New Asylum Law and amendment of the Law for foreigners draft bills approved

The Council of Ministers have approved two draft bills related to the new asylum law and the amendments of the current Law on the rights and freedoms of foreigners in Spain.

New Asylum Law draft bill

According to the Ministry, as a general principle, the draft of the new asylum law, which is not publicly available yet, is developed with a focus on guarantees and respect for the human rights of migrants and combined with the necessary management of borders to guarantee the security of the country.

Among new elements included in this draft of the new asylum law, the Minister of Interior highlighted:

- Increase of the guarantees for applicants and improvement of the approach to situations of vulnerability through individual assessment of the need to apply special guarantees in the procedure and in the reception conditions.
- The regulation of the figure of the minors' representative and the clarification of aspects such as guardianship, search for relatives and presumption of minority while the evaluation is carried out.
- Clarifications related to the access to the procedure (the making, registering and lodging of applications), in particular deadlines which are reduced through the introduction of a new accelerated procedure that must be resolved in three months.
- The draft incorporates the border procedure.
- The text updates the basic concepts of the asylum system and clarifies the definitions of international protection, refugee status and subsidiary protection, and incorporates realities that are already relevant in practice such as persecution related to gender, gender identity or expression and disability.
- Detailed instructions for the examination of applications, it regulates the reception of applicants, including attention to special needs, such as schooling of minors, authorization to work, health care, material conditions of reception and their possible reduction or withdrawal in certain cases.

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- The regulation of beneficiaries is completed with a clearer organization of their residence, movement and documentation, expands integration measures and provides specific attention for people with special needs such as minors, people with disabilities, pregnant women or victims of torture, violence or trafficking.
- The text develops the concepts of first country of asylum, safe third country and safe country of origin, which may impact on the admission or the way in which applications are processed, and introduces the possibility of integrating a return decision into the decision rejecting international protection.
- The regulation simplifies the appeals system: it strengthens the contentious-administrative route and eliminates, in general, the prior administrative appeal.
- Finally, the Ministry of the Interior is established as the decision-making authority, and the functions of the bodies and entities involved in the system are updated. The draft bill reinforces the confidentiality of all procedures, staff training, and the modernization of communications with stakeholders, incorporating the use of electronic means.

Draft bill for the amendment of the Immigration Law

According to the Minister, the main new features of the amendments include, the triage of foreigners crossing the borders and applying for international protection, the border return procedure, the right to remain in the country based on other legal basis and, when a decision is issued rejecting international protection, the notification will also include a return decision.

Source(s)

- Council of Ministers | Consejo de Ministros (25 June, 2026), Interior promueve la reforma de las leyes de protección internacional para adecuarlas al Pacto Europeo sobre Migración y Asilo [The Interior Ministry is promoting the reform of international protection laws to bring them into line with the European Pact on Migration and Asylum], https://www.interior.gob.es/opencms/es/detalle/articulo/Interior-promueve-la-reforma-de-las-leyes-de-proteccion-internacional-para-adecuarlas-al-Pacto-Europeo-sobre-Migracion-y-Asilo/

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Spain

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Thematic area(s)

General asylum and migration development, Access to procedures and non-refoulement, Responsibility determination, First instance determination, Second instance determination, Legal counselling, assistance and representation, Reception, Detention, Forms of protection, Applicants with special needs, Information provision, Interpretation, Digitalisation, Relocation, Crisis and emergency measures, Statelessness, Pact on Migration and Asylum, EUAA, Return, Resettlement and humanitarian admission, Temporary Protection

Development type

Legislation

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