Applicants with special needs - Spain

Overview

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Relevant EU legislation

Spain is bound by the recast Asylum Procedures Directive, and has transposed its provisions through the 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 proteccion subsidiaria.

Spain is bound by the recast Reception Conditions Directive, and has transposed its provisions through the Royal Decree 220/2022, of March 29, which approves the Regulation that regulates the reception system in matters of international protection (Reception regulation) | Real Decreto 220/2022, de 29 de marzo, por el que se aprueba el Reglamento por el que se regula el sistema de acogida en materia de protección internacional.

National legislation

Royal Decree 220/2022, of March 29, which approves the Regulation that regulates the reception system in matters of international protection (Reception regulation) | Real Decreto 220/2022, de 29 de marzo, por el que se aprueba el Reglamento por el que se regula el sistema de acogida en materia de protección internacional.

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 proteccion subsidiaria

Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration | Ley Orgánica 4/2000, de 11 de enero, sobre

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derechos y libertades de los extranjeros en España y su integración social

Implementing regulation of the Organic Law 4/2000 on the rights and freedoms of foreigners in Spain and their social integration | Real Decreto 1155/2024, de 19 de noviembre, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social

Ministerial Order of 13 January 1989 on Refugee and Asylee Welfare Centers | Orden de 13 de enero de 1989 sobre centros de acogida de refugiados

Competent authority and other stakeholders

Spanish Asylum Office | Oficina de Asilo y Refugio (OAR)

Training initiatives

Information is currently not available.

Special needs in reception

Identification of special needs

The Asylum Law does not provide a specific mechanism for early identification of special needs besides the specific reference made to applicants with special needs/vulnerabilities under Article 46(1). Asylum officers or police officers conduct early risk assessment and other types of vulnerability identification during the interview with the applicant. Civil society organisations can also be involved in identification as they provide services and assistance during the asylum procedure and in the reception centres.

In line with the additional resources allocated by the authorities during 2018 and 2019 to manage irregular arrivals and to conduct identification of specials needs, UNHCR has deployed two teams in the field with the purpose of supporting authorities to promote identification of international protection needs among people arriving by the sea, access to information on international protection and access to procedures. To this end, UNHCR singed a partnership with CIAR to provide information on international protection.

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NGOs and UNHCR, who work in the Migrant Temporary Stay Centres (CETI) in Ceuta and Melilla, have made efforts toward establishing a mechanism for early identification. Limited resources, overcrowding, and the short-term stay of persons in those centres, overall provide obstacles to effective identification.

Referral of applicants with special needs

UNHCR, who participates in the Inter-ministerial Commission of Asylum and Refuge (CIAR), also plays a role in the identification of vulnerabilities during the decision-making process.

Since 2020, the authorities have allocated more resources to conduct identification of a person's vulnerabilities at an earlier stage. New specific facilities for emergency and referral were put in place, comprising Centres for the Temporary Reception of Foreigners (CETI) and the Centres for Emergency Reception and Referral (CAED). UNHCR has actively participated in the identification process supporting national authorities, especially among people arriving by sea.

The Social Work Unit from the Ministry of Inclusion, Migration and Social Security will do a first assessment of the applicant's situation based on an individual basis. The person will be then referred to an adequate reception facility depending on the availability of places.

There is also in place follow-up activities which takes into consideration the response to reception needs of each person concerning vulnerable profiles (*seguimiento del itinerario*). In addition, programs co-financed with AMIF and managed by partner organizations have been implemented, to reinforce existing reception facilities with the idea to attend those vulnerable groups of applicants.

In cases where there are no adequate centres within the reception system, (e.g. drug addiction centres), partner NGOs can subcontract specialized centres for people with special needs, such as applicants with mental health problems or women victims of trafficking.

On February 2022 the MISSM together with UNHCR, implemented a protocol on gender-based violence within the reception system, with the aim of improving the prevention and response for gender-based cases. A leaflet explaining the protocol was also published in different languages (i.e. Spanish, English, French, Arabic, Ukrainian), as well as a pocket guide for professionals. This protocol helped to identified 90 victims of gender- based violence within the asylum

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reception system between January and June 2022. Civil society organisations also collaborated in this project. In 2023, the Ministry of Inclusion and UNHCR Spain signed a new collaboration agreement to develop a prevention and response protocol of violence against women in the humanitarian assistance centers of the Ministry.

Reception and care of applicants with special needs and vulnerabilities

Article 46 of the Asylum Law and Article 2 of the Spanish Reception Regulation defines when it could be considered a person is in a situation of vulnerability.

Vulnerability is the convergence of circumstances that increase a person's likelihood of experiencing contingencies that diminish their most basic well-being. This may include, among others, minors, the elderly, people with disabilities, people with serious illnesses, pregnant women, single mothers or fathers with minor children, victims of human trafficking, victims of any form of violence against women, people belonging to ethnic or national groups that are subject to discrimination, people with mental health problems, LGBTI+ people, or other people who have suffered torture, rape, or any other serious form of psychological, physical, or sexual violence, which is not torture.

While in reception, people with special needs will subject by specific assessment of their needs and their regular monitoring. This assessment is carried out by trained professionals in accordance with the criteria established by the State Secretariat for Migration and its gradation (e.g. indicators related to age, sex, disability, gender identity, sexual orientation, family situation, ethnic origin, nationality, conditions in the country of origin, or other psychosocial and environmental indicators, as well as any other indicator that determine the existence of vulnerabilities, and consequently, the reinforced reception conditions (Article 10 of the Spanish Reception Regulation).

Vulnerabilities are recorded and communicated to the person responsible for the center or facility who will provide the necessary guarantees and assistance or may propose referral to a specialised center or facility where specific support is provided.

Specialized reception facilities cater to specific groups, including:

- Unaccompanied Minors: Separate reception centers managed by Regional Authorities

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- Children with families: Same facilities as their families (CARs or centers managed by NGOs).
- Elderly: No specific facilities available.
- Gender-related needs: One specific program managed by ONG Rescate.
- Victims of human trafficking, torture, or other forms of violence: Facilities managed by NGOs like CEAR, ONG Rescate, Diaconía, and Adoratrices.
- Applicants with disabilities and special health needs: Facilities managed by NGOs like ACCEM, CEAR, FLMM, and RED ACOGE.
- LGBTIQ: Specific reception places (around 10) managed by NGOs like CEAR and ONG Rescate, and a public reception center in Madrid.

Reception facilities and other housing arrangements

Reception facilities for vulnerable applicants located in different part of the territory. The table below includes information related to the location of reception facilities up to September 2025.

table with steps for reception of applicants with special needs
For Gender Violence (“Violencia Género”), reception centres in Andalucía managed by the NGO “Fundación Solidaridad Amaranta”, and so on

There are also facilities managed by partner organisations. For instance, the organisation CEPAIM runs a project to provide reception and integration for applicants and beneficiaries of international with special needs. 350 residential places are available in centers across the country (Madrid, Zaragoza, Soria, Teruel, Salamanca, Navalmoral de la Mata (Cáceres), Ciudad Real, Mérida, Barcelona, Olot (Girona), Valencia, Alzira, Alicante,

Murcia, Cartagena, Torre Pacheco , Lorca, Molina de Segura, Almería, Roquetas de Mar, Níjar, El Ejído , Huelva, Sevilla and Algeciras).

Detention of vulnerable persons and applicants with special reception needs

Information is currently not available.

Reception of unaccompanied minors

Reception facilities and other housing arrangements

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The Spanish Royal Decree 220/2022 outlines the guidelines for addressing the needs of individuals in vulnerable situations within the reception system for asylum seekers and migrants. The decree identifies various groups of people who are considered vulnerable, including: minors, elderly people, people with disabilities, people with serious illnesses, pregnant women, single parents with minor children, victims of human trafficking, victims of violence against women, people belonging to ethnic or national groups subject to discrimination, people with mental health problems, LGBTIQ+ people, people who have suffered torture, rape, or other serious forms of psychological, physical, or sexual violence

The decree establishes a process for assessing the vulnerabilities of individuals within the initial assessment and referral phase, which takes place during the first contact with NGOs managing First Reception Centres. A report is required to propose admission to a place with specific care needs, which must justify the need for specialized care and attach supporting documentation.

The decree also emphasises the importance of assessing the best interests and specific needs of minors, providing differential treatment for applicants or beneficiaries of international protection in vulnerable situations, and adopting measures to address the needs of persecuted individuals.

Aspects of the reception system for vulnerable individuals include:

- Ongoing monitoring and evaluation of reception needs
- Case-by-case assessment between the Office for Asylum and Refugees (OAR) and relevant NGOs
- Development of Individualized Participation Plans, which take into account the special needs of individuals and involve cooperation with other professionals
- Co-financing of reception projects by the FAMI-Fund for Asylum, Migration, and Integration

The Social Work Unit from the Ministry of Inclusion, Migration, and Social Security will do a first assessment of the applicant's situation based on a individual basis. Young men and women between 18 and 26 years without family or social support, victims of gender-based violence, LGBTIQ applicants, people with mental health disorders, and victims of trafficking are referred to an adequate reception facility depending on the profile and availability of places.

Specialised reception facilities cater to specific groups, including:

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- Children with families: Same facilities as their families (CARs or centers managed by NGOs)
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- Victims of human trafficking, torture, or other forms of violence: Facilities managed by NGOs like CEAR, ONG Rescate, Diaconía, and Adoratrices
- Applicants with disabilities and special health needs: Facilities managed by NGOs like ACCEM, CEAR, FLMM, and RED ACOGE
- LGBTIQ: Specific reception places (around 10) managed by NGOs like CEAR and ONG Rescate, and a public reception center in Madrid

The reception system prioritizes the needs of vulnerable individuals and provides a range of specialized facilities and programs to cater to their specific needs. Ongoing monitoring and evaluation of reception needs, including follow-up activities (*seguimiento del itinerario*), ensure the response to reception needs of each person concerning vulnerable profiles.

The stay in a reception center is 6 months, extendable every three or six months, up to a maximum of 24 months. Programs co-financed with AMIF and managed by partner organizations have been implemented to reinforce existing reception facilities and attend to vulnerable groups of applicants.

Age assessments

Principles of the age assessment procedure were clarified with the Organic Law 8/2021. The law underlines that when the age of majority cannot be established, the person must be considered a minor pending the results of the age determination. Medical tests require the child's prior informed consent, and they must be carried out respecting the child's dignity and without risking the child's health. *'Such tests may not be applied indiscriminately. Under no circumstances may full nudity, genital examinations, or other particularly invasive medical tests be performed' (*Article 12(4)).

Access to education

Minor's protection issues and their education are two competencies falling under the responsibility of the Autonomous Communities. Each region will organise

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their own integration programmes and additional support depending on their priorities, needs and resources available.

Unaccompanied and accompanied minors have the access to education system under the same conditions as Spanish nationals.

The schooling of children in Spain is compulsory from age six to sixteen. All children in Spain have the right to education and although under the Asylum Law it is not explicitly guaranteed, it is by other regulations concerning aliens and children.

To help the minors with the transition to education the responsible authorities provide learning support measures by developing and implementing education pathway orientation and assistance projects or learning support and reinforcement programmes in primary and secondary education centres.

Access to healthcare

Health care is provided by the Autonomous Communities.

Once asylum application has been lodged, the applicant is entitled to public health care with the same conditions as Spanish citizens, including the access to more specialised treatment for person with special needs.

Transition to adulthood

When a minor reaches the age of majority they have to either renew their residence permit if obtained while being a minor and if they fulfil the requirements of article 173 of Royal Decree 1155/2024, or in case they were never documented during their minority, they shall apply for a residence permit under article 174 of the same Royal Decree.

There are differences in requirements for both scenarios:

1. Access to the age of majority for unaccompanied minors who are holders of a residence permit.

- They need to apply 60 days prior to the date of the expiration date of their previous permit for the renewal at the Immigration Office

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- They need to prove that they have enough financial means for their own support., e.g. income from employment, from any social system, as well as other amounts that may be received, will be computable (sufficiency fulfilled when monthly income is more than 604,21 Euros).
- In case of having any criminal records, their gravity will be evaluated by the Immigration Office, but no criminal records from their minority of age shall be considered.
- Reports can be submitted by the competent public entities for the protection of minors as well as by other private entities or institutions regarding the satisfactory fulfilment of educational, social and labour inclusion objectives of programmes they might be undertaking.

2. Access to the age of majority for unaccompanied minors without residence permit.

- They need to apply 60 days prior reaching the age of majority, or 90 days after reaching the age of majority, at the Immigration Office
- They need to prove that they have enough financial means for their own support., e.g. income from employment, from any social system, as well as other amounts that may be received, will be computable (sufficiency fulfilled when monthly income is more than 604,21 Euros).
- The minor reaching the age of majority should not have any criminal records.

Reports can be submitted by the competent public entities for the protection of minors as well as by other private entities or institutions regarding the satisfactory fulfilment of educational, social and labour inclusion objectives of programmes they might be undertaking.

The authorisation in both cases mentioned above will allow them to reside and to work and for a duration of 2 years.

Detention of unaccompanied minors

Detention of unaccompanied minors is explicitly prohibited (Article 62(4) of the Foreigners Act “The entry of minors into detention centres may not be agreed. Unaccompanied foreign minors who are in Spain will be made available to the entities public protection of minors as established by the Organic Law of Legal Protection of Minors and in accordance with the rules provided for in article 35 of this Law”)

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Minors may only be held in detention in case his/her family is in detention, and only when there is a Public Prosecutor reports favourably on such a measure.

Special procedural guarantees

First instance determination for applicants with special needs

The Asylum Law (article 46) refers to applicants or beneficiaries of international protection in a situation of vulnerability, as minors, unaccompanied minors, people with disabilities, the elderly, pregnant women, single parents with minors, people who have suffered torture, rape or other serious forms of psychological, physical or sexual violence and victims of human trafficking. Given their situation of special needs and vulnerability, the necessary measures will be adopted to give differentiated treatment.

There are two national plans against human trafficking, namely one with regard to Women and Girls for the purpose of Sexual Exploitation and one Framework Protocol on Protection of Victims of Human Trafficking which both aim the coordination of actions of all stakeholders involved to guarantee the protection of victims. Special provisions for victims of trafficking in human beings are applicable throughout the asylum procedure. For a full review of these provisions, as well as current practices, please see the Spanish national contribution to the EMN Ad Hoc Study on Identification of victims of trafficking in human beings in international protection and forced return procedures.

Various autonomous regions have also elaborated framework protocols with regard to trafficking in human beings (e.g. Galicia, Madrid, Extremadura, Catalonia, etc.) which are available here.

There are several autonomous regions which have their protocols for implementation for preventing FGM which are available here.

Access to information

In Spain, information regarding international protection is provided at the time of lodging an application, in line with Article 17(3) of the Asylum Law. Applicants receive this information where applications are registered, such as provincial or district police stations, border posts, and detention centers. Additionally, in cases

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where individuals are rescued at sea, police officers provide information upon their arrival, offering a leaflet containing essential details on the asylum process. For those arriving at border crossing points, information is given when their entry into the country is deemed inadmissible.

Information is provided through written materials such as leaflets, which are available for download from the Asylum Office's website. In specific settings like detention centres, oral provision of information is also common, with police officers and asylum officers directly explaining the process to applicants. Additionally, online resources, including animations and videos produced by the European Union Agency for Asylum (EUAA), provide further support and clarification on the asylum procedure.

Leaflets are made available in several languages, including Spanish, English, French, Arabic, and Somalian. However, at present, there are no specific informational materials tailored to applicants with special needs, such as unaccompanied minors or survivors of human trafficking. These individuals may receive personalized assistance through social services to address their unique requirements.

Personal interview

Article 46 of the Asylum Law states that, in cases where it is necessary, specific measures to assure a differential treatment for applicants with special needs/vulnerabilities during the interview will be taken. There is a specific training with respect to persons with special needs and vulnerabilities to every person involved in the process, in particular in gender and credibility matter

Legal assistance

The Legal Aid Act provides under Article 2(h) that free legal aid will be provided, regardless of financial resources, to victims of gender based violence, torture, terrorism, human trafficking.

Guarantees for unaccompanied minors

The Asylum Law (Article 48(1)) establishes that unaccompanied children shall be referred to the competent authorities on children protection. The National

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Protocol on unaccompanied children makes specific reference to the cases of children in need of international protection, with the aim of coordinating the actions of all stakeholders and of guaranteeing access to protection.

Making, registering and lodging an asylum application

Capacity for lodging an UAM application lies with the legal representative/guardian, who is appointed to the minor after the application has been registered, but before it is lodged. Unaccompanied minors must be present when an application is lodged. *Ex lege*, regional services competent for the protection of minors are responsible to take care of UAMs and appoint a guardian, as foreseen by the fundamental law on alien's rights.

Information provision

If the applicants are minors, they become dependent on the Spanish Autonomous Region Governments and, from that moment on, the Minors' Public Prosecutor's Office and the Children's Management Services of the Autonomous Regions will be responsible for informing minors and monitoring their individual cases.

Best interests of the child in the Dublin procedure

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. The representative could be present during the Dublin personal interview.

However, no information is currently available related to assessment of the best interests of the child within Dublin.

Personal interview

The Social Service is the authority that represents and assists the UAM during the personal interview.

Training on interviewing minors is provided to every case worker as a part of training on vulnerability.

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

Legal representation during the asylum procedure

The Spanish Civil Code lays down the guardianship system in Spain and defines the conditions and actions.

The competence of minors' protection departments corresponds to the Autonomous Community or city which is responsible for the appointment of a legal guardian to its public entity of children protection.

The guardianship process starts with the Declaration of Abandonment (*Declaración de Desamparo*) by the Autonomous Communities and is the first step for undertaking the guardianship of the child but also to guarantee to have access to the minors' protection system and services.

This procedure has different durations depending on the Autonomous Community but with a maximum time limit of three months, as set by the Protocol.

Guardianship is usually left to e.g. NGOs or religious institutions and are financed by the Minors' Protections Services.

Legal assistance and counselling

The competence of minors' protection departments corresponds to the Autonomous Community or city which is responsible for the appointment of a legal guardian to its public entity of children protection.

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