



## International Protection

Service for people willing to seek international protection in Spain, according to the right of asylum.

To be recognised the right of asylum, the situation experienced by the applicant must meet certain mandatory requirements. The main requisite is the well - founded fears of being persecuted for reasons of race, religion, nationality, or political opinions, or to be membership of a particular social group, gender or sexual orientation. Besides, the nature of the facts must be sufficiently severe or has to accumulate sufficiently seriously.

SAIER offers professionals to attend your questions, prepare the necessary steps and guide you through your social integration process.

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**NOTE: The following information does not replace the advice personalized in the SAIER offices. This is a general orientation on frequent questions, but always it is advisable to request personal advice in SAIER.**

### Who can apply for asylum in Spain?

Non-Community foreigners who have well-founded fears of persecution or who have actually been persecuted for reasons of race, religion, nationality, ethnicity, political ideology, gender or sexual orientation, among other reasons, in their native country or habitual residence (stateless persons). Due to his fears or to the persecution already effectively suffered, the person requests the protection of the Spanish State.

If you want to apply for asylum in Spain, we advise you to consult at SAIER.

### What is the application process for asylum in Spain?

It is a process consisting of several phases: Application, Acceptance for Processing, Instruction and Resolution. By formalizing the application, the applicant must explain his personal history indicating what are the reasons for fear or why he/she cannot return to their country, providing evidence to support the pleadings.

### How can I apply for asylum?

You have one month to present the asylum request (this month is added to the time of the visa with which you have entered Spain). You can go to an Immigration Office, a National Police Headquarters or the Asylum and Refuge Office (OAR). The border asylum application can also be made to the border authorities.

It is important to ask for advice at SAIER to know your rights as an asylum seeker and to have professional legal assistance in the process.

If you are an asylum seeker in Barcelona, you can find all the information about in [Barcelona Refugee City website](#)

### Can I be deported for irregular stay?

No, because any order of expulsion or extradition is suspended until a final decision on the asylum request is made. In addition, when you submit the application, you receive a "White Card" that accredits you as an asylum seeker. The white card does not authorize work.

### At what stage of the procedure can I start working legally?

During the Enquiry period, six months after applying for asylum, you will receive a "Red Card" that accredits your legal stay and authorizes you temporarily to work in Spain, in any work area and anywhere in the country. This card must be renewed with the temporary work permit, if after expiration the Final Resolution to the asylum request has not been resolved and notified.

### How do I know if my application has been admitted?

Asylum and Refuge Office (OAR) has one month, counted from the date of formalization of the application, renewable for another month, to pronounce on the admission to process. If there





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is no express resolution within this period, it is understood that the application has been admitted to processing.

You will receive a provisional identification document (red card) stating that you are requesting international protection.

If the request is not admissible, you may file an optional appeal for reversal and / or an contentious administrative appeal.

We advise you to consult with a SAIER consultant at any stage of the Asylum application process.

### **What is the Enquiry Period?**

It is a phase of the process, which begins after admission to process, in which the history and motivations of the asylum seeker are thoroughly investigated.

### **How is the resolution defined?**

After Enquiry Period, the OAR submits a report to the Inter-Ministerial Commission on Asylum and Refuge (CIAR), which submits a draft resolution to the Ministry of Interior. If a final decision has not been notified within 6 months, it can be understood as dismissed for the purpose of filing an administrative contentious appeal, although it is more practical to continue renewing the red card and to await the mandatory ruling of the final decision.

### **If I am asylee I can bring my family to Spain?**

Yes. You have Family Extension or Family Reunification right about dependents, spouses and minor or dependent descendants.

### **If I have been granted asylum can I work legally?**

Yes. The person with granted asylum is a legal resident with a work permit (self-employed or employee). The refugee status card must be renewed every five years.

### **If I have been denied the asylum, can I start a process of Social Settlement (Arrelament Social)?**

Yes. It is always advisable to have the counseling of a SAIER technician to be clear about the details of your case.

