



GMS Flash Alert

Immigration Edition

2020-267 | June 4, 2020



Spain – COVID-19: Border Controls, Restrictions on Travel, and Loosening of Quarantine

This GMS *Flash Alert* provides an update on the current restrictions on non-essential travel to the European Union (EU), border controls, quarantine, and other steps taken in Spain to help slow the spread of COVID-19¹.

WHY THIS MATTERS

The extension of certain travel restrictions, border controls, and evolving quarantine rules, 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 experience further delays due to ongoing travel restrictions, border crossing limitations, and quarantine – though the government is starting to loosen rules around 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 more significantly 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.

Restrictions on Non-Essential Travel to EU

The European Commission issued a Communication on the restriction of non-essential travel to the EU of 8 May recommending the extension of the aforementioned restrictions, in this case until 15 June. (For prior coverage, see GMS [Flash Alert 2020-227](#), 12 May 2020.)

As a result, Spain's government extended the original Order until 15 June at 00:00².

Who Will Not Be Refused Entry?

Any person from a third country, unless he/she belongs to one of the following categories, will be refused entry for reasons of public order or public health³:

- a) Habitual residents in the EU, in the associated Schengen states, or Andorra, who go directly to their place of residence.
- b) Holders of a long-term visa issued by a member state or Schengen associated state who are travelling to those countries.
- c) Cross-border workers.⁴
- d) Health-care or elderly care professionals who go to or return from their work-place where they exercise their work activity.
- e) Personnel dedicated to the transport of goods in the exercise of their work activity, which includes the crew of ships, to help ensure the provision of maritime transport services and fishing activity; and the flight personnel necessary to carry out commercial air transport activities. It will be an indispensable condition that they are able to assure the immediate continuation of their trips.
- f) Diplomatic, consular, international, military, and humanitarian organisations' personnel, in the exercise of their functions.
- g) People traveling for imperative family reasons as duly proven.
- h) Persons who document reasons of *force majeure* or situation of need, or whose entry is permitted for humanitarian reasons.

It will be considered appropriate to deny entry for reasons of public order or public health to citizens of the EU and their families who do not belong to one of the following categories⁵:

- a) Registered as residents in Spain or going directly to their place of residence in another member state, Schengen associated state, or Andorra.
- b) The spouse of a Spanish citizen or partner with whom he/she maintains a union analogous to the conjugal one registered in a public registry, and those ascendants and descendants who live in his/her charge, whenever they travel with or meet with him/her.
- c) Those included in paragraphs c) to h) of the previous list.

Extension of Controls at Internal Land, Air, and Sea Borders

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. The State of Alarm in Spain has been extended, for a sixth time, until 21 June.⁶

Controls temporarily restored at the internal land, air, and sea borders were extended from 00:00 on 24 May 2020, and will be in place through the duration of the State of Alarm and any further possible extensions (Orden SND/439/2020).⁷

Who Is Allowed to Enter Spanish Territory through Internal Borders?

Only the following persons will be allowed to enter Spain's national territory through its internal borders:

- Spanish citizens.
- Residents in Spain, who must prove their habitual residence.
- Residents in other EU member states or Schengen associated states who go to their place of residence.
- Cross-border workers⁸.
- Health professionals or elderly care professionals who are going to carry out their work activity.
- Those who are going to stay in Spanish territory for any other exclusively labour reason, including seasonal workers (it is necessary to provide documentary proof).
- Those that have documented reasons of *force majeure* or situation of need.

Exceptions

- Foreign personnel accredited as members of diplomatic missions, consular offices, and international organisations located in Spain are exempt from these restrictions, provided they are experiencing 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, or 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 trips.

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/403/2020⁹).

However, the above-mentioned SND/439/2020, introduces a modification on the Quarantine Order¹⁰ (new paragraph d) in section 2 of article 2), extending the activities that international travellers can perform under this 14-day quarantine period.

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

- a) Acquisition of food, pharmaceutical supplies, and basic necessities.
- b) Assistance to health-related centres, services, and establishments.
- c) Due to *force majeure* or a situation of need.
- d) To carry out a work activity of an essential nature, in accordance with the provisions of the annex to Royal Decree-Law 10/2020¹¹, of 29 March 29, or motivated by reasons of *force majeure* or a situation of need. This Decree regulates a recoverable paid leave for employed persons who do not provide essential services, with the aim of reducing the mobility of the population as Spain continues to battle COVID-19.

KPMG NOTE

Employers and professional service providers should take note of the above-mentioned border and travel restrictions, any 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 previous reports in GMS *Flash Alert*: [2020-114](#) (25 March 2020) and [2020-141](#) (1 April 2020), [2020-148](#) (3 April 2020), [2020-202](#) (27 April 2020), and [2020-231](#) (14 May 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 and the rest of the measures issued during the State of Alarm.

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 Order in Spanish on the extension of the restriction of non-essential travel (*Orden INT/409/2020, de 14 de mayo, 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://www.boe.es/eli/es/o/2020/05/14/int409>

3 For the purposes of the provisions of articles 6.1 e) and 14 of Regulation (EU) 2016/399 of the European Parliament and of the Council, of 9 March 2016, which establishes a Code of Union standards for crossings of persons across borders (Schengen Borders Code).

4 For a definition of cross-border workers, please visit the website: https://europa.eu/youreurope/citizens/work/work-abroad/cross-border-commuters/index_es.htm .

FOOTNOTES continued:

5 For the purposes of the provisions of articles 4.3 and 15 of Royal Decree 240/2007, of 16 February, on entry, free movement and residence in Spain of citizens of the member states of the European Union and of other States party to the Agreement on the European Economic Area.

6 For the Authorization of the 6th extension of the State of Alarm (in Spanish), please visit the website: http://www.congreso.es/portal/page/portal/Congreso/Congreso/SalaPrensa/NotPre?_piref73_7706063_73_1337373_1337373.next_page=/wc/detalleNotaSalaPrensa?idNotaSalaPrensa=36089&mostrarvolver=N .

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. Controls at the internal air and sea borders were temporarily re-established at from 00:00 on 15 May 2020 to 00:00 on 24 May 2020 (Orden INT/401/20206).

7 For the original Order in Spanish (*Orden SND/439/2020, de 23 de mayo, por la que se prorrogan los controles en las fronteras interiores terrestres, aéreas y marítimas con motivo de la situación de crisis sanitaria ocasionada por el COVID-19*) please visit: <https://www.boe.es/eli/es/o/2020/05/23/snd439> .

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 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 .

10 Ibid.

11 For the original list of activities in Spanish included please visit: <https://www.boe.es/buscar/act.php?id=BOE-A-2020-4166#an>.

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Contact us

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