



Raphaelswerk e.V.

SPAIN: Information for refugees who are returned to Spain

Under the Dublin Regulation, refugees may be transferred to the EU country responsible (in most cases, the country of first entry), so that the asylum procedure is carried out there. Refugees who have already been recognised in another EU country will be returned to that country on the basis of the safe third country clause because their asylum application is not admissible in Germany.

For many refugees, their imminent return to another EU country creates great uncertainty.

Our guide is intended for advisers, voluntary support groups and people who are affected. It is supposed to show existing services and contacts. Refugees will be given information about their situation after being returned as well as addresses of organisations they may contact locally for support.

However, no assessment of these organisations and services is made. Many services offering help in Spain are short-term projects and not subsidised on a regular basis. At the time when the information provided herein was compiled (November 2019), there was only a small number of permanent support structures. We therefore do not claim that the list is exhaustive.

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Procedure after re-entry into Spain

There is no special procedure for persons who are returned to Spain under the Dublin Regulation.

Upon arrival, they are referred to the Asylum Office (*Oficina de Asilo y Refugio OAR*), where they are assigned an appointment for their registration as asylum seekers. They also receive information on accommodation.

The Spanish Red Cross (*Cruz Roja Española*) has offices at the airports in Madrid/Barajas and Barcelona. The police informs the Red Cross staff of arriving returnees under the Dublin Regulation. After their arrival at the airport, these returnees are taken to Red Cross staff. The Red Cross provides them with the basic necessities and informs them about accommodation. In most cases, returnees are placed in emergency accommodation at first. Only after registration with the Spanish Asylum Office or reopening of the asylum procedure by the Spanish Asylum Office will longer-term accommodation be organised.

What needs to be done first?

That depends on whether the person concerned left Spain while the asylum procedure was in progress or whether he/she had not yet initiated an asylum procedure in Spain before his/her departure. Depending on the situation, different steps must be taken:

1) The person concerned has not lodged an application for asylum in Spain yet.

To apply for asylum, the person concerned must arrange an appointment with the Asylum Office OAR. He/she is registered there and lodges his/her asylum application. The application is dealt with under the normal procedure.

2) The person concerned has already lodged an application for asylum in Spain and left Spain during the asylum procedure.

- a) **A decision in favour of granting the asylum application has been taken:**
Protection status has been granted. The person concerned has residence status in Spain.
- b) **No decision has yet been taken on the asylum application:**
Asylum procedures that were initiated before the person concerned left Spain may be resumed. To this end, returnees are assigned an appointment with the Asylum Office OAR.
If the asylum procedure was discontinued during the refugee's absence, a new application for asylum may be lodged. That application is not regarded as a subsequent application.
- c) **The asylum application was rejected:**
If the asylum application was rejected, the refugee must leave Spain.
An appeal may be lodged against a rejected application. There are two ways to do so:

- administrative appeal, within one month of rejection
- judicial appeal, within two months of rejection

The person concerned is entitled to free legal assistance. An application for such assistance may be filed through NGOs or the Spanish Law Society (*Servicio de Orientación Jurídica del Colegio de Abogados*).

Residence status in Spain

a) International protection:

- refugee status (*estatuto de refugiado/derecho de asilo*):
A residence permit is granted for five years. The person concerned may apply for a travel document with OAR or the police. He/she is entitled to family reunification.
- subsidiary protection (*protección subsidiaria*):
A residence permit is granted for five years. The person concerned may apply for a travel document with OAR or the police. He/she is entitled to family reunification.

b) National protection:

- humanitarian status (*razones humanitarias*):
A residence permit is granted for one year.

Procedures under the law of residence/asylum procedures

The refugee may lodge the application for asylum when entering the country, i.e. on the border (with the border police), or, if he/she is already in the country, with the following authorities:

- with the Asylum Office (*Oficina de Asilo y Refugio OAR*)
- with the Foreigners' Registration Office (*Oficina de Extranjeros*)
- with police stations (*Comisaría de Policía*)
- at detention centres for foreigners (*Centros de Internamiento de Extranjeros CIE*)

The application must be lodged within one month of entering Spain. It must be lodged in person; if this is not possible for physical or legal reasons, a representative may lodge the application instead.

When lodging the application and during registration, a personal interview takes place. The refugee's fingerprints and photographs are taken, he/she is asked about his/her reasons for lodging the asylum application and the application form is completed.

There may be delays of several months before a date is set for registration. This is problematic because during this time the person concerned is not registered as an asylum seeker and is therefore unable to prove a right of residence. Moreover, during this time, benefits intended for asylum seekers may not be claimed yet.

No later than one month after lodging the application, notice is given as to whether the asylum application is admissible. Subsequently, the *Tarjeta roja* (red card = *Documento acreditativo de la condición de solicitante en tramitación de protección internacional*) is issued. This card certifies that the cardholder is an asylum seeker. It entitles the holder to stay in Spain

until completion of the asylum procedure. After 6 months, it is possible to apply for an extension of this card; at the same time, access to the labour market is granted (as evidenced by the entry " *autoriza a trabajar*").

If necessary, a second interview will take place later.

The UNHCR Office in Spain is informed of the lodged asylum application and may be present during interviews.

If the application is not admissible, the refugee must leave Spain.

Asylum applications are processed by the Asylum Office OAR. Subsequently, the Interdepartmental Asylum and Refuge Commission (*Comisión Interministerial de Asilo y Refugio, CIAR*) decides on the application and submits its proposed decision to the Ministry of the Interior. The Ministry of the Interior then decides on the asylum application.

A decision on the asylum application is supposed to be taken within six months. However, the procedure often takes longer.

If a decision in favour of granting asylum is taken, the person concerned will receive an identification document and, where appropriate, a travel document.

An appeal may be lodged against a rejected application for asylum. Legal advice should be sought before lodging such an appeal.

The asylum seeker is entitled to free legal assistance in all stages of the asylum procedure and in connection with the appeal.

Competent authorities

Stage of the procedure	Competent authority	English name
Application is lodged on the border	<i>Policia Fronteriza</i>	<i>Border Police</i>
Application is lodged in the country	<i>Oficina de Asilo y Refugio</i>	<i>Office of Asylum and Refuge</i>
Dublin procedure	<i>Oficina de Asilo y Refugio</i>	<i>Office of Asylum and Refuge</i>
Refugee status is determined	<i>Oficina de Asilo y Refugio</i>	<i>Office of Asylum and Refuge</i>
Appeal: administrative	<i>Ministerio del Interior</i>	<i>Ministry of the Interior</i>
judicial	<i>Juzgados Centrales de contencioso / Audiencia Nacional</i>	<i>Administrative Court / High National Court</i>
Subsequent application	<i>Oficina de Asilo y Refugio</i>	<i>Office of Asylum and Refuge</i>

Source: Country Report: Spain; aida Asylum Information Database; 2018 update

Contact with the Asylum Office:

Oficina de Asilo y Refugio (OAR)
Calle Pradillo, 40
28002 Madrid
Tel. +34 91 537 21 70

What duties do asylum seekers have in Spain?

Asylum seekers are obliged:

- to remain in Spain until a decision on the asylum application is taken;
- to cooperate with the Spanish authorities, i.e. to provide the information required, to submit documents, to keep appointments;
- to have their fingerprints and photographs taken;
- to inform the authorities of their place of residence in Spain and any changes.

What rights do asylum seekers have in Spain?

As soon as an application for asylum is lodged, asylum seekers are entitled:

- to remain in Spain until a decision on the asylum application is taken;
- to information – in a language that the person concerned can understand – about the procedure regarding the application for asylum and about their own rights and duties, among other things
- to free legal assistance in all stages of the asylum procedure and in connection with appeals;
- to assistance by an interpreter;
- to necessary health care;
- to certain social services.

After six months, asylum seekers are entitled to work.

In the event of any discrimination or infringement of rights, an advisory centre of an NGO should be contacted; see addresses in the annex.

Return to the country of origin

Refugees who want to return to their country of origin may receive financial support on certain conditions.

Further information:

Website of the Spanish Immigration Authority:

http://extranjeros.empleo.gob.es/es/Retorno_voluntario/index.html. The website also contains a list of NGOs that implement projects regarding return to the country of origin and give advice in this regard (see "*Directorio de entidades colaboradoras*").

Foreigner's identity number (NIE)

The foreigner's identity number (*Número de Identidad de Extranjero*, NIE) is granted to asylum seekers when their asylum application is processed. It is included in the residence card (*Tarjeta roja*).

The NIE is required for registration with the Spanish health care system, to open a bank account, etc. It is also used as a tax number.

Accommodation after re-entry

Normally, returnees are placed in a reception centre or emergency accommodation at first. For returnees under the Dublin Regulation who arrive at the airports in Madrid-Barajas or Barcelona, the Spanish Red Cross organises initial accommodation after their arrival. If an application for asylum had already been lodged in Spain before leaving the country, the returnee is placed in municipal accommodation. If no application for asylum has yet been lodged in Spain, the returnee must arrange an appointment with the Asylum Office; the Office will then refer the returnee to emergency accommodation of an NGO for the time being. In the initial or emergency accommodation, an application for admission to the state reception system is filed. The Ministry of Labour and Social Affairs will then decide which facility will accommodate the asylum seeker.

Refugees who are returned to Spain under the Dublin Regulation are entitled to be placed in accommodation again within the state reception system. This also applies if they had already been placed in a reception centre before their departure from Spain and left it of their own accord. A court judgment given by the *Tribunal Superior* in Madrid took a decision to that effect in January 2019. Previously, it was possible that returnees were not admitted to the state reception system again and referred to emergency accommodation for homeless people. However, if the person concerned had already stayed in a reception centre for more than 18 months before leaving the country, it is not possible to provide accommodation again.

State reception and integration programme for asylum seekers

The state reception and integration programme (*Sistema de Acogida e Integración, SAI*) provides accommodation and ensures that the basic needs of asylum seekers are met while their asylum application is processed. It runs for 18 months (24 months for vulnerable persons) and is divided into three phases of 6 months each:

- Phase 1: accommodation and meals in a reception centre (state-run facilities (*Centros de Acogida a Refugiados, C.A.R.*) or accommodation centres operated by NGOs), a monthly allowance of approx. €50 for adults and comprehensive integration support
- Phase 2 (phase of integration): placement in private accommodation and financial support to meet the basic needs, if necessary, and integration support
- Phase 3 (phase of independence): only targeted support and financial aids for certain expenses

Usually, the programme only begins when the asylum application is registered. Due to the sometimes long waiting times until the appointment for registration, a transitional period of 30 days was introduced. During this period, asylum seekers are placed in short-term accommodation such as hostels or hotels.

Integration support comprises psychological assistance, legal advice, educational activities, language courses, social and cultural training, preparation for the labour market, child care and leisure facilities.

Asylum seekers who are not placed in official reception centres have no access to this programme. For them, no support (whether of a financial nature or other services) is included in the state programme as a result.

Access to housing

After the first phase of the reception and integration programme (6 months), asylum seekers leave the reception centres and must find a place of their own. For the first 6 months, rent is paid by the state system.

Some organisations managing reception centres support the asylum seekers in their search for accommodation when they must leave these centres. It is often very difficult to find accommodation. Housing is scarce, especially in metropolitan areas. There is hardly any social housing. Consequently, there is a risk of becoming homeless.

Access to the labour market

Asylum seekers may take up employment 6 months after the official registration of their asylum application. Their work permit is recorded on the residence card (*tarjeta roja*); to this end, an application for extension of the residence card must be filed after 6 months. The work permit is valid for all lines of business without restriction.

Vocational training and language courses are offered at the reception centres. The state reception and integration programme also includes support in connection with the recognition of professional qualifications. Some integration and advisory services offered by NGOs may also be used after the end of the 18-month reception and integration programme.

Obstacles making access to the labour market difficult are a lack of language skills, lengthy procedures for the recognition of professional qualifications and discrimination in connection with the filling of jobs as well as the high level of unemployment in Spain in general.

Access to health care

By law, asylum seekers and beneficiaries of international protection have unrestricted access to the Spanish health care system. They are entitled to the same services as other persons who are insured in Spain, including specialist treatments. However, there are no clinics or facilities in Spain that specialise in the medical and psychological treatment of refugees who are victims of torture and severe violence. NGOs such as Accem, CEAR and Merced Foundation offer special services for asylum seekers with mental disorders.

The health insurance card (*Tarjeta sanitaria*) is required to pay a visit to the doctor. An application for this card is filed with the local health care centre (*Centro de Salud*). To do so, confirmation by the Spanish social security institution INSS (*Instituto Nacional de la Seguridad Social*) is required, stating that there is a right to access to health care.

Irregular, i.e. non-registered refugees only have access to medical care in case of emergency.

Access to social services

Recognised refugees and persons granted subsidiary protection have access to social services on the same terms as Spanish citizens.

The Spanish social assistance (*Renta mínima de inserción*, RMI) supports persons who have no income. An application for social assistance is filed with the autonomous regions.

Further information can be obtained from NGOs that offer social counselling.

Access to educational institutions

In Spain, children have a right to school education. School attendance is compulsory for children between the age of 6 and 16. This also applies to asylum seekers and refugees who have already been recognised. Normally, they attend regular schools in the region where they live.

The regions, the autonomous communities (*Comunidades Autónomas*), are in charge of school education. Therefore, there are regional differences in the services provided, e.g. whether there are specific measures for the integration of children seeking asylum such as special preparatory classes or tutors.

Access to language courses

Spanish courses are offered to asylum seekers as part of the state reception and integration programme.

Moreover, some NGOs offer free language courses for refugees.

Vulnerable persons

Among the vulnerable persons are minors, unaccompanied minors, pregnant women, disabled persons, older persons, single parents with under-age children, persons who were subject to torture, rape or other forms of severe psychological, physical or sexual violence as well as victims of human trafficking.

When selecting the reception centre where the asylum seekers are accommodated, the individual needs are usually taken into account. However, there is no specialised accommodation for vulnerable persons.

Vulnerable persons who are returned to Spain are given preferential treatment when they are readmitted to the state reception system.

Vulnerable persons may stay in the reception centre for more than 18 months (up to 24 months) and, during this time, receive all the support services that are usually provided.

Victims of violence are entitled to the required psychological support and health care; however, there are no specialised institutions for the treatment of these groups of persons.

Minors

Asylum applications lodged by unaccompanied minors are dealt with under the accelerated procedure; this means that a decision on their applications is to be taken within three months. There is no special accommodation for them; therefore, they are placed in normal children's homes.

Annex: Where can I get advice and support?

Note: Many services offering help in Spain are short-term projects and not subsidised on a regular basis. At the time when the information provided herein was compiled (November 2019), there was only a small number of permanent support structures. We therefore do not claim that the list is exhaustive.

Please do not hesitate to send your comments and feedback to infostelle@raphaelswerk.de

Information material on Spain for refugees in various languages

“Information for applicants of international protection in Spain: Right to asylum and subsidiary protection” – information brochure published by the Ministry of the Interior:

- [in Spanish](#)
- [in English](#)
- [in French](#)
- [in Arabic](#)

<http://www.interior.gob.es/web/servicios-al-ciudadano/oficina-de-asilo-y-refugio>

Contacts / local advisory services

Accem

Plaza Santa María Soledad Torres Acosta 1
28004 Madrid

Tel. +34 91 532 74 78 / 79

E-mail: madrid@accem.es

<https://www.accem.es/>

Legal advice, social counselling, psychological support, careers advice

Further locations at <https://www.accem.es/organizacion/> → Dónde estamos

Comisión Española de Ayuda al Refugiado (CEAR)

Avenida da General Perón 32, 2º dcha.

28020 Madrid

Tel. +34 91 598 05 35 / 92

E-mail: colabora@cear.es

www.cear.es

Further locations at <https://www.cear.es/donde-estamos/>

Accommodation, legal advice, language courses, support for vulnerable persons, job search, educational opportunities

<https://www.cear.es/persona-refugiada/proceso-de-asilo/>

Cruz Roja Espanola (Spanish Red Cross)

Avenida Reina Victoria, 26

28003 Madrid

Tel. +34 900 22 11 22

E-mail: informa@cruzroja.es

www.cruzroja.es

Further locations at <https://www.cruzroja.es/principal/web/cruz-roja/donde-estamos>

Initial accommodation, social counselling, legal advice, psychological support, careers advice, language courses, translations and interpreting services, integration support

Consortio de Entidades Para la Acción Integral a Migrantes (CEPAIM)

Calle Nicolás Morales, 11, 3ºD

28019 Madrid

Tel. +34 91 548 31 63 / +34 91 533 77 93

<http://cepaim.org/>

Further locations at <http://cepaim.org/fundacion/centros-cepaim/>

Social counselling, legal advice, advice on health care, advice on integration issues

Fundación Migrar – migrar.org

<http://www.migrar.org>

On-line portal for migrants in Spain

The portal offers support in connection with social and professional integration. Registered users can ask questions on topics such as asylum and flight, among other things. The questions are answered by advisers registered on the portal, mostly legal advisers of the NGOs involved. Questions that have already been answered can be found here:

<http://www.migrar.org/migrar/saber/listado.htm?id=23>

The project is implemented by Cruz Roja Espanola jointly with Accem and Consorcio de Entidades Para la Acción Integral a Migrantes (CEPAIM).

Legal advice

According to the information provided on the website of the Spanish Ministry of the Interior (<http://www.interior.gob.es/web/servicios-al-ciudadano/oficina-de-asilo-y-refugio#Direcciones%20%C3%BAtiles>), free legal advice is offered by the following organisations:

Accem (Asociación Comisión Católica Española de Migración)

Plaza Santa M^a Soledad Torres Acosta, 2 - 3º

28004 Madrid

Tel. +34 91 532 74 78 / 79

CEAR (Comisión Española de Ayuda al Refugiado)

Calle Noviciado, 5

28005 Madrid

Tel. +34 91 555 06 98 / 29 08

COMRADE (Comité de Defensa de los Refugiados y Asilados de España)

Calle Lozano, 15
28053 Madrid
Tel.: +34 91 446 46 08

ONG Rescate Internacional

Calle Valentín Beato 42, 2º B
28037 Madrid
Tel. +34 91 447 28 72 / 29 60
E-mail: rescate@ongrescate.org
<http://www.ongrescate.org>

Colegio Oficial de Abogados (Law Society)

Calle Serrano, 9
28002 Madrid
Tel.: +34 91 435 78 10
[http://web.icam.es/page/5/Atención al Ciudadano](http://web.icam.es/page/5/Atención%20al%20Ciudadano)

Unión general de Trabajadores (UGT, trade union)

Calle Maldonado, 53
28006 Madrid
Tel.: +34 914 115 913
<http://www.ugt.es/>

Health care and advice

Special services for asylum seekers with mental disorders:

Accem

Centro Residencial Accem Hevia
Lugar Oriol, N 14
33187 Hevia Siero Asturias
Tel. +34 985 744 761
hevia.info@accem.es
www.accemhevia.com

CEAR (Comisión Española de Ayuda al Refugiado)

Avda General Perón 32, 2º dcha.
28020 Madrid
Tel. +34 91 598 05 35 / 92
E-mail: colabora@cear.es
www.cear.es

Merced Foundation

La Merced Migraciones
Calle Eraso 36
28028 Madrid
Tel. +34 91 355 55 50
lamerced@lamercedmigraciones.org

<http://lamercedmigraciones.org/>

Information on assistance in returning to the country of origin

Website of the Spanish Immigration Authority

http://extranjeros.empleo.gob.es/es/Retorno_voluntario/index.html

Services offered in Madrid

Cruz Roja Española (Spanish Red Cross)

Calle Valdecanillas 112

28037 Madrid

Tel. + 34 91 532 55 55

Initial accommodation, social counselling, legal advice, psychological support, careers advice, language courses, translations and interpreting services, integration support

<http://www.cruzroja.es/principal/web/comunidad-de-madrid>

ONG Rescate Internacional

Calle Valentín Beato 42, 2º B

28037 Madrid

Tel. +34 91 447 28 72 / 29 60

E-mail: rescate@ongrescate.org

<http://www.ongrescate.org>

Legal advice, psychosocial counselling

Merced Foundation

La Merced Migraciones

Calle Eraso 36

28028 Madrid

Tel. +34 91 355 55 50

lamerced@lamercedmigraciones.org

<http://lamercedmigraciones.org/>

Legal advice, social counselling, careers advice, psychological support

Night shelters for homeless persons in Madrid

Servicio Social de Atención Municipal a las Emergencias Sociales (Samur Social)

Social Emergency Service of the City of Madrid

Carrera de San Francisco, 10

28005 Madrid

Tel. +34 914 802 020

Emergency number: 112

Moreover, we refer to the addresses compiled on the website **"Welcome to Europe"**, in short: W2EU. This network of activists and organisations from Europe and North Africa gathers independent information for migrants and refugees on various European countries and publishes it on the portal <http://www.w2eu.info>. Here you can find contacts in Spain: <http://w2eu.info/spain.en/articles/spain-contacts.en.html>

Sources

- Country Report: Spain; aida Asylum Information Database, 2018 update; <http://www.asylumineurope.org/reports/country/spain>
- "Information for applicants of international protection in Spain: Right to asylum and subsidiary protection" – information brochure published by the Ministry of the Interior for asylum seekers, in Spanish, English, French and Arabic <http://www.interior.gob.es/web/servicios-al-ciudadano/oficina-de-asilo-y-refugio>
- Ministerio del Interior (Spanish Ministry of the Interior), Protección internacional: derecho de asilo y protección subsidiaria, <http://www.interior.gob.es/web/servicios-al-ciudadano/oficina-de-asilo-y-refugio>
- Portal de Inmigración: immigration portal of the Spanish Ministry of Labour, Immigration and Social Affairs <http://extranjeros.empleo.gob.es/es/ProteccionAsilo/index.html>
- Ministerio de Empleo y Seguridad Social (Spanish Ministry of Labour and Social Affairs), Carta de servicios de los centros de acogida a refugiados (C.A.R.) 2018-2021, [http://extranjeros.empleo.gob.es/es/ProteccionAsilo/car/docs/Carta de Servicios 2018 2021.pdf](http://extranjeros.empleo.gob.es/es/ProteccionAsilo/car/docs/Carta%20de%20Servicios%202018%2021.pdf)
- Accem, Servicio Jurídico, Madrid, www.accem.es
- Cruz Roja Española and Cruz Roja Comunidad de Madrid, www.cruzroja.es
- "Refugees and migrants in Spain: The invisible walls beyond the southern border", CEAR, 2017, <https://www.cear.es/wp-content/uploads/2018/03/REPORT-MUROS-FRONTERA-SUR.pdf>
- Welcome to Spain <http://www.w2eu.info/spain.en.html>