Information provision - Spain

Overview

Content updated and validated on: 17/09/2025

Relevant EU legislation

Spain is bound by EU legislation and has transposed relevant 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 protección subsidiaria, (30 October 2009), with further amendments.

National legislation

30/10/2009: 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), with further amendments.

24/102/2003: Royal Decree 1325/2003, of October 24, which approves the Regulation on temporary protection regime in case of mass influx of displaced persons. | Real Decreto 1325/2003, de 24 de octubre, por el que se aprueba el Reglamento sobre régimen de protección temporal en caso de afluencia masiva de personas desplazadas, (24 October 2003),

Competent authority and other stakeholders

Area/stage of the asylum procedure	Competent authority
Reception	Ministry of Inclusion, Social Security and Migrations, Secretary of State for Migrations | Ministerio de Inclusion, Seguridad Social y Migraciones (MISSM), Secretaria de Estado de Migraciones (SEM)

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Area/stage of the asylum procedure	Competent authority
Registration of application	Ministry of the Interior, National Police, General Police Station for Foreigners and Borders/ Directorate General for International Protection| Ministerio del Interior, Policía Nacional, Comisaría General de Extranjería y Fronteras/ Directorate General for International Protection (DGProInt)
Lodging of application	Ministry of the Interior, National Police, General Police Station for Foreigners and Borders | Ministerio del Interior, Policía Nacional, Comisaría General de Extranjería y Fronteras
Dublin procedure	Ministry of the Interior, Directorate General for International Protection| Ministerio del Interior, Dirección General de Protección Internacional (DGProInt)
Assessment of application	Ministry of the Interior, Directorate General for International Protection | Ministerio del Interior, Dirección General de Protección Internacional (DGProInt)
Communication of first instance decision	Ministry of the Interior, Directorate General for International Protection | Ministerio del Interior, Dirección General de Protección Internacional (DGProInt)
Content of protection	Ministry of Inclusion, Social Security and Migrations, Secretary of State for Migrations | Ministerio de Inclusion, Seguridad Social y Migraciones (MISSM), Secretaria de Estado de Migraciones (SEM)
Appeal procedure	Spanish Central Contentious Administrative Courts/ National High Court | Juzgados Centrales de lo Contencioso-Administrativo/ Audiencia Nacional
Communication of second instance decision	National High Court | Audiencia Nacional

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Area/stage of the asylum procedure	Competent authority
Resettlement	Ministry of the Interior, Directorate General for International Protection | Ministerio del Interior, Dirección General de Protección Internacional (DGProInt) Ministry of Inclusion, Social Security and Migrations, Secretary of State for Migrations | Ministerio de Inclusion, Seguridad Social y Migraciones (MISSM), Secretaria de Estado de Migraciones (SEM) UNHCR, IOM and various NGOs

Provision of information in the asylum procedure

Access to procedure

In Spain, information regarding international protection is provided at the time of lodging an application, in line with Article 17(3) of the Asylum Act. Applicants receive this information where applications are registered and lodged, such as provincial or district designated police stations, border posts, and detention centers (foreigners internment centres, CIE). Additionally, in cases where individuals are rescued at sea, NGO's such as UNHCR support the authorities in the early identification of the international protection needs and specific needs of persons arriving by land and sea, providing information and in fostering the access to the asylum procedure of persons in need of international protection. For those arriving at border crossing points, information is given when their entry into the country is deemed inadmissible.

According to Article 5 of the Royal Decree 203/1995, applicants are informed about their right to seek international protection, the steps they must follow, and their rights and obligations throughout the asylum process. The information provided outlines the support available, including legal aid and interpretation services. This is part of the procedural guidance provided at the application stage, which includes relevant timelines. The information is shared by various actors, including police officers at provincial police stations, border posts,

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detention centres, asylum officers from the Directorate General for International Protection (DGProInt) and NGOs such as UNHCR and CEAR.

Information is provided through written materials such as leaflets, which are available for download from the Directorate General for International Protection's website. In specific settings like detention centres, verbal information could be also provided upon request, with police officers and asylum officers directly explaining the process to applicants. With its presence in various entry points, UNHCR also provides information on the IP procedure in various languages through animated videos, leaflets and its HELP Portal. 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. Additional materials concerning Temporary Protection (TP) are available in Ukrainian, English, and Spanish. Regarding applicants with special needs, UNHCR launched a video aimed at refugee and asylum-seeking women to prevent gender-based violence and inform them on what to do and where to refer in such cases. The video is available in Spanish, French, English, Arabic, Ukrainian, Bambara, Russian, Dariya, Peul and Malinke. Furthermore, these individuals may receive personalized assistance through social services to address their unique requirements. Since October 2024, the Minister of Inclusion, Social Security and Migration has launched a phone service (number +34 913990009) to inform about international and temporary protection. The service is provided by eight persons, and the information is given in eight languages: Spanish, English, French, Ukrainian, Russian, Arabic, Farsi and Bambara.

For third-country nationals in detention, information on the possibility of applying for asylum is provided when they express a willingness to do so. This information is typically shared at the time of admission to detention or when the individual explicitly indicates their intent to apply for international protection. In these cases, police officers in detention centers provide oral explanations and distribute the aforementioned information leaflets.

UNHCR also offers support and provision of information on the IP procedure during its monitoring visits in reception centres and detention centres for sea arrivals.

For more information:

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- Asilo y Refugio | Inicio
- Asilo y Refugio | Folletos descargables
- UNHCR | Gender-based violence prevention video

Dublin procedure

In Spain, after the lodging of an asylum application, applicants are required to give their fingerprints. At this stage, they are also asked to sign a data protection sheet, which includes essential information regarding the Dublin III Regulation. The police officers, responsible for handling the Eurodac database, provide this information to applicants. The information provided includes the general procedure for a potential transfer and is typically offered in writing in Spanish.

Currently there is no common leaflet specifically addressing national information and there is no targeted material for applicants with special needs.

When it comes to the relocation procedure, asylum seekers are informed by staff from the Ministry of Inclusion, Social Security, and Migration. This occurs within reception centers when a relocation mission with a contributing Member State (MS) is agreed. Asylum seekers are given detailed information about the conditions of the relocation process, including which country or countries they may be relocated to and the necessity of giving their consent before the mission can take place. This information is usually provided directly by police officers or, if direct contact is not possible, by telephone.

Additionally, upon notification of a transfer decision under the Dublin Regulation, applicants receive information about their legal remedies. This includes details on how to appeal the decision and the entities or individuals who can provide legal assistance.

First instance determination

In Spain, third-country nationals who are deemed inadmissible at the border are informed about the possibility of applying for international protection, which initiates an admissibility phase before the formal registration and lodging of their application. This information is provided to applicants primarily orally and on an individual basis, facilitated by NGOs, such as UNHCR, and lawyers from the Duty Lawyers Service of the Spanish Bar Association.

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Regarding the personal interview, applicants are informed about the interview process through different channels: NGOs present at reception points or through public resources (persons conducting the interview will inform applicants about how to apply and will help them to complete the form as per article 17 (6) of the Asylum Law; police officers must also provide relevant information about the interviews as well as guide the applicant through the whole process.

Applicants can consult detailed information about the interview through the Directorate General for International Protection website or at designated provincial police stations or foreigner’s internment centres. The information shared covers several aspects of the interview, including its aim, the rights and obligations of the applicant, procedural specifics, the roles of the actors involved, confidentiality matters, and the possibility of interpretation services.

In terms of the interview logistics, applicants are notified about the date and location of their personal interview through a prior appointment system that involves communication via telephone, email, or through the Directorate General for International Protection website. In some provinces, applicants are required to visit provincial police stations to receive a document certifying their application status, which also includes interview details.

Once the personal interview concludes, applicants are informed about their right to submit further evidence, if necessary, and are given details about the applicable timelines. This information is typically provided by the applicant's lawyer or can be found on the Directorate General for International Protection website. In addition, applicants are informed about the next steps in the procedure through a leaflet provided at the end of the interview. This leaflet is a comprehensive source of information about the asylum process, which is also available on the website.

When a decision granting protection status is made, beneficiaries of protection receive detailed information about their rights and obligations, which is included in the same leaflet distributed during the interview.

If the decision is negative, applicants are informed about the possibility of lodging an appeal. Additional information regarding available free legal assistance for filing an appeal is also provided. Applicants residing in reception centres are typically informed by NGOs that assist them in understanding the appeals process.

Legal assistance and representation

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Free legal assistance is mandatory for applicants at the border from the lodging and throughout the entire procedure (Article 16(2) of the Asylum Law).

Applicants are informed about their right to consult a legal adviser or counsellor on matters relating to their asylum application at all stages of the procedure as soon as they arrive, particularly if they are third-country nationals who have been rescued at sea or at border crossing points. On arrival, this information is provided to them directly by lawyers from the Duty Lawyers Service of the Spanish Bar Association and NGOs like UNHCR. Applicants can access this information at any time through the Directorate General for International Protection website.

The information is typically provided orally by lawyers and NGOs in individual settings. In the case of individuals rescued at sea, it is generally NGOs who take the lead in providing information about the possibility of applying for international protection and about their rights, including their right to legal assistance and representation.

Regarding the right to free legal assistance and representation during the appeal process, applicants are provided with the relevant information when a third-country national access the territory. This means that the information is shared when they first arrive and is also included in the same leaflet that covers their rights and the procedural details of the asylum process. The leaflet contains a list of NGOs offering free legal assistance.

Resettlement and humanitarian admissions

During the identification phase, the Ministry of Inclusion, Social Security and Migrations in Spain shares a Question & Answers (Q&A) document, which is shared with the UNHCR. The Q&A document is then distributed to the refugees in the first asylum country. This document covers various important aspects such as the resettlement process, timeframes, reception arrangements, the rights and entitlements of refugees, their obligations and expectations, and general information about the Spanish Resettlement Program.

In the selection phase, refugees are directly informed about the Spanish Resettlement Program as part of the selection mission. The Spanish selection mission includes a dedicated part where information about the program is provided to the refugees. This includes details about the Spanish host system

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and the key components of the resettlement process. The Resettlement Area of the Spanish Ministry of Inclusion, in collaboration with the Ministry of Interior, is responsible for delivering information during this phase.

The pre-departure phase includes a 3-day cultural orientation program held in the first asylum country, designed to prepare refugees for their life in Spain. This program provides information about the rights and responsibilities of refugees, the reception system in Spain, and the practicalities of the resettlement process, including how reception centers operate. The program, organized by the International Organization for Migration (IOM), also helps refugees prepare for the travel phase, such as understanding travel documents and making necessary preparations for the transfer. The Ministry of Inclusion participates in these sessions, providing additional insights and addressing any questions or concerns the refugees may have.

In the travel phase, refugees are provided with a brief pre-embarkation session to help them prepare for their journey to Spain. This session, which takes place 72 to 48 hours before departure, focuses on providing useful information related to travel logistics and the arrival process in Spain. This session is facilitated by IOM.

Upon arrival in Spain, refugees are welcomed by several stakeholders, including the Spanish Ministry of Interior, UNHCR, IOM, various NGOs, and the Resettlement Area of the Spanish Ministry of Inclusion. Refugees receive their international protection resolutions, which formally grant them the status of refugees, and they are informed about the various services and support available to them as part of the Reception System. The NGOs responsible for managing reception centers conduct welcome sessions and individual interviews the day after the refugees' arrival.

This program spans three days and covers a range of topics aimed at helping refugees adjust to their new life in Spain. The program includes information on the general situation in Spain, such as geographical details, climate conditions, and the structure of the Spanish public administration. It also addresses important topics like family duties, refugee rights and obligations, and the expectations placed on refugees in their new home. In addition, the program provides practical guidance on travel documents, preparations for departure, and the journey to Spain. Once in Spain, refugees receive additional information about their refugee status, access to education, employment, and healthcare, and are introduced to the integration program, which outlines the various phases and services available to them, including the types of reception centers and living

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conditions.

IOM is responsible for delivering the orientation sessions, with the Ministry of Inclusion providing support in answering any specific questions that arise during the sessions. The information is provided into five different sections, including country information, travel information arrival in the country, refugee status and access to services and integration programmes. The content is delivered both before departure and upon arrival, offering refugees a seamless transition as they adjust to their new life in Spain. Additionally, IOM produced a video that is shown to refugees as part of the orientation process.

Content of protection

Beneficiaries of protection in Spain receive information on their rights and obligations associated with their protection status shortly after lodging their asylum application. This information is provided through a leaflet, which is given to them by police officers or case officers from the Directorate General for International Protection.

The information contained in the leaflet covers all rights granted to beneficiaries of protection, such as a detailed explanation of rights to reception, as well as access to public services. The leaflet also provides important guidelines regarding obligations under their protection status.

With regard to integration activities, applicants who reside in reception centres will be informed from the outset. This information is provided by staff from the Ministry of Inclusion, Social Security, and Migrations, as well as staff from NGOs that receive public funding. The information is shared through workshops, mentoring programs, and assistance programs.

According to Articles 19 and 22 of Royal Decree 220/2022, there are actions focused on integration activities to be carried out during the reception and autonomy phases. The activities include, for example, language classes, cultural orientation and access to employment.

Beneficiaries of protection receive information regarding employment and labour market in Spain, access to healthcare, and education early in the reception phase.

Provision of information in reception

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Reception conditions

Upon their arrival and once they are settled into the reception center, applicants receive information about their rights, obligations, and the conditions of their stay in the reception center.

The setting for this information provision can vary depending on the number of new arrivals and the specific procedures followed by the reception center. In some cases, applicants are informed individually, which allows for a more personalized explanation tailored to their needs. Alternatively, small group sessions may be held, especially when multiple applicants arrive at the same time. The flexibility of the delivery method ensures that the information is accessible to all applicants, regardless of their circumstances.

Collaborating organisations that manage Spain’s Reception System, which receive funding from the Ministry of Inclusion, Social Security, and Migrations, are responsible for providing this information.

The materials they use are developed in collaboration with the Ministry, ensuring consistency across different centers while allowing for local reception center’s rules where necessary. The information is delivered primarily in an oral format during the session, in a language they can understand, followed by a written document summarising the key points.

The information it is provided in the applicants' preferred language, with the assistance of interpreters when necessary. While there are no specialised materials tailored to specific needs, these vulnerable groups receive tailored support and information on a case-by-case basis.

Applicants in reception are also provided with information about accessing legal assistance, healthcare, employment opportunities, and education. As part of the information provided during their stay in the reception centers, applicants are informed about legal assistance and representation that may be available to them. These services ensure that applicants can receive the necessary support to navigate the asylum process and secure their rights. Collaborating organizations are available to inform applicants about the legal support and guidance they offer throughout their reception period.

Regarding healthcare, applicants are informed by staff members about how to access medical services in their local area. This oral provision of healthcare

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information helps ensure that applicants are aware of their rights to medical care and understand how to navigate Spain's healthcare system. This is particularly important for applicants who may require urgent medical attention or specialized care. The staff provide these details during individual sessions or group meetings, ensuring that everyone is informed, regardless of the format in which the information is delivered.

In addition to healthcare, applicants are informed about their employment-related rights and access to education. The reception center staff organizes sessions that focus on educating applicants about their labour rights and how to prepare for employment. These sessions are designed to help applicants understand the job market, their entitlements in Spain, and how to secure work in accordance with their protection status. Similarly, applicants receive detailed information about accessing education. These sessions guide them through the process of enrolling in schools, language classes, or other educational programs, which are essential for their integration into Spanish society.

In detention

When third-country nationals are in detention, it is a precautionary measure initiated when disciplinary proceedings for expulsion from the territory are initiated. This detention is imposed for a maximum period of 60 days. Third-country nationals in detention are informed about the reasons for their detention and the procedures for challenging the detention order through the judge's official order.

The information regarding the reasons for detention and the procedures for challenging the detention order is provided to detained individuals at the time of their admission to the detention center. The center staff are responsible for delivering this information.

Applicants detained in the facility are informed about the rules governing the detention center and their rights and obligations through an informational leaflet.

Members of organisations legally established in Spain for the defence of migrants or dedicated to advising and assisting applicants for international protection, and international bodies of a similar nature, may be authorised by the director to visit detention centres and interview detainees, at the times and under the conditions established in the internal regulations.

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