

## Seeking Asylum in Spain

# Asylum Guide

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# Section 1: Understanding Asylum and Your Rights

## What Is Asylum?

Asylum is also called international protection. You may need international protection if you cannot go back to your country because you fear persecution or face a real risk of serious harm. This means, for example, that your life or freedom would be in danger and the authorities of your country won't protect you from the danger you face.

It is your right to apply for international protection.

In Europe, international protection can take different forms: refugee status or subsidiary protection:

- **Refugee Status** is granted to any person who has a well-founded fear of being persecuted in his or her country for reasons of race, religion, nationality, political opinion, membership of a particular social group, gender or sexual orientation (see further below for more details and examples
- **Subsidiary protection** is granted to persons who cannot return to their country of origin because they would face a real risk of suffering serious harm, such as the death penalty or execution, torture or inhuman and degrading treatment, or serious threats to their life or integrity as a result of indiscriminate violence arising from situations of internal or international conflict.

Examples of cases that qualify for subsidiary protection are:

- A civilian family lives in a city heavily impacted by an active civil war. While they are not politically active and belong to no targeted ethnic group, their neighborhood experiences daily shelling, airstrikes, and crossfire, presenting a constant, severe threat to their physical safety.
- A citizen from a country experiencing a complete collapse of law and order faces a real, systemic risk of arbitrary detention, torture, or inhuman treatment by shifting local militias who control checkpoints, even though the individual has no specific political profile.

For the sake of this guide we will focus on the criteria relevant for refugee status.



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## Who Can Qualify for Refugee Status?

The definition of a refugee is found within the 1951 Convention Relating to the Status of Refugees. To meet this definition, you must meet all of the following criteria:

1. You must be outside your country of origin;
2. You must be unable or unwilling to return to the country you are from;
3. Because you have a **well-founded fear of persecution**, or serious harm or threat to your life or freedom, or other serious human rights violations, due to **one or more** of the following reasons:
    - Your race;
    - Your religion;
    - Your nationality;
    - Your political opinion; or
    - Your membership of a particular social group (for example, women, families, tribes, occupational groups, or due to your sexual orientation / gender identity);

and

4. The persecution you fear is by the government, or by another group and the government cannot or will not protect you.

The following sections explore the concrete criteria of this definition in greater detail, examining what constitutes a well-founded fear, what qualifies as persecution, and what it means to lack state protection.

## What Counts as well-founded fear?

Within the framework of asylum, the notion of 'well-founded fear' can be viewed as encompassing two aspects, often referred to as its 'subjective' and 'objective' elements.

**Subjective Fear**
You must genuinely be afraid. This is your personal, internal fear of what will happen if you return. The local authorities assess this largely through your testimony and declaration: do you seem credible? Is your fear genuine?

**Objective fear**
The 'well-founded' element of the refugee definition mainly deals with the degree of likelihood that a person will face persecution if they were to return to their home country. It is forward looking and mainly a matter of factual risk assessment. Your fear must therefore also be supported by objective evidence. It is not enough to say you are scared. You must show that current conditions in your country, or your specific circumstances, give you a reasonable basis for that fear. This is where country condition evidence, expert testimony, and documentation come in.

If you have experienced past persecution or threats, this would constitute serious indications of a well-founded fear. In that case, the local authorities will have the burden to demonstrate that the persecution will not be repeated if you return to your country. If you cannot show that you were individually targeted, the next best thing is to show an ongoing pattern or practice in your home country of persecution of a group of persons similarly situated to you. Persecution against a specific group must be systemic, pervasive, or organized in order to amount to a pattern or practice sufficient for establishing a fear of future persecution. You will not be deemed to have a well-founded fear of persecution if it would be reasonable for you to relocate to another part of your homecountry.

## What Counts as Persecution?

'Persecution' is not defined in the 1951 Convention Relating to the Status of Refugees. The notion is flexible, adaptable and sufficiently open in order to reflect ever-changing forms of persecution. Courts have generally held that persecution broadly includes acts sufficiently serious to constitute a severe violation of basic human rights.

In order to be regarded as persecution an act must be tied to one of the individual grounds (race, nationality, relgion, political opnion or membership of a social group) and be:

- Acts sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular: the right to life. the prohibition on torture and slavery, and the principle of no punishment without law.

**or**

- An accumulation of discriminatory measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner as mentioned in the first point

Therefore, not every form of mistreatment constitutes persecution. However, specific acts of persecution can include:

- Physical, mental, or sexual violence
- Prolonged arbitrary detention
- Legal, economical, administrative, police, or judicial measures that are discriminatory in themselves or applied in a discriminatory manner
- Prosecution or punishment that is disproportionate or discriminatory
- Denial of judicial redress resulting in a disproportionate or discriminatory punishment
- Forced medical procedures

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## Some of these categories are especially relevant to many trans asylum seekers. These include:

| Type of harm | Examples |
|---|---|
| **Serious physical harm** | • Confinement<br>• Kidnapping<br>• Torture<br>• Beatings<br>• Rape<br>• Sexual assault<br>• Other forms of gender-based violence |
| **Coercive medical and psychological treatment** | • Forced institutionalization<br>• Electroshock treatments<br>• Drug injections<br>• Coercive family planning |
| **Invidious prosecution or disproportionate punishment** | • A punishment that is disproportionately severe<br>• A law that conflicts with recognized human rights<br>• Prosecution built on a false or misleading motive |
| **Severe criminal extortion or robbery** | • Threats to expose someone's sexual orientation or gender identity to a hostile community<br>• Extortion based on membership of a protected group<br>• Robbery or extortion the police failed to protect against or remedy |

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## Do all types of discrimination count as persecution?

If someone is discriminated against because of their race, religion, nationality, political opinion or membership of a particular social group, they will not be automatically entitled to protection under the 1951 Refugee Convention unless that discrimination is considered to amount to persecution

Discrimination can accumulate to persecution if it becomes so severe and pervasive that it effectively denies you the ability to survive in your home country. The threshold for something to be considered persecution is if it is "sufficiently serious by its nature and repetition as to constitute a severe violation of a basic human right" or "an accumulation of various measures".

Examples include:

- Serious legal, cultural or social restrictions on rights to, or ability to ejoy, freedom of opinion, expression, association or assembly
- Restrictions on access to public spaces
- Systemic denial of livelihoods: Being completely barred from all employment, unable to access any normally available healthcare or education, or blocked from securing housing.
- Cumulative harm: A combination of constant harassment, arbitrary arrests, social isolation, and physical threats that makes living a normal life impossible.

**Persecution by the government, or by a group the government is unwilling or unable to control.**

Under the 1951 Convention the perseuction you have suffered must have been inflicted by a governmental actor, or by a non-governmental actor that the government is unable or unwilling to control.

- Government actors: The government generally includes the police, the military, and government-run schools. The government, for the purposes of asylum law, also includes government-sponsored groups.
- Non-governmental actors:
  - Groups that the government is unable or unwilling to control often encompass guerrilla and paramilitary groups and gangs.
  - Generally, abuse by private citizens does not qualify as persecution unless the government is involved, refuses to prosecute the abusers, or fails to protect the victim. However, authorities interpret "unwilling or unable to control" broadly. Consequently, acts committed by private individuals, such as domestic violence, forced marriage, genital mutilation, or forced medical treatments, can constitute persecution if local authorities fail to intervene or refuse to provide protection.

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## I am trans, how do I fit in this definition?

For most trans applicants, the core legal ground relies on establishing a well-founded fear of persecution based on membership in a particular social group. Specifically, demonstrating pervasive and persistent systemic targeting against the LGBTQIA+ and TGI community.

However, because identity is multi-faceted, you may also qualify under other grounds. If you have experienced harm based on race, nationality, political opinion, or religion, be sure to include these aspects as well in your application for international protection.

Below we will show concrete examples for each category to illustrate how the refugee-defintion can apply in practice:

- **Nationality:** A dual national or a citizen of a specific neighboring country is targeted by state authorities for persecution, arbitrary arrest, and property confiscation following a sudden outbreak of interstate conflict or diplomatic breakdown, simply because of their national origin.
- **Race:** A citizen belongs to an indigenous racial minority that is legally barred by the government from owning property, attending public universities, or holding formal employment, creating severe economic deprivation and living conditions that threaten their survival.
- **Political Opinion:** A prominent investigative journalist in an authoritarian country publishes corruption leaks implicating high-ranking government officials. Secret police begin tracking her, ransack her home, and issue an arrest warrant under false charges. She flees because her life is in danger due to her political expression.
- **Religion:** A Christian convert living in a nation where apostasy is legally criminalized and punishable by state imprisonment or mob violence faces continuous death threats from local extremist groups while local police refuse to intervene.
- Membership in a Particular Social Group (Gender / Sexual Orientation):
  - A transgender woman lives in a country where being trans is not explicitly illegal by name, but the penal code features broad laws against "acts against public morality," "impersonating the opposite sex," or "cross-dressing." She is repeatedly arrested by police under these vague statutes, detained in cells matching her sex assigned at birth where she faces sexual abuse by guards, and released only after extortion or physical punishment.
  - A transgender man lives in a state where gender-affirming care is completely outlawed, and changing legal identity (name and gender markers on IDs) is prohibited. Because his documents do not match his appearance, every time he applies for a job, goes through a security checkpoint, or tries to access healthcare, he is outed, mocked, denied service, and frequently subjected to physical assaults by citizens or security personnel. The local police refuse to file reports when he is attacked, telling him his lifestyle choice brought it on.
  - A non-binary person is subjected to severe, escalating "corrective" physical abuse, confinement, and forced conversion attempts by family members upon expressing their identity. When they escape and report the abuse to local authorities, the police dismiss the complaint, stating that family discipline is a private matter and that gender-nonconformity violates cultural or religious traditions. Locals then begin targeting them on the street with impunity.

## What are possible grounds for a negative decision?

If you have a credible subjective fear, the authorities will assess your objective fear, namely how likely is it that you will face persecution if you return home. A standard tool used by local authorities in assessing this is the 'Safe Country'-list. These concepts matter a great deal for people fleeing the U.S., because applicants from countries on these lists often face abbreviated or less thorough evaluation procedures.

- A **safe country of origin** (SCO) is a country in which there are thought to be no reasonable grounds for seeking international protection, because its people are considered equally free from acts of persecution, especially from their own government.
- A **safe third country** (S3C) is often a country the applicant has traveled through, or has a connection to, that could reasonably be assumed to provide protection.

The U.S. is on many SCO and S3C lists worldwide. Since the current U.S. administration took office, FAR is not aware of any country that has officially granted asylum to someone fleeing the U.S. This causes many people who are experiencing or at risk of persecution in the U.S., including U.S. citizens, to believe that protection abroad is not an option, and to avoid seeking it out of fear that being sent back would place them at greater risk.

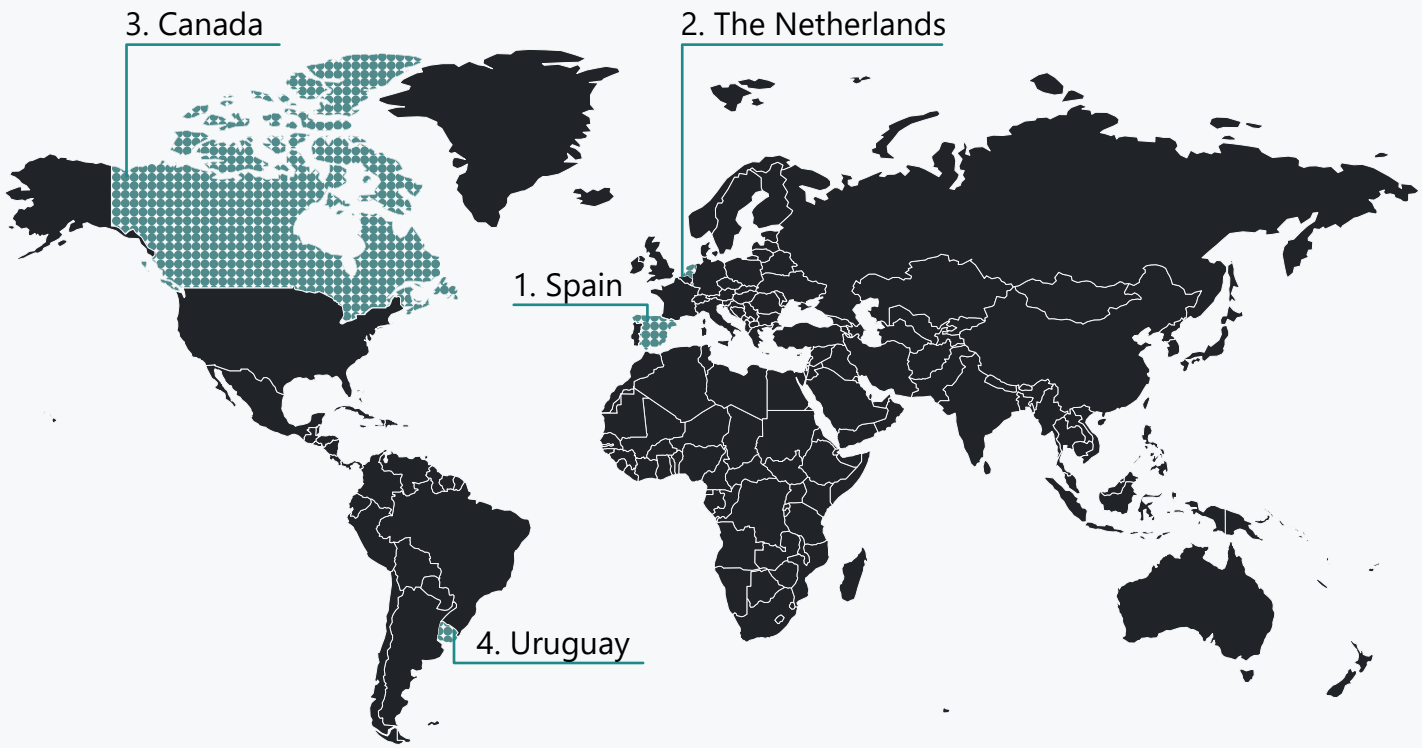
That said, every asylum application still includes an element of individual harm. Immigration bodies should consider whether your personal case is an exception to a country's standard safe designation, and every case should be evaluated for its individual viability. If you are genuinely in danger, seek advice from credentialed immigration legal specialists about your options.



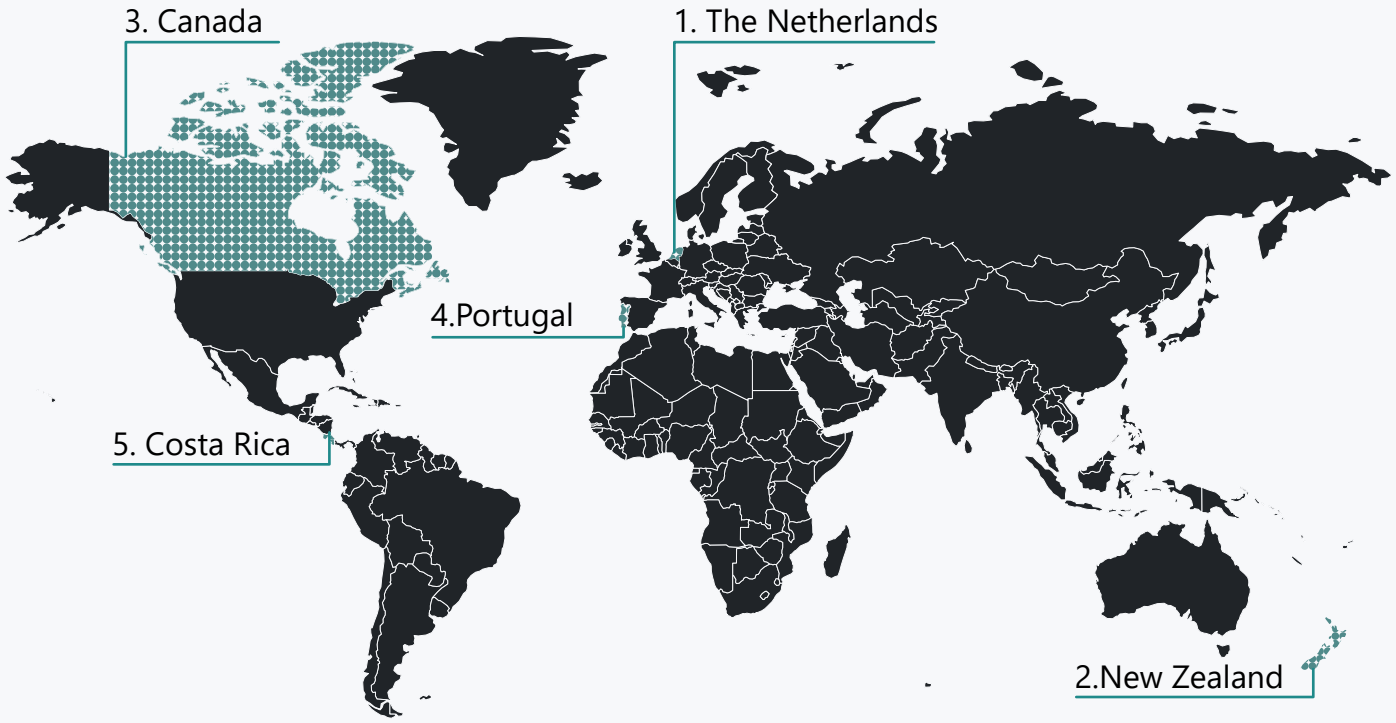

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## Best Countries to Seek Asylum From, by Group

**LGBTQIA+ and TGI People**




**For Black People and People of Color**




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**For Hispanic and Latinx people**




for more information on these maps,
please visit rainbowmap.ilga-europe.org

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## Your Rights As an Asylum Seeker

An **asylum seeke**r is someone who has applied but has not yet been found to qualify for refugee status. Observance of these rights varies by country, agency, and even municipality, but the following are internationally recognized:

- The right to seek asylum
- The right not to be sent back to unsafe circumstances while your application is pending
- The right to fair treatment and protection under international and domestic law
- The right to legal counsel
- The right to be informed of all of your rights
- The right to remain free from arbitrary detention
- The right to challenge detention
- The right to seek remedy if your human rights are violated
- The right to medical care

Other rights, such as freedom of movement or freedom to work, vary widely from nation to nation. The United Nations Human Rights Council works to protect asylum seekers by advocating for claims to be heard, assuring access to rights, advocating against detention, protecting asylum seekers at sea, and strengthening asylum systems generally.

## The Principle of Non-Refoulement

**Non-refoulement** is a core tenet of asylum law. It prohibits states from transferring or removing a person from their jurisdiction when there are substantial grounds for believing that person would be at risk of irreparable harm upon return to their home country, including persecution, torture, ill treatment, or other serious human rights violations.

It is explicitly included in the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and in the International Convention for the Protection of All Persons from Enforced Disappearance.

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## Section 2: The Asylum Timeline in Spain

Below is a general overview of the process. Procedures and timelines can shift, so always verify current local requirements once you arrive.



Getting your affairs in order
(what you're doing right now)

Arrival in Spain

Asylum registration and initial appointment

Temporary proof of application

NIE assigned for administrative purposes

After the waiting period, access to work becomes available
(red card and renewals)

Case resolution, which can take many months or longer

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## Pre-Departure

Prepare yourself for a process that takes time and organization. It can be emotionally and administratively demanding, so it helps to approach it step by step.

**1. Gather your records**

Start assembling any documents that establish your identity, background, and asylum claim.

Useful documents to collect:

- Medical records and gender-affirming care letters, if relevant (see the Medical folder in the guide
- Evidence of discrimination, threats, or harassment
- Police reports, court documents, or workplace complaints
- Screenshots or copies of threatening messages
- News reports from reputable sources
- Reports from organizations such as Amnesty International, Human Rights Watch, or UN human rights bodies

More documentation is usually better, as long as it stays organized and relevant. You can always remove items later when assembling the final packet.

2. Write your asylum declaration

This is your personal statement explaining who you are, what happened to you, and why you cannot safely return to your country of origin. Start with FAR's Declaration Letter Template in the guide

3. Plan your arrival carefully

Make sure your passport is valid, think through your housing and budget, and prepare for a possible waiting period before you can legally work.

## After Arrival in Spain

**Contact local support organizations**

Ask for help from organizations that assist asylum seekers and LGBTQ+ people. They can help you organize your documents and prepare for the process. See the Agency Directory.

**Get a Spanish phone number**

You'll need a working number for appointments and official communication. A local SIM or eSIM can make this easier.

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**Ask for legal and practical support**

Before or after your appointment, connect with refugee and legal support organizations that can help with the asylum process, interpretation, and case preparation.

**Schedule your asylum appointment**

You will need to formally start the process with the authorities. Procedures and locations can change, so verify the current process locally.

## The Interview Stage

Before the interview, review your declaration carefully. Your testimony should be clear, detailed, and consistent with the evidence you provide. During the interview, you will usually:

1. Explain your story
2. Answer questions about your background and fears
3. Provide supporting documents

The purpose of the interview is to assess whether you qualify for international protection. Be honest, specific, and consistent. It's okay to be dramatic, since you are making a plea, but don't embellish. There's a big difference, and everything you say will be investigated with high levels of scrutiny.

## After Registration

Once your application is registered, you should receive temporary proof that your claim is in process. You may also be assigned an NIE, used for many administrative tasks in Spain. Over time, depending on the stage of the process and current rules, you may gain access to:

- Healthcare
- Social support
- Housing assistance
- Food or basic needs support through NGOs
- Legal right to work once the applicable waiting period is met

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## Living in Spain While Your Case Is Pending

### Your main ID document

The **tarjeta roja (red card)** is your proof of registration as an asylum seeker. It is provisional, not a final residence permit, and needs periodic renewal. Watch the expiration date and request your renewal appointment before it lapses. You'll usually renew it through the police foreigners' office (extranjería), and remember to bring the card and your passport or NIE to the appointment. Letting it expire can complicate your health card, benefits, and work rights, since all of them depend on the card staying current.

Your **NIE** is simply the number printed on your red card, not a separate card to apply for.

### Work is restricted at first

You generally cannot work legally during the first six months after your application is registered. Once that period passes, a renewed red card authorizes you to work in any sector with no separate work permit required.

### Shelter and support are possible, but not guaranteed

Depending on availability and your level of vulnerability, you may be offered a place in Spain's national reception system and shared apartments or reception centers, along with orientation and basic needs support. Capacity is limited and varies by city and time of year, so apply early and have a backup plan.

### NGOs can fill the gaps

Organizations such as CEAR, ACCEM, Cruz Roja, and ACATHI (which focuses specifically on LGBTQ+ migrants) can help with things reception places don't always cover, such as:

- Food assistance
- Orientation
- Spanish classes
- Connecting you with community

You can read more about these organizations and how to contact them in the Agency Directory

### Financial support may exist, but confirm it with a professional

Spain's Ombudsman and several courts have recognized that holding a tarjeta roja counts as legal residence for the purposes of applying for the **Ingreso Mínimo Vital (IMV)**, a minimum income

benefit for people in economic vulnerability. It isn't automatic; you generally still need to show financial need and meet other conditions. Ask a social worker at CEAR, ACCEM, or ACATHI, or a lawyer whether it's worth applying in your situation before making any assumptions.

**Free language classes are widely available**

Learning Spanish or Catalan will make almost everything on this list easier: appointments, job hunting once you're allowed to work, and simply feeling less isolated. ACATHI runs free Catalan classes specifically for LGBTQI+ migrants and refugees in Barcelona. CEAR, Cruz Roja, and local Escoles Oficials d'Idiomes offer Spanish classes as well.

**Community isn't a nice-to-have**

Treat it as part of your support system. The Centre LGTBI de Barcelona and ACATHI both run regular groups, workshops, and social events for LGBTQ+ migrants. Showing up, even before you feel ready to talk about your case, can make the waiting period feel far less isolating.

**Budget with your eyes open**

Barcelona is one of the more expensive cities in Spain. A room in a shared flat generally runs somewhere in the €400 to €800 range per month depending on the neighborhood, with utilities, food, and transport adding a few hundred more. Given the six-month work restriction, plan your savings, or your reception system placement, around that reality rather than assuming things will sort themselves out once you arrive.

**The uncertainty is real, and that's normal**

Resolution can take many months or longer, and the waiting period is often the hardest part of the whole process emotionally. For many, it's harder than the interview itself. You don't have to carry this alone: FAR, ACATHI, and the Centre LGTBI can connect you with peer support and community, not just paperwork help.

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# Section 3: Healthcare Access

Public healthcare in Spain is meant to be accessible to asylum seekers under the same conditions as Spanish nationals, but getting there takes a few concrete administrative steps.

Here is the general path in Catalonia:

- **Register your address (empadronamiento)**
  - Your assigned health center depends on where you're registered as a resident. If your housing situation makes standard registration difficult, say so at your primary care center (CAP). People in vulnerable situations who can't complete a standard empadronamiento can still be guided through an alternative route to get covered.
- **Apply for your health card (TSI)**
  - Apply online or in person at the CAP closest to where you live.
  - Bring an identifying document: your passport, NIE, red card, or the proof that you've expressed intent to seek asylum (the "white sheet"). Even before you're formally enrolled with Social Security, Catalonia's health service (CatSalut) guarantees you the right to apply.
- **Use your provisional coverage right away**
  - You'll typically get a provisional certificate by email with a personal identification code (CIP) that lets you access health services immediately, while the physical card is mailed to your address, usually within about a month.
- **Get assigned a family doctor**
  - Once you have your card or provisional certificate, go to your CAP so they can assign you a primary care doctor. This becomes your main point of contact for check-ups, referrals, and any medical documentation your case may later require.
- **Specialist care goes through a referral**
  - Appointments with specialists, such as gynecology or psychiatry, normally require a referral from your primary care doctor first.
  - In a real emergency, don't wait on paperwork. **Go straight to a CAP or hospital emergency** department with whatever ID you have: passport, red card, or NIE. If a lack of documentation ever gets you turned away, ask to speak with the center's social worker, or ask for a written copy of the rule being applied and how to file a complaint.



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- **To fill prescriptions, bring the prescription and your health card to a pharmacy.** Once you have a Social Security number, coverage lowers the cost of most medication. Before then, or without an NIE, you may need to pay full price. Groups such as Yo Sí Sanidad Universal help people with coverage gaps like this.

## Gender-Affirming and Trans-Specific Care

For hormone therapy and other transition-related care, Catalonia runs a dedicated public pathway rather than folding it entirely into general referrals:

- **Servei Trànsit** is Catalonia's specialized public unit for trans healthcare. Since a 2016 reform, no psychiatric diagnosis is required to start hormone treatment. You can request care directly ("de manera espontània") or be referred by your primary care doctor.
- For surgical care, Trànsit refers you to the **Gender Identity Unit (UIG) at Hospital Clínic de Barcelona,** the standard route in for surgery in Catalonia.
  - Wait times for surgical referral have historically run long, sometimes multiple years, so plan for a marathon rather than a sprint if surgery is part of your goals.

Unit names, intake emails, and locations can shift over time, so ask FAR or ACATHI for current contact details rather than relying on an old phone number or address.

## Mental Health Support

Your primary care doctor can refer you to community mental health services if you need them. Don't hesitate to ask, especially if the stress of the process is affecting your sleep, mood, or ability to function day to day. FAR and ACATHI both offer peer support specifically for people going through this process, which can matter just as much as clinical care during a long wait.

## A Note on the New EU Asylum Pact

New EU asylum rules, which went into effect in June 2026, are meant to create faster and more standardized border and asylum procedures across member states. That can mean more screening, tighter deadlines, and more emphasis on early identification of vulnerability, including disability or medical needs.

With these new rules in place, keep in mind:

- Procedures may start faster, or with more screening
- Documentation and consistency matter even more
- Vulnerability should be documented early
- The exact timeline can vary depending on the case and the country handling it



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# Section 4: What Happens If Asylum Is Denied

If asylum is denied in Spain, you usually have a short deadline to respond. You may be able to appeal, request a suspension, or qualify for a separate residence permit through family ties, social roots, work roots, humanitarian grounds, or another exceptional route. The exact path depends on the case, the wording of the denial, and the current legal rules.

## The First Decision

Spain's asylum authorities decide the case after reviewing the application and interview. UNHCR Spain notes that the law says a first-instance response should come within six months, but cases often take longer in practice. A denial does not always mean the situation is over immediately, but it usually means you need to act quickly, because you may have a limited period to appeal, prepare another legal route, or leave under the terms of the decision.

## What Denial Usually Means

After a refusal, the decision often includes an obligation to leave Spain within 15 days, unless another right to stay applies. That does not necessarily mean you are permanently barred from Spain. Whether you can return later depends on what kind of order was issued, whether you were given a formal departure period, whether you left voluntarily, and whether you later qualify for a visa or residence permit.

## Your Immediate Options

1. Appeal the denial
2. Ask for suspension while the appeal is processed
3. Look at other residence routes if asylum no longer works

## The Appeal Window

The appeal period matters a great deal. A reconsideration appeal is generally filed within one month of notification, while a judicial appeal is generally filed within two months. If you miss the appeal deadlines, your options may become narrower, which is why legal help should be sought as soon as the denial is received.

## Can You Come Back Later?

Usually, a denial does not automatically mean a permanent ban. The question is whether there was a formal return or removal order, a departure deadline, any re-entry restriction, and whether you later obtain a new legal basis to enter or stay. If you are thinking about leaving and returning later, the safest approach is to get legal advice before you go, because the exact paperwork matters.

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## How Long Is “Long Enough”?

There is no single universal waiting period that applies to every denied asylum case. For later residence routes, the relevant waiting periods are usually tied to the specific route, not simply time spent outside Spain. For example, arraigo social usually requires about two years of continuous stay in Spain, and arraigo laboral centers on about two years of continuous stay plus evidence of prior labor ties. Some newer exceptional routes have their own specific timing rules. So, if someone asks how long they need to be out before it counts, the honest answer is that it depends entirely on the legal route being used.

## Timing at a Glance

| Route | Typical Timing After Denial |
|---|---|
| **Appeal the denial** | Usually 1 month for reconsideration and 2 months for judicial appeal, depending on the route |
| **Leave after refusal** | Often 15 days, as stated in the refusal decision |
| **Arraigo social** | Usually about 2 years of continuous stay |
| **Arraigo laboral** | Usually about 2 years of continuous stay plus labor evidence |
| **Humanitarian / exceptional residence** | Case-specific; no single universal waiting time |
| **Arraigo de segunda oportunidad** | Depends on former residence status; has its own eligibility rules |

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## Residence Routes After Denial

If asylum is denied, some people later regularize through a separate residence route rather than asylum. The main ones are:

- Arraigo social
- Arraigo laboral
- Arraigo familiar
- Humanitarian or exceptional circumstances residence
- Other work-based or ordinary residence options

## Practical Next Steps After a Denial

1. Read the denial carefully
2. Check the appeal deadline immediately
3. Speak with a lawyer or asylum support organization, like FAR
4. Ask whether a suspension request is possible
5. Start thinking about other residence routes only if you are realistically available to pursue them

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## Decision Flow



Asylum denial received.



Read the decision **carefully.**



Check whether it says you must leave within **15 days.**



**Decide:** do you want to appeal?



If yes: file a reconsideration appeal within **one month.**



Ask for a suspensive measure if needed.



If reconsideration fails, consider a judicial appeal within **two months.**



While the case is pending, check whether you can stay lawfully.



If appeal is not possible or not successful: ask whether you qualify for another residence route.



**Possible routes:** arraigo social, arraigo laboral, arraigo familiar, humanitarian/exceptional residence, other work-based routes.



**If none apply:** prepare to leave, or speak to a lawyer about the safest next step.

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# Section 5: Getting Free Legal Help

Spain guarantees free legal assistance for asylum seekers as a matter of law, not just as an NGO courtesy, so it's worth understanding how this actually works before you arrive.

## The Legal Right Itself

Spain's asylum law (Ley 12/2009) establishes that asylum applicants have a right to legal assistance, and in certain stages, such as at the border or in an accelerated procedure, that assistance is meant to be free and often mandatory before you can be interviewed. In practice, this gets delivered in a few different ways.

### 1. Turno de Oficio (Duty Lawyer System)

This is Spain's public legal aid system, run through the local Colegio de Abogados (Bar Association). In Barcelona, that's ICAB (Il·lustre Col·legi de l'Advocacia de Barcelona), which has a dedicated Comisión de Extranjería (immigration commission) that handles asylum and foreigner law cases. If you qualify financially, you can be assigned a duty lawyer at no cost, including for your asylum interview and any appeals.

### 2. Legal Teams Inside the Reception NGOs

This is often the more practical route, since it's integrated with the rest of your case support. CEAR, ACCEM, and Cruz Roja all have in-house or partnered lawyers who handle asylum cases for free as part of their services, since legal support is baked into what they do for people going through reception.

### 3. ACATHI

Since ACATHI specializes in LGBTQ+ migrants and refugees, their legal team tends to have more specific experience with SOGI-based (sexual orientation and gender identity) claims, which can matter a lot for how your declaration and interview prep get handled. Worth prioritizing if you can get in with them.

### 4. SAIER

As Barcelona's municipal service, SAIER can also connect you with legal orientation and refer you into one of the above pathways if you're not sure where to start.

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## A Practical Note

Free doesn't always mean fast. Public defenders and NGO legal teams both tend to carry heavy caseloads, so if your situation is urgent or complex, it's worth asking early and even applying through more than one route. For example, you could register with CEAR's legal team while also asking ICAB about turno de oficio, so you're not stuck waiting on just one option.

Legal aid access rules can shift over time, so treat this section as a starting map rather than the final word. Confirming directly with CEAR, ACCEM, or ACATHI when you arrive is the safest way to get the current, accurate process.



# A Final Word From FAR

This process is long, and it will test your patience more than once. You are not doing it alone. FAR exists because our founder walked this same road and knows exactly how disorienting it can feel to be stuck between an unsafe home and an uncertain new one.

Take this guide one section at a time. Reach out to the organizations listed here as early as you can, especially CEAR, ACCEM, Cruz Roja, SAIER, and ACATHI. Keep your documents organized. Protect your red card. And when the waiting period feels like the hardest part, remember that it is supposed to feel that way, and that support is available for exactly that reason.

Reach us any time at info@lgbtqfar.org.



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for more information visit lgbtqfar.org
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