

UNIVERSAL PERIODIC REVIEW SPAIN – IV CYCLE

STANDARDS FOR THE RECOGNITION AND PROTECTION OF ASYLUM SEEKERS AND REFUGEES

Situation of asylum seekers and refugees' rights

Access to the reception system

Difficulties for access to the international protection procedure remain (Article 6 of Directive 2013/32/EU).

Delays in the resolution of their cases, which can take several years. Thus, Spain has a backlog of nearly 170,000 unresolved cases as of July 2024.

Access to the asylum procedure at the border

The impossibility of requesting international protection in diplomatic delegations or at border posts has been repeatedly denounced, as the Commissioner for Human Rights of the Council of Europe noted during her visit to Spain.

International protection mechanisms from abroad.

Law 2/2009 on Asylum provides, among others, for the possibility of requesting the transfer of persons from Embassies abroad when they are fleeing from a third country and their life or integrity is at risk.

However, there are serious difficulties in its use due to a lack of regulatory development.

Principle of non refoulement

Practices of summary refoulement or collective expulsions have been detected, as well as the denial of the right to an effective remedy from various institutions such as the Ombudsman, the European Court of Human Rights and the Committee on the Rights of the Child.

Recommendations:

- Guarantee access to the international protection procedure, the individualized study of cases without regard to nationality criteria, as well as create and respect a protocol for detecting situations of vulnerability.
- Develop regulations for the Asylum Law, developing international protection mechanisms that can be activated from abroad (art. 38).
- Increase the number of places available for resettlement.
- Modify the tenth additional provision of Organic Law 4/2000 of January 11, on the rights and freedoms of foreigners in Spain and their social integration and make it possible for all those who arrive in Spanish territory to have the right to an administrative procedure with all the guarantees before proceeding to their expulsion or return.