.⁵⁷⁰

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 is the NGO in charge of assisting the 54 Spanish-Lebanese persons arrived in Spain at the beginning of October 2024.⁵⁷¹

⁵⁶⁹ 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](#).

⁵⁷⁰ Information provided by Accem's legal service in February 2025.

⁵⁷¹ 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](#).

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*).⁵⁷² 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.⁵⁷³ Up until 2022, detailed rules on the functioning of the Spanish reception system were provided through a non-binding handbook,⁵⁷⁴ 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.⁵⁷⁵ 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, through 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.⁵⁷⁶

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.⁵⁷⁷ 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.

⁵⁷² Ministerio de Inclusión, Seguridad Social y Migraciones, 'Secretaría de Estado de Migraciones', available [here](#).

⁵⁷³ Articles 30(2) and 31(1) Asylum Law.

⁵⁷⁴ 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.

⁵⁷⁵ 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](#).

⁵⁷⁶ Information provided by Accem's reception service in March 2024 and in February 2025.

⁵⁷⁷ 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.⁵⁷⁸

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, 20 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.⁵⁷⁹

In November 2023 the Spanish Ombudsperson suggested to the Government Delegation in Santa Cruz de Tenerife (Canary Islands) cancel a fine of 14,529€ that was addressed to the NGO 'CEAR' for allowing migrants accommodated in its facilities for the humanitarian assistance to enrol in the municipality register (*empadronamiento*) using the address of such centres.⁵⁸⁰

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.⁵⁸¹ In April, a Royal Decree officially established the transfer of competence.⁵⁸² Since 1 January 2025, the Basque Country started to manage the reception of asylum seekers, in collaboration with five NGOs (AccemRed Cross, Movimiento por la Paz - MPDL, CEAR, Nueva Vida and San Juan de Dios) and with a total budget of 2.4 million Euros.⁵⁸³

The Autonomous Community of **Cataluña** demanded to be authorised to carry out a similar regional management.⁵⁸⁴

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.⁵⁸⁵

In August 2024, the Minister of Inclusion increased up to 18 million Euros the budget allocated to the asylum reception system from September to the end of December 2024.⁵⁸⁶

⁵⁷⁸ 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](#).

⁵⁷⁹ 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](#).

⁵⁸⁰ EFE, 'El Defensor pide retirar una multa a CEAR por empadronar a migrantes en centros de acogida', 29 November 2023, available [here](#).

⁵⁸¹ 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](#).

⁵⁸² 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](#).

⁵⁸³ 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](#).

⁵⁸⁴ La Vanguardia, 'Catalunya quiere participar en la gestión de la acogida de refugiados', 9 December 2024, available [here](#).

⁵⁸⁵ 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>.

⁵⁸⁶ La Moncloa, 'Inclusión amplía la partida prevista para el sistema de protección internacional en 18 millones', 22 August 2024, available [here](#).

In October, 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.⁵⁸⁷

In November, the Government decided to increase with an additional €319 million the budget allocated for the asylum reception system and the humanitarian assistance programs for 2025, reaching a total amount of €979.1 million.⁵⁸⁸

Following a parliamentary request made by *Junts*, the Government informed in December that it counts with a total of 45,185 reception places in Spanish mainland, with 29,211 within the asylum reception system, and 15,974 for the humanitarian assistance of migrants (*“Programa de atención humanitaria a inmigrantes – PAHI”*).⁵⁸⁹

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](#)).

⁵⁸⁷ The Objective, ‘El Gobierno reactiva su plan para acoger 5.800 nuevos refugiados y que costará 176 millones’, 20 October 2024, available [here](#).

⁵⁸⁸ El Dirario, ‘El Gobierno central amplía en 319,2 millones su previsión de gasto en 2025 para atender a migrantes’, 12 November 2024, available [here](#).

⁵⁸⁹ Europa Press, ‘45.000 plazas para migrantes entre el sistema de acogida y el programa de atención humanitaria’, 14 December 2024, available [here](#).

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.

Shortcomings and delays regarding access to the reception system have been reported during 2024.

In its 2023 Annual Report, the Spanish Ombudsperson continued to highlight the challenges asylum seekers face in accessing reception, due to the barriers in accessing the asylum procedure.⁵⁹⁰

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 2024.⁵⁹¹ 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 months deadline to address the deficiencies of its system.⁵⁹² No further developments on the case were registered at the time of writing of this report, as the case remains pending.⁵⁹³ In December 2024, the Network of Organisations for the Assistance to Homeless Persons in Alicante (*Red de Entidades para la Atención a Personas Sin Hogar de Alicante - Reapsha*) denounced that 240 persons lived on the streets in Alicante, which represents an increase compared to the previous year. The network reported that, among them, there are also asylum applicants and UAMs aged out.⁵⁹⁴

Asylum seekers returned to Spain under the Dublin Regulation continue to face difficulties in accessing reception since 2018. Following judgments of the TSJ of Madrid,⁵⁹⁵ the DGAH issued instructions in January 2019 to ensure that asylum seekers returned under the Dublin Regulation are guaranteed access to reception (see [Dublin: Situation of Dublin Returnees](#)).⁵⁹⁶ The Reception Handbook was amended accordingly.

In January 2023, the Government announced the construction of a reception centre for asylum seekers in Vitoria (País Vasco), with a budget of EUR 14.1 million and a capacity of 350 places.⁵⁹⁷ The plan has

⁵⁹⁰ Defensor del Pueblo, 'Informe anual 2023 – Volumen I', March 2024, available [here](#).

⁵⁹¹ El País, 'Hacerse el enfermo para dormir en un hospital: la odisea de una familia venezolana en busca de asilo y techo', 11 March 2024, available [here](#); Diaro del Alto Aragón, 'Desesperación de una pareja que dejó Venezuela por persecución política y está en la calle', 5 March 2024, available [here](#); Diario Crítico, 'Polémica en un pueblo de Girona por la acogida de 200 inmigrantes solicitantes de asilo en un hotel', 3 September 2024, available [here](#).

⁵⁹² 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](#).

⁵⁹³ European Commission, 'European Commission at work', available [here](#).

⁵⁹⁴ Todo Alicante, 'Un informe sitúa en más de 240 las personas que duermen en la calle en la ciudad de Alicante', 27 December 2024, available [here](#).

⁵⁹⁵ TSJ Madrid, Decision 966/2018, 7 December 2018, EDAL, available [here](#); Decision 913/2018, 22 November 2018, available [here](#).

⁵⁹⁶ DGAH, 'Instrucción DGAH 2018/12/19 por la que se modifica el manual de gestión del sistema de acogida para solicitantes y beneficiarios de protección internacional en lo relativo al reingreso en el sistema de acogida de personas devueltas a España en aplicación del Reglamento Dublin', 20 December 2018, available [here](#).

⁵⁹⁷ 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](#).

encountered the opposition of the city major, as the decision appears to have been taken unilaterally by the central Government. By February 2023, however, an agreement was found.⁵⁹⁸

1.2. The assessment of resources

The latest publicly available Reception Handbook from 2021 and the Reception Regulation specifies that the lack of sufficient resources is one of the requirements for receiving reception conditions.⁵⁹⁹ 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.

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:⁶⁰⁰

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 Refugee Reception Centre (*Centro de Acogida a Refugiados*, CAR); (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.⁶⁰¹

In December 2022 the SEM issued new instructions⁶⁰² 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.

⁵⁹⁸ 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](#).

⁵⁹⁹ DGPPIAH, *Reception Handbook*, June 2021, 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](#).

⁶⁰⁰ *Ibidem*

⁶⁰¹ Article 11.7 of the Reception Regulation.

⁶⁰² Migrar con Derechos, 'Instrucción SEM de 15 de diciembre de 2022. Acceso y permanencia sistema acogida protección internacional', 15 December 2022, available [here](#).

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 2023, the asylum reception system counted 24 organisations, which were granted direct funding for the reception of asylum seekers.⁶⁰³

1. Accem
2. Adoratrices Esclavas del Santísimo Sacramento y Caridad
3. Fundacion Solidaridad Amaranta
4. Federacion Andalucía Acoge
5. Fundacion Apip-Acam
6. CEAR
7. Cepaim
8. Coordinadora Estatal De Plataformas Sociales Salesianas
9. Cesal
10. Asociacion Columbares
11. Cruz Roja Española
12. Asociacion Creando Huellas
13. Diaconia
14. Fundacion La Merced Migraciones
15. Fundacion Arco Iris
16. Obra Social Santa Luisa de Marillac Hijas de la Caridad de San Vicente de Paul
17. MPDL
18. Asociación Evangélica Nueva Vida
19. Asociación Para La Promoción Y Gestión De Servicios Sociales Generales Y Especializados (Progestión)
20. Entidad Provivienda
21. Red Acoge
22. Rescate Internacional
23. Asociación San Juan de Dios España
24. YMCA

⁶⁰³ Ministerio de Inclusión, Seguridad Social y Migraciones, 'Sistema de Acogida de Protección Internacional y Temporal. Entidades Colaboradoras', available [here](#).

The list undergoes frequent 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 counts a total of 45,185 reception places, with 29,211 those for the reception of asylum seekers and 15,974 within the humanitarian assistance program.⁶⁰⁴ According to the planning of the DGAHSAPI, in 2026 the system will count with 23,695 places for the reception of asylum seekers (i.e. the 'reception phase').⁶⁰⁵

The new 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.⁶⁰⁶ 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.⁶⁰⁷

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.⁶⁰⁸

In October 2024, the Minister of Inclusion, Social Security and Migration announced the increase up to €7 million of the budget foreseen for the 'autonomy phase', with the aim of reinforcing the support to asylum seekers, refugees and beneficiaries of temporary protection for the last quarter of 2024.⁶⁰⁹

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 2024 (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;

⁶⁰⁴ Europa Press, '45.000 plazas para migrantes entre el sistema de acogida y el programa de atención humanitaria', 14 December 2024, available [here](#).

⁶⁰⁵ Ministerio de Inclusión, Seguridad Social y Migraciones, 'Resolución de 19 de agosto de 2024, de la Dirección General de Atención Humanitaria y del Sistema de Acogida de Protección Internacional, por la que se modifica la de 8 de noviembre de 2022, por la que se establece la planificación de prestaciones, actuaciones o servicios estructurales del sistema de acogida en materia de protección internacional para su gestión mediante acción concertada', 22 August 2024, available [here](#).

⁶⁰⁶ 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](#).

⁶⁰⁷ CEAR, 'INFORME 2024. Las personas refugiadas en España y Europa', June 2024, available [here](#).

⁶⁰⁸ EUAA, 'Operational Plan 2023-2026 agreed by the European Union Agency for Asylum and Spain', 12 June 2023, available [here](#).

⁶⁰⁹ Europa Press, 'El Gobierno amplía en casi siete millones de euros la partida dedicada a la fase de autonomía de personas refugiadas', 2 October 2024, available [here](#).

(c) legal and psychological assistance; (d) temporary accommodation until a place is available in the reception system; (e) translation and interpretation if needed.⁶¹⁰

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 they receive 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.

This remains one of the main 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;

⁶¹⁰ Article 16 of the Reception Regulation.

- 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.⁶¹¹

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.⁶¹²

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. The UTS falls under the Ministry of Inclusion, Social Security and Migration and is based at the OAR. 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.⁶¹³ Most of asylum seekers and refugees who are hosted in official reception facilities live in **Andalucía**, **Madrid** and **Catalonia**.

⁶¹¹ Article 31 of Reception Regulation.

⁶¹² Ibidem.

⁶¹³ Reception Regulation.

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.⁶¹⁴ 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 2021.⁶¹⁵

In practice, however, the authorities continued to restrict asylum seekers' access to the mainland up until 2020.

According to the information currently available, the practice started to change from November 2021, and asylum seekers admitted at 1st instance were transferred to the mainland.⁶¹⁶ In mid-December, for example, 18 asylum seekers were transferred from **Melilla** to the mainland and referred to reception facilities in Cataluña, Andalucía and Castilla y León after their applications were admitted at first instance. The asylum seekers were authorised to leave the enclave thanks to the appeals lodged by three NGOs (CEAR, the Spanish Red Cross, and Cepaim). It is hoped that such practice will continue, and that legislation and jurisprudence will be finally correctly applied.

A report published in June 2024 denounced that the bureaucratic framework de facto impedes the freedom of movement in Ceuta, Melilla and the Canary Islands.⁶¹⁷ According to the research, the administrative burdens existing in these places in obtaining also simple documentation (i.e. a passport, because of the lack of certain consulates) trap migrants into an administrative grid which, in practice, hinders their freedom of movement.

⁶¹⁴ 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](#).

⁶¹⁵ CEAR, 'Nuevo fallo judicial a favor de la libre circulación de solicitantes de asilo en Ceuta', 11 July 2018, available [here](#).

⁶¹⁶ 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](#).

⁶¹⁷ No Name Kitchen, Taller-Frontera Sur Gran Canaria, Solidary Wheels, No Borders For Human Rights, 'Burocracia en la frontera sur de España. Violencia administrativa contra las personas migrantes en Canarias, Ceuta y Melilla', June 2024, available [here](#).

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

- | | |
|---|-----------------------|
| 1. Number of reception centres: ⁶¹⁸ | Not available |
| ❖ CAR | 4 |
| ❖ CETI | 2 |
| ❖ NGOs participating in reception | 24 |
| 2. Total number of places in the reception system as of 31 December 2023: | 28,200 ⁶¹⁹ |
| 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 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 already mentioned, shortcomings in the reception system are chronic and have been registered by various sources in recent years. The same problems persisted in 2024.⁶²⁰

As a response to the issue of overcrowding, as mentioned, EUAA started supporting Spain in the reform of its asylum reception system, including by increasing the number of reception places in the Canary Islands.⁶²¹ 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 who started testing the tool in 2021.⁶²²

Despite the increase in reception capacity, various asylum seekers were still left homeless in 2023 and at the beginning of 2024, also due to the mentioned problems in accessing asylum procedure and appointments to register asylum applications.

In February 2024, almost 140 persons arrived in **Huesca** (Aragón) from the Canary Islands denounced the risk to sleep on the streets.⁶²³

To improve the asylum reception system, the Government established it would allocate a total of EUR 190 million between 2021 and 2023 within the Recovery and Resilience Plan.⁶²⁴ In October 2022, the Government announced that EUR 215 million of the Plan would be used to build 17 reception facilities for

⁶¹⁸ Centres during the first phase of reception. The CAR are the centres run by the Ministry, 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.

⁶¹⁹ 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 [here](#).

⁶²⁰ Levante, ‘España declara saturado su sistema de acogida a refugiados hasta 2025’, 23 September 2024, available [here](#); Diari Més, ‘Reus Refugi denuncia las malas condiciones de los solicitantes de asilo en la ciudad’, 3 June 2024, available [here](#).

⁶²¹ EASO, ‘EASO Executive Director welcomes Spain’s commitment to reform reception system’, 17 May 2021, available [here](#).

⁶²² EUAA, *Asylum Report 2022*, June 2022, available [here](#), 165.

⁶²³ Aragón Noticias, ‘Los inmigrantes llegados a Huesca y Sabiñánigo denuncian que el sistema de acogida está colapsado’, 3 February 2024, available [here](#).

⁶²⁴ Europa Press, ‘El Gobierno prevé invertir 190 millones hasta 2023 en la mejora del sistema de acogida a refugiados’, 5 May 2021, available [here](#).

migrants and asylum seekers, with a capacity of 6,100 places.⁶²⁵ In 2022, the Government announced the creation of 17 new reception facilities for migrants, 7 out of them located in the Canary Islands. This will allow the reception system to increase with 5,700 additional places.⁶²⁶ In 2023, a budget of €633 million was allocated to the asylum reception system, while in 2024 it was €652 million.⁶²⁷

During 2023 the construction of such facilities in different cities was announced and/or started (i.e. in Mérida, Alicante, Vitoria-Gasteiz, Valladolid, Lleida, Lugo, and Soria).⁶²⁸ 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.⁶²⁹ 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.⁶³⁰

In 2024 and the beginning of 2025, the construction of new migrants and refugees' centres continued,⁶³¹ in some cases with the opposition of the local population, such as for the case of the facility in Churriana (Málaga),⁶³² or those in Vitoria, Villalbino and Azuqueca de Henares opposed by right and right-wing parties.⁶³³

⁶²⁵ Gaceta, 'El Gobierno gastará 215 millones del Plan de Recuperación en construir 17 centros de acogida de inmigrantes', 14 October 2022, available [here](#).

⁶²⁶ El Diario, 'Los Presupuestos de 2023 prevén la creación de 17 centros de acogida para migrantes, siete en Canarias', 10 October 2022, available [here](#).

⁶²⁷ Ministerio de Inclusión, Seguridad Social y Migraciones, 'Informe del Sistema de Protección Internacional en España', 20 June 2024, available [here](#).

⁶²⁸ 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](#).

⁶²⁹ 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](#).

⁶³⁰ 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](#).

⁶³¹ 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](#).

⁶³² 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](#).

⁶³³ 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](#).

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 2023.⁶³⁴ In addition, the MISSM had to adopt 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.).⁶³⁵ In January 2024, the declaration of the migration emergency was extended, and the Council of Ministers approved an allocation of 60.6 million Euros. Before this new declaration and since October 2023, a total of 10,000 new reception places within both the asylum and the humanitarian assistance programs, and a total of almost 100 million Euros have been employed to face such a situation.⁶³⁶ An additional allocation of funds to assist newcomers has been approved in March by the Council of Ministers, for a total of 286 million Euros since the migration emergency was declared.⁶³⁷

In January 2024, the Minister of Inclusion, Social Security and Migration announced the creation of new reception places for asylum seekers and migrants, also with specific places for persons with disabilities, and strengthening those responding to the specific needs of LGTBI+ asylum seekers and victims of gender-based violence.⁶³⁸

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.⁶³⁹

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 2024 apart from what has been 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:

- ❖ Refugee Reception Centres (*Centros de acogida de refugiados*, CAR) 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.

⁶³⁴ Canarias 7, 'El repunte migratorio obliga a Madrid a dejar abiertos centros que quería cerrar', 21 June 2023, available at: <https://tinyurl.com/mr258937>.

⁶³⁵ Information provided by Accem in February 2024.

⁶³⁶ Europa Press, 'El Gobierno destina 60,6 millones de euros para ampliar la declaración de emergencia migratoria', 20 February 2024, available at: <https://tinyurl.com/3efwt6z4>.

⁶³⁷ Diario de Canarias, 'El Gobierno destina 116,4 millones de euros más para afrontar la llegada de migrantes', 26 March 2024, available at: <https://tinyurl.com/5dpkcu58>.

⁶³⁸ La Gaceta, 'El Gobierno anuncia la creación de más centros de acogida para inmigrantes ilegales', 31 January 2024, available at: <https://tinyurl.com/bd29v33n>; 20 minutos, 'La ministra Elma Saiz anuncia "más plazas de acogida" a migrantes y una especial atención a "víctimas de violencia de género"', 31 January 2024, available at: <https://tinyurl.com/kzske82k>; 20 minutos, 'Los centros de solicitantes de asilo tendrán plazas reservadas para personas con discapacidad', 1 February 2024, available at: <https://tinyurl.com/m68yt6e3>.

⁶³⁹ Europa Press, 'Inclusión y Fundación 'La Caixa' renuevan su colaboración con el programa 'Tiende una mano. Acoge' para refugiados', 28 January 2025, available [here](#).

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 the Refugee Reception Centres (CAR), part of the first phase reception centres for asylum seekers. There is a total of 4 CAR on the Spanish territory, with a total capacity of 425 reception places.⁶⁴⁰

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 782 in **Melilla**, 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](#).⁶⁴¹

Moreover, reception places for asylum seekers are available inside the reception centres and private apartments managed by NGOs, funded by the Ministry. In 2024, 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.

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 throughout 2018 and 2019 has exacerbated difficulties in accessing reception, the actual conditions in 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.

⁶⁴⁰ 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>.

⁶⁴¹ Melillahoy, 'El CETI acoge a 900 personas tras el traslado de 90 migrantes a Melilla', 12 June 2018, available at: <https://bit.ly/2FybXu5>; Europapress, '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>.

2.1. Conditions in CAR 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 may vary from trainings or leisure programmes. 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, starting from 2016.⁶⁴² Accommodation standards were described as inadequate, and concerns were expressed regarding the exposure of women and children to violence and exploitation due to the continuous overcrowding have been highlighted.⁶⁴³

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](#)).⁶⁴⁴ During 2023, the CETI in Ceuta accommodated a total of 1,093 migrants during all the year, which represents the lowest number since 2010.⁶⁴⁵ During 2024 and beginning of 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

⁶⁴² 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

⁶⁴³ 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.

⁶⁴⁴ 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>.

⁶⁴⁵ Ceuta Actualidad, 'Descenso histórico: CETI de Ceuta acoge el menor número de inmigrantes desde 2010', 26 February 2024, available at: <https://tinyurl.com/5yee56sa>.

remained available in those facilities.⁶⁴⁶ 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.⁶⁴⁷

It can be noted that, on top of overcrowding, CETIs do not provide satisfactory conditions for family units and overall 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.⁶⁴⁸

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. In April 2024, the organisation Solidarity Wheels reported that five asylum seekers were expelled from the centre in Melilla without following a formal procedure for the withdrawal of reception conditions, and they were thus living on the streets. So, it called for an urgent comprehensive revision of the disciplinary procedures in such facilities.⁶⁴⁹ The same call was made also in May, when a migrant with mental health needs was expelled from the same centre.⁶⁵⁰

Lack of transparency and arbitrary in the rules accessing the centre have also been denounced during the years, such as in October 2024, when a Moroccan asylum seeker was denied the right to access reception in the CETI of Melilla.⁶⁵¹

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 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.⁶⁵²

2.3. Conditions in other reception facilities

Living conditions on the Canary Islands⁶⁵³

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

⁶⁴⁶ 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](#).

⁶⁴⁷ ABC, 'El CETI de Melilla cambia de color por el "atajo" del asilo sudamericano', 7 July 2024, available [here](#).

⁶⁴⁸ 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>.

⁶⁴⁹ Tercera Información, 'Solicitantes de asilo son expulsados del Centro de Estancia Temporal de Inmigrantes (CETI) en base a una sanción sin respaldo legal', 22 April 2024, available [here](#).

⁶⁵⁰ Radio Televisión Española, 'Varias ONG piden revisar, de manera urgente, el procedimiento disciplinario del Centro de Estancia Temporal de Inmigrantes de Melilla', 28 May 2024, available [here](#).

⁶⁵¹ Europa Press, 'Solidary Wheels denuncia que se ha denegado la entrada al CETI Melilla a un joven marroquí, solicitante de protección', 28 October 2024, available [here](#).

⁶⁵² 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](#).

⁶⁵³ 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.

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.⁶⁵⁴

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.⁶⁵⁵ For this purpose, CEAR called on the Autonomous Communities for more solidarity among them in sharing the welcoming and reception of the migrants who arrive to the Canary Islands.⁶⁵⁶

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.⁶⁵⁷ 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.⁶⁵⁸

The challenges of the reception system in the Canary Islands persisted in 2024.⁶⁵⁹ Despite noting some improvements in the reception of UAMs in the archipelago, in its 2023 annual report the Spanish Ombudsperson continued to identify challenges in terms of adequate infrastructures and specialised personnel.⁶⁶⁰ The lack of adequate facilities, the lack of minimum standards in reception, and overcrowding in the reception of UAMs are also underlined in a thematic report on migrant children in the Canary Islands published in December 2024.⁶⁶¹

In September 2024, the EU informed that it will allocate €14 million from its European Regional Development Fund to the Canary Islands, with the aim of assisting and hosting migrants.⁶⁶²

⁶⁵⁴ El Confidencial, 'Canarias, sin plazas para acoger menores: el próximo niño deberá quedarse en comisaría', 1 February 2022, available at: <https://bit.ly/365KHBz>.

⁶⁵⁵ 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 Gobierno planea habilitar en terrenos militares nuevos centros de acogida para migrantes', 20 October 2023, available at: <https://tinyurl.com/47mysvun>.

⁶⁵⁶ 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>.

⁶⁵⁷ 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>.

⁶⁵⁸ Information provided by Accem in April 2024; CEAR, 'INFORME 2024. Las personas refugiadas en España y Europa', June 2024, p. 97, available [here](#).

⁶⁵⁹ CEAR, 'INFORME 2024. Las personas refugiadas en España y Europa', June 2024, p. 98, available [here](#).

⁶⁶⁰ Defensor del Pueblo, 'Informe anual 2023. Volumen I', March 2024, p. 75, available [here](#).

⁶⁶¹ Irídia, 'Vulneración de derechos humanos de las personas migrantes en Canarias 2024: Criminalización, detención e infancia', December 2024, available [here](#).

⁶⁶² Info Migrants, 'Canary Islands: EU to allocate funds to support hosting of migrants', 19 September 2024, available [here](#).

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.⁶⁶³ 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.⁶⁶⁴ 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'.⁶⁶⁵ 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.⁶⁶⁶

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. The situation persisted in 2024.⁶⁶⁷ The responsible authorities have not taken any measures to address this issue as of yet.

Since 2020⁶⁶⁸ different relevant national and international stakeholders (i.e. the Spanish Ombudsperson⁶⁶⁹ and different UN Rapporteurs⁶⁷⁰) 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.⁶⁷¹

The case opened at the end of 2020 against the Autonomous Community of **Madrid** and Naturgy/Unión Fenosa (the company providing the service) is still ongoing at the time of writing.⁶⁷² Detailed information on the issue can be found in the 2020 and 2021 updates of this report.

At the end of October 2022, the Committee on Social Rights of the Council of Europe urged the Spanish Government to restore the electricity in the area, and established a deadline on 15 December for the

⁶⁶³ Information provided by Save the Children on 11 February 2022.

⁶⁶⁴ 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>.

⁶⁶⁵ EASO, 'Operating plan. Special support on reception agreed by EASO and Spain', 2021, available at: <https://bit.ly/32HvuFI>.

⁶⁶⁶ EUAA, 'Operational Plan 2023-2026 agreed by the European Union Agency for Asylum and Spain', 12 June 2023, available at: <https://tinyurl.com/m23pjfm7>.

⁶⁶⁷ El Salto Diario, 'Cañada Real. Dos años a oscuras', 26 April 2023, available at: <https://rb.gy/umm0b>.

⁶⁶⁸ For more detailed information, see AIDA, 'Country Report: Spain – Update on the year 2022', April 2023, available at: <https://bit.ly/3SaHE0K>.

⁶⁶⁹ 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>.

⁶⁷⁰ 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>.

⁶⁷¹ 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>.

⁶⁷² Cadena Ser, 'El informe pericial de un juzgado concluye que Naturgy tiene limitadores eléctricos que provocan los cortes de luz en la Cañada Real', 18 March 2022, available at: <https://bit.ly/3ZKo2lg>.

government to provide information on the measures implemented to comply with such requirement.⁶⁷³ The day after the expiration, Save the Children reported that national authorities had not respected their commitments.⁶⁷⁴

In December 2022, Save the Children launched the campaign #LUZPARALACAÑADA, with the aim of collecting 60,000 signatures and of asking national and local institutions (i.e. the Spanish Government, the Autonomous Community of Madrid and the Municipality of Madrid) to restore immediately the energy supply, and to double the efforts to unblock the delay of Naturgy in the energy provision.⁶⁷⁵ In addition, many persons gathered in front of the Assembly of Madrid to protest against the lack of electricity in the settlement for two years.⁶⁷⁶ In October 2024, the Cañada Real continued to be without electricity after 4 years.⁶⁷⁷

Living conditions in other informal settlements

The situation in informal settlements across Spain (especially in Andalucía) continued to be a concern in 2024. 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.⁶⁷⁸ Many of them are victims of trafficking, forced labour and forced prostitution.⁶⁷⁹

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.⁶⁸⁰

At the beginning of 2024, the Government of Andalucía allocated almost EUR 2 million to the Municipalities of Lepe, Moguer and Lucena del Puerto, with the aim of improving living conditions for temporary migrant workers in informal settlements.⁶⁸¹

In May 2024, the Minister of Inclusion, Social Security and Migration met with the Regional Government of Andalucía (*Junta de Andalucía*) with the aim of discussing about the first strategic plan to eradicate informal settlements.⁶⁸²

In November, the ONG 'Almería Acoge' informed about the extreme poor living conditions and exclusion faced by about 4,000 living in the informal settlement of Níjar.⁶⁸³

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

⁶⁷³ El País, 'El Consejo de Europa insta a España a garantizar luz y calefacción a los habitantes de la Cañada Real', 27 October 2022, available at: <https://bit.ly/3WAPLSX>.

⁶⁷⁴ Tele Madrid, 'Se incumple el plazo dado por Europa para devolver la luz a la Cañada Real madrileña', 16 December 2022, available at: <https://bit.ly/3YPpem3>.

⁶⁷⁵ Save the Children, '¡Políticos, devolved la luz a los niños y niñas de la Cañada Real!', December 2022, available at: <https://bit.ly/3wkvotm>.

⁶⁷⁶ El Salto Diario, 'La Cañada Real pide luz y futuro', 6 January 2023, available at: <https://bit.ly/3vNSXjo>.

⁶⁷⁷ El Mundo, 'La falta de luz en la Cañada Real llega hasta El Vaticano: "El Papa no entiende que haya gente viviendo así en Madrid"', 28 October 2024, available [here](#).

⁶⁷⁸ Público, 'Sin casa, sin trabajo y sin comida: migrantes al límite en Andalucía', 22 May 2020, available at: <https://bit.ly/3iD9xLj>.

⁶⁷⁹ 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>.

⁶⁸⁰ 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>.

⁶⁸¹ Huelva Información, 'Dos millones de euros para erradicar asentamientos en Lepe, Moguer y Lucena del Puerto', 5 January 2024, available [here](#).

⁶⁸² Europa Press, 'La Junta y el Ministerio de Inclusion se reúnen para abordar el primer plan de erradicación de asentamientos', 29 May 2024, available [here](#).

⁶⁸³ Canal Sur, 'Almería Acoge alerta de la extrema precariedad en los asentamientos chabolistas de Níjar', 11 November 2024, available [here](#).

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.⁶⁸⁴

Following the death of a migrant in the informal settlement in Lucena del Puerto (Huelva), 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 2023.⁶⁸⁵

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?
❖ If yes, when do asylum seekers have access the labour market? | ☒ Yes ☐ No
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?
❖ If yes, specify which sectors: | ☐ Yes ☒ No |
| 4. Does the law limit asylum seekers' employment to a maximum working time?
❖ If yes, specify the number of days per year | ☐ Yes ☒ No |
| 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.⁶⁸⁶ 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.

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.⁶⁸⁷

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),

⁶⁸⁴ 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](#).

⁶⁸⁵ 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](#).

⁶⁸⁶ Article 32 Asylum Law; Article 13 Asylum Regulation.

⁶⁸⁷ Federación S.O.S. Racismo, ‘Informe anual sobre el racismo en el Estado español – 2022’, December 2022, available at: <https://bit.ly/3JiAvpo>.

with the aim of providing work permits to adolescents aged between 16 and 18. 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.⁶⁸⁸

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.⁶⁸⁹

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.⁶⁹⁰

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.⁶⁹¹

⁶⁸⁸ 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>.

⁶⁸⁹ 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>.

⁶⁹⁰ 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>.

⁶⁹¹ 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](#).

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.⁶⁹² 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.⁶⁹³

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,⁶⁹⁴ and launched a public consultation.⁶⁹⁵ The proposal was sent to the Parliament by the Council of Minister on June 2022⁶⁹⁶ and was approved in May 2023.⁶⁹⁷

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 a total of 82 places for asylum seekers with mental health needs within the asylum reception system. In 2024, there was also Progestión managing 9 reception places for asylum seekers with mental health needs in Madrid.⁶⁹⁸

The 2024 annual report from CEAR continued to highlight the challenges that asylum seekers, migrants and refugees face in accessing the health system especially due to administrative barriers (i.e. for the lack of the enrolment in the municipal register), despite their right to the physical and mental health support is recognised by law.⁶⁹⁹

⁶⁹² Article 15 Asylum Regulation.

⁶⁹³ El País, ‘El Congreso aprueba el decreto para recuperar la sanidad universal’, 6 September 2018, available at: <https://bit.ly/2Nt140c>.

⁶⁹⁴ El País, ‘Sanidad quiere prohibir por ley nuevos copagos y asegurar la atención a inmigrantes’, 20 October 2020, available at: <https://bit.ly/3bhV4Bl>.

⁶⁹⁵ 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>.

⁶⁹⁶ La Moncloa, ‘El Gobierno refuerza la equidad y la universalidad del Sistema Nacional de Salud’, 14 June 2022, available at: <https://bit.ly/3LtBrd8>.

⁶⁹⁷ Boletín Oficial del estado, ‘Ley 16/2003, de 28 de mayo, de cohesión y calidad del Sistema Nacional de Salud’, May 2023, available at: <https://tinyurl.com/ms68dx6u>.

⁶⁹⁸ Information provided by Accem’s psychological service in March 2025.

⁶⁹⁹ CEAR, ‘INFORME 2024. Las personas refugiadas en España y Europa’, June 2024, p. 120, available [here](#).

UNHCR observed an increasing necessity to address mental health and psychosocial support (MHPSS) related needs of asylum seekers and refugees in the asylum system. In June 2023, UNHCR organised a protection dialogue on the mental health of refugees, asylum seekers and stateless persons in Madrid, aimed to identify challenges and opportunities for improving refugees' mental health and psychosocial support. Special emphasis was placed on the need to strengthen coordination among key actors, incorporate an intercultural perspective in the services provided, promote specialised training and care for professionals, and promote the effective participation of refugees. Following the Protection Dialogue, UNHCR established a reference group on mental health with key stakeholders, including authorities, NGOs, and refugee-led organisations, to assist UNHCR in implementing its strategy related to MHPSS, to strengthen the network and identify initiatives and measures to reinforce refugees' wellbeing and mental health.⁷⁰⁰

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.⁷⁰¹ 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.⁷⁰²

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.⁷⁰³

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

⁷⁰⁰ Information provided by UNHCR in April 2024.

⁷⁰¹ DGI AH, *Reception Handbook*, November 2018, A, 6.

⁷⁰² DGI AH, *Reception Handbook*, November 2018, G.2 (22), G.3 (24).

⁷⁰³ 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>.

Health care, some NGOs offer reception 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.

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 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.

The Spanish reception system's lack of focus on vulnerability has been criticised by several organisations in recent years. The Spanish Ombudsperson expressed its concerns regarding the serious deficiencies in the humanitarian assistance programmes for migrants.⁷⁰⁴ In its 2023 Annual Report, the Ombudsperson continued to reiterate the concerns regarding the deficiencies of the asylum reception system and its impossibility in assuring places for all those who need it.⁷⁰⁵

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.⁷⁰⁶ A leaflet explaining the protocol has been also published in different languages (i.e. Spanish, English, French, Arabic, Ukrainian),⁷⁰⁷ together with a pocket guide for the professionals working in the asylum reception system.⁷⁰⁸

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 victims of gender-based violence.⁷⁰⁹

UNHCR supported the Ministry of Inclusion, Social Security and Migrations (MISSM) and NGOs managing reception centres for refugees and asylum seekers in the implementation of national standard operating procedures to prevent and respond to gender-based violence in the reception system, enhancing the reception personnel capacity to adequately detect, refer, and intervene in GBV cases with a survival-centre approach. A few guidelines (data collection tool, pocket guide, a leaflet for professionals, and posters and leaflets for refugees, asylum seekers and stateless persons) were developed.⁷¹⁰

In April 2023, the implementation of such a protocol was extended to the facilities for humanitarian assistance to migrants.⁷¹¹

UNHCR supported competent authorities in developing a protocol for the prevention of and response to violence against women in first-line reception centres for sea and land arrivals. The protocol was signed

⁷⁰⁴ Asociación Pro Derechos Humanos de Andalucía, 'El Defensor del Pueblo advierte "significativas carencias" en el diseño de los programas de acogida humanitaria', 7 August 2020, available at: <https://bit.ly/2LUNvrl>.

⁷⁰⁵ Defensor del Pueblo, 'Informe Anual 2023. Volumen I', March 2024, p. 181, available [here](#).

⁷⁰⁶ 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>.

⁷⁰⁷ 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>.

⁷⁰⁸ 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/3WBmylv>.

⁷⁰⁹ El Día Digital, 'Un total de 772 oficinas de la Seguridad Social empiezan a funcionar como Puntos Violeta', 25 November 2024, available [here](#).

⁷¹⁰ Ministerio de Inclusión, Seguridad Social y Migraciones, 'Inclusión implementa junto a ACNUR el Protocolo de actuación sobre violencia de género en el sistema de acogida', 23 February 2022, available at: <https://tinyurl.com/3jzskny3>

⁷¹¹ Ministerio de Inclusión, Seguridad Social y Migraciones, 'Inclusión y ACNUR extienden el protocolo de actuación sobre violencia de género a los centros de atención humanitaria', 18 April 2023, available at: <https://tinyurl.com/52azcn3t>.

by the Secretary of State for Migration in November 2023. UNHCR facilitated a participatory process through a Gender-Based Violence Working Group involving competent authorities, the European Union Asylum Agency (EUAA), NGOs and reception centres in Ceuta and Melilla, ensuring that the protocol addresses the real needs of women and the challenges faced by personnel in this complex context. The protocol for the prevention of and response to GBV encompasses all forms of violence against women in accordance with the Istanbul Convention and applies to cases of violence against women in Spain, their country of origin, during their journey, and any foreseen risks of violence in a potential third country of destination. It includes a chapter on asylum as a key protection mechanism for women and 18 annexes, including a data collection tool and a guide to developing standard operating procedures to prevent sexual exploitation and abuse. UNHCR created a pocket guide for its practical application by professionals and organised online interactive working sessions with over 200 GBV actors in Melilla, Ceuta, Cadiz, the Canary Islands, Malaga and Almería, reinforcing networking, capacity building and collaboration.⁷¹²

Children and unaccompanied minors

There are no specialised resources for unaccompanied asylum seeking-children, and they are thus hosted in general centres for unaccompanied 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 child⁷¹³ (See also

⁷¹² Information provided by UNHCR in April 2024.

⁷¹³ Plataforma de Infancia, 'La situación de la infancia en España en 2022', November 2022, available at: <https://bit.ly/3KnfWK3>.

A report published in December 2023 by the Platform for Childhood highlighted the challenges faced by accompanied children in the asylum system.⁷¹⁴ In relation to reception conditions, the publication referred to the lack of a child perspective in the whole asylum reception system, and concretely, i.e., the lack of specialised lawyers and psychologists, the lack of specific activities and economic support for children, the lack of friendly specific and appropriate spaces for children in the reception facilities, etc.

In March 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.⁷¹⁵

As underlined by Save the Children, reports from different Autonomous Communities, including Andalucía, the Canary Islands, and Catalonia, highlighted frequent cases of overcrowding during 2024, lack of specialized staff, and concerns regarding the treatment of children in reception centers.⁷¹⁶ 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 minors.
- Allegations of mistreatment and inadequate conditions: Cases of verbal abuse and insufficient supervision have been reported, particularly in emergency reception centers.
- Lack of cultural and linguistic mediators: The shortage of trained professionals capable of understanding the specific needs of migrant children hampers their ability to communicate effectively and feel safe in these environments.

Following the call by different stakeholders including the Government of the Canary Islands and the Spanish Ombudsperson, the General Directorate for Children of the Ministry of Social Rights and the 2030 Agenda approved in 2022 a *Management Model for migration contingencies for unaccompanied children and adolescents*.⁷¹⁷ The model is aimed at providing a tailored response for migratory pressure on minors' protection systems at border territories such as the Canary Islands, Ceuta, Melilla or Andalucía. For these situations, the model foresees the possibility to activate different Response Plans for Children and Adolescents, with the aim of referring and distributing children at national level. The beneficiaries of such measures are unaccompanied migrant children and adolescents, who have entered Spain through an Autonomous Community whose child protection system is overwhelmed and thus are unable to comply with the best interests of these minors at that time. Several stakeholders advocated for this “solidarity or responsibility sharing mechanism” for many years.⁷¹⁸ Following such a plan, the Government and the Autonomous Communities agreed to transfer 400 UAMs from Ceuta and the Canary Islands to reception facilities in mainland, due to the situation of overcrowding. In addition, other 374 UAMs will be transferred

⁷¹⁴ Plataforma de Infancia, 'Posicionamiento sobre la infancia acompañada en el sistema de asilo en España', December 2023, available at: <https://tinyurl.com/yc7n85tu>.

⁷¹⁵ 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](#).

⁷¹⁶ Information provided by Save the Children in February 2025.

⁷¹⁷ Ministerio de Derechos Sociales y Agenda 2030, 'Modelo de gestión de contingencias migratorias para la infancia y adolescencia no acompañada', October 2022, available at: <https://bit.ly/3FzXrzp>.

⁷¹⁸ Information provided by Save the Children in March 2023.

in 2023.⁷¹⁹ In November 2022, the Government of the Canary Islands increased the budget for assistance to UAMs of around EUR 1,4 million.⁷²⁰

In January 2024, Save the Children reported a 116.8% increase in the arrivals of UAMs to Spain in 2023 compared to the previous year. In addition, the organisation highlighted that changes occurred regarding the profile of the UAMs reaching Spain, notably as there were stronger vulnerability elements, i.e. very young boys and more girls.⁷²¹

In a report published in February, UNICEF asked the Government to provide a quick and effective response to the needs of the 5,500 unaccompanied migrant children in the Canary Islands, as it did for the children displaced from Ukraine.⁷²²

In June, the UNHCR and the Government of the Canary Islands signed a protocol for the protection and assistance to UAMs in need of international protection.⁷²³

In August, UNICEF and the Government of the Canary Islands signed a protocol to guarantee the healthcare and social assistance to UAMs.⁷²⁴

In September, the Minister of Youth and Childhood announced the intention of adopting a strategic plan for the protection and assistance of UAMs.⁷²⁵

During the same month, the Government started to draft a contingency plan with the EU with the aim of easing the pressure on reception centres for UAMs in Ceuta and the Canary Islands.⁷²⁶ In addition, the Council of Ministers approved a first budget allocation of €35 million for the protection of and assistance to UAMs in Ceuta, Melilla and the Canary Islands in 2024, as well as for the transfer of UAMs from these regions to other Spanish Autonomous Communities.⁷²⁷

Some relevant steps towards the adoption of a State Pact on Child Poverty were taken during the fall of 2024, when the Ministry of Youths and Children met with different organisations (i.e. the Platform for Childhood, UNICEF, EAPN-ES, the Spanish Red Cross, etc.). To draft the Plan, an assessment on the situation of child poverty in Spain was carried out. The study indicated that migrant children, Roma children and children belonging to single parent families are the most affected by poverty.⁷²⁸

⁷¹⁹ El Confidencial, 'El Gobierno y las CCAA acuerdan trasladar a la península a 400 menores de Canarias y Ceuta', 27 July 2022, available at: <https://bit.ly/3KoNKq4>.

⁷²⁰ Europa Press, 'El Gobierno aumenta en 1,4 millones el gasto para los dispositivos de emergencia de menores migrantes', 24 November 2022, available at: <https://bit.ly/3Knpuon>.

⁷²¹ Cadena Ser, 'Los niños llegados solos en pateras se duplica y son más vulnerables, según Save the Children', 17 January 2024, available [here](#).

⁷²² Europa Press, 'Unicef pide para los menores migrantes de Canarias el mismo trato que se da a los refugiados de Ucrania', 20 February 2024, available [here](#); UNICEF, 'La respuesta de España a la crisis de Ucrania: ¿Un punto de inflexión en la protección de la infancia en contexto de contingencias humanitarias migratorias?', January 2024, available [here](#).

⁷²³ Gobierno de Canarias, 'Gobierno y ACNUR diseñan un protocolo para garantizar la protección de menores refugiados no acompañados', 27 June 2024, available [here](#).

⁷²⁴ Qué, 'Canarias y Unicef se encargan del cuidado integral de los niños migrantes sin familia en las islas', 7 August 2024, available [here](#); Gobierno de Canarias, 'Sanidad y Bienestar Social abordan con Unicef la asistencia a la población pediátrica migrante', 7 August 2024, available [here](#); Gobierno de Canarias, 'El Gobierno autoriza 2,2 M€ para la contratación urgente de personal dedicado a la atención de menores migrantes', 2 September 2024, available [here](#).

⁷²⁵ La Moncloa, 'Rego anuncia un plan estratégico para la infancia migrante', 4 September 2024, available [here](#).

⁷²⁶ Euractiv, 'Madrid and the EU working on emergency plan to alleviate migration crisis', 5 September 2024, available [here](#).

⁷²⁷ Radio Televisión Ceuta, 'Ceuta recibirá 4,5 millones de euros para atender a la infancia migrante sin compañía', 3 September 2024, available [here](#).

⁷²⁸ La Vanguardia, 'Rego y las entidades sociales avanzan hacia el pacto de Estado de pobreza infantil', 24 October 2024, available [here](#).

In October, the UNHCR and the regional Government of Andalucía signed a protocol for the identification and the assistance to UAMs in need of international protection.⁷²⁹ A similar protocol was elaborated by UNHCR together with the Government of the Canary Islands.⁷³⁰

In October, UNICEF and the Andalusian School of Public Health (Escuela Andaluza de Salud Pública - EASP) signed a collaboration agreement to foster access to mental health support for children.⁷³¹

Following a parliamentary request, the Government informed that from 2019 to the 30 September of 2024, a total of 20,332 UAM arrived in Spain.⁷³²

In occasion of the 2024 World Migrant Day, six migrants were interviewed to highlight the main fake news related to migrants that foster hate crimes and discrimination.⁷³³

The annual report published by *Caminando Fronteras* underlined an increase of UAMs in the main migratory routes to Spain in 2024. The organisation denounced that UAMs continued to face the lack of protection and guarantees from the authorities. In addition, it underlined that UAMs are treated as migrants rather than as children, so they are the target both of the political propaganda and of hate speeches. Particularly critical is, according to the organisation, the situation in the Canary Islands, where children who are not identified as such are accommodated in reception facilities together with adults.⁷³⁴

As detailed in previous updates of this report, another issue denounced relates to the separation of children from their parents. This was a practice of the Public Prosecutor following boat arrivals at Las Palmas de Gran Canaria (Canary Islands). Children were separated from their parents during many months in order carry out DNA tests, which was heavily criticised. During this time, children were hosted in centres for unaccompanied migrant children, while their parents were in centres for adults. In the case of one family, in January 2023 the High Court of Justice of the Canary Islands (*Tribunal Superior de Justicia de Canarias*) condemned the Canary Islands Government to pay a EUR 210,000 compensation for the moral suffering of the parents deriving from the separation from their three children during 14 months.⁷³⁵

In November 2022, the Government adopted the National Action Plan for the implementation of the European Child Guarantee for the period 2022-2030, which includes a set of measures addressing also refugee children, asylum seeking children and UAMs.⁷³⁶

In May 2023, the Council of Ministers adopted the National Strategy for the Rights of Childhood for the period 2023-2030, with the aim of fully guaranteeing such rights.⁷³⁷ Among other things, the strategy foresees a set of measures to protect migrant children, including those in need of international protection.

Following the general elections in July 2023, the Ministry of Youth and Children was created.⁷³⁸ It is hoped that this will strengthen the protection of children in Spain and to align policies and practices among the

⁷²⁹ Junta de Andalucía, 'La Junta y ACNUR firman un protocolo para menores no acompañados con necesidad de protección internacional', 20 October 2024, available [here](#).

⁷³⁰ ACNUR, 'Protocolo para la identificación y el acompañamiento de niños, niñas y adolescentes en necesidad de protección internacional en Canarias', 2024, available [here](#).

⁷³¹ Escuela Andaluza de Salud Pública – EASP, 'La EASP y UNICEF España se alían para trabajar por la protección de los derechos de la infancia', 2 October 2024, available [here](#).

⁷³² Valencia Plaza, 'El Gobierno dice que 20.332 menores migrantes no acompañados han llegado a España desde 2019', 30 November 2024, available [here](#).

⁷³³ Radio Televisión española, 'Día Internacional de las Personas Migrantes: los bulos que más les afectan', 18 december 2024, available [here](#).

⁷³⁴ Caminando Fronteras, 'Monitoreo del derecho a la vida – Año 2024', December 2024, available [here](#).

⁷³⁵ El Diario, 'Más de un año separados de sus hijos por una decisión "precipitada" y sustentada en "meras conjeturas"', 6 January 2023, available at: <https://tinyurl.com/23y45vcr>.

⁷³⁶ Ministerio de Derechos Sociales y Agenda 2030, 'Infancia con derechos: Plan de Acción Estatal para la Implementación de la Garantía Infantil Europea (2022-2030)', July 2022, available at: <https://bit.ly/3zk3hl1>.

⁷³⁷ Ministerio de Derechos Sociales y Agenda 2030, 'Estrategia estatal de derechos de la infancia y de la adolescencia (2023-2030)', May 2023, available at: <https://tinyurl.com/yec99pr4>.

⁷³⁸ Portal de Transparencia, Ministerio de Juventud e Infancia, available at: <https://tinyurl.com/42y8z6wa>.

different Autonomous Communities. The Minister commented on the necessity to put in place a comprehensive plan for the assistance, protection and social inclusion of migrant children, including young adults who have been under the guardianship of the public authority.⁷³⁹

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.⁷⁴⁰

Due to the increase in arrivals to the Canary Islands in 2023, especially during the fall, 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.⁷⁴¹ 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.⁷⁴² In October, all the Autonomous Communities 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.⁷⁴³ As for February 2024, just four Autonomous Communities informed to be available for the transfer of a total of 112 children.⁷⁴⁴

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.⁷⁴⁵ 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.⁷⁴⁶ 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.⁷⁴⁷ 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 is for 2,000 UAMs).⁷⁴⁸ 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

⁷³⁹ Servimedia, 'Sira Rego apuesta por un plan integral de atención, protección e inclusión de menores migrantes', 20 February 2024, available at: <https://tinyurl.com/3bkmukxt>.

⁷⁴⁰ 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>.

⁷⁴¹ 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>.

⁷⁴² 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>.

⁷⁴³ 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>.

⁷⁴⁴ EFE, 'Canarias inicia el proceso para intentar el reparto obligatorio de los menores migrantes', 11 February 2024, available at: <https://tinyurl.com/mrn3bu5f>.

⁷⁴⁵ El Diario, 'Canarias pide al Gobierno de España que interceda en la atención a la población migrante', 21 December 2024, available [here](#); E-noticias, '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](#).

⁷⁴⁶ Canarias 7, 'Gabilondo: «El reparto de los menores no puede dirimirse en una reunión de tarde»', 24 February 2024, available [here](#).

⁷⁴⁷ 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](#).

⁷⁴⁸ 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](#).

Ombudsperson also urged the Government of the Canary Islands to open new facilities for the reception of UAMs.⁷⁴⁹

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.⁷⁵⁰ Unfortunately, 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.⁷⁵¹

In March 2025, the Government finally approved the compulsory distribution of 4,400 UAMs 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.⁷⁵² The Autonomous Communities of Cantabria and the Balearic Islands expressed their intention to challenge and oppose the decree adopted for the distribution.⁷⁵³ 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.⁷⁵⁴ 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.⁷⁵⁵

According to figures released by the Canary Islands, in one year - from the 1st of August 2023 to the 1st of August 2024 – 9,984 children arrived in the archipelago, being the 91% out of them (9,097) those who

⁷⁴⁹ 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](#).

⁷⁵⁰ 20 Minutos, 'Meses de negociación para una "solidaridad obligatoria": el Gobierno presenta a Canarias su plan final de reparto de menores migrantes', 22 April 2024, 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](#).

⁷⁵¹ Noticias Obreras, 'El plan del Gobierno para acoger a menores migrantes frustrado por los cálculos partidistas', 24 July 2024, available [here](#).

⁷⁵² 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](#).

⁷⁵³ El Diario Montañés, 'Cantabria recurrirá el decreto que regula el reparto de menores migrantes', 19 March 2025, available [here](#); Onda Cero, 'Balears estudiará si es posible rechazar el reparto de menores migrantes', 18 March 2025, available [here](#).

⁷⁵⁴ El Salto Diario, 'Varias comunidades recurren ante el Constitucional la distribución de menores migrantes no acompañados', 2 April 2025, available [here](#).

⁷⁵⁵ Heraldo, 'El TSJ de Madrid admite a trámite el recurso presentado por Aragón para frenar el reparto de menores', 1 April 2025, available [here](#).

arrived unaccompanied.⁷⁵⁶ The UNHCR estimated that the 55% of the UAMs arriving at the Canary Islands are in need of international protection.⁷⁵⁷

At the end of July, the Government of the Canary Islands adopted an emergency plan to assist UAMs, which foresees the allocation of €2 million and to urgently hire 39 professionals.⁷⁵⁸

In September, the Government of the Canary Islands adopted a protocol for the reception of and assistance to UAMs arriving in the archipelago, by establishing a set of intervention and measure to put in place by all the competent institutions.⁷⁵⁹ Nevertheless, the adoption of the protocol gave rise to criticisms, as it requires the identification of UAMs as an essential step for the administration of the archipelago to assume the guardianship and provide for the assistance of the children.⁷⁶⁰ The Public Prosecutor Office lodged an appeal at the Supreme Court of the Canary Islands asking for the provision's annulment.⁷⁶¹ The NGO *Red Española de Inmigración y Ayuda al Refugiado* lodged an appeal on the same grounds.⁷⁶² The Supreme Court of the Canary Islands suspended the protocol as a precautionary measure.⁷⁶³ Also, the Spanish Government appealed the protocol at the Constitutional Court.⁷⁶⁴ In October, the Spanish Government proposed to the Government of the Canary Islands a new method for the distribution of UAMs among the Autonomous Communities, based on the number of the population in each region.⁷⁶⁵ During the same month, the Public Prosecutor for Children at the Supreme Court called for more agility in the assistance to UAMs and in the interagency coordination, with the aim of providing a quick and smooth response to their protection needs.⁷⁶⁶ The Council of the Government of the Canary Islands approved a request of €157 million to the central Government, for the assistance provided to UAMs by the Canary Islands in previous years.⁷⁶⁷

At the end of November, the Minister of Youth and Childhood affirmed that the vast majority of UAMs arriving to the Canary Islands can be granted international protection. For this, she is working with EU institutions to tackle this issue and discuss options regarding their reception.⁷⁶⁸

⁷⁵⁶ El Periódico de España, 'El 91% de los menores migrantes que han llegado a Canarias en el último año lo hicieron solos', 1 August 2024, available [here](#).

⁷⁵⁷ La Vanguardia, 'ACNUR calcula que el 55% de los menores migrantes en Canarias son susceptibles de asilo', 27 June 2024, available [here](#).

⁷⁵⁸ Europa Press, 'Canarias activa un plan de choque para reforzar la atención inmediata a menores migrantes', 31 July 2024, available [here](#); El Confidencial Autonomico, 'El Gobierno de Canarias destinará dos millones de euros en reforzar la atención a menores migrantes', 2 August 2024, available [here](#).

⁷⁵⁹ Gobierno de Canarias, 'El Gobierno de Canarias establece un protocolo de recepción de menores migrantes no acompañados', 12 September 2024, available [here](#); Antena 3, 'Canarias aprueba un protocolo para acabar con el "desorden" en la acogida de menores migrantes', 13 September 2024, available [here](#); El Confidencial, 'Canarias oficializa su pulso sobre menores: ya no los aceptará sin identificar', 12 September 2024, available [here](#).

⁷⁶⁰ El Diario, 'Clavijo defiende que el acuerdo sobre la tutela de los menores migrantes "está avalado por los servicios jurídicos"', 12 September 2024, available [here](#); Levante, 'Clavijo no entiende que el Gobierno "ataque" a Canarias por pedir que el menor migrante se entregue con garantías', 18 September 2024, available [here](#).

⁷⁶¹ El Español, 'La Fiscalía pide al Tribunal Superior de Canarias la suspensión inmediata del protocolo de "menas"', 18 September 2024, available [here](#); El Imparcial, 'El Ejecutivo canario considera que no se están cumpliendo los protocolos', 2 September 2024, available [here](#).

⁷⁶² Canarias 7, 'ONG denuncia a Gobierno canario por su interpretación sobre la tutela de menores migrantes', 12 September 2024, available [here](#); Europa Press, 'La Red Española de Inmigración y Ayuda al Refugiado insta a Clavijo a "cesar en su guerra contra los menores"', 27 September 2024, available [here](#).

⁷⁶³ El Diario, 'La Justicia suspende la orden del Gobierno canario que pedía a las ONG no acoger menores sin su autorización', 26 September 2024, available [here](#); RTVC, 'El TSJC suspende la instrucción del Gobierno canario de no acoger menores migrantes sin su permiso', 26 September 2024, available [here](#).

⁷⁶⁴ ABC, 'España impugnará ante el Constitucional el protocolo de menores migrantes aprobado por Canarias', 24 September 2024, available [here](#).

⁷⁶⁵ Diario de Avisos, 'El Gobierno de España propone distribuir los menores en función de la población de cada comunidad', 3 October 2024, available [here](#).

⁷⁶⁶ 20 minutos, 'La fiscal de menores del Tribunal Supremo pide agilidad en la atención a niños migrantes en Canarias', 2 October 2024, available [here](#).

⁷⁶⁷ Diario de Avisos, 'Canarias exige al Estado 157 millones por la atención a menores migrantes', 7 October 2024, available [here](#).

⁷⁶⁸ Europa Press, 'España defiende que "gran parte" de los menores migrantes en Canarias pueden recibir protección internacional', 25 November 2024, available [here](#); Radio Televisión Canaria, 'España defiende que los menores migrantes deben recibir protección internacional', 25 November 2024, available [here](#).

In April 2024, an unaccompanied minor denounced the mistreatments received by the social workers in two reception facilities in the Canary Islands.⁷⁶⁹

In July, the *Red Española de Inmigración y Ayuda al Refugiado* lodged a complaint against the Directorate-General of Childhood of the Canary Islands for the bad conditions of a reception centre for UAMs in Lanzarote.⁷⁷⁰

In August, the municipality of Arucas (Canary Islands) called the Government of the archipelago to close the reception facility for UAMs located in the municipality, as it does not comply with the evacuation of wastewater and does not have the occupancy certificate.⁷⁷¹

A report on the human rights violations occurred in the context of arrivals to the Canary Islands denounced the lack of adequate protections and rights' guarantees that UAMs face in the archipelago, and recommended to create a better coordination mechanism among all actors involved in their protection and assistance. The publication also recommended to urgently adopt measures necessary to avoid that no UAM is accommodated in centre for adults, including in prisons.⁷⁷²

As underlined by Save the Children, the Canary Islands and, to a lesser extent, Ceuta continue to face continuous pressure due to increased arrivals of unaccompanied migrant children.⁷⁷³ While a national contingency plan for the relocation of children from regions facing large numbers of arrivals to other autonomous communities has been partially implemented, key challenges persist:

- Insufficient resources in reception centers: Many newly established shelters struggle to meet basic standards, leading to overcrowding and inadequate living conditions. Some centers in the Canary Islands, for example, are 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 face extended waiting periods before they can enroll in formal education or integration programs. In some cases, children over 16 are left out of the educational system altogether.
- Lack of specialized psychosocial support: Many children have suffered trauma and violence during their migratory route and/or in the country of origin, but do not receive the necessary psychological assistance upon arrival, and the few times they have access to it, it lacks a transcultural approach.
- Fragmented national coordination: The distribution of unaccompanied children across Spain's autonomous communities lacks a standardized approach, leading to disparities in care and access to essential services.

In addition, Save the Children underlined that the intra-national relocation mechanism for unaccompanied children aims to alleviate pressure on border regions but must be fully aligned with children's rights.⁷⁷⁴

- 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.

⁷⁶⁹ Europa Press, 'Un menor migrante denuncia malos tratos en dos centros de acogida de Gran Canaria', 30 April 2024, available [here](#).

⁷⁷⁰ Cadena Ser, 'La Red Española de Migración se querrela contra Canarias por las condiciones de acogida de los menores en la Casa del Mar', 1 July 2024, available [here](#).

⁷⁷¹ Radio Faro del Noroeste, 'Arucas solicita al Gobierno de Canarias el cierre inmediato del centro de menores inmigrantes en Montaña de Cardones', 4 August 2024, available [here](#).

⁷⁷² NoNovact, Irídia, 'Vulneración de Derechos Humanos en Canarias 2024. Infancia migrante y Criminalización', December 2024, available [here](#).

⁷⁷³ Information provided by Save the Children in February 2025.

⁷⁷⁴ Information provided by Save the Children in February 2025.

In December, 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.⁷⁷⁵

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 youngs.⁷⁷⁶

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.⁷⁷⁷ The organisation also denounced disproportionate punishments, violence and lack of inspections in the centres for UAM's in the Canary Islands.⁷⁷⁸

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.⁷⁷⁹

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.⁷⁸⁰

In its 2023 annual report, the Ombudsperson called for the improvement of the protocol for the identification and referral of UAMs when arrivals increase, and identified the necessity to provide with adequate infrastructure and specialised personnel during arrivals, for the identification, reception and inclusion of the UAMs arriving to the archipelago.⁷⁸¹

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 undergo the procedure.⁷⁸² In its 2022 annual report, the Spanish Ombudsperson continued to express concerns on the issue, as hundreds of UAMs keep on waiting the Public Prosecutor Office to issue the decree determining their age.⁷⁸³ In February 2024, there were 5,500 migrant children waiting to undergo the procedure and/or for a response.⁷⁸⁴

⁷⁷⁵ 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](#).

⁷⁷⁶ Europa Press, 'Save the Children reclama una estrategia integral para la "inclusión efectiva" de la infancia y juventud migrante', 12 December 2024, available [here](#).

⁷⁷⁷ 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](#).

⁷⁷⁸ 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](#).

⁷⁷⁹ Euractiv, 'Sánchez to seek urgent fix for Canary Islands migration crisis', 10 January 2025, available [here](#).

⁷⁸⁰ Canarian Weekly, 'Canarian government extends emergency measures as youth reception centres are at 123% capacity', 24 February 2025, available [here](#).

⁷⁸¹ Defensor del Pueblo, 'Informe anual 2023. Volumen I', March 2024, p. 75, available [here](#).

⁷⁸² 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.

⁷⁸³ Defensor del Pueblo, 'Informe anual 2022 – Volumen I', March 2023, available at: <https://bit.ly/3nzfYpt>, 166.

⁷⁸⁴ 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>.

Discrimination and hate crimes

Discrimination and hate crimes against migrants and refugees continued to be a reason of concern in 2024 and the beginning of 2025.⁷⁸⁵

On the 2024 International Day for the Elimination of Racial Discrimination, Amnesty International urged the government to end identity checks based on racial profiling.⁷⁸⁶

On the European Day of Victims of Hate Crimes, *CEAR* expressed concerns on the increase in cases of hate crimes and discrimination in Europe and in Spain. Regarding the Spanish context, the NGO highlighted that persons coming from the North Africa, Muslims and Afro-Descendants are the main target of hate crimes through social networks.⁷⁸⁷ The annual report of the Spanish Observatory on Racism and Xenophobia (OBERAXE) at the Ministry of Inclusion, Social security and Migration confirmed such trends, underlining also the increase of hate crimes in social networks against unaccompanied migrant children.⁷⁸⁸

In its 2024 annual report on racism in Spain, the organisation SOS Racismo denounced that the many among the cases of discriminatory practices and racism registered in 2023 (215 out of 569 cases) related to institutional racism.⁷⁸⁹

In August, representatives of the political party *PSOE* at the Municipality of **Valencia** lodged a denounce at the Public Prosecutor Office for Hate Crimes and Discrimination about the fake accusation towards a migrant for a homicide occurred in the city.⁷⁹⁰

In September, the *Plataforma del Tercer Sector*⁷⁹¹ called for changes in the Regulation of the Immigration Law - which is undergoing a partial reform – which, among others, foster the protection of victims of racial discrimination and hate crimes, by guaranteeing access to safe reporting and ensuring firewalls against the risk of return.⁷⁹²

During the same month, the representatives of the *PSOE* party at the Municipality of **Granada** informed about the intention to denounce at the National and Regional Ombudspersons the motion lodged by the far-right political party *Vox* which referred to migrants in a manner which could amount to hate crime.⁷⁹³

Following the reception of 170 migrants in the small town of **Mondariz Balneario (Pontevedra)**, racist fake information on the use of a school for their reception was spread.⁷⁹⁴

A similar situation occurred in **Alcalá de Guadaira (Sevilla)**, when following the reception of 85 asylum seekers, their alleged responsibility for the rape of a woman was reported despite it not being a founded accusation.⁷⁹⁵ The mayor of the town was also victim of harassment due to having allowed asylum

⁷⁸⁵ 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](#).

⁷⁸⁶ Amnistía Internacional, 'Día Internacional contra el racismo: España debe dejar de realizar controles de identidad basados en perfiles raciales', 20 March 2024, available [here](#).

⁷⁸⁷ CEAR, '¿Por qué aumentan los delitos de odio racistas y cómo prevenirlos?', 22 July 2024, available [here](#).

⁷⁸⁸ Spanish Observatory on Racism and Xenophobia (OBERAXE), 'Annual report monitoring hate speech on social media - 2023', July 2024, available [here](#).

⁷⁸⁹ SOS Racismo, '2024. Informe Anual, El estado del racismo en el estado español. Denuncias recopiladas', June 2024, available [here](#).

⁷⁹⁰ Levante, 'Los socialistas denuncian al líder de Vox en València por delito de odio', 6 August 2024, available [here](#); El Diario, 'El PSPV denuncia ante Fiscalía al líder de Vox en València por difundir un bulo que culpaba a un migrante de un asesinato', 8 August 2024, available [here](#).

⁷⁹¹ [Inicio | Plataforma tercer sector](#).

⁷⁹² Plataforma del Tercer Sector, 'La Plataforma del Tercer Sector demanda cambios en el Reglamento de Extranjería para facilitar la inclusión de la población migrante y refugiada', 23 September 2024, available [here](#).

⁷⁹³ El Independiente de Granada, 'El PSOE denunciará la moción de Vox contra las personas migrantes por 'incitar al odio'', 28 September 2024, available [here](#).

⁷⁹⁴ El País, 'Radiografía de otro bulo xenófobo tras la acogida de 170 inmigrantes en un pueblo de Pontevedra', 17 September 2024, available [here](#).

⁷⁹⁵ Qué, 'La Comisión Española de Ayuda al Refugiado avisa de la difusión de un bulo sobre los migrantes de Alcalá', 19 September 2024, available [here](#).

seekers to be hosted in the municipality.⁷⁹⁶ The political party *Andalucía Por Sí (AxSí)* called to the solidarity and responsibility of the citizens and accused the political parties *Partido Popular (PP)* and *Vox* to foster fear against migrants and refugees using fake news.⁷⁹⁷

Similarly, the political party *Vox* opposed the reception of 100 asylum seekers in the small town of **Mora de Rubielos (Teruel)**, and the staff of the hotel where they were accommodated received death threats.⁷⁹⁸

Anti-migrants' protests were organised in **Las Palmas de Gran Canarias** and **Santa Cruz de Tenerife** (Canary Islands). Participants were protesting against the increase in arrivals in the archipelago, while carrying "Defend our neighbourhoods" and "Stop illegal immigration" placards.⁷⁹⁹

Despite some anti-migrants acts and the hostility of certain politicians, many cities and towns in Spain (including Monterroso, a small town of 3.600 inhabitants in Galicia) welcomed migrants and refugees arriving from the Canary Islands, and taking initiatives to foster their integration.⁸⁰⁰

In September, the mayor of Badalona (Valencia) partially rectified the racist declarations made in social networks after the detention of a Moroccan man for committing crimes.⁸⁰¹

In October, the Spanish influencer Rudy Ruymán was denounced by the organisation *Afroféminas* for hate crimes and discrimination against migrants, especially in the Canary Islands.⁸⁰² The anti-migration protests organised in the **Canary Islands** following the influencer's push registered a very low turnover, demonstrating that the racist discourse in the archipelago is not backed by most of the population.⁸⁰³ During the same month, the Public Prosecutor Office for Hate Crimes in **Valencia** denounced the spokesperson of the far-right wing party *Vox* of the Municipality of the city, for his declarations attributing a crime committed in the city to a migrant, while the author is Spanish and in prison.⁸⁰⁴

A study published during the same month highlighted that in general migration is not prejudicial to national workers nor to their salaries, nor to the access to social services for Spanish citizens. It also underlined that many of those concerns are influenced by wrong perceptions and disinformation.⁸⁰⁵

Following the flooding occurred in **Valencia** at the end of October, the Observatory on Racism and Xenophobia (*Observatorio del Racismo y la Xenofobia - OBERAXE*) at the Ministry of Inclusion, Social Security and Migration informed that 30% of hate crimes in November were related to migrants and the alleged commitment by them of vandalic acts following the flooding.⁸⁰⁶

A study published by the Observatory on Racism and Xenophobia (*OBERAXE*) on the economic impact of inequality and discrimination suffered by migrants in the labour sector highlighted not only the personal

⁷⁹⁶ The Objective, 'Sevilla denuncia el acoso a la alcaldesa de Alcalá de Guadaira por la acogida de refugiados', 11 September 2024, available [here](#).

⁷⁹⁷ Onda Local Andalucía, 'CEAR asegura que las personas migrantes acogidas en Alcalá son 85, no 150', 10 September 2024, available [here](#); La Vanguardia, 'AxSí pide solidaridad con los refugiados en Alcalá y acusa a Vox y PP de "avivar el miedo por rédito político"', 10 September 2024, available [here](#).

⁷⁹⁸ El País, 'Mora de Rubielos, el pequeño pueblo de Teruel que acoge a más de 100 inmigrantes: "Yo también fui migrante en Alemania"', 6 September 2024, available [here](#).

⁷⁹⁹ The Guardian, 'Hundreds in Canary Islands protest against influx of migrants', 6 July 2024, available [here](#).

⁸⁰⁰ The Guardian, 'They're setting an example for us': the small Spanish town welcoming refugees', 13 September 2024, available [here](#).

⁸⁰¹ Cadena Ser, 'Albiol rectifica a medias tras decir que no le sorprendería que un día un grupo de vecinos "se canse y linche a uno de estos sinvergüenzas" en referencia a un detenido marroquí', 13 September 2024, available [here](#).

⁸⁰² Afroféminas, 'Afroféminas denuncia al influencer canario Rudy Ruymán por delito de odio contra la población migrante', 15 October 2024, available [here](#);

⁸⁰³ Afroféminas, 'La manifestación antiinmigración en Canarias queda casi vacía', 28 October 2024, available [here](#).

⁸⁰⁴ El Español de Valencia, 'La Fiscalía denuncia al juzgado las declaraciones del líder de Vox en Valencia por supuesto delito de odio', 24 October 2024, available [here](#).

⁸⁰⁵ El País, 'Los inmigrantes ni quitan el empleo a los españoles, ni hacen que sus sueldos sean menores', 9 October 2024, available [here](#).

⁸⁰⁶ Ministerio de Inclusión, Seguridad Social y Migraciones, 'El 30% de los discursos de odio en noviembre se relacionaron con la población migrante en el contexto de la DANA', 17 December 2024, available [here](#).

consequences people face, but also the economic loss of the State. The report quantifies a loss of €17 thousand million in 1 year, corresponding to 1.3% of the annual GPD.⁸⁰⁷

In December, Accem published a report on hate speech and hate crimes increasingly faced by UAMs in Spain,⁸⁰⁸ as well as a guide for professionals on how to prevent racism when working with and assisting UAMs.⁸⁰⁹

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.⁸¹⁰

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.⁸¹¹

In February 2025, the mayor of Córdoba criticised an anti-migrants 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.⁸¹² 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.⁸¹³

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%.⁸¹⁴

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.⁸¹⁵ 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.⁸¹⁶ In light of this, the Forum for the Social Integration of Immigrants called on the Government to adopt more measure against racial discrimination.⁸¹⁷

⁸⁰⁷ Mahía, R. and Medina, E., 'Análisis del impacto económico de la discriminación y la desigualdad entre la población autóctona y la extranjera residente en España. RESUMEN', Observatorio Español del Racismo y la Xenofobia – OBERAXE, November 2024, available [here](#).

⁸⁰⁸ Accem, 'Cartografías del racismo. Estudio sobre el racismo cotidiano hacia los niños, adolescentes y jóvenes que han migrado solos', December 2024, available [here](#).

⁸⁰⁹ Accem, 'Guía para profesionales. Prevención del racismo en la intervención con niños, adolescentes y jóvenes que han migrado solos. Necesidades, buenas prácticas y recomendaciones', December 2024, available [here](#).

⁸¹⁰ 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](#).

⁸¹¹ 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](#).

⁸¹² Córdobapolis, '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](#).

⁸¹³ El Diario, 'El Gobierno vasco condena unas pintadas xenófobas en una oficina de atención jurídica al migrante en Irún', 25 February 2025, available [here](#).

⁸¹⁴ 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](#).

⁸¹⁵ 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](#).

⁸¹⁶ Por un trabajo digno – UGT, 'CEDRE alerta sobre la discriminación étnico-racial en el acceso a la vivienda', 28 March 2025, available [here](#).

⁸¹⁷ 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](#).

In occasion of International Domestic Workers Day, the trade union *UGT* denounced that domestic workers, who are especially women with a migratory background, continue to suffer from discrimination also based on their gender.⁸¹⁸

In April, the Guardia Civil started an investigation against the fascist association *Núcleo Nacional* for inciting hate against migrant community.⁸¹⁹ 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 center of Santa Cruz de Tenerife, targeting him because of his skin color.⁸²⁰ That same month, news of 116 migrants being accommodated in a hotel in Ciudad Real sparked a wave of hate messages against the establishment on social media.⁸²¹

In April 2022, the Government adopted the Second Action Plan to Fight against Hate Crimes for 2022-2024,⁸²² while in July 2023 it approved the comprehensive law on equal treatment and discrimination,⁸²³ welcomed by the organisations forming the Alliance for the Law on Equal Treatment as a step forward in the fight against discrimination. Nevertheless, the Alliance highlighted that the law remained lacking in some areas, mainly due to the failure to introduce additional mechanisms - such as accompaniment and translation - to guarantee an effective and comprehensive protection of victims. In addition, the Alliance voiced concerns on the lack of measures to tackle discrimination in certain contexts, such as the action of law enforcement agencies and the education.⁸²⁴ The Spanish Ombudsperson indicated to have initiated all the necessary steps to monitor the implementation of the law, and to foster access to the body to all those persons victims of discrimination in any public context.⁸²⁵

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.⁸²⁶

Similarly, migrants and asylum seekers continued to face challenging in accessing health, despite the legislation guarantee them such a right.⁸²⁷

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.⁸²⁸ Amnesty International welcomed the proposal as a step to advance in guarantee LGTBI+ rights.⁸²⁹ The National Federation of Lesbians, Gays, Trans, Bisexuals, Intersexual+ (*Federación Estatal de Lesbianas, Gais, Trans, Bisexuales, Intersexuales y más* -

⁸¹⁸ UGT, 'UGT denuncia que las trabajadoras del hogar continúan sufriendo discriminación por razón de género', 30 March 2025, available [here](#).

⁸¹⁹ La Vanguardia, 'La Guardia Civil investiga a Núcleo Nacional por incitar a la "lucha" contra la "invasión" migrante', 1 April 2025, available [here](#).

⁸²⁰ La Provincia, 'Condenada por delito de odio tras insultos racistas a un migrante en pleno centro de Tenerife', 2 April 2025, available [here](#).

⁸²¹ 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](#).

⁸²² Ministerio del Interior – Secretaría de Estado de Seguridad, 'II Plan de Acción de Lucha contra los Delitos de Odio, 2022-2024', April 2022, available at: <https://bit.ly/43c8gBY>.

⁸²³ Boletín Oficial del Estado, 'Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación', 13 July 2022, available at: <https://bit.ly/3ZAVtG7>.

⁸²⁴ Accem, 'La Alianza por la Ley de Igualdad de Trato celebra por fin su aprobación en el Congreso', 1 July 2022, available at: <https://bit.ly/3MjIhIM>.

⁸²⁵ Defensor del Pueblo, 'Informe anual 2022 – Volumen I', March 2023, available at: <https://bit.ly/40GEOIN>.

⁸²⁶ CEAR, 'INFORME 2024. Las personas refugiadas en España y Europa', June 2024, p. 125, available [here](#).

⁸²⁷ *Ibidem*, p. 120.

⁸²⁸ 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>.

⁸²⁹ 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>.

Felgtbi+)⁸³⁰ called the Government to guarantee the right to change gender at the register to all trans migrants, independently of their administrative situation.⁸³¹ The law was approved in March 2023.⁸³²

The 2024 ILGA report highlighted that hate speech against LGBT people continued to be a serious issue in Spain, and that anti-trans rhetoric continued to gain more ground.⁸³³

UNHCR continued its collaboration with the Spanish Federation of LGTBIQ+ Associations (FELGTBI+) launching a joint training course on asylum for LGTBIQ+ NGOs, providing observations to the *Law on the real and effective equality of transgender people and the rights of LGTBIQ+ people* which included an article on International Protection, and the presentation of a pledge in the Forum “Spain for Refugees”.⁸³⁴

A comparative report published by the EU Fundamental Rights Agency highlighted the multiple levels of discrimination that LGBTQI+ people face in EU Member States. It also showed that interviewees in Spain reported an increase of violence, intolerance and prejudice towards the LGBTQI+ community in the past 4 years.⁸³⁵

In occasion of the 2024 World Day against LGTBI-phobia, the Government reaffirmed its commitment for the real and effective equality of LGTBIQ+ people. In fact, despite the legal and policy improvements made in advancing LGTBIQ+ rights and the increased social acceptance and commitment, the rise in hate speech is a concern.⁸³⁶

In June, the Program for the Information and Assistance to LGTBI persons of the Autonomous Community of Madrid informed that, during the last year, the inquiries on international protection applications based on a SOGIESC claim increased up to 40% of the total enquiries received by the service.⁸³⁷

During the International LGTBQI+ Pride Day, CEAR denounced the challenges still existing in Spain for the granting of refugee protection on grounds of their sexual orientation and gender identity.⁸³⁸

In July, the political party PSOE announced the intention to design a plan to improve the protection and reception of LGTBIQ+ asylum seekers.⁸³⁹

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

⁸³⁰ FELGTBI+, see: <https://felgtbi.org/>.

⁸³¹ 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>.

⁸³² 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>.

⁸³³ ILGA, ‘2024 Annual review. The 13th edition of our annual review of the human rights situation of lesbian, gay, bisexual, trans and intersex people in Europe and Central Asia’, 29 February 2024, available [here](#).

⁸³⁴ Information provided by UNHCR in April 2024.

⁸³⁵ European Union Agency for Fundamental Rights, ‘LGBTIQ equality at a crossroads — progress and challenges’, May 2024, available [here](#).

⁸³⁶ Ministerio de Igualdad, ‘Declaración institucional con motivo del 17 de mayo, día internacional contra la homofobia, la transfobia y la bifobia’, 14 May 2024, available [here](#).

⁸³⁷ Europa Press, ‘Consultas sobre protección internacional por LGTBIfobia son las que más crecen en el programa regional de atención LGTBI’, 28 June 2024, available [here](#).

⁸³⁸ CEAR, ‘Orgullo de ser refugio para que todas las personas puedan ser, sentir y amar en libertad’, 28 June 2024, available [here](#).

⁸³⁹ Libertad Digital, ‘El PSOE impulsa un plan para elevar la acogida de los inmigrantes que argumenten ser LGTB’, 4 July 2024, available [here](#).

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.⁸⁴⁰ 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 of Movement](#)). As above mentioned, two additional decisions the Supreme Court reaffirmed the existence of this right in 2021.⁸⁴¹ According to available information, it seems that the practice started to change at the end of 2021, to become more aligned with the jurisprudence on the matter.

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.⁸⁴² 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.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

- | | |
|---|---------------|
| 1. Total number of persons detained in 2024: | Not available |
| 2. Number of persons in detention at the end of 2024: | 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:

⁸⁴⁰ 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>.

⁸⁴¹ 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>.

⁸⁴² CEAR, *Refugiados y migrantes en España: Los muros invisibles tras la frontera sur*, December 2017, available at: <http://bit.ly/2mEUPqH>, 22-26.

Year	2017	2018	2019	2020	2021	2022	2023
Total number	8,814 ⁸⁴³	7,855 ⁸⁴⁴	6,473 ⁸⁴⁵	2,224 ⁸⁴⁶	1,841 ⁸⁴⁷	2,082 ⁸⁴⁸	2,085 ⁸⁴⁹

According to the 2023 Annual Report on CIEs of the Migrant Jesuit Service, published in June 2024, 2,085 migrants were detained in 2023.⁸⁵⁰

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 *Centros 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 2024, 853 persons applied for asylum from CIEs.⁸⁵¹

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.⁸⁵²

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.

In a report published in November 2024, Amnesty International denounced that in Spain the deprivation of liberty of migrants in an irregular situation is almost automatic, in violation of the obligation deriving from European and national law of maintaining the use of detention as a measure of last resort. In addition, it condemned the lack of any obligation to assess alternative measures, especially in cases of people with special needs or in situation of vulnerability⁸⁵³.

⁸⁴³ *Ibidem*.

⁸⁴⁴ *Ibidem*.

⁸⁴⁵ Servicio Jesuita a Migrantes, 'Informe CIE 2019. Diez años mirando a otro lado', July 2020, available at: <https://bit.ly/3Ljltjn>.

⁸⁴⁶ Servicio Jesuita a Migrantes, 'Informe CIE 2020. Razón jurídica y sin razón política – Anexo', June 2021, available at: <https://bit.ly/3GXh451>, 5.

⁸⁴⁷ 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>.

⁸⁴⁸ Defensor del Pueblo, 'Informe anual 2022 – Volumen I', March 2023, p. 168, available at: <https://bit.ly/3Kcqaf1>.

⁸⁴⁹ Servicio Jesuita a Migrantes, 'Informe CIE 2023. Internamiento "muteado". Personas cuyo sufrimiento queda oculto a la sociedad', June 2024, available [here](#).

⁸⁵⁰ *Ibidem*.

⁸⁵¹ 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 2024', January 2025, available [here](#).

⁸⁵² Articles 60(4) and 62(5) Aliens Act.

⁸⁵³ Amnistía Internacional, 'España: La privación de libertad, el oscuro método de gestión migratoria', 20 November 2024, available [here](#).

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**.⁸⁵⁴ It has to be noted that the total capacity can vary according to possible improvements' works, temporary closures, maintenance works, etc. During 2023, just five CIEs were functioning (Algeciras, Barcelona, Las Palmas, Murcia and Valencia), as the facility in Tenerife was closed due to construction works, and the one in Madrid reopened in December 2023 following refurbishment.⁸⁵⁵

There have been several developments in 2024 and beginning of 2025 regarding CIEs:

- ❖ The construction works of a new CIE in **Algeciras** continued in 2024. The declarations of the Mayor of the Municipality, according to which the facility will be the most 'social and human' CIE in Spain, raised critics and concerns.⁸⁵⁶ 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.⁸⁵⁷ The total cost for the construction of the facility – with a capacity of 507 places – has been 22 million Euros and took 10 years.⁸⁵⁸ Protests against the opening of the new facility continued in 2024.⁸⁵⁹ The Minister of Interior announced that the centre would open before the end of 2024,⁸⁶⁰ but at the end of the year the information of its opening during spring 2025 circulated.⁸⁶¹ In mid- December, the Jesuit Migrants Service organised a protest in Algeciras to ask for the closure of all CIEs.⁸⁶² The Government foresees to open the new CIE during the first quarter of 2025.⁸⁶³
- ❖ At the end of March, the Deportations Central Unit at the National Police informed all police stations to suspend the detention of undocumented Moroccan migrants, as deportations to Morocco have been halted—given that the country has not been accepting returns since the beginning of the month..⁸⁶⁴
- ❖ In April, the Council of Ministers disposed the urgent construction of a new CIE in the island of Alborán in the Mediterranean Sea, with a budget of 1,300,000 Euros.⁸⁶⁵
- ❖ On occasion of the Day against CIEs, the Platform *CIEsNO* organised a gathering in front of the CIE of Murcia, asking for its closure.⁸⁶⁶

⁸⁵⁴ Ministerio de Inclusión, Seguridad Social y Migraciones, 'Marco Estratégico de Redacción del Programa Nacional de España en el Fondo De Asilo, Migración e Integración para el periodo 2021-2027', 2021, available at: <https://bit.ly/3lnWb2d>, 39.

⁸⁵⁵ Servicio Jesuita a Migrantes, 'Informe CIE 2023. Internamiento "muteado". Personas cuyo sufrimiento queda oculto a la sociedad', June 2024, p. 4, available [here](#).

⁸⁵⁶ 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>.

⁸⁵⁷ Europa Sur, 'Miguel Urbán denuncia que el nuevo CIE de Algeciras será "un auténtico Guantánamo"', 26 April 2023, available at: <https://tinyurl.com/bdfyep9z>.

⁸⁵⁸ 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](#).

⁸⁵⁹ Público, 'Un nuevo CIE en Algeciras prolonga la política "deshumanizadora" contra migrantes', 22 June 2024, available [here](#); Europa Sur, 'Entidades sociales de toda España piden que se pare la apertura del nuevo CIE de Algeciras', 15 June 2024, available [here](#); El Salto Diario, 'Algeciras se moviliza contra la apertura inminente de un nuevo CIE', 13 December 2024, available [here](#); Europa Sur, 'Una marcha recorre Algeciras contra el nuevo CIE en Botafuegos: "Recorta los derechos a migrantes y refugiados"', 14 December 2024, available [here](#).

⁸⁶⁰ Huffington Post, 'Marlaska asegura que el mayor CIE de España se inaugurará este año', 17 June 2024, available [here](#).

⁸⁶¹ Campo de Gibraltar Siglo XXI, 'El macro CIE para medio millar de migrantes abrirá en primavera', 15 December 2024, available [here](#).

⁸⁶² La Voz de Cádiz, 'El nuevo CIE de Algeciras, el más grande de España, despierta rechazo antes de su apertura', 2 December 2024, available [here](#).

⁸⁶³ Europa Sur, 'El Gobierno fija la apertura del nuevo CIE de Algeciras para el primer trimestre del año', 4 January 2025, available [here](#); El Salto Diario, 'El Gobierno abrirá el nuevo CIE de Algeciras antes de abril', 13 January 2025, available [here](#).

⁸⁶⁴ Vox Populi, 'Marlaska "desaconseja" internar marroquíes indocumentados porque se han suspendido las repatriaciones', 24 March 2024, available [here](#).

⁸⁶⁵ Izquierda Diario, 'CIE en medio del mar: Defensa construirá un centro para migrantes en el islote de Alborán por 1.300.000 euros', 19 April 2024, available [here](#).

⁸⁶⁶ Onda Regional Murcia, 'Concentración ante el Centro de Internamiento de Extranjeros de Murcia para pedir su cierre', 15 June 2024, available [here](#).

- ❖ In its annual report on the situation of CIEs, the Migrant Jesuit Service reported that the majority of the 2,085 persons detained in such facilities during 2023 had strong ties and roots in Spain, i.e. long duration residence permits, family members with Spanish nationality or even EU citizenship.⁸⁶⁷ In addition, it underlined that the 57% of those detained at the CIE of Barcelona were freed as return was not possible.⁸⁶⁸ Thus the organisation continued to call for the closure of all CIEs.⁸⁶⁹
- ❖ In August, the political party 'Podemos' called on the Government to close all the CIEs and to release all inmates.⁸⁷⁰
- ❖ In October, the High Court of Justice of Madrid condemned the Ministry of Interior for violating the right of providing public information in time on the figures regarding internments at CIEs and for the lack of transparency on the data regarding such a topic.⁸⁷¹
- ❖ In December, the Supreme Court (*Tribunal Supremo*) admitted an appeal lodged by the Jesuit Migrant Service on the lack of transparency of the Ministry of Interior in relation to figures related to CIEs.⁸⁷²
- ❖ 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.⁸⁷³ Similarly, responsibility for migration lies with the central government, which will continue to retain this competence.⁸⁷⁴ At the beginning of March, an agreement was reached, thus PSOE and Junts submitted a law proposal on the delegation of competences on migration to Cataluña, that is the management of CIEs and the forced return of migrants.⁸⁷⁵ 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.⁸⁷⁶

The 2024 annual report on human rights at Southern borders published by *Asociación Pro Derechos Humanos de Andalucía – APDHA* underlined that CIEs represent an ineffective measure for reaching its own purpose that is the return of irregular migrants. On the contrary, the NGO considered that currently their existence aims at intimidating migrant population, and at transmitting a message of criminalisation and segregation to public opinion.⁸⁷⁷

⁸⁶⁷ Público, 'Más de 2.000 migrantes fueron internados en los CIE durante 2023, la mayoría con vínculos arraigados en España', 10 June 2024, available [here](#).

⁸⁶⁸ El Periódico, 'El 57% de los internos en el CIE de Barcelona salen libres: "Es un daño innecesario e inútil"', 11 June 2024, available [here](#).

⁸⁶⁹ COPE, 'El Servicio Jesuita a Migrantes pide el cierre de los CIE: "Se les trata como delincuentes"', 10 June 2024, available [here](#).

⁸⁷⁰ Libertad Digital 'Podemos tensa el problema migratorio y exige a Sánchez cerrar los centros de inmigrantes para dejarlos en la calle', 9 August 2024, available [here](#).

⁸⁷¹ Servicio Jesuita a Migrantes, 'Una sentencia condena al Ministerio del Interior por no facilitar información pública sobre los CIE', 15 October 2024, available [here](#).

⁸⁷² Europa Press, 'El Supremo admite a trámite un recurso de SJM sobre la falta de transparencia de Interior en datos de los CIE', 2 December 2024, available [here](#).

⁸⁷³ 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](#).

⁸⁷⁴ Europa Press, 'Saiz descarta un modelo migratorio propio para Catalunya: "La normativa es la misma" en toda España', 12 March 2025, available [here](#).

⁸⁷⁵ 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](#).

⁸⁷⁶ Europa Press, 'ONG de migración muestran su preocupación ante el pacto entre PSOE y Junts', 4 March 2025, available [here](#).

⁸⁷⁷ Asociación Pro Derechos Humanos de Andalucía – APDHA, 'Derechos Humanos en la Frontera Sur 2024. CIEs: espacios sin derechos para migrantes', April 2024, available [here](#).

In its 2023 annual report, the Spanish Ombudsperson, in its capacity as National Prevention Mechanism against Torture, expressed concerns over the lack of uniformity in the functioning of CIEs, especially in relation to certain conditions and access to rights of inmates according to the facility in which they are detained.⁸⁷⁸ For this purpose, the body urged to correct such a disparity of treatment as early as possible.

Following an investigation carried out on the CIEs in Spain, Amnesty International called the Government to stop the deprivation of freedom for migration purposes.⁸⁷⁹ The organisation also denounced the fact that judges appear to be validate detention orders of irregular migrants at CIEs without considering possible alternatives to detention.

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.⁸⁸⁰ 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.⁸⁸¹ The same conclusion was reached in an article published in April 2023, which also referred to evidence of deportations of persons in need of international protection or victims of trafficking.⁸⁸²

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 7,382 persons applied at a border post or transit zone in 2024.⁸⁸³

⁸⁷⁸ Defensor del Pueblo, ‘Informe anual del Defensor del Pueblo 2023: Anexo del Mecanismo Nacional de Prevención (MNP)’, March 2024, available [here](#).

⁸⁷⁹ Amnistía Internacional, ‘España: Amnistía Internacional pide que no se prive de libertad a las personas por motivos migratorios’, 20 November 2024, available [here](#); Amnistía Internacional, ‘España: La privación de libertad, el oscuro método de gestión migratoria’, 20 November 2024, available [here](#); Europa Press, ‘Amnistía Internacional denuncia el “automatismo” de jueces para internar a migrantes en situación irregular en los CIE’, 20 November 2024, available [here](#).

⁸⁸⁰ 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>.

⁸⁸¹ 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>.

⁸⁸² Laura Zanón, ‘Los CIE: instrumentos de sufrimiento inútil’, April 2023, available at: <https://tinyurl.com/4ekdvxab>, 17.

⁸⁸³ 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 2024’, January 2025, available [here](#).

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;⁸⁸⁴
- (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;⁸⁸⁵
- (3) When a notification for expulsion has been issued and the non-national fails to depart from the country within the prescribed time limit.⁸⁸⁶

The Jesuit Refugee Service also continued to underline, in its 2023 Annual Report on the situation of CIEs, 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 reporting and investigating cases of aggression and mistreatment by the police, shortcomings in relation to medical assistance and obstacles for NGOs to visit inmates.⁸⁸⁷

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 declared admissible.⁸⁸⁸ This amounts *de facto* to deprivation of liberty, since applicants are not allowed to leave those spaces.

⁸⁸⁴ Articles 53-54 Aliens Act.

⁸⁸⁵ Article 58(6) Aliens Act.

⁸⁸⁶ Article 63(1)(a) Aliens Act.

⁸⁸⁷ Servicio Jesuita a Migrantes, 'Informe CIE 2023. Internamiento "muteado". Personas cuyo sufrimiento queda oculto a la sociedad', June 2024, p. 4, available [here](#).

⁸⁸⁸ Article 22 Asylum Law.

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 2023 Annual Report, the Spanish Ombudsperson, in its capacity as National Prevention Mechanism against Torture, continued to denounce serious problems at the ad hoc space at the Madrid Adolfo Suárez Barajas Airport, due to the deficiencies in the conditions of habitability. In particular, the report highlighted the serious damage of mattresses and the lack of a sufficient number of bunk beds, as well as the state of the toilets and lack of hygiene.⁸⁸⁹

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
☒ Reporting duties
☒ Surrendering documents
☐ Financial guarantee
☒ Residence restrictions
☐ 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,⁸⁹⁰ 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. As confirmed by the Global detention Project, there are long-standing concerns that authorities routinely fail to consider all criteria before imposing detention measures.⁸⁹¹

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 mid- December 2024, the Jesuit Migrants Service organised a protest in **Algeciras** to ask for the closure of all CIEs, including the 500-capacity facility under construction in the city, and for calling for more human alternatives to be applied.⁸⁹²

⁸⁸⁹ Defensor del Pueblo, 'Informe anual del Defensor del Pueblo 2023: Anexo del Mecanismo Nacional de Prevención (MNP)', March 2024, available [here](#).

⁸⁹⁰ Article 61 Aliens Act.

⁸⁹¹ Global Detention Project, *Country report Spain*, May 2020, available at: <https://bit.ly/3sruJaU>.

⁸⁹² La Voz de Cádiz, 'El nuevo CIE de Algeciras, el más grande de España, despierta rechazo antes de su apertura', 2 December 2024, available [here](#).

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,⁸⁹³ but the Immigration Law foresees the possibility of detaining families with children.⁸⁹⁴ 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 2023 annual report issued by the Jesuit Migrant Service, 2 children were identified as minors in CIEs, being 10 the presumed children that underwent age assessment procedures while in detention.⁸⁹⁵ It also reported that 1 person was identified as being a victim of trafficking.

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.⁸⁹⁶ 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.

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 2022 annual report, the Jesuit Migrant Service indicated that in 2022, the average duration of detention was of 30.20 days.⁸⁹⁷

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.

⁸⁹³ Article 62(4) Aliens Act.

⁸⁹⁴ 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.

⁸⁹⁵ Servicio Jesuita a Migrantes, 'Informe CIE 2022. Diferencias que generan desigualdad', June 2023, available [here](#).

⁸⁹⁶ Article 62(2) Aliens Act.

⁸⁹⁷ Servicio Jesuita a Migrantes, 'Informe CIE 2023. Internamiento "muteado". Personas cuyo sufrimiento queda oculto a la sociedad', June 2024, available [here](#).

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 *Centros de Internamiento de Extranjeros* (CIE) in Spain.⁸⁹⁸ 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.⁸⁹⁹

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 2023 annual report, the Spanish Ombudsperson reported on the deterioration of the state of the facility of the CATE in Tenerife.⁹⁰⁰ It also remarked that the CATE in El Hierro just counted with emergency facilities that were overcrowded and in poor conditions, and that the Directorate-General of the National Police informed about the construction of a new CATE, following a recommendation made by the Ombudsperson in previous years.

Information on observations and recommendations made by the institution to the CATEs are mentioned in the section on [Arrivals by sea](#).

UNHCR continued to highlight the need to improve the mechanisms at the CATEs, with the aim of ensuring the possibility for persons in need of protection to apply for asylum during their initial 72 hours in the country, which has so far been hindered.⁹⁰¹

⁸⁹⁸ 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](#).

⁸⁹⁹ Defensor del Pueblo, 'Informe anual 2019. Mecanismo Nacional de Prevención', October 2020, available at: <https://bit.ly/3p6qWxH>, 66.'

⁹⁰⁰ Defensor del Pueblo, 'Informe anual del Defensor del Pueblo 2023 – Volumen I', March 2024, p. 177, available [here](#).

⁹⁰¹ US Department of State, *2022 Country Reports on Human Rights Practices: Spain*, 20 March 2023, available at: <https://bit.ly/3mpsNCI>.

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.⁹⁰²

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**.⁹⁰³ 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.

The CIE Regulation,⁹⁰⁴ adopted in 2014, provides in its Article 3 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 the 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.

On the operation and living conditions within the CIE, 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*).

⁹⁰² Information provided by OAR, 8 March 2019.

⁹⁰³ Defensor del Pueblo, *Mapa de los centros de privación de libertad*, 5 February 2018, available at: <http://bit.ly/2EDjc30>.

⁹⁰⁴ 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.

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.⁹⁰⁵

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 2024 due to several incidents that took place throughout the year. The section below provides an overview of incidents recently reported in the CIEs between 2024 and the beginning of 2025.

Various issues emerged regarding the conditions in CIEs due to the Covid pandemic: for more information see AIDA reports [2020](#) and [2021](#).

Throughout 2024 and at the beginning of 2025, the following developments and incidents were registered:

- ❖ In February 2024 the Platform *CIEsNO* informed that around 50 migrants detained at the CIE of **Aluche (Madrid)** lodged a claim at the competent judge, denouncing the assaults received by the police. The judge opened an investigation.⁹⁰⁶ Following such a report, different organisations called for the closure of the facility.⁹⁰⁷
- ❖ In April, the police blocked a riot of 80 inmates at the CIE of **Aluche (Madrid)** to denounce the human rights violations at the facility. An inmate resulted injured.⁹⁰⁸
- ❖ In May, the National Court of **Barcelona** closed the file on the case against 15 police officers accused of mistreatment against some inmates during a protest, due to the impossibility of localising the accusers for having been deported.⁹⁰⁹
- ❖ Following a visit to the CIE of **Valencia** carried out in February 2024, the Spanish Ombudsperson, in its capacity of National Prevention Mechanism against Torture, reported deficiencies and human rights violations in the facility (i.e. no adequate food, lack of privacy during visits to inmates, daily checks of inmates' belongings, etc.).⁹¹⁰ The Platform 'CIEsNO' denounced that, despite the persistent reports of human rights violations, the facility continued to function. The political party 'Compromís' called on the Minister of Interior to adopt solutions to overcome such deficiencies.⁹¹¹
- ❖ 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.⁹¹²

⁹⁰⁵ El País, 'El Supremo anula cuatro artículos de la norma de los Centros de Internamiento', 27 January 2015, available at: <http://bit.ly/1uAbrvf>.

⁹⁰⁶ Madrid Diario, 'Un escrito de los internos del CIE de Aluche denuncia presuntas agresiones policiales', 16 February 2024, available at: <https://tinyurl.com/mzz5uctw>; El País, 'Un juzgado investiga presuntas agresiones de policías a internos del CIE de Aluche, en Madrid', 22 February 2024, available at: <https://tinyurl.com/yuwmecuw>; El Diario, '50 migrantes denuncian en los juzgados agresiones policiales con "puñetazos y patadas en la cabeza" en el CIE de Madrid', 22 February 2024, available at: <https://tinyurl.com/42whney3>.

⁹⁰⁷ Gaceta Madrid, 'Reclaman el cierre del CIE de Aluche tras la última denuncia judicial por supuestos malos tratos', 12 March 2024, available at: <https://tinyurl.com/359ds8ss>.

⁹⁰⁸ Tele Madrid, 'La Policía Nacional impide un intento de motín de 80 internos en el CIE de Aluche', 6 April 2024, available [here](#).

⁹⁰⁹ Infobae, 'Archivan la causa a 15 policías acusados de agredir a internos del CIE en intento de fuga', 6 May 2024, available [here](#).

⁹¹⁰ El Diario, 'El Defensor del Pueblo critica que la comida del CIE de València "no es adecuada" y el agua, "reducida"', 24 July 2024, available [here](#).

⁹¹¹ El Diario, 'La plataforma 'CIEs No' denuncia "vulneraciones de derechos sistemáticas" en el centro de internamiento de València', 25 July 2024, available [here](#).

⁹¹² El País, 'Internos del CIE de Zona Franca anuncian una huelga de hambre por "tratos denigrantes"', 28 March 2025, available [here](#).

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 2023, published in 2024,⁹¹³ as well as in the report issued by the Spanish Ombudsperson in his capacity of National Prevention Mechanism against Torture.

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.⁹¹⁴ In its 2023 report, the NGO continued to highlight the serious deficiencies of living conditions and the lack of guarantees within those facilities. Concretely, the organisation denounced assaults on and mistreatments of inmates, and the difficulties they face reporting such acts. It also continued to denounce the lack of adequate health services, and the impact of detention on the mental health of inmates. The JMS expressed concern regarding the detention of persons that cannot be detained at CIEs according to the law, such as EU citizens, applicants for international protection in other countries, presumed minors, victims of gender-based violence, etc. It also criticised how the lack of common rules between CIEs results in different regimes in each facility and thus inequalities in the rights of inmates.

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.⁹¹⁵

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,⁹¹⁶ 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.⁹¹⁷ 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,⁹¹⁸ and have access to open air spaces.⁹¹⁹

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

⁹¹³ Defensor del Pueblo, 'Informe anual del Defensor del Pueblo 2023 – Volumen I', March 2024, available [here](#).

⁹¹⁴ Servicio Jesuita a Migrantes, 'Informe CIE 2023. Internamiento "muteado". Personas cuyo sufrimiento queda oculto a la sociedad', June 2024, available [here](#).

⁹¹⁵ SOS Racismo, see: <https://sosracismo.eu/sos-racismo-madrid/>.

⁹¹⁶ Article 14 CIE Regulation.

⁹¹⁷ Articles 39-47 CIE Regulation.

⁹¹⁸ Article 42 CIE Regulation.

⁹¹⁹ Article 40 CIE Regulation.

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.

In November 2022, the Supervising Judges of the CIE of Aluche (**Madrid**) agreed on a set of measures to improve the health assistance provided to inmates, such as allowing the use of the infirmary also during the night, the provision of psychological assistance and the digital health record. Such judicial decision obliges the Directorate-General of the Police, who oversees the CIE's management, to improve these aspects.⁹²⁰

A report published by the University of Seville and the Jesuit Migrants Service in January 2024 warned that CIEs were spaces where migrants face a high risk of developing or aggravating their mental health conditions. The study underlined that 70% of the persons interviewed showed symptoms of anxiety and depression.⁹²¹

In its 2023 annual report, the Jesuit Migrants Service continued to denounce the lack of adequate health assistance to inmates, as well as the lack of privacy during the medical assistance, and urged a comprehensive reform of health services at the CIEs.⁹²²

In its 2023 annual report, the Spanish Ombudsperson reiterated the need to implement an adequate protocol at CIEs for reporting, registering and investigating cases of mistreatment reported by inmates.⁹²³

In January 2024, the political party *Sumar* addressed a set of questions to the Government, including about the food and the medication provided to inmates at CIEs, considering the existing concerns on the conditions of these facilities.⁹²⁴

In November, the Minister of Interior granted €1,225,000 to the Red Cross for providing assistance to inmates at CIEs.⁹²⁵

2.2 Conditions in police stations

Migrants detained in police stations after arriving in Spain by sea face dire conditions.

In its 2023 annual report, the Spanish Ombudsperson, in its capacity as National Mechanism for Prevention of Torture, reiterated the necessity to adopt a regulation of CATEs. It also highlighted the serious deficiencies that some of those facilities have, in terms, *inter alia*, of lack of proper lighting, access to hot water and to showers, lack of ventilation and heating, lack of clean mattresses, blankets and beds, etc.⁹²⁶

⁹²⁰ Europa Press, 'Jueces del CIE de Aluche requieren asistencia sanitaria 24h a internos, atención psicológica e historia clínica digital', 22 November 2022, available at: <https://bit.ly/3gHc7mZ>; La Vanguardia, 'Los jueces de control del CIE de Madrid piden subsanar sus "graves deficiencias sanitarias"', 22 November 2022, available at: <https://bit.ly/3UcTZiw>.

⁹²¹ Paloma, V., Agüero-Collins, A., Benítez, I., Buades-Fuster, J., López-Núñez, C., & Saavedra-Macías, F. J., (2023), 'Un acercamiento a la salud mental de las personas migrantes en los Centros de Internamiento de Extranjeros de España', Centro de Investigación y Acción Comunitaria de la Universidad de Sevilla & Servicio Jesuita a Migrantes, January 2024, available at: <https://tinyurl.com/2p86r6tf>.

⁹²² Servicio Jesuita a Migrantes, 'Informe CIE 2023. Internamiento "muteado". Personas cuyo sufrimiento queda oculto a la sociedad', June 2024, available [here](#).

⁹²³ Defensor del Pueblo, 'Informe anual del Defensor del Pueblo 2023 – Volumen I', March 2024, p. 175, available [here](#).

⁹²⁴ Qué!, 'Sumar advierte al Gobierno sobre los migrantes: dudas y sin transparencia', 21 January 2024, available [here](#).

⁹²⁵ Europa Press, 'Interior subvenciona con 1,1 millones a Cruz Roja para la atención de migrantes en centros de internamiento', 20 November 2024, available [here](#).

⁹²⁶ Defensor del Pueblo, 'Informe anual del Defensor del Pueblo 2023: Anexo del Mecanismo Nacional de Prevención (MNP)', March 2024, available [here](#).

2.3 Conditions in border facilities

Border facilities have been visited and monitored by the Spanish Ombudsperson, also in its 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 2023 annual report published by the Spanish Ombudsperson in its capacity as National Prevention Mechanism against Torture, who underlined the deficiencies of the facility in terms of maintenance and hygiene.⁹²⁷

At the end of December 2023, there were reports of bad conditions and overcrowding at the *ad hoc* spaces for asylum seekers at the Madrid Barajas Airport.⁹²⁸ Three judges asked the Minister of Interior to improve the situation.⁹²⁹ Despite the Ministry of Interior announcing the adoption of appropriate measures to resolve the situation following the judicial requirements, in January 2024 the Unified Trade Union of the National Police (*Sindicato Unificado de Policía - SUP*) highlighted that the overcrowding and the insalubrity of the facility continued, and lodged a report to the Ombudsperson.⁹³⁰ Due to the conditions, a total of 26 Moroccan asylum applicants escaped the *ad hoc* spaces and the airport by breaking a window.⁹³¹ In mid-January the Ministry of Interior reported it had allocated more resources to the *ad hoc* spaces to face the situation, with more police officers and additional offices to carry out the asylum interviews.⁹³² In addition, they started to transfer some of the asylum applicants to the CIE of Madrid, after a judge authorised the detention, but the Public Prosecutor Office immediately asked to annul the decision, which was then revoked by the judge.⁹³³ The Spanish Ombudsperson denounced the overcrowding at the airport and asked the Government to guarantee decent conditions for asylum

⁹²⁷ Defensor del Pueblo, ‘Informe anual del Defensor del Pueblo 2023 – Volumen I’, March 2024, available [here](#).

⁹²⁸ La Razón, ‘Las salas del aeropuerto de Madrid dedicadas a los peticionarios de asilo se encuentran desbordadas’, 19 December 2023, available at: <https://tinyurl.com/mryzrz38>; El Periódico de España, ‘Plagas de chinches, basura y escasez de toallas: la situación de los solicitantes de asilo en Barajas sigue sumida en el caos’, 22 January 2024, available at: <https://tinyurl.com/28pfjah6>; El Salto Diario, ‘Denuncian el hacinamiento de solicitantes de protección internacional en las salas del aeropuerto de Barajas’, 22 January 2024, available at: <https://tinyurl.com/y4fermzt>; Canal Sur, ‘Las ONG denuncian el hacinamiento extremo en las salas de asilo de Barajas’, 26 January 2024, available at: <https://tinyurl.com/yc76renk>.

⁹²⁹ El País, ‘Tres jueces piden a Interior medidas urgentes ante el hacinamiento de migrantes en el aeropuerto de Barajas’, 22 December 2023, available at: <https://tinyurl.com/5n8h8ff9>.

⁹³⁰ Europa Press, ‘Marlaska dice que se han tomado medidas por los migrantes bloqueados en Barajas, tras los requerimientos judiciales’, 4 January 2024, available at: <https://tinyurl.com/2xthj6pm>; Europa Press, ‘El SUP denuncia que continúa el colapso e insalubridad en Barajas por los viajeros africanos “hacinados” que piden asilo’, 12 January 2024, available at: <https://tinyurl.com/4fck2eap>; La Razón, ‘Vuelven los chinches y las cucarachas a las salas donde esperan los migrantes solicitantes de asilo en el aeropuerto de Barajas’, 14 January 2024, available at: <https://rb.gy/m6kixc>; The Objective, ‘Colapso en Barajas por las peticiones de asilo de Senegal y Marruecos: «Estamos al límite»’, 14 January 2024, available at: <https://tinyurl.com/25vvbpr7>; Antena 3, ‘Una abogada denuncia la situación de los solicitantes de asilo del aeropuerto de Barajas: “El hacinamiento es inhumano”’, 1 February 2024, available at: <https://tinyurl.com/3j26ju4h>; Onda Cero, ‘La Policía denuncia el caos en las salas de asilo de Barajas: la insalubridad crece y se prevé la llegada de más inmigrantes’, 2 February 2024, available at: <https://tinyurl.com/2e6m5ptf>.

⁹³¹ 20 Minutos, ‘Diecisiete migrantes escapan de las salas de asilo de Barajas tras romper una ventana’, 13 January 2024, available at: <https://tinyurl.com/4su667sz>; ABC, ‘Se fugan 26 marroquíes de las salas de inadmitidos de Barajas en dos noches consecutivas’, 13 January 2024, available at: <https://tinyurl.com/mw9mwunz>.

⁹³² Europa Press, ‘Interior señala que ya hay más policías y medios en Barajas, tras las quejas por magrebíes solicitantes de asilo’, 15 January 2024, available at: <https://tinyurl.com/zwfdc9za>.

⁹³³ Europa Press, ‘Comienza el traslado desde Barajas a un CIE de los migrantes que han solicitado asilo tras hacer escala en Madrid’, 17 January 2024, available at: <https://tinyurl.com/yc5y7uu7>; El Diario, ‘Un juez autoriza a internar en el CIE de Madrid a medio centenar de solicitantes de asilo hacinados en Barajas’, 18 January 2024, available at: <https://tinyurl.com/3e86zzfw>; Fiscalía pide anular la autorización de un juez para trasladar a un CIE a 50 migrantes solicitantes de asilo en Barajas’, 18 January 2024, available at: <https://tinyurl.com/mr2pe4ss>; El Diario, ‘El juez rectifica y anula su aval a trasladar demandantes de asilo de Barajas al CIE’, 22 January 2024, available at: <https://tinyurl.com/mrxxx3v9>; Onda Cero, ‘La Fiscalía se opone al traslado al CIE de Aluche de 50 solicitantes de asilo en Barajas’, 19 January 2024, available at: <https://tinyurl.com/5n8ktsy2>; El Diario, ‘El juez rectifica y anula su aval a trasladar demandantes de asilo de Barajas al CIE’, 22 January 2024, available at: <https://tinyurl.com/mrxxx3v9>.

applicants and their rights, as well as the necessity to set up a proper space to accommodate them.⁹³⁴ Similarly, the UNHCR expressed concerns on the situation and urged the Government to adopt a solution.⁹³⁵ CEAR requested the Government to allow the exceptional access for humanitarian reasons of those asylum applicants to Spain.⁹³⁶ The Spanish Red Cross, which provides the social assistance to asylum applicants at the airport, decided to suspend its operations until minimum conditions and standards will be re-established, a decision not shared by the Minister of Interior.⁹³⁷ The Spanish Government blamed Morocco for the chaos at the airport, and asked the Moroccan Government to prohibit the boarding in the flights transiting in Spain to those passengers holding a passport from Senegal who do not have a Schengen transit visa, which helped to ease the situation by reducing the number of asylum applicants at the airport.⁹³⁸ CEAR criticised such a decision as a form of externalisation of borders management, and also highlighted the risks that migrants and refugees can face in the migratory route following such a requirement.⁹³⁹ In order to solve the situation, the Ministry of Interior additionally enabled a new space (a fourth room) to accommodate asylum applicants at the airport, which will host 162 persons.⁹⁴⁰ At the beginning of February, the Minister of Interior declared the issue to be resolved.⁹⁴¹

Throughout 2023 and 2024, in the context of increased numbers of asylum applicants at the Madrid airport, UNHCR supported the competent authorities in addressing implementation challenges in the accelerated asylum border procedure at the airport in which UNHCR plays an active monitoring role. Due to the situation, UNHCR reinforced its monitoring activities, supported coordination at different levels, made proposals to improve the reception conditions and management of applications with a particular focus on identification of persons with specific needs and also provided technical support with Somali interpretation services for a limited time.⁹⁴² Concretely, during 2024, UNHCR coordinated efforts with the police, the OAR and lawyers at Madrid Barajas Airport to address the challenges arising from increasing numbers of applicants, which impacted accommodation conditions and procedure quality on a regular basis during the year.⁹⁴³

⁹³⁴ El País, 'El Defensor del Pueblo, ante el hacinamiento en Barajas: "Reclamamos a las administraciones que se garanticen condiciones dignas"', 18 January 2024, available at: <https://tinyurl.com/4p34b6z2>; El País, 'El Defensor del Pueblo visita las hacinadas salas de asilo de Barajas: "Es urgente que se habilite un espacio adecuado"', 19 January 2024, available at: <https://tinyurl.com/bfa7btyy>; Europa Press, 'El Defensor del Pueblo pide a Migraciones, Interior y AENA que respeten los derechos en las salas de asilo de Barajas', 30 January 2024, available at: <https://tinyurl.com/2hxzm3ff>.

⁹³⁵ Europa Press, 'ACNUR reitera su preocupación por la situación de los solicitantes de asilo en el aeropuerto de Madrid-Barajas', 26 January 2024, available at: <https://tinyurl.com/2fcr73pz>.

⁹³⁶ Cope, 'CEAR pide dejar entrar a España a solicitantes de asilo en Barajas para aliviar la presión', 18 January 2024, available at: <https://tinyurl.com/5xtxskex>; Europa Press, 'CEAR pide autorizar la entrada "excepcional" a solicitantes de asilo ante el "hacinamiento" de las salas de Barajas', 22 January 2024, available at: <https://tinyurl.com/3e59pxvb>.

⁹³⁷ 20 Minutos, 'Cruz Roja abandona las salas de asilo en Barajas "hasta que se den las condiciones mínimas" para atender a los migrantes', 23 January 2024, available at: <https://tinyurl.com/2cv65c45>; Europa Press, 'Interior "no comparte" la decisión de Cruz Roja de renunciar a asistir a los migrantes en Barajas que piden asilo', 23 January 2024, available at: <https://tinyurl.com/bdyfmjwx>.

⁹³⁸ La Razón, 'El gobierno descarga el caos de Barajas en Rabat', 1 February 2024, available at: <https://tinyurl.com/2c84j8jz>; Cadena Ser, 'España pide a Marruecos que vete en sus aviones a los senegaleses sin visado para atajar el hacinamiento de Barajas', 31 January 2024, available at: <https://tinyurl.com/mr3mwx66>; Madrid Diario, 'Interior estudia pedir visados de tránsito a los vuelos de Marruecos con escala en Madrid', 19 February 2024, available at: <https://tinyurl.com/2jc76xb4>; la Razón, 'El Gobierno impondrá visados de tránsito a senegaleses para evitar el colapso de peticiones de asilo en Barajas', 24 January 2024, available at: <https://tinyurl.com/cjjpxzvh>; Cope, 'Así funciona el visado de tránsito, la medida que ha aliviado la presión en Barajas', 9 February 2024, available at: <https://tinyurl.com/2pu37j4x>.

⁹³⁹ CEAR, 'Los visados de tránsito incrementan los riesgos en las rutas migratorias', 5 February 2024, available at: <https://tinyurl.com/2s4h4f6r>; Cope, 'CEAR critica que España "externalice" fronteras y deje el control en manos de Marruecos', 9 February 2024, available at: <https://tinyurl.com/mwr63bkw>.

⁹⁴⁰ Newtral, 'Interior habilita una nueva sala de acogida en el aeropuerto de Barajas ante el incremento de solicitantes de asilo', 30 January 2024, available at: <https://tinyurl.com/32vb5k3f>; *Heraldo*, 'Barajas contará con una cuarta sala para albergar a 162 solicitantes de asilo', 29 January 2024, available at: <https://tinyurl.com/4ptvjah7>; Ministerio del Interior, 'Habilitada una nueva sala en Barajas para atender a los solicitantes de protección internacional', available at: <https://tinyurl.com/5x2rc46n>.

⁹⁴¹ Europa Press, 'Marlaska da por resuelta la crisis "excepcional" en Barajas por los solicitantes de asilo tras escalas fraudulentas', 7 February 2024, available at: <https://tinyurl.com/2ye9ptef>.

⁹⁴² Information provided by UNHCR in April 2024.

⁹⁴³ Information provided by UNHCR in March 2025.

In July 2024, a young Saharawi activist applied for asylum at **Bilbao Airport**. After his asylum application was rejected, the organisation CEAR appealed against the return order to Morocco he was issued, and supported him in applying for the statelessness status. Besides, the Ministry of Youth and Children asked the Ministry of Interior to grant him access to the territory for humanitarian reasons. After 14 days being detained at the airport, the young activist has been allowed to access the Spanish territory.⁹⁴⁴

During August 2024, overcrowding at the asylum rooms at the **Madrid Airport** was denounced by the Spanish Confederation of the National Police, due to the increase of persons (mainly Mauritians) applying for asylum while transiting in Spain during their travel to South America. The Confederation reported an increase of asylum applicants up to 350% since June 2024.⁹⁴⁵ The Bar Association of Madrid warned the Minister of Interior about the serious structural deficiencies (i.e. the lack of qualified interpreters, the overloading of the police professionals, the lack of basic tools such as the asylum forms, etc.), which rendered it impossible to guarantee proper legal assistance.⁹⁴⁶

At the beginning of August, two Saharawi brothers living with disabilities were authorised to entry Spain from the airport transit area (as the fiction of non-entry applies at the airport's asylum rooms), after their lawyer challenged the rejection of their asylum applications.⁹⁴⁷

In September, a group of around 75 asylum seekers started a riot while waiting for a decision on their asylum application during their stay in the asylum rooms.⁹⁴⁸ The riot was controlled by a reinforced team of police officers.⁹⁴⁹

In September 2024, a group of 30 asylum applicants from Western Sahara started a protest and some of them went on a hunger strike while staying at the asylum rooms of Madrid Airport, because of the denial of their asylum applications and the fear of deportation. One of them denounced that his asylum application was rejected twice, because the Minister of Interior assigned him a Moroccan interpreter who had modified his account. A gathering in front of the Minister of Interior was also organised to protest against this situation. Representatives of the political party *Sumar* asked the Ministry of Interior information about the reasons to deny asylum to the Sahrawi activists.⁹⁵⁰ In addition, members of the political parties

⁹⁴⁴ Público, 'El saharauí "atrapado" en el aeropuerto de Bilbao solicita el estatuto de apátrida', 4 July 2024, available [here](#); El País, 'El Ministerio de Juventud pide a Interior que deje entrar en España a un activista saharauí', 5 July 2024, available [here](#); El Independiente, 'El joven saharauí evita la deportación a Marruecos y abandona el aeropuerto de Bilbao', 6 July 2024, available [here](#).

⁹⁴⁵ El Diario, 'Crisis de asilo en el aeropuerto Adolfo Suárez Madrid-Barajas', 13 August 2024, available [here](#); Europa Press, 'Sindicato policial denuncia saturación de salas de asilo en Barajas por mauritanos en escala desde Marruecos', 5 August 2024, available [here](#); El Correo de Pozuelo, 'Un sindicato policial denuncia la saturación de las salas de asilo en Barajas por la llegada de mauritanos haciendo escala que aprovechan para romper su pasaporte y pedir asilo', 7 August 2024, available [here](#).

⁹⁴⁶ El Periódico, 'La Abogacía de Madrid alerta a Interior ante las carencias para atender a los solicitantes de asilo en Barajas', 20 August 2024, available [here](#).

⁹⁴⁷ El Independiente, 'Interior autoriza la entrada a dos hermanos discapacitados saharauis que huyen de Marruecos', 6 August 2024, available [here](#).

⁹⁴⁸ La Razón, 'Un nuevo motín de inmigrantes en Barajas destapa la desidia de Marlaska con los policías', 2 September 2024, available [here](#).

⁹⁴⁹ Europa Press, 'La Policía envía refuerzos a Barajas para mediar en un incidente con 75 magrebíes que esperaban en una sala de asilo', 2 September 2024, available [here](#); El Independiente, 'Los policías piden refuerzos en Barajas tras un "motín" en una de las salas de asilo', 2 September 2024, available [here](#); Antena 3, 'La Policía logra controlar un motín en el aeropuerto de Barajas tras la denegación de asilo a un grupo de migrantes', 2 September 2024, available [here](#).

⁹⁵⁰ El Independiente, 'Marlaska deniega el asilo a un saharauí tras asignarle un traductor marroquí que alteró su testimonio', 12 September 2024, available [here](#); El Independiente, 'Varias decenas de saharauis solicitantes de asilo se declaran en huelga de hambre en Barajas ante el aluvión de denegaciones', 21 September 2024, available [here](#); El Salto, '30 saharauis permanecen en el Aeropuerto de Barajas a la espera de respuesta a sus peticiones de asilo', 21 September 2024, available [here](#); Tercera Información, 'Convocan concentración ante el Ministerio del Interior por los saharauis retenidos en Barajas', 20 September 2024, available [here](#); El Diario, 'Interior devolverá a diez solicitantes de asilo saharauis retenidos en el aeropuerto de Barajas pese a las protestas', 23 September 2024, available [here](#); Europa Press, 'Marlaska anuncia la deportación de los solicitantes de asilo en Barajas que alegan ser saharauis si la ley no les ampara', 23 September 2024, available [here](#); press Digital, 'Sumar pide cuentas a Marlaska por negar el asilo a los activistas saharauis retenidos en Barajas sin valorar cada caso', 23 September 2024, available [here](#); Europa Press, 'Continúa en Barajas la huelga de hambre de once saharauis que piden asilo en España', 24 September 2024, available [here](#); ABC, 'Abogada de activistas saharauis pide a España que frene su deportación a Marruecos', 24 September 2024, available [here](#); Cadena Ser, 'Interior acuerda la deportación de los activistas saharauis que

PSOE, Sumar and Podemos put pressure on the Government for not deporting those who were denied asylum.⁹⁵¹ Similarly, the judges association *Juezas y Jueces por la Democracia* called the Government of granting protection to those asylum seekers, by recalling that Spain has already been condemned by the European Court of Human Rights for similar cases. UNHCR called on the Government to guarantee the admission to Spain for humanitarian reasons of all the asylum applicants involved.⁹⁵² The Spanish EP member Irene Montero (from *Podemos*) accused the Government of violating the human rights of the 35 Sahrawi asylum applicants detained at the airport, after she was also denied the possibility to visit the asylum seekers held at the airport.⁹⁵³ At the end of the month, the Minister of Interior announced the forced return to Morocco of one of those asylum applicants, despite his serious health condition and the existence of two reports of the UNHCR supporting his asylum application.⁹⁵⁴ He was finally deported together with other 15 Sahrawi asylum applicants at the beginning of October.⁹⁵⁵ Some of the 35 asylum applicants who received an expulsion order denied to board and stayed at the airport's premises.⁹⁵⁶ At the beginning of October, the Minister of Interior returned 21 (including two 1-years old children) of the Sahrawi applicants to Morocco.⁹⁵⁷ while two out of the 35 were allowed to enter the Spanish territory while waiting for a decision on their asylum application.⁹⁵⁸ A total of 6 persons escaped from the airport, in order to avoid being returned.⁹⁵⁹

Despite the parliamentary question made by the political party *Sumar* on the reasons for the return of the Sahrawi applicants, the Government defended the Minister of Interior's decision.⁹⁶⁰

In October, the political party *PPCV* (*Partido Popular de la Comunidad Valenciana*) criticised the fact that the Minister of Interior had been deploying Moroccan interpreters to support applicants from Western Sahara during their asylum procedure, what creates discomfort on them due to the historical political confrontation among Morocco and the Western Sahara territories. Thus, the PPCV is intentioned to submit a law proposal at the Parliament of the Autonomous Community of Valencia which foresee to hire interpreters of the same nationality as the asylum applicant. In addition, it called the Minister of Interior to speed up the asylum and statelessness procedures for the applicants from these territories.⁹⁶¹

During the same month, different political parties (PP, Sumar, Podemos, EH Bildu, PNV, ERC and BNG) asked in writing to the Government the reasons based on which the asylum applications of this group of

pidieron asilo en Barajas y Sumar se opone', 23 September 2024, available [here](#); Europa Press, 'La defensa del grupo de saharauis en Barajas denuncia la próxima deportación de un solicitante de asilo', 24 September 2024, available [here](#).

⁹⁵¹ El País, 'Sumar y Podemos presionan al Gobierno para que no deporte a los saharauis rechazados en Barajas', 24 September 2024, available [here](#); La Razón, 'PSOE y Sumar elevan la presión sobre Marlaska ante la situación de los saharauis en Barajas', 24 September 2024, available [here](#); El Periódico, 'Sumar se revuelve contra Marlaska y le reclama acoger a los saharauis retenidos en el Aeropuerto de Barajas', 24 September 2024, available [here](#).

⁹⁵² El País, 'La asociación progresista de jueces pide al Gobierno que conceda protección internacional a los saharauis retenidos en Barajas', 26 September 2024, available [here](#); Público, 'Juezas y Jueces para la Democracia reclama protección internacional para los saharauis retenidos en Barajas', 26 September 2024, available [here](#).

⁹⁵³ 20 Minutos, 'Irene Montero acusa al Gobierno de vulnerar los derechos humanos de los saharauis retenidos en Barajas', 30 September 2024, available [here](#).

⁹⁵⁴ Público, 'Interior deportará a un joven saharauí que necesita tratamiento para un cáncer y tiene dos informes favorables de ACNUR', 28 September 2024, available [here](#).

⁹⁵⁵ El Diario, 'Interior devuelve a 16 solicitantes de asilo saharauis, incluido el chico sordomudo que estuvo enfermo de cáncer', 4 October 2024, available [here](#).

⁹⁵⁶ Público, 'Marlaska asegura que coopera con ACNUR en el caso de los saharauis de Barajas pese a los informes que avalan su asilo', 1 October 2024, available [here](#).

⁹⁵⁷ Cadena Ser, 'Interior deporta a Marruecos a 16 saharauis que estaban retenidos en el aeropuerto de Barajas tras pedir protección internacional', 4 October 2024, available [here](#); Público, 'Interior deporta a 21 saharauis que pidieron asilo en Barajas, entre ellos dos niños de un año', 7 October 2024, available [here](#).

⁹⁵⁸ El Diario, 'Autorizada la entrada en España de dos saharauis mientras se resuelve su petición de asilo', 6 October 2024, available [here](#); El País, 'España cierra las puertas a los saharauis de Barajas: devueltos a Marruecos los últimos solicitantes de asilo', 11 October 2024, available [here](#).

⁹⁵⁹ El Economista, 'Segunda fuga de solicitantes de asilo en Barajas en solo una semana: se escaparon "por el mismo agujero" de la primera', 7 October 2024, available [here](#); El Diario, 'Cuatro solicitantes de asilo se fugan de las salas de inadmitidos del aeropuerto de Barajas', 2 October 2024, available [here](#).

⁹⁶⁰ Voz Populi, 'Marlaska no da explicaciones de la expulsión de los saharauis y defiende su gestión con una intérprete a 'media jornada'', 4 November 2024, available [here](#).

⁹⁶¹ Europa Press, 'El PPCV denuncia que Interior "contrata traductores marroquíes" para los solicitantes de asilo saharauis', 26 October 2024, available [here](#).

applicants were rejected.⁹⁶² The Parliament of the Autonomous Community of Navarra urged the Government to review these decisions.⁹⁶³

In mid-October, the Director of the Police presented to the Congress the conditions of the rooms for asylum seekers at the Madrid Airport.⁹⁶⁴ Following a parliamentary request made by Sumar, the Government assured that asylum applications lodged at the Madrid Barajas Airport are individually assessed, independently from the nationality of the applicants and the alleged grounds of persecution.⁹⁶⁵

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. In 2024, the Spanish Red Cross continued to receive funding for the provision of assistance at the CIE.⁹⁶⁶ 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.

In recent years, the Ombudsperson reiterated several recommendations aimed at improving social, legal and cultural assistance in CIEs, as well as the necessity for a deeper reform of such facilities. In its 2023 Annual Report, the Ombudsperson continued to express concerns on the health assistance provided to inmates at the CIEs.⁹⁶⁷

The Jesuit Migrant Service continued to denounce the same deficiencies, as well as the obstacles that inmates face in receiving visits by NGOs and family members.⁹⁶⁸

⁹⁶² The Diplomat in Spain, 'PP, Sumar, Podemos y nacionalistas preguntan al Gobierno por los 10 solicitantes de asilo saharauis en Barajas', 15 October 2024, available [here](#); Europa Press, 'EH Bildu, PNV y Podemos repudian la gestión de Interior con los saharauis de Barajas: "No podemos agachar la cabeza"', 9 October 2024, available [here](#).

⁹⁶³ Diario Siglo XXI, 'El Parlamento de Navarra insta al Gobierno de España a "revisar la denegación de asilo" a los saharauis en Barajas', 9 October 2024, available [here](#).

⁹⁶⁴ Diario Siglo XXI, 'El director de la Policía explica este lunes en el Congreso las condiciones de las salas de asilo de Barajas', 14 October 2024, available [here](#).

⁹⁶⁵ Europa Press, 'Las solicitudes de asilo presentadas en Barajas se atienden con independencia de la nacionalidad, según el Gobierno', 17 November 2024, available [here](#).

⁹⁶⁶ Ministerio del Interior, 'Orden INT/1300/2024, de 9 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 2024', 19 November 2024, available [here](#).

⁹⁶⁷ Defensor del Pueblo, 'Informe anual del Defensor del Pueblo 2023 – Volumen I', March 2024, available [here](#).

⁹⁶⁸ Servicio Jesuita a Migrantes, 'Informe CIE 2023. Internamiento "muteado". Personas cuyo sufrimiento queda oculto a la sociedad', June 2024, available [here](#).

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? | Ongoing | |

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.⁹⁶⁹

Against decisions on detention, the third-country national can lodge appeals of reform, appeal and complaint⁹⁷⁰ under the Criminal Procedure Act.⁹⁷¹ Reform and appeal 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.⁹⁷² These decisions may not be appealed. Persons in detention remain available for the judge or court that authorised or ordered the detention.⁹⁷³

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

⁹⁶⁹ Article 62(1) Aliens Act.

⁹⁷⁰ Articles 216 and 219 Code of Criminal Procedure.

⁹⁷¹ Real decreto de 14 de septiembre de 1882 por el que se aprueba la Ley de Enjuiciamiento Criminal.

⁹⁷² Article 62(6) Aliens Act.

⁹⁷³ Article 60(3) Aliens Act.

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. In its annual report on the situation of CIEs, the Migrant Jesuit Service continued to denounce the lack of transparency by the Government in publishing and providing statistics on immigration detention.⁹⁷⁴

The over-representation in detention of people from Maghreb or sub-Saharan Africa is explained by 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 2023 and at the beginning of 2024.⁹⁷⁵

⁹⁷⁴ Servicio Jesuita a Migrantes, 'Informe CIE 2021 - Territorio hostil. Formas diversas de hostilidad en los CIEs', May 2022, available at: <https://bit.ly/3KPkfhu>.

⁹⁷⁵ Liberties, "'Because You're Black': Spain Ethnic Profiling Case Goes to Strasbourg", 25 January 2018, available at: <https://bit.ly/2sBpiJG>; SOS Racismo, 'Parad de pararme', 25 January 2022, available at: <https://bit.ly/3ECBa2l>.

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.⁹⁷⁶ 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.⁹⁷⁷

In 2023, a total of 12,721 residence permits were granted to beneficiaries of international protection.⁹⁷⁸

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.).⁹⁷⁹ The Ombudsperson of the Autonomous Community of Valencia (*Síndic des Greuges*) opened an investigation on the issue.⁹⁸⁰

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 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*.⁹⁸¹

⁹⁷⁶ Article 34(3) Aliens Regulation.

⁹⁷⁷ 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>.

⁹⁷⁸ Observatorio Permanente de la Inmigración, Ministerio de Inclusión, Seguridad Social y Migraciones, 'Flujo de autorizaciones de residencia concedidas a personas extranjeras. Año 2023', 2024, available [here](#).

⁹⁷⁹ Valencia Plaza, 'CEAR denuncia los "obstáculos" para acceder al padrón municipal y la escasez de recursos para migrantes', 17 September 2024, available [here](#).

⁹⁸⁰ Cadena Ser, 'El CEAR denuncia retrasos de hasta un año para empadronar en València a personas vulnerables', 17 September 2024, available [here](#).

⁹⁸¹ 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](#).

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.⁹⁸²

A report published in March 2021 remarked that the regularisation of the 500,000 undocumented migrants living in Spain would positively affect public finances, and would increase incomes up to EUR 1,750 million per year.⁹⁸³ Another report highlighted that the regularisation of 600,000 undocumented migrants fostered since 2004 by the Former Prime Minister José Luis Zapatero has produced annual incomes of around EUR 2,300 million for Social Security.⁹⁸⁴

Following different decisions of the Supreme Court, in June 2021 the Minister of Inclusion, Social Security and Migration adopted an instruction on the procedure for issuing of temporary residence permits for “labour roots” reasons (*arraigo laboral*).⁹⁸⁵ The instruction is aimed at regularising migrants, and especially former asylum seekers whose application for international protection was rejected, who lived and worked in Spain for at least two years.⁹⁸⁶

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”.⁹⁸⁷ 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.⁹⁸⁸ In December 2023, Caritas urged the Government to reactivate the process to regularise 500,000 migrants in an administrative irregular situation.⁹⁸⁹ In March 2024, the Congress retook the discussion of the proposal, and voted in favour of it in April.⁹⁹⁰

According to the promoters of this law proposal, the regularisation of migrants could generate between €790 million and 950 million a year.⁹⁹¹ In addition, based on an estimation made by NGOs working with undocumented migrants, around 500,000 migrants live in an irregular situation in Spain.⁹⁹²

⁹⁸² Europapress, ‘CEAR reclama al Gobierno que regularice “con carácter urgente” a las personas migrantes’, 2 April 2020, available at: <https://bit.ly/3cjXiCr>.

⁹⁸³ Jesús Fernández-Huertas Moraga (Universidad Carlos III de Madrid), *Inmigración y políticas migratorias en España*, published by FEDEA (Fundación de Estudios de Economía Aplicada), March 2021, available at: <https://bit.ly/3kfiky>.

⁹⁸⁴ La Vanguardia, ‘La regularización de inmigrantes aportó 2.300 millones al Estado’, 15 March 2021, available at: <https://bit.ly/3D6USBY>.

⁹⁸⁵ Minister of Inclusion, Social Security and Migration, ‘Instrucción SEM 1/2021 sobre el procedimiento relativo a las autorizaciones de residencia temporal por razones de arraigo laboral’, June 2021, available at: <https://bit.ly/34J7ZNt>.

⁹⁸⁶ Público, ‘Varias sentencias del Supremo facilitarán la regularización por arraigo laboral de miles de personas migrantes’, 9 June 2021, available at: <https://bit.ly/3CKiH2L>.

⁹⁸⁷ ESencialES, ‘¡500.000 firmas EsencialES para la Regularización Extraordinaria de 500.000 personas EsencialES en España!’, available at: <https://bit.ly/3JprwSF>.

⁹⁸⁸ 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>.

⁹⁸⁹ Europa Press, ‘Cáritas urge a reactivar la propuesta de regularización extraordinaria de 500.000 migrantes en situación irregular’, 14 December 2023, available at: <https://tinyurl.com/47ts32dc>.

⁹⁹⁰ 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](#).

⁹⁹¹ Euractiv, ‘Spain considers regularising hundreds of thousands of migrants’, 22 October 2024, available [here](#).

⁹⁹² 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>.

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.⁹⁹³ The reform will enter into force after 6 months since its publication, and it aims at regularising 300,000 persons.⁹⁹⁴ 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.⁹⁹⁵ 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; 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.⁹⁹⁶

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. The Minister of Inclusion, Social Security and Migration informed about the intention of meeting those NGOs which challenged the Regulation, with the aim of clarifying doubts and make possible corrections to the Regulation's provisions, before its entering into force in May 2025.⁹⁹⁷

Whereas some EU countries were announcing measures to tighten their borders against migrants, already in October Spanish Prime Minister Pedro Sánchez announced measures to facilitate migrants' settlement in Spain, underlining the importance of migrants for the growing of Spanish economy.⁹⁹⁸

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.⁹⁹⁹ In February 2025, the Government announced the regularisation of 25,000 migrants affected by the flooding.¹⁰⁰⁰ In addition, the Minister of Inclusion, Social Security and

⁹⁹³ 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](#).

⁹⁹⁴ 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](#).

⁹⁹⁵ 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](#).

⁹⁹⁶ 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](#).

⁹⁹⁷ 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](#).

⁹⁹⁸ Reuters, 'Spain's Sanchez touts benefits of migration as European neighbours tighten borders', 9 October 2024, available [here](#).

⁹⁹⁹ 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](#).

¹⁰⁰⁰ El País, 'El Gobierno regularizará a 25.000 inmigrantes afectados por la dana', 10 February 2025, available [here](#).

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.¹⁰⁰¹

In December, PICUM launched the campaign 'Regularisation works, and it's the right thing to do', which includes also testimonies of undocumented migrants in Spain, underlining how the lives of undocumented people changed when they finally got a residence permit.¹⁰⁰²

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 child birth 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 2023: | Not available |
|---|---------------|

The long-term residence permit in Spain is governed by the Immigration Law and can be obtained when the following conditions are fulfilled:¹⁰⁰³

- ❖ 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).

¹⁰⁰¹ 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](#).

¹⁰⁰² PICUM, 'Regularisation works, and it's the right thing to do', December 2024, available [here](#).

¹⁰⁰³ Article 148 Aliens Regulation.

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:		Not available ¹⁰⁰⁴

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;
 - 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.

¹⁰⁰⁴ In 2024, 221,466 persons were granted Spanish citizenship, but no breakdown indicating how many of these citizenship grants were for beneficiaries of international protection was made available by the authorities. See: Ministerio de la Presidencia, Justicia y Relaciones con Las Cortes, 'Datos estadísticos básicos de nacionalidad a 31/12/2024', available [here](#).

Costs foreseen under the whole procedure include around 100 € tax for naturalisation, plus €85 for the constitutional and socio-cultural test and €130 for the language exam.¹⁰⁰⁵

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.¹⁰⁰⁶ 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. Since November 2025, 1,009,054 persons registered to carry out the test.¹⁰⁰⁷

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 2024, a total of 145,286 applicants were waiting for a decision on their cases.¹⁰⁰⁸

In a decision taken in May 2022, the Provincial Court of Guipúzcoa (País Vasco) recognised for the first time the Spanish nationality to a child born during her mother's arrival to the Spanish coast. Due to the impossibility to obtain the nationality from Cameroon and Morocco, the child had restricted access to public municipal services and could not benefit from certain social benefits. The Court's decision on granting the Spanish nationality is based on the best interest of the child, and on the necessity to avoid the negative consequences that statelessness condition would create for the minor.¹⁰⁰⁹

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:¹⁰¹⁰

- 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.

¹⁰⁰⁵ Instituto Cervantes, 'Exámenes', available [here](#).

¹⁰⁰⁶ El Debate, 'Solo el 61 % de españoles aprobarían el examen para obtener la nacionalidad', 11 July 2024, available [here](#).

¹⁰⁰⁷ Instituto Cervantes, 'Más de un millón de inscritos a la prueba CCSE para obtener la nacionalidad española', 6 June 2024, available [here](#).

¹⁰⁰⁸ Ministerio de la Presidencia, Justicia y Relaciones con Las Cortes, 'Datos estadísticos básicos de nacionalidad a 31/12/2024', available [here](#).

¹⁰⁰⁹ Audiencia Provincial de Guipúzcoa, Decision 341/2022, 2nd Section, 11 May 2022, available at: <https://bit.ly/3vPcslw>; Cadena Ser, 'La Justicia reconoce por primera vez la nacionalidad española a una niña nacida en "el camino" hacia España', 8 June 2022, available at: <https://bit.ly/3JHIsUH>.

¹⁰¹⁰ Article 42 Asylum Law; Article 37 Asylum Regulation.

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**.¹⁰¹¹

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 2023, the OAR took cessation decisions in 105 cases, 60 related to refugee status and 45 regarding subsidiary protection.¹⁰¹²

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.¹⁰¹³ 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.¹⁰¹⁴ Finally, the OAR's decision is submitted to the CIAR, which is responsible for taking the final decision concerning withdrawal or cessation.¹⁰¹⁵

The decision will have to be notified to the beneficiary in a time limit of 6 months since the start of the procedure.¹⁰¹⁶ When this time limit is not respected, the process procedures no effects on the beneficiary's 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.¹⁰¹⁷

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.

¹⁰¹¹ Article 43 Asylum Law.

¹⁰¹² Ministerio del Interior, 'Asilo en cifras 2023', 2024, available [here](#).

¹⁰¹³ Article 45(1) Asylum Law.

¹⁰¹⁴ Article 45(2) Asylum Law.

¹⁰¹⁵ Article 45(4) Asylum Law.

¹⁰¹⁶ Article 45(7) Asylum Law.

¹⁰¹⁷ Article 45(8) Asylum Law.

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.¹⁰¹⁸

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 to their family (*Extensión familiar del derecho de asilo o de la protección subsidiaria*),¹⁰¹⁹ and “Family reunification” (*Reagrupación familiar*).¹⁰²⁰ 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*.

¹⁰¹⁸ Article 44(8) Asylum Law.

¹⁰¹⁹ Article 40 Asylum Law.

¹⁰²⁰ Article 41 Asylum Law.

1.1. Family extension

The “extension” applies to:¹⁰²¹

- ❖ 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.¹⁰²² 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 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 currently affects especially Afghans.¹⁰²³

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.

¹⁰²¹ Article 40(1)(a)-(d) Asylum Law.

¹⁰²² Final Provision 3 Law 2/2014 of 25 March 2014.

¹⁰²³ Information provided by Accem’s legal service in March 2025.

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.¹⁰²⁴

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.¹⁰²⁵

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.¹⁰²⁶

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.¹⁰²⁷ Following this decision, the OAR finally reunited some mixed families (e.g. Palestinians and Syrians).

Following a recommendation of the Spanish Ombudsperson at the beginning of 2019, the OAR decided that it would apply effectively and without delay family reunification procedures to married couples in which

¹⁰²⁴ 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 consultative, information and counselling body about the integration of migrants in Spain (<http://www.foroinmigracion.es/>).

¹⁰²⁵ 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](#).

¹⁰²⁶ Article 41(1) Asylum Law.

¹⁰²⁷ Audiencia Nacional, Decision SAN 5372/2017, 15 December 2017.

one of the partners already holds a refugee status or the subsidiary protection.¹⁰²⁸ The practice has changed and currently those cases are decided as the others.¹⁰²⁹

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 410 applications for family extension with a beneficiary of international protection in 2021,¹⁰³⁰ and 762 in 2022.

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.¹⁰³¹

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.¹⁰³² 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.¹⁰³³

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

¹⁰²⁸ Defensor del Pueblo, 'La Oficina de Asilo y Refugio se compromete a aplicar la reagrupación familiar en los matrimonios mixtos “sin dilación” tras aceptar una recomendación del Defensor del Pueblo', 1 February 2019, available at: <https://cutt.ly/SrcUdUv>.

¹⁰²⁹ Information provided by Accem's legal service in March 2025.

¹⁰³⁰ Ministerio del Interior, Subsecretaría del Interior - Dirección General de Política Interior, 'AVANCE de solicitudes y propuestas de resolución de protección internacional Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2022', January 2023, available at: <https://bit.ly/3wunyCU>.

¹⁰³¹ 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>.

¹⁰³² EUAA, 'Asylum report 2023', July 2023, available at: <https://bit.ly/3PAIFOb>, 259.

¹⁰³³ EUAA, 'Asylum report 2024', June 2024, p. 193, available [here](#).

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 2024 is not available.

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 2024	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.¹⁰³⁴ 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.¹⁰³⁵ *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.¹⁰³⁶

Such challenges continued in 2024 and the beginning of 2025.¹⁰³⁷ 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.¹⁰³⁸

In February 2025, around 60 people in the possible process of being evicted from the informal settlement of Níjar (Almería) and looking for an apartment to rent, denounced that nobody wants to rent a flat to a Moroccan migrant.¹⁰³⁹

Following the Government's announcement of an upcoming law on the right to a state-sponsored housing, around 50 stakeholders among NGOs, trade unions, and other groups joined to promote the "Initiative for a Law guaranteeing the Right to Housing".¹⁰⁴⁰ The law was approved in May 2023.¹⁰⁴¹ Among its objectives, it aims at supporting groups facing significant challenges in accessing housing and at fostering the use of public housing.

¹⁰³⁴ 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>.

¹⁰³⁵ 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>.

¹⁰³⁶ Cadena Ser, 'Siete de cada diez inmobiliarias admiten implementar formas explícitas de discriminación', 31 October 2021, available at: <https://bit.ly/3PF63H3>.

¹⁰³⁷ Diario de Burgos, 'Un mercado de la vivienda hostil expulsa al migrante', 20 March 2025, available [here](#).

¹⁰³⁸ CEAR, 'INFORME 2024. Las personas refugiadas en España y Europa', June 2024, p. 119, available [here](#).

¹⁰³⁹ ABC, "Nadie quiere alquilar a un marroquí": la realidad de los migrantes a desalojar en Níjar", 21 February 2025, available [here](#).

¹⁰⁴⁰ UGT, *UGT promueve la Iniciativa por una ley que garantice el derecho a la vivienda*, 17 February 2021, available at: <https://bit.ly/3sCBTKG>; Afectados por la Hipoteca, *Manifiesto de la Iniciativa por una Ley que garantice el Derecho a la Vivienda*, 18 February 2021, available at: <https://bit.ly/2XPGxK7>.

¹⁰⁴¹ La Moncloa, 'Ley de vivienda: ¿qué regula y cómo funciona?', 25 May 2023, available at: <https://tinyurl.com/2u3ps9p5>.

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).

In December 2024, the Municipality of **Alcobendas** (Madrid) started a collaboration with the asylum reception centre located in the city, with the aim of informing and providing tools to asylum seekers for improving their physical and psychological conditions, as well as the quality of their life.¹⁰⁴²

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..¹⁰⁴³

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.¹⁰⁴⁴

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.¹⁰⁴⁵

¹⁰⁴² Cadena Ser, 'El Ayuntamiento de Alcobendas colabora con el CAPI por la salud de las personas refugiadas', 18 December 2024, available [here](#).

¹⁰⁴³ Provivienda, '¿Se alquila?(2). Racismo y segregación en el alquiler de vivienda', March 2025, available [here](#).

¹⁰⁴⁴ European Migration Network, 'Integration of applicants for international protection in the labour market', October 2023, available at: <https://tinyurl.com/yeuzscsf>.

¹⁰⁴⁵ Information provided by Accem's employment service in March 2023.

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 on their applicability in the cases of asylum seekers and refugees, which in turn hinders their access to the job market.¹⁰⁴⁶

In April 2021 a group of Syrian refugee journalists created the bilingual digital media *Baynana* (in Spanish and in Arabic) with the support of the Foundation *por Causa*.¹⁰⁴⁷ 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.¹⁰⁴⁸ The project, which employs 14 between refugees and migrants, continued to be implemented in 2022.¹⁰⁴⁹ 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*.¹⁰⁵⁰ In July 2023 the initiative was present with a food truck at the *Río Babel* Music Festival in Madrid.¹⁰⁵¹

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. In March 2021, the Ministry of Universities announced the intention to adopt a new procedure for the recognition of diplomas, that aims at reducing the length of the procedure.¹⁰⁵² A proposal for a Royal Decree modifying the previous legislation was launched on October 2021¹⁰⁵³ and the law was approved in October 2022, establishing the deadline of 6 months for the administration to decide on diploma recognition.¹⁰⁵⁴

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.¹⁰⁵⁵ 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) regret its limited scope and underline the necessity to continue in its improvement in order to tackle other relevant issues (i.e. family reunification, the issuing of visa for job search, a better

¹⁰⁴⁶ 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>.

¹⁰⁴⁷ Baynana, available at: <https://bit.ly/3eOZGky>.

¹⁰⁴⁸ CEAR, 'Acoge un Plato inaugura restaurante en la terraza de la Casa Árabe de Madrid', 24 June 2021, available at: <https://bit.ly/3mYrO9l>.

¹⁰⁴⁹ Cadena Ser, '"La cocina es la manera más fácil de integrar": así funciona el proyecto más sobroso 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>.

¹⁰⁵⁰ CEAR, 'Recetario de celebraciones Acoge un Plato', September 2022, available at: <https://bit.ly/3W1s2vB>.

¹⁰⁵¹ CEAR, '"Acoge un Plato" acercará a Río Babel las recetas de personas refugiadas', 27 June 2023, available at: <https://tinyurl.com/48m7k84m>.

¹⁰⁵² El País, 'Miles de inmigrantes podrán homologar su título universitario en seis meses para ejercer en España', 24 March 2021, available at: <https://bit.ly/3DgaL9H>.

¹⁰⁵³ El Economista, 'Universidades abre en audiencia pública el Real Decreto de homologaciones de títulos', 13 October 2021, available at: <https://bit.ly/36xuTrX>.

¹⁰⁵⁴ Cope, 'Gobierno limita a seis meses el plazo para homologar los títulos extranjeros', 18 October 2022, available at: <https://bit.ly/3XDWbCn>.

¹⁰⁵⁵ 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/3AjrYr>; 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>.

synergy between the immigration and asylum laws, etc.).¹⁰⁵⁶ As underlined by Accem, was an increase of 98.5% in the number of persons who receiving a residence permit for any of the 'roots' reasons in the year following the adoption of the reform, with 15,019 having been granted a permit on the ground of 'training roots' until June 2023.¹⁰⁵⁷

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.¹⁰⁵⁸ In April 2024, the validity of the initiative was extended until April 2025.¹⁰⁵⁹

The NGO 'CEAR' continued to denounce the challenges that migrants, asylum seekers and refugees face in accessing employment, mainly due to prejudices and stereotypes, slow administrative asylum procedures, precarious and insecure jobs they usually access.¹⁰⁶⁰

Accem launched the campaign 'Tents of Hope' to raise awareness on the value that refugees bring to the labour market and to the society.¹⁰⁶¹

On the occasion of the World Refugee Day, UNHCR and the Ministry of External Affairs organised the 'Forum Spain with Refugees', with the aim of mobilising and making visible projects and good practices in the inclusion of asylum seekers and refugees in Spain.¹⁰⁶² The Forum, preparatory to the Global Refugee Forum, to mobilise concrete pledges from Spanish civil society including the private sector, primarily focusing on enhancing integration opportunities across various domains including economic inclusion, access to higher education, community-based reception, community engagement and support for refugee-led organisations and sports initiatives. Over 40 pledges related to refugee inclusion were made, laying the ground for more durable solutions in Spain, and stronger support by Spain at the global level.¹⁰⁶³

In addition, the ticket of the Spanish national lottery of 17 June was dedicated to the World Refugee Day.¹⁰⁶⁴

In June, Spain took part to the 2nd Unity Euro Cup, a football competition organised by the UNHCR and UEFA, with 11 refugees (9 men and 2 women).¹⁰⁶⁵ Initiatives such as the UNHCR UEFA Unity Cup, Fútbol Más, Special Olympics, Women's Race, Football Club Ramassà and Crew Together facilitated refugees' access to local sports facilities in 2024. A pilot programme with FEMP, the Spanish Olympic Committee and various cities aimed to improve access is being also developed.¹⁰⁶⁶

¹⁰⁵⁶ 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>.

¹⁰⁵⁷ 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>.

¹⁰⁵⁸ 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>.

¹⁰⁵⁹ Valencia Plaza, 'La vigencia del bono EMT Refugi se amplía hasta abril de 2025', 26 April 2024, available [here](#).

¹⁰⁶⁰ CEAR, 'Por el derecho a un empleo digno de las personas refugiadas', 28 April 2023, available at: <https://tinyurl.com/526afwmt>.

¹⁰⁶¹ Murcia.com, '“Tents of hope”: una campaña para descubrir el valor que aportan las personas refugiadas al mercado laboral y a la sociedad', 18 May 2023, available at: <https://tinyurl.com/msf3j9aw>.

¹⁰⁶² Servimedia, 'Acnur y Asuntos Exteriores organizan un foro para animar a la sociedad civil a plantear propuestas de inclusión de refugiados', 18 May 2023, available at: <https://tinyurl.com/8ppx6xk9>; ACNUR, 'Día Mundial del Refugiado 2023: Foro España con los Refugiados', June 2023, available at: <https://tinyurl.com/mr3zrme>

¹⁰⁶³ Information provided by UNHCR in April 2024.

¹⁰⁶⁴ Europa Press, 'El Día Mundial de las Personas Refugiadas protagoniza el décimo de Lotería Nacional de este sábado', 13 June 2023, available at: <https://tinyurl.com/4vcsnfvt>.

¹⁰⁶⁵ Europa Press, 'España jugará la segunda Unity Euro Cup, competición para refugiados de ACNUR y UEFA', 27 June 2023, available at: <https://tinyurl.com/4dcmppa2>.

¹⁰⁶⁶ Information provided by UNHCR in March 2025.

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.

UNHCR helped organizations such as Bridge for Billions and Fundación Hazlo posible to adapt their programmes to meet the needs of refugees and offer services for local integration.¹⁰⁶⁷

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.¹⁰⁶⁸

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.¹⁰⁶⁹ Since the launch of the programme in 2017, 1,286 mentors and 961 mentees have participated in the initiative.¹⁰⁷⁰

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.¹⁰⁷¹

In August, the organisation Zehar-Errefuxiatuekin published a leaflet explaining the different administrative situations of persons within the international and temporary protection legislation, to support companies in hiring applicants and beneficiaries of international protection and temporary protection.¹⁰⁷²

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.¹⁰⁷³

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.¹⁰⁷⁴ 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.¹⁰⁷⁵

¹⁰⁶⁷ Information provided by UNHCR in March 2025.

¹⁰⁶⁸ 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>.

¹⁰⁶⁹ Diari Mes, 'La Generalitat busca mentores para acompañar a solicitantes de asilo', 7 December 2023, available at: <https://tinyurl.com/2vndktev>.

¹⁰⁷⁰ 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](#).

¹⁰⁷¹ 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](#).

¹⁰⁷² Zehar-Errefuxiatuekin, 'Información útil para la contratación de personas refugiadas', August 2024, available [here](#); El Diario, 'GUÍA | Información útil y documentación necesaria para contratar a personas refugiadas en tu empresa', 31 August 2024, available [here](#).

¹⁰⁷³ 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](#).

¹⁰⁷⁴ Santander, 'Banco Santander se une a Tent España para impulsar la inclusión laboral de las personas refugiadas', 19 February 2025, available [here](#).

¹⁰⁷⁵ Ministerio de Inclusión, Seguridad 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](#).

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.¹⁰⁷⁶

During 2024, UNHCR continues 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. Some of these initiatives are the collaboration with the Green Jobs Platform, an alliance involving the Polytechnic University of Madrid (UPM), the [Spanish Green Growth Group](#), [ECODES](#) and [Ingeus](#), also with Grupo Social ONCE and ILUNION to promote labor inclusion of refugees with disabilities. Moreover, UNHCR has collaborated with TENT Foundation and Red Acoge reviewing the content of the [Guide to Recruitment for Refugees in Spain](#), published in 2021. UNHCR has also developed a project with Unión Profesional to promote the employability of refugees. In addition, UNHCR has a collaboration with INDITEX in its SALTA programme to support five refugees to work in the at INDITEX's Meco Logistics Platform. ESADE University, in collaboration with UNHCR, has worked to improve the employability and to empower 80 refugee women in Spain in 2024 through the short-term educational programmes "Making Change Happen" and "[Building Digital Equity](#)".¹⁰⁷⁷

The Ministry of Inclusion, Social Security and Migrations worked to enhance its model for supporting refugees' access to livelihoods and economic inclusion, leading to an agreement with the UNHCR to provide expert support for six months, starting in November 2024.¹⁰⁷⁸

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 February 2022, the Minister of Education changed the procedure for the admission of students in Ceuta and Melilla with the aim of guaranteeing all children residing in the two cities access to education.¹⁰⁷⁹ For more details on these issues, please refer to the previous updates of this report.¹⁰⁸⁰

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.¹⁰⁸¹

¹⁰⁷⁶ Programa IMPACTA, available [here](#).

¹⁰⁷⁷ Information provided by UNHCR in March 2025.

¹⁰⁷⁸ Information provided by UNHCR in March 2025.

¹⁰⁷⁹ 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/3ZSYH91>.

¹⁰⁸⁰ See notably AIDA, *Country Report: Spain – Update on the year 2022*, April 2023, available at: <https://bit.ly/3SaHE0K>.

¹⁰⁸¹ 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](#).

In November 2022, the Council of Ministers adopted a Royal Decree establishing the granting of direct subsidies for a total of EUR 2.65 million to 27 public Universities and to the Conference of Rectors of Spanish Universities in the framework of the Action Plan University-Refuge. The aim is to fund different kind of actions, i.e. linguistic support, cultural and psychological support, academic guidance, support and access to academic services and social services, awareness-raising on the conflict in Ukraine and on the international protection, etc.¹⁰⁸²

In 2023, UNHCR relaunched its “Contigo” project in partnership with the NGO Diaconia, addressed to children and young refugees between 15 and 24 years old, which supported forty-six children and young refugees through community engagement and awareness-raising, involving twenty-one mentors. The aim of the project is to improve the integration prospects of beneficiaries while raising awareness on the role of civil society and local communities.¹⁰⁸³ The project continued in 2024, which benefitted 111 children and young refugees through community engagement and awareness-raising, involving 110 mentors. In addition, during 2024, the project developed a new line to support the labour integration of refugees through which they have supported the integration of six refugees with Inditex.

In July 2023 the *Autónoma* University of Madrid announced the inclusion of asylum seekers and beneficiaries of international protection among those students that can apply and benefit for financial support and scholarships.¹⁰⁸⁴ In December, the Office for Education, Universities and Employment of the Autonomous Community of Valencia increased to 6,000 the scholarships for public and private universities ‘Manuela Solís’, easing the criteria to grant them to certain categories of students, including asylum seekers, refugees and statelessness persons.¹⁰⁸⁵

The European Migration Network reported that NGOs participating in the management of the International and Temporary Protection Reception system sometimes provide financial aid for issuing and processing documentation accrediting academic or professional training.¹⁰⁸⁶

In May 2024, the department of Education of the Autonomous Community of **Valencia** published a call for applications for university scholarships for a total budget of 22 million Euros. The call also simplified the conditions to obtain the scholarship for persons with disabilities, asylum seekers, beneficiaries of international protection and statelessness persons, and foresaw to allocate 0.5% (i.e. 110,000 Euros) of the total budget to these categories of applicants.¹⁰⁸⁷

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.¹⁰⁸⁸

During 2024, UNHCR continued supporting universities in developing initiatives that promote refugees’ access to higher education. It also followed up on two studies commissioned by the National Conference of University Deans (CRUE) in the framework of the Refugee University Plan: the study of the Carlos III University of Madrid on the feasibility of the incorporation of Spain into the European initiative Passport of Qualifications for Refugees and that of the University of Burgos on the evaluation of the actions carried out by the universities to which grants have been awarded in the framework of the University and Refugee Action Plan.

¹⁰⁸² Europa Press, ‘El Gobierno destina 2,6 millones de euros a 27 universidades públicas para el Plan Universidad-Refugio’, 22 November 2022, available at: <https://bit.ly/3XEV3yQ>.

¹⁰⁸³ Information provided by UNHCR in April 2024.

¹⁰⁸⁴ La Vanguardia, ‘La Universidad Autónoma facilita que sus becas lleguen a más estudiantes’, 20 July 2023, available at: <https://cutt.ly/ywsnaskk>.

¹⁰⁸⁵ Valencia Plaza, ‘Universidades amplía a 6.000 los estudiantes que tendrán las nuevas becas ‘Manuela Solís’’, 12 December 2023, available at: <https://tinyurl.com/4kc7s4cw>.

¹⁰⁸⁶ European Migration Network, ‘Integration of applicants for international protection in the labour market’, October 2023, available at: <https://tinyurl.com/yeuzscsf>.

¹⁰⁸⁷ Generalitat Valenciana, ‘Educación convoca las becas ‘Manuela Solís’ para estudiantes universitarios y artísticos con un importe de 22 millones de euros’, 8 May 2024, available [here](#).

¹⁰⁸⁸ Human Rights Watch, ‘World Report 2025. Spain – Events for 2024’, January 2025, available [here](#).

In addition, UNHCR continued to assist the University of Barcelona's refugee programme by providing technical advice and guidance on individual cases, in particular in relation to visa procedures, travel and permit renewals, and to promote the implementation of a unique national model of legal educational pathways in Spain.¹⁰⁸⁹

F. Social welfare

Refugees and subsidiary protection beneficiaries have access to social welfare under the same conditions as Spanish nationals.¹⁰⁹⁰ The same rules apply to refugees and subsidiary protection beneficiaries. 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.

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 assistance and support for their emotional well-being.¹⁰⁹¹ The project continued to be implemented during 2024 and was renewed for 2025. Since the project launch in 2022, 270 refugees received support.¹⁰⁹²

In May 2024, the Government adopted the law establishing the universality of the National Health System, which reintroduced the access to the health system to any person residing in Spain, independently of their residence status.¹⁰⁹³ The universality of the Spanish National Health System existed until 2012, when it was limited by law.

In October, the Autonomous Community of **Castilla La Mancha** published a guide on the intercultural health mediation in the assistance to migrants, addressed to health professionals.¹⁰⁹⁴

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.¹⁰⁹⁵

¹⁰⁸⁹ Information provided by UNHCR in March 2025.

¹⁰⁹⁰ Article 36(1)(f) Asylum Law.

¹⁰⁹¹ Seguros News, 'Fundación Sanitas y Ayuda al Refugiado acuerdan cuidar de la salud de los refugiados', 23 May 2022, available at: <https://bit.ly/3QviaaC>.

¹⁰⁹² Sanitas, 'Fundación CEAR', 3 February 2025, available [here](#).

¹⁰⁹³ 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](#).

¹⁰⁹⁴ Diario de Castilla La Mancha, 'La 'Guía de Atención a personas migrantes. Mediación Sanitaria Intercultural' ya está disponible en la web sanidad.castillalamancha.es', 12 October 2024, available [here](#).

¹⁰⁹⁵ 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](#).

Refugee participation

UNHCR further developed initiatives aimed at enhancing community empowerment and promoting the meaningful participation of forcibly displaced populations at various levels. Two-way communication was strengthened through regular encounters with the Redfugiadas network, facilitating the identification of synergies and common goals among 70 refugee-led organizations and other relevant stakeholders.

UNHCR also organized a community-based protection dialogue, co-hosted by the Ministry of Inclusion, Social Security, and Migrations, which underscored the crucial role of forcibly displaced individuals in creating protection solutions, building social support networks, and facilitating integration.

Three grant agreements with refugee-led organizations amplified refugee leadership in key areas such as gender-based violence, LGBTIQ+ rights, and mental health and psychosocial support. These agreements strengthened community-led responses in collaboration with UNHCR, providing training and technical support.

Despite UNHCR's efforts to strengthen community-based protection, there is a recognized need for further enhanced structural channels with the authorities to ensure more effective community participation. This would involve regular and systematic consultation and engagement with communities through advisory reference groups, building trusting relationships with refugee-led organizations and other refugee representatives as genuine partners, securing a seat for them at the decision-making table, and enabling them to influence the Spanish system.¹⁰⁹⁶

¹⁰⁹⁶ Information provided by UNHCR in March 2025.

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 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 Recast Asylum Procedures Directive	20 July 2015 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 Recast Reception Conditions Directive	20 July 2015 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) 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 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