



European
Commission

Comparative overview of national protection statuses in the EU and Norway

Common Template for EMN Study 2019

Common Template of EMN Study 2019

Comparative overview of national protection statuses in the EU

National Contribution from Spain¹

¹ *Disclaimer:* The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Top-line factsheet

This EMN study *Comparative overview of national protection statuses in Spain* aims to provide a guide to statuses granted in Spain to third country nationals already present on its territory, which address a protection need, other than international protection as harmonised by the Qualification and Temporary Protection Directives.

The Spanish migratory framework conceives these statuses as a way of issuance residence permits bearing in mind the specific situation of the third country national (they are not called in the Immigration Law protection status, but residence permits issued to the applicant for exceptional circumstances). According to this legal framework the grounds for granting these residence permits in Spain include:

- Status for humanitarian reasons linked to international protection (status A of this report)
- Status for medical reasons (status B of this report)
- Status for third country nationals linked to the danger for his/her safety or their family members' safety if they return to their country of origin to apply for the visa (status C of this report)

Regarding unaccompanied minors, they can have one of the following migratory statuses:

- Beneficiaries of international protection.
- Beneficiaries of a residence permit or a residence and work permit.
- Be entrusted to the child protection services.

In any of these cases, unaccompanied minors have legal residence and the right to education, healthcare and basic social services and benefits, under the same conditions as Spanish children. Due to this, a specific status is not included in this report.

The status of stateless falls outside the scope of this study as well as status granted to victims of crime (e.g. trafficking in human beings or victims of smuggling or witnesses of criminal proceedings)

The residence permit linked to international protection allows the Ministry of Interior to grant a residence permit due to the "humanitarian grounds" generally where asylum/subsidiary protection cannot be granted. There is not an exhaustive list of grounds neither in the Spanish Asylum act nor in the Immigration Act, so the specific reasons of the case are studied before granting this residence permit by the Interministerial Commission of Asylum and Refuge, as in regular asylum procedure decision-making process. The Supreme Court has considered that the grant of this permit provides a certain degree of discretionality to the granting authority and has established that the reasons are exceptional and have to be proved by the applicant. The residence permit is a temporary one with a length of 1 year which can be renewed if reasons that were taking into account remain.

As far as the residence permit linked to medical reasons, the grounds must be proved: suffering a serious illness, the sudden nature of the illness, requiring a specialised healthcare that cannot be accessed in their country of origin and interrupting or not receiving it would entail a serious risk to their health or life. A medical report has to account these three grounds. It is also a temporary residence permit of 1-year length which can be renewed the necessary time to complete the treatment.

Finally, there is other possibility to receive a residence permit when coming back to the country of origin just to get the required visa put the third country national life at risk. On some cases, a visa has to be applied as a previous step to reside in Spain. For example, talking about residence and work permits, it is the employer the one who apply for the residence permit and once it is granted, the third country national has to apply for the visa abroad. Regarding residence permits with no right to work, the application has to be submitted abroad. As a consequence, if the third country national is already in Spain has to come back to his/her country of origin. For these cases where coming back to the country of origin would place his/her safety or their families' safety in danger, this provision has been established.

The residence permit linked to international protection allows to work. On the contrary, the medical reasons ones do not recognise the right to work automatically but the applicant can apply for a work permit if he/she has a job offer. No labour market test is applied.

These residence permits do not grant the same rights as the international protection statuses. As the main difference, third country national do not have access to reception facilities and the length of the residence permits are lower.

Comparative overview of national protection statuses in Spain

There has not been any debate or discussion from civic society or the national authorities over these residence permits. Just a relevant case law of the Audiencia Nacional, reviewing asylum decisions at judicial level confirms the application of the residence permit linked to international protection (status A of this report) to Venezuelan nationals who have been refused international protection in view of the country's prevailing situation. The residence permit for humanitarian reasons represented 0,26% and the residence permit for medical reasons equally only 0,26% in 2018.

Section 1: Overview and mapping of types national protection statuses

Q1. Aside from the EU-harmonised protection statuses, are there any other protection statuses currently available in your Member States?

Yes.

Besides the international protection (refugee status and subsidiary protection status) and the temporary protection status, in Spain, the Immigration act² contains different ways to access to a residence permit considering the individual situation of the third country national. These ways can be identified as national protection status linked to humanitarian grounds.

Within these residence permit, three main categories arise.

On one hand, a specific residence permit has been foreseen "for international protection reasons". Despite the name of this specific permit, it is not related to a harmonised international protection reason but to cases in which the international protection has been denied but the third country national may be authorised to reside in Spain for "humanitarian grounds". Article 37b and 46.3 of the Spanish Asylum act and article 125 of the Royal Decree developing the principles of Immigration Act do not foreclose the humanitarian grounds why a person may be authorised to reside in Spain, it merely refers to "humanitarian grounds".

On the other hand, other humanitarian grounds are identified by article 126 of the Royal Decree developing the principles of Immigration Act. Bearing in mind the scope of this study, medical reasons can be a ground to grant a residence permit in Spain.

Finally, third country nationals who can prove that returning to their country of origin or from where they have come for the purposes of applying for the relevant visa would place their safety or their families' safety in danger can also access to a residence permit.

Should be noted that a residence permit could be also granted to third country nationals already present in Spain who are victims of crime (trafficking, smuggling, gender related violence) or who collaborates with the Government (witnesses protection programs). However, these grounds are outside the scope of this EMN study.

Q2. If no to Q1, please elaborate.

Q3. If yes to Q1, please complete **Table 1** with the type of non-harmonised protection statuses *currently* available.

Table 1 Type of non-harmonised protection status(es) currently available

Type of non-harmonised protection status	Yes	No	Comments
Constitutional asylum			
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Article 13.4 of the Constitution refers to the law on asylum right of Immigration (including

² When this study refers to Immigration act it means Organic Law 4/2000 on the Rights and Liberties of aliens in Spain and their social integration, and the Royal Decree 557/2011, 20 April, developing the principles of Immigration Act

Comparative overview of national protection statuses in Spain

			stateless persons). So, there is no a "constitutional asylum" category and the status falls under an EU protection status.
Collective protection			
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Only via Temporary Protection Directive implemented under Spanish law in the Royal Decree 1325/2003, of October 24. So, it falls under an EU protection status. Please note that this requires a prior Council decision or a decision by the Council of Ministers.
Other national (including humanitarian) statuses based on:			
Medical reasons	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Article 136.2 of the Royal Decree developing the principles of Immigration Act (status B of this report).
Statuses available for climate change reasons and natural disasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Statuses available for local personnel of armed forces of respective Member States (e.g. interpreters in Afghanistan or Iraq)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	An individual study of the personal circumstances is carried out in these cases. Usually they applied asylum. But there is not foreseen in the Spanish Immigration act a specific ground for local personnel of armed forces of respective Member States.
Special statuses available for unaccompanied/aged-out minors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>In Spain, unaccompanied minors can have one of the following migratory statuses:</p> <ul style="list-style-type: none"> • Beneficiaries of international protection. • Beneficiaries of a residence permit or a residence and work permit. • Be entrusted to the child protection services. <p>In any of these cases, unaccompanied minors have legal residence and the right to education, healthcare and basic social services and benefits, under the same conditions as Spanish children.</p> <p>For more info: see the 2017 monographic study of the EMN <i>Approaches to Unaccompanied Foreign Minors Following Status Determination</i>.</p>
Special statuses available for children	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Comparative overview of national protection statuses in Spain

Humanitarian residence permit linked to international protection	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Article 37b and 46.3 of the Spanish Asylum act does not foreclose the reasons why a person may be authorised to stay in Spain, it merely refers to "humanitarian grounds". Article 125 of the Royal Decree developing the principles of Immigration Act also refers to this possibility. As an example, based on these provisions a national humanitarian protection status is being granted to Venezuelans already present in Spain who are denied asylum due to the specific situation of their country of origin (status A of this report).
Other humanitarian reasons: danger for the safety of the third country nationals or their family members if they return to their country of origin to apply for the visa.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Foreigners who can prove that returning to their country of origin or from where they have come for the purposes of applying for the relevant visa would place their safety or their families' safety in danger (status C of this report).

Q4. If yes to Q1, please complete **Table 2** with the type of statuses currently available for relocated and resettled persons, persons who are admitted through private/community sponsorship or other type of special programmes

If statuses available also include *non-harmonised protection status(es)*, please also complete Table 3 and Table 4 in section 2.

Table 2 Type of protection status(es) currently available for relocated and resettled persons, persons who are admitted through private/community sponsorship or other type of special programmes

Type of protection status	Yes		No	Comments
	EU-harmonised protection status	Non-harmonised protection status		
Status(es) available for resettled persons				
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All persons resettled to Spain get their international protection status, that had been granted prior to departure, confirmed upon arrival in Spain and are required to apply for a residence permit "international protection – refugee status"
Status(es) available for relocated persons				
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Relocation Decisions no longer applicable. However, should be noted that third-

Comparative overview of national protection statuses in Spain

				country nationals who has been relocated to Spain went through the international protection application procedure.
Status(es) available to beneficiaries of community/private sponsorship programmes				
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These correspond to one part of the resettlement national programme, so they had been granted an international protection residence permit.
Statuses available to beneficiaries of other special programmes				
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Section 2: Rationale, procedure and content of protection of national protection statuses

Q5. If yes to Q1 and indicated in Tables 1 and 2 types of non-harmonised protection status(es), please elaborate on rationale for the adoption of the status(es) and the determination procedure for each of the non-harmonised protection statuses.

Please refer to the relevant law or policy throughout.

Table 3: Rationale for national protection status and determination procedure

Type of category the national protection status belongs to <u>Humanitarian residence permit linked to international protection</u>	
Status A	
Background	
Why was the status adopted?	To provide a general possibility of being a beneficiary of a residence permit on humanitarian grounds linked to international protection cases where asylum/subsidiary protection cannot be granted.
In what year was this status established?	1995 (under earlier Asylum Act), with the regulation implementing the 1984 Asylum Act.
Is this status established on: <ul style="list-style-type: none"> a) A permanent basis? b) A temporary (or ad-hoc) basis? If it is temporary/ad-hoc, when did/will it cease operation?	Temporary (renewable)-one year as long as the reasons that were taking into account remain.
Legal basis	
Is the <i>status</i> set out in: <ul style="list-style-type: none"> a) Legislation? b) Administrative decision/regulation/circular? 	a) It is set out in legislation, articles 37b and 46 of current Asylum Act and 125 of the Royal Decree developing the principles of Immigration Act. In the recent case of Venezuelans, it should be noted that several court decisions granted this

Comparative overview of national protection statuses in Spain

Type of category the national protection status belongs to <u>Humanitarian residence permit linked to international protection</u>	
Status A	
c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate	specific residence permit once the asylum claim was denied. Following this case law, a specific decision has been passed granting the residence permit of article 125 to Venezuelans who are denied asylum. Due to this decision the figures of this residence permit are going to increase.
Eligibility	
Who is eligible to receive this status?	Article 37b and 46.3 of the Spanish Asylum act does not foreclose the reasons why a person may be authorised to stay in Spain, it merely refers to "humanitarian grounds". Article 125 of the Royal Decree developing the principles of Immigration Act also refers to this possibility. In general terms, a previous asylum request must be denied according to article 37b.
Determination procedure	
Is an application procedure set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law)?	a) Yes, it is in legislation. For the specific case of Venezuelans an administrative decision has been also approved regarding the determination procedure.
When is application for the national protection status possible: a) Immediately, as part of a single procedure examining the need for international protection? b) Immediately, as part of a separate procedure? c) After exhausting the asylum procedure in-country? d) Other (please explain).	Yes.
Where does the application take place: a) In the territory of your State? b) In a third country? c) Both are possible.	a) In the territory.
Briefly outline the procedure in terms of: – Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u> ; – Existing timelines and notification of the (first instance) decision, information to the beneficiary	In case of individual decisions- Minister of Interior signs after assessment by the Interministerial Commission of Asylum and Refuge, as in regular asylum procedure decision-making process.
Appeal procedures	
Is there an appeal in the event of a negative decision? Yes/No	Yes.
If yes, is it a two-level system of appeal or one level?	For individual cases decided by the Minister of Interior, one possible administrative level (up to the addressee of the decision) and one level at judicial level (as other international protection

Comparative overview of national protection statuses in Spain

Type of category the national protection status belongs to <u>Humanitarian residence permit linked to international protection</u>	
Status A	
	administrative decisions). Please note that all responses hereunder refer to the judicial phase.
If yes, is it: <ul style="list-style-type: none"> - An administrative appeal? - A judicial appeal? - Judicial review? - Other? (please explain) 	See prior response.
Does the appeal have an automatic suspensive effect? Yes/No <u>If no</u> , can it be requested and what is the procedure in this case?	Not as a general rule. It can be requested as interim measure before the court, and a prima facie assessment is done to grant or deny suspension.
Are the authorities involved the same as those in appeal procedures against a negative decision in the <i>international protection</i> procedure?	Yes.
If the decision on the appeal is negative, will it result in a return decision being issued? Yes/No	Yes, but this is not dependent on the same authorities dealing with international protection concession/denial.
If there is no possibility for appeal, please explain what happens.	
Change of status	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for: <ul style="list-style-type: none"> a. International protection status? (please specify which) b. Other legal migration statuses? (please specify which) 	Normally the status is granted once the asylum/subsidiary protection status has been denied. If the national protections status ends or is not renewed they can apply for a residence permit if they fulfil the legal requirements established for it.
Relevant case law	
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? Yes/No If so, please briefly provide references to case law and briefly describe the changes brought about by this case law. <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	No. Please note, however, that 2018 case-law of the Audiencia Nacional ³ , judgement 2524/2018 of 26 th June (reviewing asylum decisions at judicial level) confirms the justification on articles 37b and 46.3 of Asylum Act to Venezuelan nationals who have been refused international protection in view of the country's prevailing situation.

Comparative overview of national protection statuses in Spain

Type of category the national protection status belongs to <u>medical reasons</u>	
Status B	
Background	
Why was the status adopted?	<p>To provide possibility of residing in Spain when the third country national is suffering from a <u>serious sudden</u> illness requiring <u>specialised healthcare</u> that <u>cannot be accessed</u> in their country of origin, and if <u>interrupting or not receiving</u> such healthcare would entail a <u>serious risk</u> to their health or life. Exceptionally, the condition of the sudden nature of the illness may not be required in case of foreign minors that have travelled to Spain temporarily to receive treatment, once renewals have been exhausted and as long as the stay is indispensable to continue the treatment.</p> <p>In both cases, the main objective of the residence permit is to receive medical treatment in Spain and avoiding the risk to their health or life.</p>
In what year was this status established?	It was established in 2004.
Is this status established on: <ul style="list-style-type: none"> a) A permanent basis? b) A temporary (or ad-hoc) basis? If it is temporary/ad-hoc, when did/will it cease operation? 	b) Temporary (one year). It can be renewed taking into account the length of the medical treatment.
Legal basis	
Is the <i>status</i> set out in: <ul style="list-style-type: none"> a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate 	a) It is set out in legislation, article 126 of Royal Decree developing the principles of Immigration act.
Eligibility	
Who is eligible to receive this status?	<p>Third country nationals who can prove they are suffering from a serious sudden illness requiring specialised healthcare that cannot be accessed in their country of origin, and the fact that interrupting or not receiving such healthcare would entail a serious risk to their health or life. Exceptionally, the <u>condition of the sudden nature of the illness may not be required in case of foreign minors that have travelled to Spain temporarily to receive treatment</u>, once renewals have been exhausted and if the stay is indispensable to continue the treatment.</p>
Determination procedure	
Is an application procedure set out in:	a) Yes, it is in legislation

Comparative overview of national protection statuses in Spain

Type of category the national protection status belongs to <u>medical reasons</u>	
Status B	
a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law)?	
When is application for the national protection status possible: a) Immediately, as part of a single procedure examining the need for international protection? b) Immediately, as part of a separate procedure? c) After exhausting the asylum procedure in-country? d) Other (please explain).	d) The application can be submitted when the serious illness arises and the third country national has not a valid resident permit anymore. This national protection status is not necessarily linked to the procedure examining the need of international protection.
Where does the application take place: a) In the territory of your State? b) In a third country? c) Both are possible.	a) In the territory.
Briefly outline the procedure in terms of: – Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u> ; – Existing timelines and notification of the (first instance) decision, information to the beneficiary	Migration authorities are the ones involved in examining the application. They are not the same as those responsible of examining international protection applications (as it has been said before there is not a link between this category of national protection status and the category of international protection). A medical report is always required. Regarding timelines, a general 3-months resolution period is established.
Appeal procedures	
Is there an appeal in the event of a negative decision? Yes/No	Yes.
If yes, is it a two-level system of appeal or one level?	One possible administrative level (up to the addressee of the decision) and at judicial level. Please note that all responses hereunder refer to the judicial phase.
If yes, is it: - An administrative appeal? - A judicial appeal? - Judicial review? - Other? (please explain)	See prior response.
Does the appeal have an automatic suspensive effect? Yes/No <u>If no</u> , can it be requested and what is the procedure in this case?	Not as a general rule. It can be requested as interim measure before the court, and a prima facie assessment is done to grant or deny suspension.
Are the authorities involved <u>the same as those in appeal procedures against a negative decision in the <i>international protection procedure</i></u> ?	No necessarily. The judicial authorities involved in appeal procedures against a negative decision in the migration procedure are not the same involved in appeal refusal of international protection request.

Comparative overview of national protection statuses in Spain

Type of category the national protection status belongs to <u>medical reasons</u>	
Status B	
If the decision on the appeal is negative, will it result in a return decision being issued? Yes/No	Yes.
If there is no possibility for appeal, please explain what happens.	
Change of status	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for: <ol style="list-style-type: none"> International protection status? (please specify which) Other legal migration statuses? (please specify which) 	If the national protection status ends or it is not renewed, they can apply for a residence permit if they fulfil the legal requirements established for it.
Relevant case law	
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? Yes/No If so, please briefly provide references to case law and briefly describe the changes brought about by this case law. <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	No.

Type of category the national protection status belongs to: <u>danger for the safety of the third country nationals or their family members if they return to their country of origin to apply for the visa.</u>	
Status C	
Background	
Why was the status adopted?	<p>On some cases, a visa has to be applied as a previous step to reside in Spain⁴. For example, talking about residence and work permits in Spain, it is the employer the one who apply for the residence permit and once it is granted, the third country national has to apply for the visa abroad. Regarding residence permits with no right to work, the application has to be submitted abroad. As a consequence, if the third country national is already in Spain has to come back to his/her country of origin.</p> <p>For these cases where coming back to the country of origin would place his/her safety or their families' safety in danger, this provision has been established.</p>

⁴ This rule is not applied for all the residence permits in Spain.

Comparative overview of national protection statuses in Spain

Type of category the national protection status belongs to: <u>danger for the safety of the third country nationals or their family members if they return to their country of origin to apply for the visa.</u>	
Status C	
In what year was this status established?	In 2004.
Is this status established on: a) A permanent basis? b) A temporary (or ad-hoc) basis? If it is temporary/ad-hoc, when did/will it cease operation?	A temporary basis. As a general rule, a residence permit for national protection is granted for one year.
Legal basis	
Is the <i>status</i> set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate	a) It is set out in legislation, 126.3 of Royal Decree developing the principles of Immigration act.
Eligibility	
Who is eligible to receive this status?	Third country nationals who can prove that returning to their country of origin or from where they have come for the purposes of applying for the relevant visa would place their safety or their families' safety in danger and fulfil all the requirements to apply for a residence or for a residence and work permit.
Determination procedure	
Is an application procedure set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law)?	Yes, it is in legislation.
When is application for the national protection status possible: a) Immediately, as part of a single procedure examining the need for international protection? b) Immediately, as part of a separate procedure? c) After exhausting the asylum procedure in-country? d) Other (please explain).	d) In any time. This national protection status is not necessarily linked to the procedure examining the need of international protection.
Where does the application take place: a) In the territory of your State? b) In a third country? c) Both are possible.	a) In the territory.
Briefly outline the procedure in terms of: — Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u> ;	Migration authorities are the ones involved in examining the application. They are not the same as those responsible of examining international protection applications (as it has been said before there is not a link between this category of

Comparative overview of national protection statuses in Spain

Type of category the national protection status belongs to: <u>danger for the safety of the third country nationals or their family members if they return to their country of origin to apply for the visa.</u>	
Status C	
– Existing timelines and notification of the (first instance) decision, information to the beneficiary	national protection status and the category of international protection). Regarding timelines, a general 3-months resolution period is established.
Appeal procedures	
Is there an appeal in the event of a negative decision? Yes/No	Yes.
If yes, is it a two-level system of appeal or one level?	One possible administrative level (up to the addressee of the decision) and one level at judicial level. Please note that all responses hereunder refer to the judicial phase.
If yes, is it: - An administrative appeal? - A judicial appeal? - Judicial review? - Other? (please explain)	See prior response.
Does the appeal have an automatic suspensive effect? Yes/No <u>If no</u> , can it be requested and what is the procedure in this case?	Not as a general rule. It can be requested as interim measure before the court, and a prima facie assessment is done to grant or deny suspension.
Are the authorities involved <u>the same as those in appeal procedures against a negative decision in the <i>international protection procedure</i></u> ?	No necessarily. The judicial authorities involved in appeal procedures against a negative decision in the migration procedure are not the same involved in appeal refusal of international protection request.
If the decision on the appeal is negative, will it result in a return decision being issued? Yes/No	Yes.
If there is no possibility for appeal, please explain what happens.	
Change of status	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for: a. International protection status? (please specify which) b. Other legal migration statuses? (please specify which)	As a general rule, a residence permit for national protection is granted for one year. After that, they can apply for a residence or for a residence and work permit (in this change of statuses, a visa is no longer required) if they fulfil the legal requirements established for it.
Relevant case law	
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? Yes/No	No.

Comparative overview of national protection statuses in Spain

Type of category the national protection status belongs to: danger for the safety of the third country nationals or their family members if they return to their country of origin to apply for the visa.

Status C

If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.

In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)

Q6. If yes to Q1 and indicated in Tables 1 and 2 types of non-harmonised protection status(es), please also fill in **Table 4 for each status**. Please add as many tables as necessary, completing one table per status, clearly referring to the name/title of the status used in Table 3.

Table 4: Content of protection of national statuses

Status A: <u>Humanitarian residence permit linked to international protection.</u>	Yes	No	Other	Details
Residence permit				
Issuance of a residence permit required?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	In the recent case of Venezuelans, once they receive the notification of granting the humanitarian residence permit they can go directly to the police offices to get the card (known as TIE).
Validity of the first residence permit (or initial length) (in years)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1 year
Possibilities of renewal/extension?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	If the reasons that were taking into account remain.
Validity of the residence permit after renewal? (in years)	-	-	-	1 year.
Time period required to be entitled to permanent residence permit (in years) ⁵	-	-	-	After 5 years of residence in the country and if she/he fulfils all the criteria required for granting a long-term residence permit.
Does this time period differ from the general rule for applying for permanent residence permit?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Travel document				
Is a travel document issued ?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Only if required to leave Spain and in the absence/upon expiry of the valid passport or travel document.
If so, what type of document is it ?	-	-	-	
Validity (in years)	-	-	-	Temporary

⁵ See definition of permanent residence used in the Long-Term Residence Directive, i.e. third-country nationals who have resided and continuously within its territory for five years prior to the submission of the application for a permanent residence permit.

Comparative overview of national protection statuses in Spain

Status A: <u>Humanitarian residence permit linked to international protection.</u>	Yes	No	Other	Details
Accommodation				
Access to accommodation (on the same basis as other legally residing third-country nationals) ?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	On the same basis as other legally residing third-country nationals.
Access to specific schemes/programmes to support access to accommodation?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	On the same basis as other legally residing third-country nationals.
Dispersal mechanism? ⁶	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Family reunification				
Right to family reunification?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The third country national will have to fulfil the same conditions for family reunification as any other third-country national as established by law. Specifically, the right to family reunification can be exercised after renewing his/her residencia permit once.
Eligible family members, for example:				
- partner in a legal marriage or in a comparable relationship	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Article 53 (a) Royal Decree developing the principles of Immigration act
- unmarried partner (<i>e.g. registered partnership, cohabitation, attested long term relationship</i>)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Registered and unregistered partner only if the relationship is previous to the residence in Spain of the sponsor, article 53 (b) Royal Decree developing the principles of Immigration act
- underage partner	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- minor child (beneficiary's and/or partner's; foster or adopted child)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Children of the sponsor and/or of his/her spouse or partner (article 53 (c) Royal Decree developing the principles of Immigration act) and formally adopted children may apply for family reunification. Children of his/her spouse or partner may apply for family reunification if she or he has the custody of the children. Foster children of the sponsor may apply for it (article 53 (d) Royal Decree developing the principles of Immigration act).
- adult dependent children (beneficiary's and/or partner's or adopted child)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The Immigration Act allows the family reunification of adult children of the sponsor and/or of his/her spouse or partner, provided that they are objectively incapable to provide for themselves due to their health condition. In this cases, the sponsor needs to have a long-term residence permit.

⁶ In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

Comparative overview of national protection statuses in Spain

Status A: <u>Humanitarian residence permit linked to international protection.</u>	Yes	No	Other	Details
- brother or sisters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- dependent parents	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Only if they are more than 65 years and are dependent of the sponsor and/or of his/her spouse or partner (article 53 (e) Royal Decree developing the principles of Immigration act). Exceptionally, a dependent parent under 65 may apply for family reunification if they fulfil the requirements provided by law.
- parents of UAMs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Material requirements sponsor must guarantee, for example:				
- accommodation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The Spanish immigration framework requires that the sponsor has appropriate accommodation to host the family member(s). a specific report must be provided according to article 55 Royal Decree developing the principles of Immigration act.
- health insurance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The sponsor must have health insurance to cover for him/herself and the family member(s), article 54.1 Royal Decree developing the principles of Immigration act.
- sufficient income/financial means	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The Spanish immigration framework establishes that the applicant must produce evidence showing that s/he has stable and regular resources which are sufficient to meet his/her own needs and those of his/her family members for whom s/he is financially responsible. The amount of the resources of the sponsor shall be assessed by reference to the IPREM and the number of family members to be reunified. The evaluation of the resources takes into consideration income from salaried work or independent activity and also the income of the spouse.
- other (e.g. criminal record, medical certificate)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The criminal record must be filed with the application for the visa once the residence permit has been granted.
Is there an equivalent of a 'grace period' ⁷ during which no material conditions are required? If so, please indicate the duration of the grace period in the comments column.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

⁷ See Article 12 of the Family Reunification Directive: material requirements do not have to be fulfilled or may be subject to a grace period before these requirements apply (minimum 3 months).

Comparative overview of national protection statuses in Spain

Status A: <u>Humanitarian residence permit linked to international protection.</u>	Yes	No	Other	Details
What is the validity of the residence permit of the family member?	-	-	-	The validity of the "family member" residence permit is the same as the one of the sponsor.
Labour market and qualifications				
Specific conditions to be granted access (e.g. hold work permit)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	They are allowed to work with the national protection residence permit in the same conditions as the Spanish (no additional permits are required).
Access to procedures for recognition of qualifications?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Any third-country national legally residing in has the right to access the procedure for recognition of qualifications
Social assistance				
Social assistance limited to core benefits ?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Access to social assistance is provided as other legally residing third country nationals.
Health care				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Access to mainstream services?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	On the same basis as other legally residing third-country nationals.
Education				
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	In the same conditions as other legally residing third country nationals and the Spanish
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	In specific cases, due to social or economical difficulties, the Public Administrations could provide complementary services
Integration				
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	In specific cases, due to social or economic difficulties, the Public Administrations could provide complementary services
If so, how long is the support granted for?	-	-	-	
End of protection				
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
How can national protection end?				

Comparative overview of national protection statuses in Spain

Status A: <u>Humanitarian residence permit linked to international protection.</u>	Yes	No	Other	Details
- The person no longer qualifies for protection	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- Protection was fraudulently acquired	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- Status ceased	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- Status can no longer be renewed	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- Other (please explain)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Explicit withdrawal, return to country of origin, transfer to another EU MS.				
Naturalisation/citizenship acquisition				
Minimum legal residence required to apply for citizenship/naturalisation				General residence time required to acquire citizenship is 10 years; however, some groups (married to Spanish citizens, and others) benefit from a reduced time requirement of 1 year, and citizens of some countries (Latin-American, Philippines...) are required 2 years of residence.
Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)				
Please describe the extent to which the status offers				
a) <i>more</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
b) <i>same or</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
c) <i>less favourable conditions compared to either refugee or subsidiary protection?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no access to the reception system and the duration of the residence permit is shorter.
Relevant case law				
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? Yes/No If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	As a general rule, the Supreme Court has considered that the grant of the permit linked to international protection provides a certain degree of discretionality to the granting authority (Supreme Court judgment dated December 9, 2016, case number 3083/2014). According to the case delivered by the Supreme Court on July 26, 2016 (case number 374/2016), the humanitarian reasons linked to international protection are exceptional, proven by the applicant and cannot be used to circumvent general alien law provisions (such as a deportation decision). All judicial cases can be found in the following link: http://www.poderjudicial.es/search/indexAN.jsp

Comparative overview of national protection statuses in Spain

Status B: Humanitarian residence permit for medical reasons	Yes	No	Other	Details
Residence permit				
Issuance of a residence permit required?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Validity of the first residence permit (or initial length) (in years)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1 year
Possibilities of renewal/extension?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Exceptionally, when necessary to complete the treatment.
Validity of the residence permit after renewal? (in years)	-	-	-	The time necessary to complete the treatment
Time period required to be entitled to permanent residence permit (in years) ⁸	-	-	-	After 5 years of residence in the country and if she/he fulfils all the criteria required for granting a long-term residence permit.
Does this time period differ from the general rule for applying for permanent residence permit?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Travel document				
Is a travel document issued ?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Only if required to leave Spain and in the absence/upon expiry of the valid passport or travel document.
If so, what type of document is it ?	-	-	-	
Validity (in years)	-	-	-	Temporary
Accommodation				
Access to accommodation (on the same basis as other legally residing third-country nationals) ?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	On the same basis as other legally residing third country national.
Access to specific schemes/programmes to support access to accommodation?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	On the same basis as other legally residing third country national
Dispersal mechanism? ⁹	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Family reunification				

⁸ See definition of permanent residence used in the Long-Term Residence Directive, i.e. third-country nationals who have resided and continuously within its territory for five years prior to the submission of the application for a permanent residence permit.

⁹ In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

Comparative overview of national protection statuses in Spain

Status B: Humanitarian residence permit for medical reasons	Yes	No	Other	Details
Right to family reunification ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The third country national will have to fulfil the same conditions for family reunification as any other third-country national as established by law. Specifically, the right to family reunification can be exercised after renewing his/her residencia permit once.
Eligible family members, for example:				
- partner in a legal marriage or in a comparable relationship	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Article 53 (a) Royal Decree developing the principles of Immigration act
- unmarried partner (e.g. registered partnership, cohabitation, attested long term relationship)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Registered and unregistered partner only if the relationship is previous to the residence in Spain of the sponsor, article 53 (b) Royal Decree developing the principles of Immigration act
- underage partner	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- minor child (beneficiary's and/or partner's; foster or adopted child)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Children of the sponsor and/or of his/her spouse or partner (article 53 (c) Royal Decree developing the principles of Immigration act) and formally adopted children may apply for family reunification. Children of his/her spouse or partner may apply for family reunification if she or he has the custody of the children. Foster children of the sponsor may apply for it (article 53 (d) Royal Decree developing the principles of Immigration act).
- adult dependent children (beneficiary's and/or partner's or adopted child)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The Immigration Act allows the family reunification of adult children of the sponsor and/or of his/her spouse or partner, provided that they are objectively incapable to provide for themselves due to their health condition. In these cases, the sponsor needs to have a long-term residence permit.
- brother or sisters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- dependent parents	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Only if they are more than 65 years and are dependent of the sponsor and/or of his/her spouse or partner (article 53 (e) Royal Decree developing the principles of Immigration act). Exceptionally, a dependent parent under 65 may apply for family reunification if they fulfil the requirements provided by law.
- parents of UAMs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Material requirements sponsor must guarantee, for example:				
- accommodation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The Spanish immigration framework requires that the sponsor has appropriate accommodation to host the family member(s). a specific report must be provided according to article 55 Royal Decree developing the principles of Immigration act.

Comparative overview of national protection statuses in Spain

Status B: Humanitarian residence permit for medical reasons	Yes	No	Other	Details
- health insurance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The sponsor must have health insurance to cover for him/herself and the family member(s), article 54.1 Royal Decree developing the principles of Immigration act.
- sufficient income/financial means	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The Spanish immigration framework establishes that the applicant must produce evidence showing that s/he has stable and regular resources which are sufficient to meet his/her own needs and those of his/her family members for whom s/he is financially responsible. The amount of the resources of the sponsor shall be assessed by reference to the IPREM and the number of family members to be reunified. The evaluation of the resources takes into consideration income from salaried work or independent activity and also the income of the spouse.
- other (e.g. criminal record, medical certificate)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The criminal record must be filed with the application for the visa once the residence permit has been granted.
Is there an equivalent of a 'grace period' ¹⁰ during which no material conditions are required? If so, please indicate the duration of the grace period in the comments column.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
What is the validity of the residence permit of the family member?	-	-	-	The validity of the "family member" residence permit is the same as the one of the sponsor.
Labour market and qualifications				
Specific conditions to be granted access (e.g. hold work permit)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	They are allowed to work with the national protection residence permit in the same conditions as the Spanish (no additional permits are required).
Access to procedures for recognition of qualifications?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Any third-country national legally residing in has the right to access the procedure for recognition of qualifications
Social assistance				
Social assistance limited to core benefits ?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Access to social assistance is provided as other legally residing third country nationals.
Health care				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

¹⁰ See Article 12 of the Family Reunification Directive: material requirements do not have to be fulfilled or may be subject to a grace period before these requirements apply (minimum 3 months).

Comparative overview of national protection statuses in Spain

Status B: Humanitarian residence permit for medical reasons	Yes	No	Other	Details
Access to mainstream services ?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	On the same basis as other legally residing third-country nationals
Education				
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	In the same conditions as other legally residing third country nationals and the Spanish
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	In specific cases, due to social or economical difficulties, the Public Administrations could provide complementary services
Integration				
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	In specific cases, due to social or economic difficulties, the Public Administrations could provide complementary services
If so, how long is the support granted for?	-	-	-	
End of protection				
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
How can national protection end?				
- The person no longer qualifies for protection	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- Protection was fraudulently acquired	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- Status ceased	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- Status can no longer be renewed	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Comparative overview of national protection statuses in Spain

Status B: Humanitarian residence permit for medical reasons	Yes	No	Other	Details
- Other (please explain) Explicit withdrawal, return to country of origin, transfer to another EU MS.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Naturalisation/citizenship acquisition				
Minimum legal residence required to apply for citizenship/naturalisation				General residence time required to acquire citizenship is 10 years; however, some groups (married to Spanish citizens, and others) benefit from a reduced time requirement of 1 year, and citizens of some countries (Latin-American, Philippines...) are required 2 years of residence.
Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)				
Please describe the extent to which the status offers				
d) <i>more</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
e) <i>same or</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
f) <i>less</i> favourable conditions compared to either refugee or subsidiary protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no access to the reception system and the duration of the residence permit is shorter.
Relevant case law				
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? Yes/No If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	As a general rule, the Supreme Court has considered that the grant of the permit linked to international protection provides a certain degree of discretionality to the granting authority (Supreme Court judgment dated December 9, 2016, case number 3083/2014). According to the case delivered by the Supreme Court on July 26, 2016 (case number 374/2016), the humanitarian reasons linked to international protection are exceptional, proven by the applicant and cannot be used to circumvent general alien law provisions (such as a deportation decision). All judicial cases can be found in the following link: http://www.poderjudicial.es/search/indexAN.jsp

Status C: Humanitarian residence permit linked to <u>danger for the safety of the third country nationals or their family members if they return to their country of origin to apply for the visa.</u>	Yes	No	Other	Details
Residence permit				

Comparative overview of national protection statuses in Spain

Status C: Humanitarian residence permit linked to <u>danger for the safety of the third country nationals or their family members if they return to their country of origin to apply for the visa.</u>	Yes	No	Other	Details
Issuance of a residence permit required?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Validity of the first residence permit (or initial length) (in years)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1 year
Possibilities of renewal/extension?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Once the validity is expired, their status shall be changed.
Validity of the residence permit after renewal? (in years)	-	-	-	
Time period required to be entitled to permanent residence permit (in years) ¹¹	-	-	-	5 years
Does this time period differ from the general rule for applying for permanent residence permit?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Travel document				
Is a travel document issued ?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Only if required to leave Spain and in the absence/upon expiry of the valid passport or travel document.
If so, what type of document is it ?	-	-	-	
Validity (in years)	-	-	-	Temporary
Accommodation				
Access to accommodation (on the same basis as other legally residing third-country nationals) ?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	On the same basis as other legally residing third country national.
Access to specific schemes/programmes to support access to accommodation?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	On the same basis as other legally residing third country national.
Dispersal mechanism? ¹²	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Family reunification				
Right to family reunification ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The third country national will have to fulfil the same conditions for family reunification as any other third-country national as established by law. Specifically, the right to family reunification can be exercised after renewing his/her residencia permit once.
Eligible family members, for example:				

¹¹ See definition of permanent residence used in the Long-Term Residence Directive, i.e. third-country nationals who have resided and continuously within its territory for five years prior to the submission of the application for a permanent residence permit.

¹² In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

Comparative overview of national protection statuses in Spain

Status C: Humanitarian residence permit linked to <u>danger for the safety of the third country nationals or their family members if they return to their country of origin to apply for the visa.</u>	Yes	No	Other	Details
- partner in a legal marriage or in a comparable relationship	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Article 53 (a) Royal Decree developing the principles of Immigration act
- unmarried partner (<i>e.g. registered partnership, cohabitation, attested long term relationship</i>)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Registered and unregistered partner only if the relationship is previous to the residence in Spain of the sponsor, article 53 (b) Royal Decree developing the principles of Immigration act
- underage partner	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- minor child (beneficiary's and/or partner's; foster or adopted child)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Children of the sponsor and/or of his/her spouse or partner (article 53 (c) Royal Decree developing the principles of Immigration act) and formally adopted children may apply for family reunification.</p> <p>Children of his/her spouse or partner may apply for family reunification if she or he has the custody of the children.</p> <p>Foster children of the sponsor may apply for it (article 53 (d) Royal Decree developing the principles of Immigration act).</p>
- adult dependent children (beneficiary's and/or partner's or adopted child)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The Immigration Act allows the family reunification of adult children of the sponsor and/or of his/her spouse or partner, provided that they are objectively incapable to provide for themselves due to their health condition.</p> <p>In this cases, the sponsor needs to have a long-term residence permit.</p>
- brother or sisters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- dependent parents	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Only if they are more than 65 years and are dependent of the sponsor and/or of his/her spouse or partner (article 53 (e) Royal Decree developing the principles of Immigration act).</p> <p>Exceptionally, a dependent parent under 65 may apply for family reunification if they fulfil the requirements provided by law.</p>
- parents of UAMs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Material requirements sponsor must guarantee, for example:				

Comparative overview of national protection statuses in Spain

Status C: Humanitarian residence permit linked to <u>danger for the safety of the third country nationals or their family members if they return to their country of origin to apply for the visa.</u>	Yes	No	Other	Details
- accommodation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The Spanish immigration framework requires that the sponsor has appropriate accommodation to host the family member(s). a specific report must be provided according to article 55 Royal Decree developing the principles of Immigration act.
- health insurance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The sponsor must have health insurance to cover for him/herself and the family member(s), article 54.1 Royal Decree developing the principles of Immigration act.
- sufficient income/financial means	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The Spanish immigration framework establishes that the applicant must produce evidence showing that s/he has stable and regular resources which are sufficient to meet his/her own needs and those of his/her family members for whom s/he is financially responsible. The amount of the resources of the sponsor shall be assessed by reference to the IPREM and the number of family members to be reunified. The evaluation of the resources takes into consideration income from salaried work or independent activity and also the income of the spouse.
- other (e.g. criminal record, medical certificate)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The criminal record must be filed with the application for the visa once the residence permit has been granted.
Is there an equivalent of a 'grace period' ¹³ during which no material conditions are required? If so, please indicate the duration of the grace period in the comments column.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
What is the validity of the residence permit of the family member?	-	-	-	The validity of the "family member" residence permit is the same as the one of the sponsor.
Labour market and qualifications				
Specific conditions to be granted access (e.g. hold work permit)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	They are allowed to work with the national protection residence permit in the same conditions as the Spanish (no additional permits are required).
Access to procedures for recognition of qualifications?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Any third-country national legally residing in has the right to access the procedure for recognition of qualifications

¹³ See Article 12 of the Family Reunification Directive: material requirements do not have to be fulfilled or may be subject to a grace period before these requirements apply (minimum 3 months).

Comparative overview of national protection statuses in Spain

Status C: Humanitarian residence permit linked to <u>danger for the safety of the third country nationals or their family members if they return to their country of origin to apply for the visa.</u>	Yes	No	Other	Details
Social assistance				
Social assistance limited to core benefits ? <i>*please note definition of 'core benefits' in the introduction</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Access to social assistance is provided as other legally residing third country nationals.
Health care				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Access to mainstream services ?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	On the same basis as other legally residing third-country nationals.
Education				
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	In the same conditions as other legally residing third country nationals and the Spanish
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	In specific cases, due to social or economical difficulties, the Public Administrations could provide complementary services
Integration				
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	In specific cases, due to social or economic difficulties, the Public Administrations could provide complementary services
If so, how long is the support granted for?	-	-	-	
End of protection				
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
How can national protection end? <ul style="list-style-type: none"> - The person no longer qualifies for protection - Protection was fraudulently acquired - Status ceased - Status can no longer be renewed 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Comparative overview of national protection statuses in Spain

Status C: Humanitarian residence permit linked to <u>danger for the safety of the third country nationals or their family members if they return to their country of origin to apply for the visa.</u>	Yes	No	Other	Details
- Other (please explain) Explicit withdrawal, return to country of origin, transfer to another EU MS.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Naturalisation/citizenship acquisition				
Minimum legal residence required to apply for citizenship/naturalisation <i>*please note that a 2019 EMN study will research in more depth the issue of acquisition of citizenship in Member States</i>				General residence time required to acquire citizenship is 10 years; however, some groups (married to Spanish citizens, and others) benefit from a reduced time requirement of 1 year, and citizens of some countries (Latin-American, Philippines...) are required 2 years of residence.
Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)				
Please describe the extent to which the status offers g) <i>more</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
h) <i>same or</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
i) <i>less favourable conditions compared to either refugee or subsidiary protection?</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	There is no access to the reception system and the duration of the residence permit is shorter.
Relevant case law				
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? Yes/No If so, please briefly provide references to case law and briefly describe the changes brought about by this case law. <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	As a general rule, the Supreme Court has considered that the grant of the permit linked to international protection provides a certain degree of discretionality to the granting authority (Supreme Court judgment dated December 9, 2016, case number 3083/2014). According to the case delivered by the Supreme Court on July 26, 2016 (case number 374/2016), the humanitarian reasons linked to international protection are exceptional, proven by the applicant and cannot be used to circumvent general alien law provisions (such as a deportation decision). All judicial cases can be found in the following link: http://www.poderjudicial.es/search/indexAN.jsp

Section 3: National debates and challenges as regards national protection statuses

Q7. Are the national protection statuses the **subject of debate** in your Member State (e.g. political, academic and civil society debate)? No

Comparative overview of national protection statuses in Spain

Please outline the key debates referencing parliamentary questions or policy documents media, academic literature and commentary or literature from civil society organisations.

Please note that future plans – if any – should be mentioned under question 10.

National protection statuses are not subject of debate in Spain.

But it should be noted the recent case-law awarding the status to Venezuelan asylum applicants who were refused international protection.

(https://elpais.com/politica/2018/10/17/actualidad/1539759256_562740.html)

Q8. What are the **key practical or operational challenges** in your Member State regarding national protection statuses?

Please consider in particular any challenges related to the implementation and uptake of these statuses in practice, challenges observed to ensure consistency with other EU-harmonised protection statuses, etc.

The specific limits/exclusions and degree of administrative discretionality in assessing these cases.

Q9. Did your (Member) State adopt any **measures to tackle the above-mentioned challenges**? No

If so, please elaborate.

Q10. Is your Member State planning to introduce any **new protection statuses** that have been announced publicly (i.e. in the form of official strategy documents, existing draft legislation or proposal)? No

If so, when and why?

Q11. Is your Member State planning to **terminate or significantly change** any of the protection statuses currently available? No

If so, when and why?

Q12. If applicable, have any of the statuses identified within **the 2010 EMN study**,¹⁴ and within the scope of the present study, ceased to exist or been significantly amended since 2010? No. In art. 126 of RD 557/2011 it has been introduced that the disease will not be required to occur in the case of the need to prolong the stay of a foreign minor who has temporarily moved to Spain for the purpose of medical treatment.

¹⁴ 'The Different National Practices Concerning Granting of Non-EU-Harmonised Protection Statuses'. Member States that participated in the 2010 EMN study, were Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom.

Study is available at : https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/non-eu-harmonised-protection-status/0_emn_synthesis_report_noneuharmonised_finalversion_january2011_en.pdf.

Comparative overview of national protection statuses in Spain

Alternatively, if your Member State did not participate in the 2010 EMN study, have any statuses within the scope of the present study and available at the time of the study in 2010 ceased to exist or been significantly amended (regarding grounds and content of protection) since 2010? Yes/No

If so, how, when and why?

Section 4 Conclusions [max 2 pages]

Q13. With regard to the aims of this study, what conclusions would you draw from your findings reached in elaborating your national contribution? In particular, what is the relevance of your findings to (national and/or EU level) policy-makers?

The main conclusions of the study have been reported in the factsheet.

Annex 1 National statistics

Please note the scope of national statistics:

- Temporal scope 2010–2018 to capture changes from previous study.
- Ask Member States and Norway for total number of national protection statuses granted where available.
- Ask Member States and Norway for the above data to be disaggregated by individual status where available.
- The data will be disaggregated by year and country of origin, sex and age if available, but these will not be cross tabulated.

These data will not be comparable.

Please complete the following tables with available information:

Table A1.1: Number of persons granted national protection status by nationality (2010-2018).



Anexo I.xlsx

Table A1.2: Number of persons granted national protection status by age (2010-2018).



Anexo II.xlsx

Table A1.3: Number of persons granted national protection status by gender (2010-2018).



Anexo III.xlsx

Annex 2 Overview of EU-harmonised statuses and implementation by Member States

All Member States implemented the provisions of the recast Qualification Directive, with the exception of Ireland and the UK,¹⁵ and of the Temporary Protection Directive. Norway, a State not participating to these Directives, has adopted in its national legislation equivalent protection statuses.

Table A2.1 will present an overview of the content of protection under each of the three harmonised statuses. A more detailed overview of the implementation of these standards by Member States will be included in Annex 2 in the synthesis report. This will support a comparative analysis in the synthesis report between the minimum standards of protection as set out in EU legislation and the content of protection offered by national protection statuses.

This Annex will be prepared by the EMN Service Provider with the support of EASO.

Table A2.1 Content of protection of EU-harmonised statuses

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
Residence permit	Article 24 recast QD	Article 24 recast QD	Articles 4 and 8 TPD
<i>Issuance of a residence permit required?</i>	Yes As soon as possible after refugee protection status has been granted	Yes As soon as possible after subsidiary protection status has been granted	Yes
<i>Validity of the first residence permit (or initial length) (in years)</i>	Minimum 3 years	Minimum 1 year	Minimum 1 year
<i>Possibilities of renewal/extension?</i>	Yes	Yes (at least 2 years)	Yes (up to maximum 2 additional years)
<i>Time period required to be entitled to permanent residence permit (in years)</i>	No harmonisation	No harmonisation	No harmonisation
<i>Does this time period differ from the general rule for applying for permanent residence permit?</i>	No harmonisation	No harmonisation	No harmonisation
Travel document	Article 25(1) QD	Article 25(2) QD	No harmonisation
<i>Is a travel document issued ?</i>	Yes	Yes	-
<i>If so, what type of document is it ? (e.g. Geneva travel document or a national travel document)</i>	Travel documents in the form set out in the Schedule to the Geneva Convention	If unable to obtain a national passport should be issued with documents which enable to travel	-

¹⁵ Ireland participated in Directive 2004/83/EC but is not bound by the recast Directive 2011/95/EU. The UK participated in Directive 2004/83/EC and is not bound by the recast Directive 2011/95/EU.

Comparative overview of national protection statuses in Spain

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
<i>Validity (in years)</i>	No harmonisation	No harmonisation	-
Accommodation	Article 32 recast QD	Article 32 recast QD	Article 13 TPD
<i>Access to accommodation (as other legally residing third-country nationals) ?</i>	Yes	Yes	Yes (but only access to 'suitable accommodation' or provide 'means to obtain housing')
<i>Access to specific schemes/programmes to support access to accommodation?</i>	No harmonisation	No harmonisation	-
<i>Dispersal mechanism?¹⁶</i>	Allowed on condition of non-discrimination of beneficiaries of international protection (Article 32(2) QD)	Allowed on condition of non-discrimination of beneficiaries of international protection (Article 32(2) QD)	No harmonisation
Family unity & reunification	Articles 2 and 23 recast QD	Articles 2 and 23 recast QD	Article 15 TPD
<i>Right to family reunification?</i>	Yes Obligation of MS to maintain family unity ¹⁷	Yes Same as for refugees	Yes
<i>Eligible family members</i>	Family ties should have already existed in the country of origin Spouse; unmarried partner in a stable relationship; minor unmarried children; father, mother or another adult responsible for the refugee Possibility to restrict family reunification with close relatives on the condition that family ties have already existed in the country of origin and who were dependant on the sponsor	Same as for refugees	Family ties should have already existed in the country of origin Spouse, unmarried partner in a stable relationship, minor unmarried children of the sponsor or of the spouse, other close relatives who lived together as part of the family unit and who were dependent on the sponsor
<i>Material requirements sponsor must guarantee</i>	Articles 6-9 Family Reunification Directive: Accommodation, health insurance and/or sufficient financial resources	Excluded from the scope of the FRD	No harmonisation

¹⁶ In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

¹⁷ According to the recast QD (Article 13(2)), family unity involves ensuring that family members who do not qualify for international protection status nevertheless have access to the same rights as the family member with refugee or subsidiary protection status.

Comparative overview of national protection statuses in Spain

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
'Grace period'? <i>If so, please indicate the duration of the grace period</i>	Article 12 Family Reunification Directive: Exemption to from the obligation to meet the material requirements for a minimum period of three months after the granting of refugee status	Excluded from the scope of the FRD	No
<i>What is the validity of the residence permit of the family member?</i>	It may be valid for less than 3 years and renewable (Article 24(1) recast QD)	It may be valid for less than 3 years and renewable (Article 24(1) recast QD)	For the duration of the temporary protection of the sponsor (Article 15(6) TPD)
Labour market and qualifications	Articles 26 and 28 recast QD	Articles 26 and 28 recast QD	Article 12 TPD
<i>Specific conditions to be granted access (e.g. hold work permit)?</i>	Yes, possible (Article 26(1): access can be subject to rules generally applicable to the profession and to the public service)	Yes, possible (as for refugees)	Yes Member States may give priority to EU and EEA citizens, and to legally resident third-country nationals receiving unemployment benefit
<i>Access to procedures for recognition of qualifications?</i>	Yes (equal treatment with nationals)	Yes (as for refugees)	No harmonisation
Social assistance	Article 29(1) recast QD	Article 29(2) recast QD	Article 13 TPD
<i>Social assistance limited to core benefits ?</i>	No	Yes	Yes ('necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources')
Health care	Article 30 recast QD	Article 30 recast QD	Article 13 TPD
<i>Access to emergency health care?</i>	No harmonisation	No harmonisation	Yes ('emergency care and essential treatment of illness')
<i>Access to mainstream services ?</i>	Yes	Yes	No
<i>Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?</i>	Yes	Yes	Yes
Education	Article 27 recast QD	Article 27 recast QD	Article 14 TPD
<i>Access to general system of education (same as nationals)?</i>	Yes	Yes	Yes

Comparative overview of national protection statuses in Spain

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
<i>Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?</i>	No harmonisation	No harmonisation	No harmonisation
Integration	Article 34 recast QD	Article 34 recast QD	No harmonisation
<i>Access to 'mainstream' support (available for legally residing third-country nationals)?</i>	Yes Access to integration programmes which are considered to be appropriate so as to take into account the specific needs of beneficiaries of international protection or create pre-conditions which guarantee access to such programmes	Yes Same as refugees	-
<i>Access to targeted support (i.e. specifically for beneficiaries of the status)?</i>	Yes	Yes	-
<i>If so, how long is the support granted for?</i>	No harmonisation		-
Ending or refusal to renew protection	Articles 11, 12 and 14 recast QD	Articles 16, 17 and 19 recast QD	Article 6 TPD
<i>Are grounds to end or refusal to renew protection formally foreseen?</i>	Yes	Yes	Yes
Change of status			Articles 3 and 17 TPD
<i>Possibility to lodge an application for another protection status?</i>	Yes, to subsidiary protection ¹⁸	Yes	Beneficiaries of TP can lodge an application for asylum at any point in time.

¹⁸ See CJEU, joined cases C-175/08, C-176/08, C-178/08 and C-179/08, *Aydin Salahadin Abdulla, Kamil Hasan, Ahmed Adem, Hamrin Mosa Rashi & Dier Jamal v Bundesrepublik Deutschland*, 2 March 2010, ECLI:EU:C:2010:105, para 76.