Legal assistance and representation - Spain

Overview

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Relevant EU legislation

Spain is bound by the recast Asylum Procedures Directive, the recast Reception Conditions Directive and the Dublin III Regulation and has transposed their provisions through the Law 12/2009, of October 30, regulating the right of asylum and subsidiary protection (Asylum Act) .

National legislation

Spain transposed the recast Asylum Procedures Directive, the Dublin III Regulation and the recast Reception Conditions by the Asylum Act.

Free legal aid is a right guaranteed by Article 119 of the Spanish Constitution and developed in Law 1/1996 of 10 January on Free Legal Assistance (hereinafter also referred to as the Free Legal Aid Act) for citizens and legal residents who prove insufficient resources to cover litigation costs. The Free Legal Aid Act establishes under Article 2(e) that in contentious-administrative proceedings, as well as in prior administrative proceedings, foreign citizens who can prove insufficient resources to cover litigation costs, are entitled to free legal aid and representation in all asylum proceedings and in proceedings that may result in refusal of entry into Spain, their return or expulsion from Spanish territory. If these conditions are not met, applicants may hire private lawyers or request assistance from civil society organizations, if they want to be legally assisted in the administrative procedure. In the border procedure, legal assistance is mandatory.

The Asylum Act provides for legal assistance under Article 16 which states that “applicants for international protection shall have the right to health care

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and free legal assistance, which shall be extended to the formalisation of the application and to the entire processing of the procedure, and which shall be provided under the terms provided for in Spanish legislation on this matter, as well as the right to an interpreter under the terms of Article 22 of Organic Law 4/2000 (henceforth Foreigners Act or abbreviated as LOEX)". This provision also establishes that legal assistance is mandatory in the border procedure set out Article 21 of the Asylum Act.

Additionally, Article 17(3) of the Asylum Act guarantees the applicants' right to be informed about the asylum procedure, their rights and obligations, as well as the social benefits to which they are entitled. Article 18(1)(b) of the Asylum Act further specifies that once the application for international protection has been submitted, the applicant has the right to free legal assistance and interpretation.

Article 22 of the Foreigners Act also states that *"foreigners in Spain have the right to legal assistance in administrative procedures that may lead to their refusal of entry, return or expulsion from Spanish territory and in all procedures relating to international protection. This assistance shall be free of charge when they lack sufficient economic resources according to the criteria established in the regulations governing the right to free legal assistance."* Article 62(bis)(1)(e) and Article 62(bis)(1)(f) of the Foreigners Act provide that, when a third-country national is placed in detention, their lawyer must be informed immediately. Detained third-country nationals have the right to legal assistance, including the appointment of a lawyer ex officio where necessary, and the right to communicate with their lawyer in private, even outside the center's opening hours in urgent cases.

Legal assistance shall be provided to foreigners in the context of the following return procedures: refusal of entry Article 26(2) LOEX; return procedure at the border (Article 2(2)(a), second indent Directive 2008/115/EC, and Article 58 LOEX, referred to as "*devolución*" in Spanish); and removal, be it through an expedited procedure pursuant to Article 63 LOEX or through the regular procedure set forth in Article 63(bis) LOEX.

The particular aspects regarding the right to free legal assistance such as the conditions, the application procedure and the scope of free legal assistance are regulated by the Free Legal Aid Act.

Finally, the provision of legal assistance in foreign detention centers (*Centros de Internamiento de Extranjeros* | Foreign Internment Centers; hereinafter CIE, by its acronym in Spanish) is regulated on Royal Decree 162/2014 (henceforth, CIE

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Regulation), whose Article 6 and Article 8 provide that each detention center will have facilities for social, legal and cultural assistance (see also Article 60(2) of the Foreigners Act). Articles 58 and 59, under Title VII of the CIE Regulation, lay down the framework for the participation of civil society organisations in providing assistance to foreigners held in detention centers and the conditions for their visits.

Competent authority and stakeholders

Area	National authority/stakeholder
Provision of legal and procedural information on the applicant's rights and obligations	Directorate General for International Protection Police stations, border posts and detention centers Reception authority Civil society organisations, including those present at the reception facilities.
Legal assistance at first instance determination	Free legal aid is a right at first instance determination, and it can be provided by civil society organisations and/or lawyers from the Duty Lawyers Service of the Spanish Bar Association (Colegio de Abogados). However, applicants can also hire private lawyers at their own expense.
Legal counselling provided by civil society organisations or other organisations/authorities	Information currently not available
Legal assistance at second instance determination	Free legal aid is a right at second instance determination, and it can be provided by civil society organisations and/or lawyers from the Duty Lawyers Service of the Spanish Bar Association. However, applicants can also hire private lawyers at their own expense. If they have sufficient economic resources, they will have to, as legal assistance at second instance is mandatory.
Legal assistance for other related procedures	Same as above.

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Access to legal assistance and representation

Provision of information on legal assistance and representation

At the time of making the application, under Article 17(3) of the Asylum Act, applicants have the right to be informed of the procedure to be followed, about their rights and obligations during the procedure, in particular with regard to time limits and the means available to fulfil them, the possible consequences of non-compliance with their obligations or failure to cooperate with the authorities; and the rights and social benefits to which they have access as applicants for international protection.

Legal and procedural information is usually provided by the immigration authorities and police officers, as well as UNHCR and other civil society organisations. The Ministry of Interior has published a leaflet which is available online and has been translated into English, French, Spanish and Arabic that is handed to all applicants when they express the intention to apply for international protection. These leaflets contain information about organisations that the applicants may contact to receive support and assistance. These other civil society organisations have designed and distributed other materials providing information in a wide range of languages.

In addition, information on the asylum procedure and on applicants' rights can be given orally by the authority in charge of the registration procedure.

To facilitate access to legal assistance, the Foundation of the General Council of the Spanish Bar Association | *Fundación del Consejo General de la Abogacía Española*, in collaboration with UNHCR, published and disseminated a guide for lawyers in July 2017. The guide is a tool to help lawyers detect, assist, and provide legal information to asylum seekers.

Another guide for lawyers was published in 2021 on legal assistance in matters related to maritime arrivals.

In March 2021, the civil society organisations Sira and Red Acoge published a guide containing advice on how to draft reports to support asylum claims addressed to the different professionals providing support to asylum seekers (e.g. social workers, teachers, psychologists, etc.)

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Article 17(3)(c) of the Asylum Act grants applicants the right to be informed about how to contact UNHCR and legally recognised non-governmental organisations whose objectives include counselling and providing assistance to persons in need of international protection.

See also: The role of the legal profession in providing information on the right to asylum in Spain.

Access to premises

Under Article 17(3)(c) of the Asylum Act, applicants can contact UNHCR and legally recognised non-governmental organisations whose objectives include counselling and assistance to persons in need of international protection.

The CIE Regulation requires under Article 15(4) that the authorities will sign collaboration agreements with the bar associations to establish the operating conditions of the legal assistance service to detained foreigners who request it. Under Article 59 of the same regulation, members from NGOs providing legal counselling may request an authorization to visit the CIE and have a personal interview with applicants, abiding by the rules of the center, such as opening hours or places to conduct interviews.

In reception centers, legal assistance is also provided, and lawyers may contact applicants.

Requirements: Means test and merits test

The Legal Guidance Services of the Bar Associations (known in Spanish as "*Servicios de Orientación Jurídica*" or SOJ) offer several services. Any applicant for free legal assistance will have the right to receive information on the requirements for eligibility, to obtain advice and guidance prior to the process (including an initial assessment on whether the intended claim is viable); and to receive assistance on completing the application form. More information is available here.

To request free legal aid, applicants must intend to litigate to defend their own rights, must not exceed the financial threshold established in Article 3 of Law 1/1996 on Free Legal Assistance, and the claim must not be manifestly unfounded according to the SOJ's initial assessment. This last condition applies

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only during the judicial appeals process, not in the administrative procedure. It is possible to calculate the entitlement to free legal aid through the Spanish Bar Association's online tool.

Article 18 and Article 27 of the Law 1/1996 on Free Legal Assistance establish that beneficiaries of the right to free legal aid are not required to pay lawyer's and/or solicitor's fees. They are only liable for these costs if the right is denied (Article 8), revoked (Article 19) or if a court orders them to pay legal costs (Article 36).

In order to verify the accuracy and reality of the economic data provided and, in particular, of the information relating to the income and assets declared by the applicant, including, where appropriate, those of his or her spouse or common-law partner, the relevant Bar Association's Commission of Free Legal Assistance shall carry out the checks and obtain all the information it deems necessary, in particular from the corresponding Tax Administration, the Cadastre, the Social Security, as well as from the Land and Mercantile Registers or any other.

Modalities to submit a request for legal aid

An applicant may request free legal assistance for the administrative procedure. A lawyer from the Duty Lawyers Service is appointed immediately. In parallel, the procedure to determine if the conditions to receive free legal assistance are met will be carried out. This appointed lawyer will remain as such throughout the administrative procedure and, where applicable, the judicial proceedings.

If a decision denying free legal aid is issued during the administrative procedure because the applicant can afford a lawyer of their own choosing, the applicant will be required to reimburse any expenses incurred up to that point.

At the judicial stage, if the applicant has not previously requested free legal assistance, the application may be submitted to:

- The Bar Association corresponding to the applicant's place of residence;
- The court of the applicant's domicile or the court where the judicial proceedings are taking place, which will forward the application to the appropriate Bar Association.

The request for free legal assistance can be submitted online for both procedural stages.

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Outcome of the request for legal aid

At the judicial stage, if the Bar Association (*Colegio de Abogados*) considers that the applicant meets the legally established requirements to obtain the right to free legal aid, it will provisionally appoint a lawyer within 15 days from the date of receipt of the application or from the correction of any deficiencies (Article 15 of the Free Legal Aid Act). The file will be forwarded to the relevant Free Legal Aid Commission for review and decision.

If the Bar Association considers that the applicant does not meet the necessary requirements, it shall inform the applicant within 5 days and, at the same time, shall forward the application to the relevant Free Legal Aid Commission for a decision.

If the Bar Association, within 15 days from receipt of the application or, where applicable, from the correction of the deficiencies noted, has not issued a decision on the provisional appointment of a lawyer, the applicant may reapply before the corresponding Free Legal Aid Commission.

The Free Legal Aid Commission is responsible for deciding on applications for free legal aid. It shall issue a decision granting or denying the right to free legal aid within a maximum period of 30 days from the date of receipt of the complete dossier. If the decision is not issued in this period, the provisional decision will be deemed confirmed by default.

The application for a court-appointed lawyer and, where needed, a court-appointed solicitor (known as "*procurador*"), suspends the two-months legal deadline for filing the legal action until these professionals have been provisionally appointed. Where provisional appointments are not possible, the deadline will be interrupted until a final decision granting or denying free legal aid is issued (Article 16(2) of the Free Legal Aid Act).

The decision granting, denying or revoking Free Legal Assistance may be appealed in accordance with Article 20 of the *Free Legal Aid Act*. A reasoned objection must be submitted in writing within 10 days to the secretary of the Free Legal Aid Commission, who will forward it to the competent court or tribunal, together with the file related to the contested decision and a certification of the latter. No lawyer is required for this procedure.

The court shall summon the parties to submit in writing, within 5 days, the arguments and evidence that they deem appropriate. The court may, on its own

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motion or at the request of a party, order the holding of a hearing. The court shall rule by means of an order within 5 days, upholding or revoking the contested decision. A pecuniary sanction of 30 to 300 euros may be imposed on any party who has brought the challenge in a reckless manner or with abuse of rights. This decision cannot be appealed.

Legal assistance and representation at first instance determination

Service provider

Free state funded legal aid

Duty Lawyers Service of the Spanish Bar Association

International / Civil society organisations

ACCEM - https://www.accem.es/refugiados/

Asociación Progestión - https://progestion.org/

Cáritas - https://www.caritas.es/

Comision Española de Ayuda Al Refugiado (CEAR) - https://www.cear.es/

Convive Fundación Cepaim - https://www.cepaim.org/

Red Española de Inmigración y Ayuda al Refugiado- https://redinmigracion.org/

Spanish Red Cross - https://www2.cruzroja.es/que-hacemos/inclusion-social/personas-migrantes

IOM - https://spain.iom.int/es

Scope of legal assistance

The UNHCR Guide on Legal Assistance for Asylum Applicants in Spain comprehensively describes the role and duties of the lawyer providing legal assistance to applicants during the first-instance determination. This includes identifying persons in need of international protection, participating in interviews

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prior to the lodging, assisting with the lodging of the application, and intervening throughout subsequent stages of the procedure, including any personal interview.

Article 6 of the Free Legal Aid Act outlines the activities covered by the right to free legal aid and the benefits.

Procedural aspects

Article 16(2) of the Asylum Act grants applicants the right to free legal assistance from the lodging of the application and throughout the proceedings. In practice, when an applicant requests free legal assistance, a lawyer from the Duty Lawyers Service is appointed immediately while the procedure to assess the applicant's entitlement to free legal aid is carried out. The appointed lawyer will represent the applicant throughout the administrative procedure and, where applicable, the judicial procedure.

Interpretation

Interpretation services to ensure good communication and understanding between the legal counsellor and the applicant are mainly provided by interpreters hired by the Directorate General for International Protection and by the police. Civil society organisations may also provide interpretation services. Once the application is made, within the rights guaranteed for asylum applicants, the Asylum Act provides for the right to an interpreter pursuant to Article 16(2). Article 17(3) of the same act provides that, when making the asylum application, the person must be informed, in a language he or she can understand, about the rights and social benefits to which they have access based on their status as applicants for international protection.

The right to free interpretation is also provided for in Article 22 (right to free legal assistance), Article 62(bis)(1)(h) (rights of detained foreigners), and Article 63(3) (accelerated expulsion procedure) of the Foreigners Act.

Access to files

Legal counsellors may access the applicant's file, since it is necessary to prepare the case. Pursuant to Article 6 of Organic Law 5/2024 on the Right of Defense, the parties in the proceedings (in this case, the applicant) are entitled to the right to information, which includes the right to access the case files.

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During judicial proceedings, relevant information or documents may be requested from the court. The right to access the case files will have to respect any limitations established by laws, but will guarantee, in any case, access to, examination of, and copying of any materials relevant to supporting the claims, ensuring their availability within a reasonable time in advance.

It is to be noted that applicants of international protection have the right to access the content of the administrative files at any time, as provided for in Article 18(1) of the Asylum Act. Article 53(1)(a) of the Administrative Procedure Act (Law 39/2015), which applies subsidiarily to the Asylum Act, guarantees any party in an administrative procedure, including asylum applicants, the right to be informed of the status of the procedures, and to obtain copies of documents contained in the case files.

Notification

Administrative decisions will be notified to applicants. If the applicant has appointed a legal adviser or any other representative, decisions will be notified to them unless the applicant has clearly stated otherwise (Article 5(1) of the Administrative Procedure Act). Judicial proceedings and decisions will also be notified to the representative (solicitor or lawyer).

Representation

As a rule, no representation is required during the first instance administrative procedure.

Under Article 48 of the Asylum Act, certain applicants, such as those with disabilities requiring legal support and unaccompanied minors will (or may) have appointed representatives to assist and support them during the administrative and judicial proceedings. Additionally, both Organic Law 1/1996 on the Legal Protection of Minors and Organic Law 8/2021 on Comprehensive Protection of Children and Adolescents Against Violence include provisions concerning the representation of unaccompanied minors in such proceedings.

Aspects related to special procedures

General rules governing legal assistance and representation at first instance apply to special procedures. However, legal assistance is mandatory in

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applications submitted under the border procedure pursuant to Article 21 of the Asylum Act. Additionally, under Article 22 of the Foreigners Act free legal aid is provided ex officio to third-country nationals in administrative procedures that may result in their refusal of entry, return, or expulsion from Spanish territory.

See also: https://www.abogacia.es/conocenos/fundacion/migraciones-ddhh/documentos-de-interes/el-papel-de-la-abogacia-en-la-informacion-sobre-el-derecho-de-asilo-en-espana/

The UNHCR Guide on Legal Assistance for Asylum Applicants in Spain provides a comprehensive description of the role and duties of lawyers assisting applicants subject to special procedures, particularly the border procedure. It covers their role in the identification of persons in need of international protection, actions prior to lodging the application, interventions during the lodging of the application, before the first decision, during request for re-examination when necessary, and throughout the subsequent stages of the procedure.

Aspects related to applicants with special needs

Unaccompanied minors

Unaccompanied minors will be appointed a legal guardian as provided in Article 48 of the Asylum Act. This guardian will be appointed in accordance with child protection legislation, will act on behalf of the minor, and assist them in relation to the examination of their application for international protection. Minors may also request free legal assistance or hire a private lawyer. All applicants, including unaccompanied minors, are legally represented by a solicitor (“procurador”) in judicial proceedings before collegiate bodies.

Spanish legislation regulates potential conflicts of interest between the minor and the legal guardian in Article 4(8) of Organic Law 5/2024 on the Right of Defense. The minor’s legal advisor or lawyer must ensure these conflicts are addressed and, where appropriate, request the appointment of a guardian for the purpose of the legal proceedings. For this reason, although there is not an explicit prohibition, legal advisors for unaccompanied minors are not appointed as legal guardians.

Legal assistance and representation in appeals

Service provider

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Legal assistance can be granted upon request for administrative appeals and is needed at the stage of judicial review. In proceedings before collegiate bodies a solicitor ("*procurador*") is also required, and the applicant may also request its appointment.

For judicial appeals, the application for a court-appointed lawyer and court-appointed solicitor must be submitted to the Bar Association of the applicant's place of residence, following the instructions contained in the link.

Scope of legal assistance

The role of the lawyer is to cover the following activities:

1. Re-examination in the framework of the border procedure

- Maintain contact with the applicant to find out when the decision was notified, as this initiates the 2 days deadline to prepare the re-examination request;
- Prepare the request for re-examination of the case before the Directorate General for International Protection in the event of a decision denying or inadmitting the asylum application;
- Where needed, prepare arguments, collect data and evidence to contest the decision;

2. Appeal procedure

- Act swiftly to prepare the documentation to support the appeal and, if necessary, request for interim measures;
- Meet with the applicant and analyse the facts, assess the reasoning behind the negative decision and identify any procedural errors;
- Prepare the appeal, consult country of origin information and reports;

See UNHCR Guide on legal assistance for asylum applicants in Spain

Article 6 of the Free Legal Aid Act describes the activities covered by the right to free legal aid and the benefits.

Procedural aspects

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If the applicant already requested free legal assistance during the administrative procedure, the appointed lawyer will continue throughout the judicial procedure. Applicants who request free legal assistance at the judicial review stage, can do so either to the Bar Association of the applicant's place of residence or to the competent judicial body, following the instructions provided in the link. If the request is accepted, a lawyer and, where necessary, a solicitor ("*procurador*"), will be newly appointed to represent them.

The application for a court-appointed lawyer and, where needed, a court-appointed solicitor, suspends the two-months legal deadline for the filing of the legal action until these professionals are provisionally appointed. Where provisional appointments are not possible, the deadline will be interrupted until the final decision granting or denying free legal aid (Article 16(2) of the Free Legal Aid Act). Legal counsellors will coordinate with the applicants for international protection to prepare the case.

According to Article 7 of the Free Legal Aid Act, once the right to free legal assistance is recognized, it is maintained for the filing and subsequent procedures of appeals against decisions that conclude the process (Article 7 of the Free Legal Aid Act), provided that the claim is not manifestly unfounded within the meaning of Article 32 of the same act.

Judicial appeals, including those lodged before the Supreme Court, can be submitted by lawyers via the judicial electronic registry (LexNET).

Legal counsellors may access the applicant's file, since it is necessary to prepare the case.

Pursuant to Article 6 of Organic Law 5/2024 on the Right of Defense, the parties in the proceedings (in this case, the applicant) are entitled to the right to information, which includes the right to access the case files.

During judicial proceedings, relevant information or documents may be requested from the court. The right to access the case files will have to respect any limitations established by laws, but will guarantee, in any case, access to, examination of, and copying of any materials relevant to supporting the claims, ensuring their availability within a reasonable time in advance.

Although Article 229 of the Organic Law 6/1985 of the Judiciary establishes that judicial proceedings are predominantly oral and may be carried out through videoconference or other similar system that safeguards the right of defense,

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contentious-administrative proceedings are predominantly written, with documentary evidence being the most relevant form of proof. Nonetheless, Article 62 of the Law 29/1998 (hereinafter, Administrative Jurisdiction Act) provides that hearings may be held upon request of the parties or when the court deems them necessary. Lawyers will be present in the hearings, and according to Article 232 of the Organic Law of the Judiciary, court proceedings are public.

Free interpretation services are not provided during judicial procedures.

Type of appeal

The above rules will apply when free legal assistance is requested to lodge or pursue an appeal in cassation following the second instance. See General Council of the Spanish Bar website.

Representation

Representation before administrative courts is governed by Article 23 of the Administrative Jurisdiction Act, and depends on the composition of the judicial panel. In proceedings before a single judge, applicants must be assisted by a lawyer and may appoint a solicitor ("*procurador*") to represent them. If they choose not to, the lawyer may act as their representative, in which case, all court notifications will be sent to the lawyer. However, in proceedings before a panel of judges, such as the Administrative Chamber of the National High Court's or the Supreme Court, applicants are required to have both a lawyer for legal assistance and a solicitor ("*procurador*") for legal representation.

Applicants who request free legal assistance at the judicial review stage, can do so either to the Bar Association of the applicant's place of residence or to the competent judicial body, following the instructions provided in the link. If the request is accepted, a lawyer and, where necessary, a solicitor ("*procurador*"), will be newly appointed to represent them.

Aspects related to applicants with special needs

Several provisions apply to persons with special needs.

Organic Law 5/2024 on the Right of Defense states in its Article 4.6 that legal aid must be universally accessible to ensure an equal exercise of the right. Thus,

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particular attention shall be given for persons with disabilities, especially women and children with disabilities.

Legal aid encompasses different rights, each of which is addressed by specific provisions in the aforementioned act.

Article 6 refers to the right to information and establishes measures to ensure the accessibility of the information, including the provision of appropriate support, tools, or adjustments for persons with disabilities or minors. In the case of children, further adaptations can be made to ensure that the information is appropriate to their age, maturity and language.

Article 9 concerns the right to a clear language in acts, decisions and procedural communications. It declares that language must be adapted to ensure comprehension by their recipients. This entails using a clear, simple and accessible language, adapted to the individual's personal characteristics and specific needs.

Unaccompanied minors will be assisted by a legal guardian.

Right to counselling in the Dublin procedure

The conditions and provision of legal aid are the same as those applicable to the first-instance determination procedure.

Access to legal aid while in detention

Article 22 of the Foreigners Act states that *"foreigners in Spain have the right to legal assistance in administrative procedures that may result to their refusal of entry, return or expulsion from Spanish territory and in all procedures relating to international protection. This assistance shall be free of charge when they lack sufficient economic resources according to the criteria established in the regulations governing the right to free legal assistance."*

Article 62(bis)(1)(e) and Article 62(bis)(1)(f) of the Foreigners Act provide that, when a third-country national is placed in detention, their lawyer must be informed immediately. Detained third-country nationals have the right to legal assistance, including the appointment of a lawyer ex officio where necessary, and the right to communicate with their lawyer in private, even outside the center's

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opening hours in urgent cases.

Third-country nationals may request free legal assistance or hire a lawyer at their own expense in the procedures involving prohibition of entry in Spain, refusal of entry at the border and return (Article 26(2) LOEX); return procedures (Article 58 LOEX); accelerated expulsion procedure pursuant to Article 63(3) LOEX; ordinary expulsion procedure (Article 63), and enforcement of an expulsion decision (Article 64 LOEX).

The specifics regarding the right to free legal assistance including the requirements, procedure to request it, and the scope of the right are regulated by the Free Legal Aid Act.

The provision of legal assistance in detention centers (CIEs) is outlined in the CIE Regulation (approved by the Royal Decree 162/2014 of March 14th):

Articles 6 and 8 establish that each CIE must have facilities for social, legal and cultural assistance (see also Article 60(2) of the Foreigners Act).

Article 16(2)(g), 16(2)(h), and 16(2)(m) guarantee the conditions to communicate with the lawyer, including outside visiting hours in urgent cases; while Article 15(4) ensures the confidentiality of such communication,

Articles 31, 41 and 42 elaborate on the right of the detained third-country national to communicate with his/her lawyer;

Articles 58 and 59, under Title VII of the CIE Regulation, lay down the framework for the participation of civil society organisations in providing assistance to foreigners held in detention centers and the conditions for their visits.

Article 15(4) of the CIE Regulation requires the authorities to sign collaboration agreements with the relevant Bar Associations in order to establish the operating conditions of the legal assistance service to detained foreigners who request it.

Quality assurance

Selection, qualifications and training

Lawyers must meet the following requirements to become part of the Duty Lawyers Service of the Bar Associations and provide free legal aid to asylum applicants:

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- Have usual residence and maintain an open office in the area of the Bar Association where they are registered.
- Have at least three years of practical experience as a lawyer.
- Obtain a diploma from the Legal Practice School (*Escuela de Práctica Jurídica*) or an equivalent course approved by the Bar Associations, or pass the courses or exams required for access to in-court representation and legal aid services established by the Governing Boards of the Bar Associations.

However, lawyers providing legal assistance through NGOs or as private lawyers, only need to meet the criterion of being law practitioners, without any experience requirements. In those cases, they just need to have usual residence and an open office in the area of the Bar Association where they are registered. Since 2011, registration in a Bar Association requires holding a Master's Diploma in Access to the Legal Profession and pass the Bar Admission).

Civil society organisations select their own professionals to provide legal assistance and representation according to their own criteria and it is usual that lawyers in civil society organisations are very specialised in international protection/asylum. State funded professionals that provide legal aid through the Duty Lawyers Service might not always be specialised in asylum. Some provincial Bar Associations have an on-call duty system in international protection.

The Bar Associations in the different regions and the headquarter offer training on asylum and immigration law. For example, the Spanish Bar Association (Abogacía Española) implemented the project TRALIM III: Training in migration and asylum law (2022-2024), whose main goal was to train 716 lawyers from 7 Member States on key European legislative instruments on migration law and asylum. The project was coordinated by the European Lawyers Foundation (ELF) jointly with the Bars of Cyprus, Spain, Ireland, Italy and Poland and the Bars of Athens and Paris.

In November 2024, the Spanish Bar Association organised the XXXII Conference on migration law and international protection.

Some Bar Associations involved in providing legal assistance to asylum seekers have launched initiatives to train their lawyers. For example, the Malaga Bar Association (Ilustre Colegio de Abogados de Malaga), has a duty lawyer roster specialised in in assisting third-country nationals arriving by small boats. To join the roster, lawyers receive specific training and receive expert guidance on delicate and urgent issues that may arise in the field through a dedicated

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WhatsApp group.

Mechanisms for quality assurance

The *Fundación del Consejo General de la Abogacía Española* published an article on the role of a legal representatives during the asylum procedures and the need for confidentiality during asylum proceedings in May 2022.

Inter-institutional cooperation

In November 2023 the Government of the Canary Islands and the Bar Association of Santa Cruz de Tenerife reached an agreement aiming at assessing and guaranteeing a better quality of the legal assistance provided to migrants arriving by boat to the archipelago.

In August 2021, the Government of the Canary Islands, together with the Bar Association and in collaboration with UNHCR, started to implement a project to provide legal assistance to detained persons, migrants and asylum seekers, which was continued throughout 2022.

Legal assistance and representation for related procedures

Reception conditions

The applicants have the right to lodge a formal complaint in case of insufficient or inadequate material reception conditions. They have the right to access to the legal system and legal aid in the same conditions any other person in Spain. The particular aspects regarding the right to free legal assistance such as the conditions and procedure for request to be granted as well as the scope of free legal assistance are regulated by the general law on Free legal aid.

See section above on Legal assistance and representation at first instance determination and EUAA Dublin transfer factsheet, 10 July 2024.

Family reunification

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There are no special legal provisions for legal aid in family reunification procedures.

Temporary protection procedure

Applicants for temporary protection have the right to request Free Legal Assistance, although it is often unnecessary, since temporary protection is granted within 24 hours from the application if the requirements are met.

Beneficiaries of international protection

Beneficiaries of international protection will have access to free legal aid under the same conditions as Spanish citizens, provided they meet the requirements and conditions outlined above.

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