



GMS Flash Alert

Immigration Edition

2020-231 | May 13, 2020



Spain – COVID-19: State of Alarm Extended, Further Controls for Borders, Quarantine

This *GMS Flash Alert* provides an update on the current “State of Alarm” in Spain as well as restrictions on non-essential travel to the European Union (EU), both steps taken in Spain in order to help slow the spread of COVID-19¹. The State of Alarm in Spain has been extended, for a fourth time, until 24 May.

WHY THIS MATTERS

The extension of the State of Alarm, the associated travel restrictions, and the new quarantine will continue to impact on employers and their globally-mobile employees – especially business travellers – between Spain and countries around the world.

Assignments to Spain and hiring new personnel from abroad will be significantly delayed due to ongoing travel restrictions, border crossing limitations, and quarantine, as well as the limited access to immigration services due to the temporary closures of offices and suspensions of appointments.

Awareness of developments, which are unfolding rapidly, is vital to help minimise disruptions to operations and to manage associated risks and costs.

Until the government decides it is safe to rescind or roll-back current restrictions, extensive remote working is a “best practice” for globally-mobile employees, to the extent possible, and is a way for employers to foster the safety of their employees and help ensure business continuity.

Extension of State of Alarm

The State of Alarm in Spain has been extended, for a fourth time, **until 24 May at 00:00** as “the decreasing trend in the notification of new daily cases of contagion, hospitalised patients, and deaths continue and progressively lead to the control of the epidemic.”²

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2020-231 | May 13, 2020

Extension to Impact on Immigration Procedures

The third additional provision in Royal Decree 463/2020³ established the suspension of administrative deadlines, interrupting the deadlines set for the processing procedures of public sector entities. The re-institution of the usual deadlines will take place once the Royal Decree is rescinded or, if applicable, its measures “sunset” and are no longer valid.

The preventive measure, to cease attending to the public in person at all the foreign offices that are part of the Functional Area of Work and Immigration,⁴ has also been extended in line with the State of Alarm extension. This includes, but is not limited to, police offices for the issuance of National Identity Cards, Passports, EU Certificates, and Foreigners' Identity Cards.

Re-establishment of Land Border Controls

The government decreed the re-establishment of **land border controls** (including Schengen internal border controls). This measure came into force at 00:00 (CEST, GMT +1) Monday, 16 March 2020, and will also be subject to the most recent extension of the State of Alarm.

Following Orders INT / 283/2020, of 25 March, INT / 335/2020, of 10 April, INT / 368/2020, of 24 April, and INT / 396/2020, of 8 May, **the internal land borders were controlled successively through various deadlines as stipulated, and most recently until 23 May 2020, inclusive** (Orden INT/396/2020⁵).

Who Is Allowed to Enter Spanish Territory by Land Borders?

Only the following people will be allowed to enter the national territory by land:

- Spanish citizens.
- Residents in Spain.
- Residents in other member states or Schengen associated states who go to their place of residence.
- Cross-border workers.⁶
- Health professionals or elderly care professionals who enter to carry out their work activity.
- Those that have documented reasons of *force majeure* or situation of need.

Exceptions

- Foreign personnel accredited as a member of diplomatic missions, consular offices, and international organisations located in Spain are exempt from these restrictions, provided they are displacements linked to the performance of their official duties.
- In order to help ensure the continuity of economic activity and to preserve the supply chain, these measures are not applicable to the transport of goods, including the crew of ships, and to help ensure the provision of maritime transport services, and fishing activity, and the aeronautical personnel necessary to carry out commercial air transport activities. It will be an indispensable condition that these people are able to assure the immediate continuation of their trip.

Re-establishment of Internal Air and Sea Borders

Controls are **temporarily re-established at the internal air and sea borders from 00:00 on 15 May 2020 lasting to 00:00 on 24 May 2020** (Orden INT/401/2020⁷).

This measure, like Order INT / 396/2020, of 8 May, is adopted under article 25 of the Schengen Borders Code.

This measure is considered proportionate to the gravity of the situation and consistent with the maintenance of the controls re-established at internal borders by a significant number of member states of the European Union. A total of 14 member states and Schengen associated states have re-established controls at internal air borders (Germany, Belgium, the Czech Republic, Denmark, Estonia, Slovakia, Finland, France, Hungary, Iceland, Lithuania, Norway, Poland, Switzerland) and nine at maritime border-ports (Lithuania, Denmark, Poland, Norway, Germany, Estonia, Finland, Belgium, and Iceland).

Who Is Allowed to Enter Spanish Territory by Air and Sea Borders?

Only the following persons will be allowed to enter Spain's national territory:

- Spanish citizens.
- Residents in Spain, having to prove their habitual residence.
- Cross-border workers.⁸
- Health or elderly care professionals who enter to carry out their work activity.
- Those that document reasons of *force majeure* or situation of need.

Exceptions

- Foreign personnel accredited as a member of diplomatic missions, consular offices, and international organisations located in Spain are exempt from these restrictions, provided they are displacements linked to the performance of their official duties.
- In order to help ensure the continuity of economic activity and to preserve the supply chain, these measures are not applicable to the transport of goods, including the crew of ships, and the continuity of the provision of maritime transport services, and fishing activity, and the aeronautical personnel necessary to carry out commercial air transport activities. It will be an indispensable condition that these people are able to assure the immediate continuation of their trip.
- Nor shall the measures set forth above be applicable to those who arrive by air or sea for any other exclusively labour-related reason, provided that it has documentary proof.

Restrictions on Non-Essential Travel to EU

Since the current travel restrictions have proven to be helpful in slowing the spread of COVID-19, the European Commission invited all Schengen member states and Schengen associated states on 8 April 2020⁹, to extend the temporary restrictions on non-essential travel to the European Union (EU) until 15 May. The European Commission explicitly pointed out that these measures can only be successful if they are implemented jointly by all member states. This is the only way to protect external borders to the fullest extent possible.

As a result, the original Order was extended **until 15 May at 00:00**, subject to a possible further extension¹⁰.

Quarantine upon Arrival in Spain from Other Countries

The Ministry of Health approved the compulsory quarantine for all international travellers, upon arrival in Spain, **they must undergo a quarantine period of 14 days** (Orden SND/403/2020¹¹).

The favourable evolution of the epidemiological situation in Spain and the start of the de-escalation make it necessary to reinforce the control measures. Quarantine policies for people coming from abroad will continue. People coming from abroad must quarantine for 14 days.

This order will take full effect from 00:00 on 15 May 2020, and will remain effective for the entire duration of the State of Alarm and its possible extensions.

How Will It Work?

During the quarantine period, international travellers must remain at their home or accommodation, and must limit their travel to the following activities:

- a) Acquisition of food, pharmaceuticals, and basic necessities.
- b) Assistance to health centres, services, and establishments.
- c) Due to *force majeure* or a situation of need.

All movements will be made with a mask on one's face.

In the same way, individuals must observe all the hygiene measures and / or policies meant to prevent the transmission of the disease caused by the novel coronavirus (COVID-19), especially with regard to contact with cohabitants in their place of residence or accommodation.

The health authorities may contact the people in quarantine to monitor them. In any case, before the appearance of symptoms such as fever, cough, respiratory distress, general discomfort, or other symptoms of a suspected case of COVID-19, quarantined persons should contact the health services by telephone using the numbers enabled by the Autonomous Communities, indicating that they are in quarantine due to having come from abroad.

Exceptions

- Cross-border workers,¹² carriers and crews, as well as health professionals who are going to carry out their work activities, are exempt from these measures, provided they have not been in contact with people diagnosed with COVID-19.
- Aircraft companies must provide the public health form to locate passengers (the Passenger Location card), contemplated in Annex 9 on the facilitation of the International Convention on Civil Aviation, which must be completed by the traveller upon arrival in Spain.

KPMG NOTE

Employers and professional service providers, and those working for them, should take note of the above-mentioned closures, service interruptions, and process and policy changes in light of the COVID-19 crisis. It is possible this new situation may be temporary, but in the meantime, employers and service providers will need to adjust their expectations and operate within the restrictions of this “new normal.”

Any questions or concerns should be directed to your qualified professional adviser or a member of the GMS/People Services team with the KPMG International member firm in Spain.

For your convenience, we have linked here the original reports in GMS *Flash Alert*: [2020-114](#) (25 March 2020) and [2020-141](#) (1 April 2020) regarding the effects of the State of Alarm on immigration procedures (borders, foreign offices and services) in Spain as well as the temporary restrictions on non-essential travel.

FOOTNOTES:

1 For information, in Spanish, on measures taken and policies implemented to fight COVID-19 in Spain, please visit the website “Enfermedad por nuevo coronavirus, COVID-19”:

<https://www.mscbs.gob.es/profesionales/saludPublica/ccayes/alertasActual/nCov-China/home.htm> .

2 For the original post from Spain’s Congress, in Spanish, regarding the fourth extension to the State of Alarm (*El Congreso autoriza una cuarta prórroga del estado de alarma hasta el 24 de mayo para hacer frente al COVID-19*) please visit:

http://www.congreso.es/portal/page/portal/Congreso/Congreso/SalaPrensa/NotPre?_piref73_7706063_73_1337373_1337373.next_page=/wc/detalleNotaSalaPrensa&idNotaSalaPrensa=35909&anyo=2020&mes=5&pagina=1&mostrarvolver=S&movil=null.

3 For the original Royal Decree (*Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19*), in Spanish, please visit:

https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-3692 .

4 For more information on this and other activities tied to the outbreak of COVID-19, please visit the communications office webpage of the *Ministerio de Trabajo, Migraciones y Seguridad Social*:

<http://prensa.mitramiss.gob.es/WebPrensa/inicio>.

5 For the original Order in Spanish (*Orden INT/396/2020, de 8 de mayo, por la que se prorrogan los controles en las fronteras interiores terrestres con motivo de la situación de crisis sanitaria ocasionada por el COVID-19*) please visit:

<https://www.boe.es/eli/es/o/2020/05/08/int396/con>

6 For definitions of cross-border work and cross-border workers, see this European Parliament document:

https://www.europarl.europa.eu/workingpapers/soci/w16/summary_en.htm .

7 For the original Order in Spanish (*Orden INT/401/2020, de 11 de mayo, por la que se restablecen temporalmente los controles en las fronteras interiores aéreas y marítimas, con motivo de la situación de crisis sanitaria ocasionada por el COVID-19*) please visit: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4929

FOOTNOTES continued:

8 For definitions of cross-border work and cross-border workers, see this European Parliament document: https://www.europarl.europa.eu/workingpapers/soci/w16/summary_en.htm .

9 For the original European Commission 8 April 2020 press release please visit: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_616 . For related coverage, see GMS [Flash Alert 2020-227](#) (12 May 2020).

10 For the extensión of the original Order in Spanish (*Orden INT/356/2020, de 20 de abril, por la que se prorrogan los criterios para la aplicación de una restricción temporal de viajes no imprescindibles desde terceros países a la Unión Europea y países asociados Schengen por razones de orden público y salud pública con motivo de la crisis sanitaria ocasionada por el COVID-19*), please visit: https://boe.es/diario_boe/txt.php?id=BOE-A-2020-4539 .

11 For the original Order in Spanish (*Orden SND/403/2020, de 11 mayo, sobre las condiciones de cuarentena a las que deben someterse las personas procedentes de otros países a su llegada a España, durante la situación de crisis sanitaria ocasionada por el COVID-19*), please visit: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4932 .

12 For definitions of cross-border work and cross-border workers, see this European Parliament document: https://www.europarl.europa.eu/workingpapers/soci/w16/summary_en.htm .

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Contact us

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The information contained in this newsletter was submitted by the KPMG International member firm in Spain.

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