

# Temporary Protection Spain

2023 Update

This annex on temporary protection complements and should be read together with the [AIDA Country Report on Spain](#).

# Table of Contents

|                                                                                  |                                     |
|----------------------------------------------------------------------------------|-------------------------------------|
| Temporary Protection Procedure .....                                             | 3                                   |
| A. General .....                                                                 | 3                                   |
| B. Qualification for temporary protection .....                                  | 4                                   |
| C. Access to temporary protection and registration .....                         | 5                                   |
| 1. Admission to territory .....                                                  | 5                                   |
| 2. Freedom of movement .....                                                     | 5                                   |
| 3. Registration under temporary protection .....                                 | 5                                   |
| 4. Legal assistance .....                                                        | 5                                   |
| 5. Information provision and access to NGOs .....                                | 5                                   |
| D. Guarantees for vulnerable groups .....                                        | 6                                   |
| Content of Temporary Protection .....                                            | 8                                   |
| A. Status and residence .....                                                    | 8                                   |
| 1. Residence permit .....                                                        | 8                                   |
| 2. Access to asylum .....                                                        | 8                                   |
| B. Family reunification .....                                                    | 9                                   |
| 1. Family reunification as provided under the Temporary Protection Directive ... | <b>Error! Bookmark not defined.</b> |
| 2. Family reunification beyond the Temporary Protection Directive .....          | <b>Error! Bookmark not defined.</b> |
| C. Movement and mobility .....                                                   | 9                                   |
| D. Housing .....                                                                 | 10                                  |
| E. Employment and education .....                                                | 12                                  |
| 1. Access to the labour market .....                                             | 12                                  |
| 2. Access to education .....                                                     | 12                                  |
| F. Social welfare .....                                                          | 13                                  |
| G. Health care .....                                                             | 14                                  |

## Temporary Protection Procedure

### A. General

| Title (EN)                                                                                                                                                                                                                                                                                                         | Original Title (ES)                                                                                                                                                                                                                                                                                                                                    | Web Link                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Order PCM/169/2022 of 9 March, developing the procedure for the recognition of temporary protection to persons affected by the conflict in Ukraine                                                                                                                                                                 | Orden PCM/169/2022, de 9 de marzo, por la que se desarrolla el procedimiento para el reconocimiento de la protección temporal a personas afectadas por el conflicto en Ucrania                                                                                                                                                                         | <a href="https://shorturl.at/ejW27">https://shorturl.at/ejW27</a> |
| Order PCM/170/2022 of 9 March, which publishes the Agreement of the Council of Ministers of 8 March 2022, which extends the temporary protection granted in light of the Council Implementing Decision (UE) 2022/382 of 4 March 2022 to persons affected by the conflict in Ukraine who could find refuge in Spain | Orden PCM/170/2022, de 9 de marzo, por la que se publica el Acuerdo del Consejo de Ministros de 8 de marzo de 2022, por el que se amplía la protección temporal otorgada en virtud de la Decisión de Ejecución (UE) 2022/382 del Consejo de 4 de marzo de 2022 a personas afectadas por el conflicto de Ucrania que puedan encontrar refugio en España | <a href="https://shorturl.at/ju056">https://shorturl.at/ju056</a> |
| Instruction of the Directorate General of the management of the international and temporary reception system, of 8 April 2022, establishing extraordinary measures for the assistance to persons displaced from Ukraine                                                                                            | Instrucción de la Dirección General de gestión del sistema de acogida de protección internacional y temporal, de 8 de abril de 2022, por la que se adoptan medidas de carácter extraordinario para la atención a personas desplazadas desde Ucrania                                                                                                    | <a href="https://bit.ly/3JJyWIX">https://bit.ly/3JJyWIX</a>       |

Following the outbreak of war in Ukraine in February 2022, and the EU decision to activate the Temporary Protection Directive, the Spanish Government started to design a more flexible and simple mechanism for providing protection to persons fleeing the country, without the necessity for them to lodge an asylum application.<sup>1</sup> UNHCR supported the authorities in the development of the emergency response to increase reception and support capacity, developing specific recommendations and providing guidance and expertise.<sup>2</sup> The Government also announced the regularisation of all undocumented Ukrainians living in Spain before the Russian invasion.<sup>3</sup>

In 2022, the Asylum Office granted temporary protection to 161,037 persons fleeing from Ukraine.<sup>4</sup> The permits granted until 16 January 2023 were 163,140. 63% of beneficiaries were women and 37% men; 33% of the total number of beneficiaries were children. The 3 top Autonomous Communities were the vast majority of TP permits were issued are the **Comunitat Valenciana** (43,542), **Cataluña** (37,271) and **Comunidad de Madrid** (23,256).<sup>5</sup>

On February 2023, the NGO *CEAR* called the EU and its Member States to use the TP directive as a rule and not as an exception, and to use it also to protect people fleeing other conflicts, such as Syrians.<sup>6</sup> It also called to apply the TP directive to Syrian refugees affected by the earthquake that occurred during the same month.<sup>7</sup>

<sup>1</sup> El Diario, 'El Gobierno alojará de forma exprés a los refugiados de Ucrania que lo necesiten sin exigir que antes pidan protección', 5 March 2022, available at: <https://bit.ly/3tAkL9a>.

<sup>2</sup> Information provided by UNHCR in March 2023.

<sup>3</sup> El Diario, 'El Gobierno regularizará a todos los ucranianos que vivían en España sin papeles antes de la invasión rusa', 8 March 2022, available at: <https://bit.ly/3vbKpCy>.

<sup>4</sup> Ministry of Interior, 'La Oficina de Asilo y Refugio registra 118.842 solicitudes de protección internacional en 2022, máximo histórico desde su creación', 12 January 2023, available at: <https://bit.ly/3Hyut4t>.

<sup>5</sup> Ministerio del Interior, 'Resoluciones de Protección Temporal. Datos acumulados 11 de marzo a 16 de enero de 2023', available at: <https://bit.ly/3XxeGZ9>.

<sup>6</sup> Servimedia, 'CEAR pide a la UE que la protección concedida a los ucranianos sea normal y "no la excepción"', 23 February 2023, available at: <https://tinyurl.com/42vntctf>.

<sup>7</sup> CEAR, 'CEAR pide que los refugiados sirios afectados por los terremotos accedan a la protección temporal', 10 February 2023, available at: <https://tinyurl.com/5awmfh2b>.

## B. Qualification for temporary protection

On 9 March 2022, the Government adopted two orders conferring the benefit of temporary protection (TP) to:

- Ukrainian nationals who were living in Ukraine before 24 February 2022,
- third country nationals and stateless persons legally residing in Ukraine, whether on the basis of a permanent residence permit or not;
- Ukrainians staying (regularly or irregularly) in Spain before 24 February 2022,
- the family members (i.e. spouse or unmarried partner; their underage children or those of his/her partner, without any distinction if they were born inside or outside the marriage or if they were adopted; other close relatives who were living together as part of the familiar unity at the moment of the displacement, and who were depending totally or mainly from them) of all the above categories

and detailing the procedure to grant such status.<sup>8</sup> According to the orders, the individual decision granting temporary protection is adopted by the OAR in 24 hours from the lodging of the application.

Temporary protection and the residence and work permits are granted for the duration of 1 year, which are renewed for an additional year automatically after finalising the first year of validity.

In June 2022, UNHCR and NGOs expressed concerns for the challenges that third countries nationals formerly residing in Ukraine were facing in accessing and especially in obtaining TP in Spain, as the police did not allow them to register their application.<sup>9</sup> From the beginning of the displacement until October 2022, UNHCR and NGOs managing the Emergency and Referral Centres (CREADE, which were specifically created for the reception of persons fleeing Ukraine) informed around a hundred people from different countries (i.e. Nigeria, Morocco, Algeria, etc.) in a similar situation, including cases of mixed couples (i.e. Russian spouses).<sup>10</sup>

In October 2022, the General Commissariat on Foreigners and Borders issued a legal paper establishing the procedure and criteria for access to TP by third country nationals who fled Ukraine. It establishes that third country nationals coming from one of the following 17 countries (Afghanistan, Armenia, Azerbaijan, Belorussia, Burkina Faso, Georgia, Kazakhstan, Kirgizstan, Mali, Moldavia, Central African Republic, Russia, Syria, Tajikistan, Turkmenistan, Uzbekistan, Yemen) with permanent residence in Ukraine, are not obliged to prove the impossibility to return to their origin country in safe and durable conditions. Thus, they are entitled to access TP just providing their passport and permanent residence permit. For those third country nationals coming from one of the mentioned 17 countries who held a temporary residence permit in Ukraine or those coming from other countries, have also to prove the impossibility to return to their country of origin in safe and durable conditions.

Those who were found not to meet the conditions to apply for temporary protection were not issued return orders. On the contrary, the police informed them of the possibility to apply for international protection. Some positive resolutions of international protection have been granted in the meantime according to Accem's experience. In case the temporary protection status is not recognised, a written denial decision is issued to the applicants (at the beginning applicants only received verbal denials, so it was impossible for denied applicants to challenge them).

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<sup>8</sup> Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática, 'Orden PCM/170/2022, de 9 de marzo, por la que se publica el Acuerdo del Consejo de Ministros de 8 de marzo de 2022, por el que se amplía la protección temporal otorgada en virtud de la Decisión de Ejecución (UE) 2022/382 del Consejo de 4 de marzo de 2022 a personas afectadas por el conflicto de Ucrania que puedan encontrar refugio en España', 9 March 2022, available at: <https://bit.ly/3tJHzET>; Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática, 'Orden PCM/169/2022, de 9 de marzo, por la que se desarrolla el procedimiento para el reconocimiento de la protección temporal a personas afectadas por el conflicto en Ucrania', 9 March 2022, available at: <https://bit.ly/3uxxff9>.

<sup>9</sup> Information provided by Accem in March 2023.

<sup>10</sup> El Diario, 'Interior impide a cientos de extranjeros que huyen de Ucrania pedir la protección temporal que se les prometió', 16 June 2022, available at: <https://bit.ly/3WwLgZy>.

## C. Access to temporary protection and registration

### 1. Admission to territory

Persons fleeing from Ukraine did not face any significant challenge in accessing Spain. Biometric passports as well as other documents certifying their identity (i.e. birth certificate) are considered sufficient to access the territory.<sup>11</sup>

### 2. Freedom of movement

Individuals entitled to temporary protection did not face any challenge in moving across the Spanish territory, independently of the documentation they held.

### 3. Registration under temporary protection

Regarding the registration of applications, the Government has foreseen the possibility of apply for temporary protection both directly at the CREADE and in designated police stations. If applicants arrive at airports, they enter the territory and apply for temporary protection on the territory. There has not been a need to design a TP procedure at the borders. The same applies in case of crossing land borders.

### 4. Legal assistance

For legal assistance in the context of temporary protection, the same rules valid for asylum seekers are in force (See [AIDA Country Report on Spain - 2023 Update](#)).

### 5. Information provision and access to NGOs

Different initiatives have been promoted since the beginning of the war, aiming at informing persons fleeing Ukraine on their rights and the access to services. The Spanish Bar Association committed to provide legal guidance to Ukrainian through the specialised Bar on migration and asylum of the different bar associations.<sup>12</sup> The NGO CEAR published guidelines on asylum for those fleeing the conflict in Ukraine, available both in Ukrainian and Spanish.<sup>13</sup> Similarly, the Bar Association of Madrid published a guide in Spanish, English and Ukrainian providing information to persons fleeing Ukraine.<sup>14</sup> The Minister of Interior published a document (also in different languages, including Ukrainian) to provide information on temporary protection, especially on who is eligible, where to apply, the rights deriving from the protection granted, etc.<sup>15</sup> The Psychological Association of Madrid published some information videos for the psychological support to persons affected by the conflict in Ukraine addressed to professionals who assist and accompany persons fleeing from the conflict in Ukraine.<sup>16</sup> The Spanish Network of Legal Clinics drafted a guidance containing practical information on the access to temporary protection, as well as on access to health assistance, education and employment in different Autonomous Communities.<sup>17</sup> UNHCR and the Platform for Childhood published child-friendly information materials for children fleeing Ukraine.<sup>18</sup>

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<sup>11</sup> Ministerio de Inclusión, Seguridad Social y Migraciones, 'Soy ucraniano, ¿Qué papeles necesito para entrar en España?', 7 June 2022, available at: <https://bit.ly/43KWsxI>.

<sup>12</sup> El Derecho, 'La Abogacía Española ofrecerá apoyo legal en España a los refugiados ucranianos', 1 March 2022, available at: <https://bit.ly/3hXJqPz>.

<sup>13</sup> CEAR, 'Guía asilo personas afectadas por guerra ucrania', 1 March 2022, available at: <https://bit.ly/3HVgoe0>.

<sup>14</sup> Ilustre Colegio de Abogados de Madrid (ICAM), 'El Colegio de Abogados de Madrid publica una guía para ciudadanos que huyen del conflicto armado de Ucrania', 15 March 2022, available at: <https://bit.ly/3wlnlNC>.

<sup>15</sup> Ministerio del Interior, 'UCRANIA - Protección Temporal', 2022, available at: <https://tinyurl.com/yt7h7uu7>.

<sup>16</sup> Colegio Oficial de la Psicología de Madrid, 'El colegio elabora videos divulgativos para el apoyo psicológico a personas afectadas por el conflicto bélico en Ucrania', 30 March 2022, available at: <https://shorturl.at/pulR5>.

<sup>17</sup> Red Española de Clínicas Jurídicas, 'Guía de trámites y recursos para la población desplazada por la guerra en ucrania', March 2022, available at: <https://tinyurl.com/25hca5ee>.

<sup>18</sup> Acnur, Plataforma de Infancia, August 2022, available at: <https://bit.ly/3VcgBQM>.

In July 2022, the company 'Alliance Vending' launched the campaign #CaféPorLaPaz (*Coffee for Peace*) together with UNHCR, Save the Children and CEAR, aimed at supporting persons fleeing from Ukraine by collecting donations.<sup>19</sup>

In December 2022, UNHCR, together with its goodwill ambassador Jesús Vázquez and the TV channels of *Mediaset España*, launched a campaign to raise awareness on the situation of persons fleeing Ukraine and the arrival of winter, and to ask for support from the Spanish population.<sup>20</sup>

## D. Guarantees for vulnerable groups

NGOs managing reception facilities coordinated with specialised police units to identify victims and testimonies of the war crimes committed by Russia, with the aim of collecting relevant information on the issue. At the end of May 2022, a specific procedure was put in place at the CREADE of Madrid, to detect such cases and refer them to the police, who carry out the interview with the victims and testimonies to gather and formalise their declarations.<sup>21</sup> The Spanish Bar Association also created a specific format that lawyers can use while collecting evidence.<sup>22</sup>

In order to prevent and identify the cases of trafficking among the persons fleeing Ukraine, specific protocols and guidelines have been adopted within the CREADE. Besides, staff in these centres as well as in other reception facilities was trained on the matter by NGOs, upon request from the MISSIM. In addition, since the conflict outbreak, the Public Prosecutor office started to convene periodic meetings at the national level among different stakeholders (i.e. NGOs managing the CREADE, UNHCR, the MISSIM, NGOs assisting trafficked persons, the National Police and the Civil Guard), with the aim of coordinating actions and activities, following-up on possible trafficking cases, fostering trainings, etc.

Similarly, the identification of children as minors, with referral to Autonomous Communities and of the adults accompanying children is also carried out in the centres.

In November 2022, the Parliament approved a legal amendment on an aggravating circumstance to the crime of trafficking in human beings, establishing an increase of the punishment up to 12 years for those who traffic persons fleeing armed conflicts and humanitarian disasters.<sup>23</sup> The aggravating circumstance was initially proposed just to protect persons fleeing the war in Ukraine, but was then extended to all persons fleeing wars and humanitarian disasters.

In relation to children fleeing the conflict, there was a rapid issuance of recommendations directed at regional authorities, to avoid differences in treatment and definitions for their reception and protection. Recommendations regarding the protection of children and adolescents displaced by the conflict in Ukraine were issued by the Ministry of Social Rights and Agenda 2030 who is competent for the coordination of regional minors' protection systems. The priorities have been to ensure child friendly spaces, avoid the separation of families and of children who have relatives or foster families, and to follow up the location of minors in order to guarantee their return to their places of origin when possible.<sup>24</sup> Recommendations were also drafted by the Minor Prosecutor's Office, aimed at unifying the criteria for action of the different prosecutors at regional level for the protection of unaccompanied and separated

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<sup>19</sup> Europa Press, 'Alliance Vending lanza #CaféPorLaPaz junto a ACNUR, CEAR y Save The Children para ayudar a Ucrania', 15 July 2022, available at: <https://bit.ly/3vcdiyA>.

<sup>20</sup> Mediaset, '12 Meses lanza, junto a ACNUR y Jesús Vázquez, una campaña de ayuda y sensibilización sobre los refugiados de Ucrania y su situación extrema por el frío', 1 December 2022, available at: <https://bit.ly/3J4S25W>.

<sup>21</sup> Information provided by Accem on February 2023.

<sup>22</sup> Consejo General de la Abogacía Española, 'La Abogacía activa un formulario para recoger pruebas de crímenes de guerra cometidos por Rusia', 25 May 2022, available at: <https://tinyurl.com/ykffupx2>.

<sup>23</sup> 20 Minutos, 'Agravante trata: El Congreso aprueba por unanimidad castigar con hasta 12 años de cárcel la trata de mujeres que huyan de una guerra', 3 November 2022, available at: <https://bit.ly/3WDyOrh>; The Objective, 'El BOE publica la nueva ley que endurece las penas por traficar con víctimas de conflictos', 21 December 2022, available at: <https://bit.ly/3R1FjmB>.

<sup>24</sup> Information provided by Save the Children in March 2023.

children. In the case of Ukrainian children, no systematic separation was carried out and great attention was paid to the way in which prosecutors were registering children as unaccompanied or separated. In the case of Ukrainian children, the national prosecutor asked to register them within the UAMS' police register and mark them as "at risk", so that minors protection services could make a follow up and provide them with the official "care" (*guarda*, which is different from guardianship although is a form of responsibility of the minor). It should be considered that, before the Ukrainian conflict, some Autonomous Communities in Spain still separated children travelling with adults who were not in possession of proof of guardianship or documentation, until DNA tests were carried out. This was the case in Melilla, and also occurred in the Canary Islands.<sup>25</sup>

The Platform for Childhood (*Plataforma de Infancia*) published information in the format of questions and answers, in which it provides useful information on different aspects, i.e., on foster care, on how to speak with children about the conflict, etc.<sup>26</sup> Similarly, UNICEF published a set of guidelines on how to support children from Ukraine.<sup>27</sup>

In May 2022, the organisation 'Aldeas Infantiles SOS' published guidelines on how to foster the integration of refugee children from Ukraine, providing orientation on the psychological effects of conflicts on children and on how to support children who fled the war.<sup>28</sup>

Save the Children has welcomed the extraordinary measures that were taken to ensure protection of children and families fleeing from Ukraine and asked for best practices to be extended to other migrant and refugee children, and to ensure lessons learnt from the management of the inflow of persons displaced from Ukraine can be taken and strengthened for the protection of all migrant and refugee children.<sup>29</sup>

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<sup>25</sup> *Ibidem*.

<sup>26</sup> Plataforma de Infancia, 'UCRANIA - Preguntas y Respuestas sobre la infancia y el conflicto armado', 2022, available at: <https://bit.ly/3J8vIrlz>.

<sup>27</sup> UNICEF, 'Cómo ayudar a los niños y las niñas de ucrania 10 cuestiones relevantes', 2022, available at: <https://bit.ly/3ZB0tLb>.

<sup>28</sup> Aldeas Infantiles SOS, 'Guía para favorecer la integración de niños y niñas refugiados de la guerra de Ucrania', May 2022, available at: <https://bit.ly/3JwCqrT>.

<sup>29</sup> Save the Children, 'Safe for Some: Europe's selective welcome to children on the move', March 2023, available at: <https://bit.ly/3TuOv3S>.

## Content of Temporary Protection

### A. Status and residence

#### 1. Residence permit

##### Indicators: Residence permit

- |                                                                                                                                           |                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 1. What is the duration of residence permits granted to beneficiaries of temporary protection?                                            | 2 years,<br>extended until<br>4 March 2025 |
| 2. How many residence permits were issued to beneficiaries from the activation of the Temporary Protection Directive until 31 March 2024? | 198,537 <sup>30</sup>                      |

According to the two orders adopted by the Spanish Government in March 2022,<sup>31</sup> temporary protection, as well as the residence and work permit granted, will be automatically renewed for 1 year after 1 year since the granting of the temporary protection. In practice, Spain issues residence and work permits directly for the duration of 2 years.<sup>32</sup>

An order issued in February 2024 following the European Council's decision, extended the validity of residence permits granted to beneficiaries of temporary protection until 4 March 2025.<sup>33</sup>

#### 2. Access to asylum

Since the outbreak of the conflict, the OAR temporarily halted the decisions on asylum applications already lodged by Ukrainian applicants, which are prospected to have a negative outcome.<sup>34</sup> It is important to note that, from 2012 to 2021, Spain received around 16,000 asylum applications from Ukrainian nationals, and denied at least 14,600 of them; only 9% of the applicants received any form of international protection according to such figures.<sup>35</sup> On 24 March, the National Court of Madrid granted subsidiary protection to a Ukrainian family, whose application had previously been rejected.<sup>36</sup>

Similarly, the High Court (*Audiencia Nacional*) started to grant subsidiary protection to all the Ukrainians who had applied before the outbreak of the war and whose asylum application was denied.<sup>37</sup>

<sup>30</sup> Ministerio de Inclusión, Seguridad Social y Migraciones, 'Ciudadanos ucranianos en España con documentación de residencia en vigor', available at: <https://tinyurl.com/2re97236>

<sup>31</sup> Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática, 'Orden PCM/170/2022, de 9 de marzo, por la que se publica el Acuerdo del Consejo de Ministros de 8 de marzo de 2022, por el que se amplía la protección temporal otorgada en virtud de la Decisión de Ejecución (UE) 2022/382 del Consejo de 4 de marzo de 2022 a personas afectadas por el conflicto de Ucrania que puedan encontrar refugio en España', 9 March 2022, available at: <https://bit.ly/3tJHzET>; Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática, 'Orden PCM/169/2022, de 9 de marzo, por la que se desarrolla el procedimiento para el reconocimiento de la protección temporal a personas afectadas por el conflicto en Ucrania', 9 March 2022, available at: <https://bit.ly/3uxftf9>.

<sup>32</sup> UNHCR, 'UNHCR- The implementation of the temporary protection directive - six months on', 17 October 2022, available at: <https://bit.ly/3J7Xsgk>.

<sup>33</sup> Boletín Oficial del Estado, Ministerio del Interior, 'Orden INT/169/2024, de 26 de febrero, por la que se prorroga la validez de las tarjetas de identidad de extranjero expedidas a las personas afectadas por el conflicto en Ucrania beneficiarias de protección temporal', 26 February 2024, available at: <https://tinyurl.com/28um2ks8>.

<sup>34</sup> Europa Press, 'Interior no denegará protección internacional para ucranianos a la espera de activarse el sistema de acogida europeo', 28 February 2022, available at: <https://bit.ly/34udPSI>.

<sup>35</sup> Newtral, 'España ha denegado la protección internacional a más de 14.600 ucranianos en los últimos 10 años', 11 March 2022, available at: <https://bit.ly/3qK8yyb>.

<sup>36</sup> Audiencia Nacional. Sala de lo Contencioso, Madrid, SAN 478/2022, 24 February 2022, available at: <https://bit.ly/3LkdO3n>.

<sup>37</sup> ECRE, 'Information Sheet – Measures in response to the arrival of displaced people fleeing the war in Ukraine', 31 May 2022, available at: <https://bit.ly/3j1aguz>; TF Extranjería, 'La Audiencia Nacional sigue concediendo protección subsidiaria a los ucranianos/as que tenían las denegaciones de protección internacional recurridas', 2 April 2022, available at: <https://bit.ly/3h4865b>.

In December 2022, the Supreme Court (*Tribunal Supremo*) granted protection to a Ukrainian family with an expulsion order, and established the criteria that, due to the situation in Ukraine, all Ukrainians living in Spain can automatically invoke protection based on the principle of non-refoulement without the necessity to lodge an application for temporary protection.<sup>38</sup> The same criteria continued to be applied by the Supreme Court in different decisions taken during 2023.<sup>39</sup>

No significant issues were registered regarding access to asylum of temporary protection beneficiaries, who can present an asylum application while maintaining their TP status.

In April 2023 the Supreme Court (*Tribunal Supremo*) issued a decision establishing that temporary protection shall only be granted to eligible individuals who do not already benefit from a different form of international protection.<sup>40</sup>

## B. Family reunification

Upon request, temporary protection will be granted also to family members as long as the family relation was already existing in the country of origin. Family members are considered as follows: spouse or unmarried partner; unmarried minor children or those of the partner, whether born inside or outside of a marriage or adopted; other close relatives who lived together as part of the family unit at the beginning of the armed conflict, depending totally or mainly on them.<sup>41</sup> As far as known by the author, no cases of family reunification have been registered so far. All Ukrainians that are fleeing the country can reach easily Spain and apply for TP.

## C. Movement and mobility

Beneficiaries of TP have the right of free movement and residence in Spain, and they are entitled to receive travel documents if they are not in possession of a valid passport or a travel document and justify their need to travel outside Spain.<sup>42</sup> As far as known by the author, in practice there are no beneficiaries of TP who applied for a travel document so far, also because Ukrainian embassy/consulates are renewing passports when needed.

No problems were registered regarding temporary protection beneficiaries who temporarily returned to Ukraine to then re-enter Spain.

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<sup>38</sup> El Economista, 'El Supremo otorga protección temporal a los ucranianos afectados por la guerra', 4 January 2023, available at: <https://bit.ly/3H83knb>; The Objective, 'El Supremo fija doctrina: hay que dar asilo automático a los ucranianos que residen en España', 24 January 2023, available at: <https://bit.ly/3XtCvkt>; Cadena Ser, 'El Supremo concede la orden de protección a una familia ucraniana y anula su deportación', 24 January 2023, available at: <https://bit.ly/3wuBFrQ>; Tribunal Supremo. Sala de lo Contencioso, STS 4822/2022, 21 December 2022, available at: <https://bit.ly/3IWkZ3r>.

<sup>39</sup> La Voz de Galicia, 'La Justicia concede la protección internacional a un ucraniano que anticipó la invasión tres años antes de que se produjera', 5 June 2023, available at: <https://shorturl.at/kqFO1>; El Periódico, 'El Supremo paraliza la expulsión de un ucraniano condenado mientras dure la guerra', 20 December 2023, available at: <https://shorturl.at/cnFL1>.

<sup>40</sup> EUAA, Caselaw database, Supreme Court [Tribunal Supremo], Don Landelino v National High Court (Audiencia Nacional) [Decision of 11 May 2022], STS 1595/2023, 13 April 2023, available at: <https://shorturl.at/cdzH7>

<sup>41</sup> EUAA, 'Information on temporary protection in Spain', June 2022, available in English at: <https://bit.ly/3HujfO4>.

<sup>42</sup> EUAA, 'Information on temporary protection in Spain', June 2022, available in English at: <https://bit.ly/3HujfO4>; Ministerio del Interior, 'Información sobre Protección Temporal – Ucrania', March 2022, available at: <https://bit.ly/3YdovLa>.

## D. Housing

### Indicators: Housing

1. For how long are temporary protection beneficiaries entitled to stay in reception centres?  
18 months, extensible to 24. Extended until 4 March 2025
2. For how long are temporary protection beneficiaries entitled to stay in CREADE?  
52 days (at the time of writing)
3. Number of beneficiaries staying in reception centres as of 15 February 2024  
13,892<sup>43</sup>
4. Number of beneficiaries staying in private accommodation as of 12/2023  
Not available

Following the outbreak of the war, the Spanish Government started to elaborate a plan to provide for and speed up the reception of persons fleeing from Ukraine,<sup>44</sup> and announced the creation of around 6,000 new reception places in collaboration with Autonomous Communities and Municipalities.<sup>45</sup>

To address reception needs, at the beginning of March 2022 the Minister of Inclusion, Social Security and Migration adopted a Reception Plan,<sup>46</sup> and provided for the creation of four Emergency and Referral Centres (CREADE), managed by NGOs. One of them is located in Madrid, offers 400 places and is managed by the NGO Accem.<sup>47</sup> Other two facilities located in Barcelona and Alicante are managed by the Spanish Red Cross, while the fourth is managed by the NGO CEAR in Málaga.<sup>48</sup> Such centres provide for the emergency and temporary reception of those persons who do not have sufficient resources. In principle, persons are accommodated in such centres for few days, and then they are referred to the reception facilities within the asylum reception system (mainly managed by NGOs) across the Spanish territory.

Such centres give access to different rights and services, such as: accommodation and maintenance; financial support; schooling and language of Spanish; psychosocial support; job assistance which includes vocational trainings, job guidance, homologation of educational degrees; health assistance; legal support; validation of the driving licence for 1 year; free telephone coverage (roaming).<sup>49</sup>

UNHCR maintained its presence in the four centres for processing temporary protection (CREADE) until mid-2023, where it provided support to the authorities and information and guidance on international and temporary protection to beneficiaries, identification and referral of persons with specific needs, and protection training for Government and NGO staff working in the centres, in coordination with the EUAA.<sup>50</sup>

In order to support translation and interpretation at the four CREADE, UNHCR implemented a project for the provision of four interpreters speaking Ukrainian, Russian and English provided by the organisation Accem with whom UNHCR implemented an agreement to provide interpretation services.<sup>51</sup>

<sup>43</sup> Ministerio de Inculsión, Seguridad Social y Migraciones, 'Balance Ucrania. El Gobierno de España ha dado protección temporal a 200.620 personas huidas de Ucrania en los dos años de guerra', 26 March 2024, available at: <https://tinyurl.com/4m6ja3h3>.

<sup>44</sup> El Diario, 'Interior ultima un mecanismo "rápido y sencillo" para dar papeles a los refugiados por la invasión rusa', 5 March 2022, available at: <https://bit.ly/3pOBIfb>.

<sup>45</sup> Diario de Sevilla, 'España espera disponer de más de 6.000 plazas de acogida para refugiados ucranianos', 7 March 2022, available at: <https://bit.ly/35INf8X>.

<sup>46</sup> Ministerio de Inculsión, Seguridad Social y Migraciones, 'Plan de acogida para personas desplazadas procedentes de Ucrania', 15 March 2022, available at: <https://bit.ly/3DbePJt>.

<sup>47</sup> El Diario, 'Así es el primer centro de España creado para recibir a los refugiados de Ucrania', 10 March 2022, available at: <https://bit.ly/3NuvcnS>.

<sup>48</sup> Ministerio de Inculsión, Seguridad Social y Migraciones, 'Inclusión coordinará un programa de acogimiento familiar y contará con cuatro centros de recepción para ucranianos', 15 March 2022, available at: <https://bit.ly/3wMPe7h>.

<sup>49</sup> Ministerio de Inculsión, Seguridad Social y Migraciones, 'Centros de Recepción, Atención y Derivación para desplazados ucranianos', 23 June 2022, available at: <https://bit.ly/3wqIlIp>.

<sup>50</sup> Information provided by UNHCR in April 2024.

<sup>51</sup> Information provided by the UNHCR in April 2024.

Due to certain conflictual situations that have occurred between Ukrainian nationals and Russian nationals with residence in Ukraine while accommodated together, preventive measures are adopted according to the circumstances, and the coexistence among the two groups is avoided.

Third country nationals are accommodated in such facilities as long as their TP application is under examination and in case of positive decision. If their TP applications is denied, they have to leave the CREADE.

Since September 2022, it has been established that CREADE can accommodate also asylum seekers, also in line with the call made by different stakeholders.<sup>52</sup>

Only from June 2023, however, the Minister of Inclusion, Social Security and Migration announced that CREADE started to accommodate also asylum seekers coming from other countries.<sup>53</sup>

Following the outbreak of the war, the asylum reception system's capacity was increased by the MISSM, and beneficiaries of TP can be also accommodated in those facilities across all the Spanish territory. Beneficiaries of TP can be referred from the CREADE to the facilities within the asylum reception system i.e. in case of shortage of places in the CREADE, to respond to concrete vulnerabilities thanks to specialised facilities and services, if the beneficiaries have friend or familiar networks in other provinces, etc.

It is worth to note that beneficiaries of TP are entitled to the same rights and the same reception conditions as asylum seekers. On April 2022, the Minister of Inclusion, Social Security and Migration adopted an instruction on the management of the reception system of international protection and temporary protection, establishing exceptional measures for the assistance to persons displaced from Ukraine.<sup>54</sup>

In February 2023, media reported that the Minister of Inclusion, Social Security and Migration had hidden a suicide committed while in reception by a Moroccan man who was legally residing in Ukraine and was waiting for the decision on their TP application.<sup>55</sup>

A foster care program has also been developed by the Minister of Inclusion, Social Security and Migration, together with the Foundation 'La Caixa', in collaboration with NGOs within the asylum system, the network of foster care families, and the Municipal Social Services.<sup>56</sup> The foster care has a minimum duration of 6 months, and can be extended up to 12 months prior consent.

In addition, in July 2022 the Council of Ministers adopted a Royal Decree establishing the direct granting of funding to 20 NGOs for the reception of and assistance to asylum seekers and applicants of temporary protection, with a budget of almost 392 million Euros.<sup>57</sup>

In two years since the outbreak of the war, Spain has allocated more than 1,400 million Euros to assist and support persons fleeing from Ukraine.<sup>58</sup>

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<sup>52</sup> La Vanguardia, 'CEAR pide que centros de acogida a ucranianos atiendan a todos los migrantes', 16 September 2022, available at: <https://bit.ly/3lIowkN>.

<sup>53</sup> Cope, 'Escrivá anuncia que los centros de refugiados ucranianos ya acogen a otras nacionalidades', 12 June 2023, available at: <https://shorturl.at/cfoT7>.

<sup>54</sup> Ministerio de Inclusión, Seguridad Social y Migraciones, 'Instrucción de la Dirección General de gestión del sistema de acogida de protección internacional y temporal, de 8 de abril de 2022, por la que se adoptan medidas de carácter extraordinario para la atención a personas desplazadas desde Ucrania', 8 April 2022, available at: <https://bit.ly/3JJyWIX>

<sup>55</sup> Público, 'El Ministerio de Migraciones oculta el suicidio de un joven refugiado en un centro de acogida para ucranianos en Madrid', 28 February 2023, available at: <https://bit.ly/3mjRZKk>.

<sup>56</sup> Ministerio de Inclusión, Seguridad Social y Migraciones, 'Plan de acogida para personas desplazadas procedentes de Ucrania', 15 March 2022, available at: <https://bit.ly/3DbePJt>; Ministerio de Inclusión, Seguridad Social y Migraciones, 'Soy ciudadano español y quiero acoger a una persona desplazada de Ucrania', 7 June 2022, available at: <https://bit.ly/3SAdCBT>.

<sup>57</sup> La Vanguardia, 'Aprobados más de 390 millones de euros para entidades que apoyen a los refugiados de Ucrania', 19 July 2022, available at: <https://bit.ly/3XzbcFq>.

<sup>58</sup> Ministerio de Inclusión, Seguridad Social y Migraciones, 'El Gobierno de España ha dado protección temporal a 200.620 personas huidas de Ucrania en los dos años de guerra', 26 March 2024, available at: <https://tinyurl.com/4m6ja3h3>.

In May 2023 the Government of the **Balearic Islands** approved a call of EUR 237,000 Euros to fund organisations for the reception of beneficiaries of international protection coming from Ukraine.<sup>59</sup>

The challenges that beneficiaries of temporary protection face in Spain - similar to those faced by all asylum seekers and beneficiaries of international protection - have been highlighted by civil society, especially in relation to the access to reception conditions due to the lack of available places, and consequent situations of asylum seekers and temporary protection holders living on the streets.<sup>60</sup>

On February 2023, the organisation CEAR denounced the serious problems that Ukrainian refugees are facing in finding a house to rent in Spain.<sup>61</sup>

At the beginning of 2024 the Minister of Interior and the MISSM agreed on using the CREADE in Madrid to accommodate vulnerable asylum applicants who arrived to the Canary Islands, with the aim of speeding up the assessment of their asylum claim.<sup>62</sup>

## E. Employment and education

### 1. Access to the labour market

Beneficiaries of TP are entitled to work in Spain under the same conditions and rights as Spanish workers. They are also entitled to access vocational trainings.<sup>63</sup>

According to available data, more than 20,593 (53% women) Ukrainians with TP were employed by 31 December 2023.<sup>64</sup>

The organisation Accem started a collaboration with the Adecco Foundation through a project named 'Sponsorship of Ukrainian Families' (*Apadrinamiento Familias Ucranianas*), aimed at developing complementary actions to Accem's employment plan through labour intermediation, to foster an effective attention to Ukrainian refugees.<sup>65</sup>

### 2. Access to education

The Minister of Education created a dedicated webpage containing information on the access to education for displaced Ukrainians, available also in Ukrainian.<sup>66</sup>

In addition, in May 2022 the Ministry of Education started to hire 200 Ukrainian Language Assistants, with the aim of supporting regional authorities in fostering the inclusion of Ukrainian children in schools.<sup>67</sup>

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<sup>59</sup> Europa Press, 'El Goven convoca ayudas por 237.000 euros para entidades que atiendan a refugiados ucranianos', 22 May 23, available at: <https://shorturl.at/ajksy>.

<sup>60</sup> María José Castaño Reyero, Investigadora Doctora del Instituto Universitario de Estudios sobre Migraciones – Universidad Pontificia Comillas, Madrid, 'Ucrania: un año entre acogida y protección temporal', 24 February 2023, available at: <https://bit.ly/3FjpKlu>.

<sup>61</sup> La Vanguardia, 'CEAR alerta del "grave problema" de los refugiados ucranianos "para conseguir vivienda"', 24 February 2023, available at: <https://bit.ly/3xZCnhF>

<sup>62</sup> El Diario, 'El Gobierno usa el centro de ucranianos de Pozuelo para agilizar peticiones de asilo de migrantes llegados a Canarias', 20 March 2024, available at: <https://tinyurl.com/57xvzwbj>

<sup>63</sup> Ministerio de Inclusión, Seguridad Social y Migraciones, 'Formación profesional y solicitud de empleo para desplazados de Ucrania', available at: <https://bit.ly/3WCdCle>.

<sup>64</sup> Ministerio de Inclusión, Seguridad Social y Migraciones, 'Balance Ucrania. El Gobierno de España ha dado protección temporal a 200.620 personas huidas de Ucrania en los dos años de guerra', 26 March 2024, available at: <https://tinyurl.com/4m6ja3h3>.

<sup>65</sup> Information provided by Accem in March 2023.

<sup>66</sup> Ministerio de Educación y Formación profesional, 'Atención educativa a desplazados ucranianos', <https://bit.ly/3wtsBmY>.

<sup>67</sup> Ministerio de Educación, 'Se convocan 200 plazas para auxiliares de lengua ucraniana', 8 April 2022, available at: <https://bit.ly/3WxnYD8>.

An unprecedented Contingency Plan to guarantee access to schooling of displaced Ukrainian students was adopted in 2022 by Ministry of Education, with the aim of coordinating the measures at the regional level to foster children education inclusion and uniform criteria across all the Spanish territory, and to facilitate access to available European funding.<sup>68</sup> This unique plan foresees a set of measures, such as, e.g., the immediate enrolment of students in compulsory stages in educational centres by levels, cycles or educational stages; the increase in the number of language-immersion classes per small group (10 students) provided for those who do not know the language; the provision of extraordinary quotas for the necessary teaching staff, including support and reception staff (guidance, therapeutic pedagogy, socio-community intervention, etc.); the provision of subsidies for humanitarian reasons to NGOs and other non-profit entities with the capacity to hire Ukrainian or Ukrainian-speaking personnel, for the attention, especially linguistic and socio-affective, of school minors; the extraordinary provision of calls for financial support to guarantee canteen services, transport, books and complementary activities, to school students from the conflict in Ukraine; the design of options to facilitate the continuity of the studies they are pursuing in Ukraine or the start of new ones, at a post-compulsory level.

In addition, the Asylum Language Learning Service signed an agreement with the Cervantes Institute and the Spanish Red Cross to support the process of socio-cultural integration of people arriving from Ukraine through free Spanish language courses for foreigners.

In April 2023 it was announced that the Plan ‘Andalucía with Ukraine’, adopted by the Autonomous Community of **Andalucía** following the outbreak of the war to support persons fleeing the country, had allowed access to schooling to more than 3,100 Ukrainian children.<sup>69</sup>

A report published by the MISSM indicates that a total of 37,011 students displaced from Ukraine accessed school so far. 29,470 of them were minors. In addition, 2,830 students applied for admission at the university, with 1,801 registering in practice.<sup>70</sup>

## F. Social welfare

In August 2022, the Government adopted a Royal Decree providing for the transfer of EUR 80 million to the Autonomous Communities, with the aim of providing a monthly financial support of EUR 400 during a period of 6 months to beneficiaries of temporary protection.<sup>71</sup> The measure aimed at supporting those beneficiaries who do not have sufficient resources, and are not receiving assistance nor being accommodated within the international protection reception system.

In March 2023, the Office for Equal Opportunities and Inclusion Policies of the Autonomous Community of **Valencia** allocated EUR 12.73 million for granting direct support to refugees from Ukraine who are residing in the Comunitat Valenciana and do not have sufficient resources.<sup>72</sup>

Beside the specific Royal Decree mentioned, beneficiaries of temporary protection can access social welfare based on the same criteria and conditions of applicants and beneficiaries of international protection.

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<sup>68</sup> Information provided by Save the Children in March 2023.

<sup>69</sup> Junta de Andalucía, ‘El ‘Plan Andalucía con Ucrania’ permite la escolarización de más de 3.100 niños ucranianos’, 18 April 2023, available at: <https://shorturl.at/horzl>.

<sup>70</sup> Ministerio de Inclusión, Seguridad Social y Migraciones, ‘Balance Ucrania. El Gobierno de España ha dado protección temporal a 200.620 personas huidas de Ucrania en los dos años de guerra’, 26 March 2024, available at: <https://tinyurl.com/4m6ja3h3>.

<sup>71</sup> Ministerio de Inclusión, Seguridad Social y Migraciones, ‘Real decreto 673/2022, de 1 de agosto, por el que se regula la concesión directa de subvenciones a las comunidades autónomas para financiar la prestación de una ayuda económica directa a las personas beneficiarias del régimen de protección temporal afectadas por el conflicto en Ucrania que carezcan de recursos económicos suficientes’, 2 August 2022, available at: <https://bit.ly/3R1OUtn>; Newtral, ‘El Gobierno aprueba una ayuda mensual de 400 euros a refugiados de Ucrania durante un máximo de 6 meses’, 2 August 2022, available at: <https://bit.ly/3iWVips>.

<sup>72</sup> Valencia Plaza, ‘Igualdad destina 12,73 millones en ayudas directas a refugiados de Ucrania sin recursos suficientes’, 15 March 2023, available at: <https://bit.ly/3LqT5hL>.

## G. Health care

Persons fleeing from Ukraine have access to the health national system under the same conditions as the rest of the population. In March 2022 the Minister of Health published guidelines on how to act with refugees from Ukraine, i.e. in relation to COVID-19, as well as to other diseases to which Ukrainians may be vulnerable (i.e. poliomyelitis, measles).<sup>73</sup>

In May 2023 it was announced that the Plan 'Andalucía with Ukraine', adopted by the Autonomous Community of **Andalucía** following the outbreak of the war to support persons fleeing the country, had provided health assistance to almost 108,000 Ukrainians.<sup>74</sup> The Plan foresees specific measures for children and youth, women, as well as measures related to access to health, access to social services, free access to public transports, etc.

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<sup>73</sup> Ministerio de Sanidad, 'Guía de actuación ante la llegada de personas refugiadas desde ucrania', 21 March 2022, available at: <https://bit.ly/400dhMg>.

<sup>74</sup> Europa Press, 'El Plan Andalucía con Ucrania ha permitido dar atención sanitaria a casi 108.000 ucranianos', 23 May 2023, available at: <https://shorturl.at/yACJ8>