Dublin procedure - Spain

Overview

Content updated and validated on: 1/09/2025

Relevant EU legislation

Spain is bound by the Dublin III Regulation (AMMR) and applies its provisions directly.

National legislation

No specific reference to the Dublin procedure is found in national legislation, as its provisions are applied directly. Nevertheless, several provisions of Law 12/2009, of October 30, regulating the right of asylum and subsidiary protection | Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria, (30 October 2009) apply to some elements of the Dublin procedure. The same can be said of the general rules on appeals against decisions by administrative authorities.

Competent authorities and stakeholders

Entity responsible for the Dublin procedure (the application of the criteria and mechanisms for determining the Member State responsible): Dublin Unit, Directorate General for International Protection (hereinafter, DGProInt), Ministry of the Interior | Unidad de Dublín, Dirección General de Protección Internacional, Ministerio del Interior.

Place in the institutional framework: The Dublin Unit is part of the Directorate General for International Protection, Sub-Directorate General for Institutional Relations and Information on International Protection, of the Ministry of the Interior.

Competencies of the entity:

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No	Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handling the form to be completed during registration)
Yes	Organising Dublin transfers
Yes	Notifying the transfer decision
No	Accompanying/escorting applicants during a Dublin transfer
Yes	Sending and replying to take charge and take back requests to/from other Member States
No	Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)
Yes	Sending and replying to information requests to/from other Member States

Stakeholders involved in the procedure:

Handing over the common leaflet on the Dublin procedure	National Police | Policía Nacional Directorate General for International Protection (DGProInt) | Unidad de Dublín, Dirección General de Protección Internacional
Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handing the form to be completed during registration)	National Police | Policía Nacional

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Referral of cases to the Dublin unit	National Police | Policía Nacional Directorate General for International Protection (DGProInt) | Unidad de Dublín, Dirección General de Protección Internacional
Sending and replying to a take charge or take back request	Directorate General for International Protection (DGProInt) | Unidad de Dublín, Dirección General de Protección Internacional
Sending and replying to information requests to/from another Member State	Directorate General for International Protection (DGProInt) | Unidad de Dublín, Dirección General de Protección Internacional
Notification of the transfer decision	Directorate General for International Protection (DGProInt) | Unidad de Dublín, Dirección General de Protección Internacional
Free legal assistance during the appeal of a transfer decision	Bar Association Legal Assistance Service | Servicio de Orientación Jurídica del Colegio de Abogados NGOs
Representation of the asylum authority in an appeal against a transfer decision	Ministry of the Interior | Ministerio del Interior
Organising the transfer to the responsible Member State	Directorate General for International Protection (DGProInt) | Unidad de Dublín, Dirección General de Protección Internacional
Providing information on the transfer modalities to the applicant	National Police | Policía Nacional
Accompanying/escorting applicants during a Dublin transfer when necessary	National Police | Policía Nacional

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Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)	National Police | Policía Nacional Ministry of Inclusion, Social Security and Migrations, Secretary of State for Migration (SEM) | Ministerio de Inclusión, Seguridad Social y Migraciones, Secretaría de Estado de Migraciones (SEM).
Court/authority responsible for deciding on an appeal against a transfer decision	Minister of the Interior | Ministro del Interior National High Court | Audiencia Nacional

Provision of information on the Dublin procedure

Information on the Dublin procedure is provided by the National Police or the DGProInt after the applicant has lodged the application and after the fingerprints have been taken.

The common information leaflets, including a specific leaflet for unaccompanied minors, provided in the Commission Implementing Regulation No 118/2014 as Annex X and Annex XI, are currently used in Spain. Information to children is provided in writing and orally. In the case of unaccompanied minors, information is provided through their legal representative/guardian. The common information leaflets are supplemented with specific national information, including relevant contact details for national governmental and non-governmental entities in Spain. The leaflets are also available digitally on the website of the Ministry of the Interior (in English, French and Spanish).

Right to legal counselling on the Dublin procedure

Articles 16(2) and Article 18 (1)(b) of the Asylum Law ensure the right of an applicant for international protection to receive free legal assistance during the entire asylum procedure, and that includes the Dublin procedure. Free legal counselling and assistance are provided by civil society organisations and/or lawyers from the Duty Lawyers Service of the Spanish Bar Association. However,

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the applicant can also benefit from legal assistance from private lawyers.

From 1 July 2026 onwards, legal assistance for the Dublin procedure will also be in compliance with the provisions of the new Asylum and Migration Management Regulation (2024/1351) which entered into force on 11 June 2024.

Personal interview for determining the Member State responsible

A specific interview to determine if another Member State is responsible for examining a request for asylum is not conducted, although it could be if deemed necessary. During the personal interview conducted at the time of lodging the application for International Protection, applicants receive information on the Dublin procedure and they are requested to provide all relevant information concerning the presence of any family members or relatives in Spain or in other Dublin countries, as well as any other information which might be relevant for establishing the responsible country, as well as any documents or papers in their possession that contain relevant information.

The interview is conducted by the National Police. It takes place in a language that the applicant understands or is supposed to reasonably understand and be able to communicate in.

In general, no specific qualification requirements have been specified to be appointed as a personal interviewer, but the person needs to have the relevant knowledge of the applicable standards. Interviewers have a checklist with questions designed to know if a Dublin procedure should be initiated.

Notification of the transfer decision

Once another State has accepted its responsibility to examine a request for international protection, the Dublin file is closed and international protection denied. The Dublin Unit submits to the CIAR (Inter-Ministerial Asylum and Refugee Commission | *Comisión Internacional de Asilo y Refugio*) the proposal for a formal decision denying international protection, which is signed by the Minister of Interior. The decision is then formally notified to the applicant and communicated to the National Police, so that the transfer can be arranged.

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According to the general provisions of administrative law, for the purposes of notifications the last domicile or residence registered in the file will be considered. If none of two attempts to effect notification by post is successful, there is an alternative procedure through publication of the decision in the Official State Gazette (BOE). Notification via electronic means can also be requested by the applicant.

Remedies

Competent authority/court	Minister of the Interior (*Ministro del Interior*), in case an administrative request for reversal (*recurso de reposición*) is submitted Or Central Contentious Administrative Courts (*Juzgados Centrales de lo Contencioso-Administrativo*), in case of an appeal against an inadmissibility decision or National High Court (*Audiencia Nacional*), if the negative decision is contested directly before the judicial authorities. (art. 9 e de la LJCA)
Deadline for review/appeal	1 month from the notification, in the first case, or 2 months, in the case of the judicial appeal.
Deadline for decision on the review/appeal	There is not a deadline for the Court to decide as there is not a Dublin decision as such which can be appealed. The decision to transfer an applicant to another State is part of the formal decision on the international protection request and cannot be appealed separately from the latter.
Suspensive effect of the review/appeal	Yes

The decision to transfer an applicant to another State is part of the formal decision on the international protection request and cannot be appealed separately from the latter. Detailed information concerning the remedies can be found in the section on second instance.

Transfer arrangements

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Once a take-charge or take-back request has been accepted, the National Police are responsible for ensuring the transfer of the asylum seeker. Details regarding outgoing transfers are exchanged between the competent national Dublin Units and once agreed, forwarded to the National Police. The Police maintains close contact to the Spanish Dublin Unit for all questions regarding the transfer, including the impossibility to conduct it if the applicant is not found at his domicile.

Before conducting a transfer, the Police may request access to health data regarding the applicant's health condition so as to arrange for the corresponding assistance, but also to inform the authorities of the country that will receive the applicant. If the applicant is staying at a reception centre, the authorities competent for the reception system are also involved in the preparation of the transfer.

Guarantees for minors in the Dublin procedure

Assessment of the best interests of the child: There are no specific national legal provisions which regulate the assessment of the best interest of the child during a Dublin procedure. The Dublin Unit caseworkers apply the provisions of Regulation 604/2013 and its implementing act 1560/2003 for these purposes. Additional internal guidance is followed to preserve family union and to obtain all the information required to properly assess the best interest of minors.

Legal guardian: The representative appointed for unaccompanied minors for the purpose of the Dublin procedure is the same as the representative within the international protection procedure in general.

When interviewing unaccompanied minors, the presence of a legal representative or guardian is mandatory. There are only two exceptions, when the unaccompanied minor is married or has been married. In those cases, representation during the interview is not required.

Detection of potential family reunification cases: Police officers who conduct interviews use a checklist where specific questions are included to detect potential family liens of applicants.

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