



GMS Flash Alert

Immigration Edition

2020-447 | November 3, 2020



Spain – COVID-19: New State of Alarm until May 9, 2021; Travel Restrictions

This *GMS Flash Alert* provides an update on the current “State of Alarm” in Spain intended to help slow the spread of COVID-19.¹ It also highlights key updates on travel restrictions within, into, and out of Spain.

The State of Alarm in Spain was approved on 25 October, and will last until 9 November. However, Spain’s Congress has authorised the government to renew it until 9 May 2021, if necessary. The Autonomous Regions (*Comunidades Autonomas*) and Autonomous cities (*ciudades autonomas*) have the ability to define the restrictions on movement in their jurisdictions.

Travel restrictions have been in force all summer, including the policy recommendations of the European Union. On 30 October, the authorities published the new extension on travel restrictions that will be in place from 1 November until 30 November.

WHY THIS MATTERS

The new State of Alarm and the extension of travel restrictions will continue to affect employers and their globally-mobile employees – especially business travellers – doing business in Spain.

Assignments to Spain and hiring new personnel from abroad will be significantly delayed due to ongoing travel restrictions, border crossing limitations, 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.

New State of Alarm

The State of Alarm in Spain has been approved until 9 November²; however the government has been authorised by the Congress to extend it until 9 May 2021³.

What Does This New State of Alarm Establish?

1. *Limitation of the freedom of movement of people at night.*

During the period between 11:00 pm and 6:00 am,* people may only circulate on the roads or spaces for public use to carry out the following activities:

- a) Acquisition of medicines, health products, and other essential goods.
- b) Essential visits to health centers, services, and medical establishments.
- c) Assistance to veterinary care centers for urgent reasons.
- d) Compliance with labor, professional, business, institutional, or legal obligations.
- e) Return to the place of habitual residence after carrying out some of the activities foreseen in this section.
- f) Assistance and care for the elderly, minors, dependents, people with disabilities, or especially vulnerable people.
- g) Due to *force majeure* or situation of need.
- h) Any other activity of a similar nature, duly accredited.
- i) Refueling at gas stations or service stations, when necessary to carry out the activities foreseen in the preceding paragraphs.

* The corresponding delegated competent authority may determine, within its territorial scope, that the start time of the limitation provided for in this article is between 10:00 pm and 12:00 am and the end time of said limitation is between 5:00 am and 7:00 am.

2. *Limitation of entry and exit in the autonomous communities and cities with Statute of Autonomy.*

The entry and exit of people from the territory of each autonomous community and each city with a Statute of Autonomy is restricted, except for those displacements, adequately justified, that occur for any of the following reasons:

- a) Assistance to health centers, services, and medical establishments.
- b) Compliance with labor, professional, business, institutional, or legal obligations.
- c) Attendance at university, teaching and educational centres, including nursery schools.
- d) Return to the place of habitual or family residence.
- e) Assistance and care for the elderly, minors, dependents, people with disabilities, or especially vulnerable people.
- f) Travel to financial and insurance entities or refueling stations in neighboring territories.
- g) Required or urgent actions before public, judicial, or notarial bodies.

- h) Renewals of permits and official documentation, as well as other administrative procedures that cannot be postponed.
- i) Taking exams or official tests that cannot be postponed.
- j) Due to *force majeure* or situation of need.
- k) Any other activity of a similar nature, duly accredited.

Without prejudice to the provisions of the previous section, the corresponding delegated competent authority may, additionally, limit the entry and exit of people in certain territorial areas as defined, with the exceptions provided for in the previous section.

Movement in transit through the territorial areas in which the limitations set forth in this article are applicable shall not be subject to any restriction.

New Extension of Travel Restrictions with Three Important Updates

The Spanish authorities have approved the extension⁴ until 24:00 hours on 30 November 2020, of the temporary restriction of non-essential travel from third countries to the European Union and Schengen associated countries for reasons of public order and public health related to the coronavirus health crisis.

The authorities add that this extension of the restriction is carried out without prejudice to its eventual modification to respond to a change in circumstances in, or new recommendations by, the European Union.

This new extension includes three important additional features:

1. Denial of entry is established for not meeting sanitary/hygiene control requirements: Any third-country national, even if he belongs to one of the previous categories, who, after verification by the health authorities, does not meet the health control requirements for COVID-19, will be subjected to denial of entry for public health reasons established by the Ministry of Health.

KPMG NOTE

These new health control requirements for COVID-19 are still to be confirmed; however, right now if you are preparing a trip to Spain, you must know that due to the coronavirus health crisis, it is mandatory to fill out a Health Control Form which can be accessed from the page spth.gob.es⁵ or by downloading the app on your mobile phone from the same page.

2. The list of third countries and special administrative regions whose residents are not affected by the temporary restriction of non-essential travel to the EU across the external borders is modified once again: At this time, this includes only nine (9) countries and the two (2) Special Administrative Regions of the People's Republic of China as noted on the following page.

States:

1. Australia.
2. Japan.
3. New Zealand.
4. Rwanda.
5. Singapore.
6. South Korea.
7. Thailand.
8. Uruguay.
9. People's Republic of China*.

Special Administrative Regions of the People's Republic of China:

- a) Hong Kong SAR*.
- b) Macao SAR*.

* It is important to note that in the case of residents of China, the Hong Kong Special Administrative Region (SAR,) and the Macao SAR reciprocity still applies.

3. Requirement of direct or transit-only travel: Residents of the aforementioned third countries may travel as long as they come directly from them, have transited exclusively through other countries included in the list, or have only made international transits at airports located in countries that do not appear in the list above.

KPMG NOTE

Employers and professional service providers should take note of the above-mentioned process and policy changes in light of the new wave of this COVID-19 health crisis that Spain and many countries in the European Union are experiencing. 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*: [2020-268](#) (4 June 2020), [2020-267](#) (4 June 2020), [2020-231](#) (14 May 2020), [2020-114](#) (25 March 2020) and [2020-141](#) (1 April 2020), [2020-148](#) (3 April 2020), [2020-202](#) (27 April 2020), [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 other relevant measures issued during the State of Alarm.

FOOTNOTES:

1 For the Authorization of new extension of the State of Alarm (in Spanish), please visit this government [website](http://www.congreso.es/portal/page/portal/Congreso/Congreso/SalaPrensa/NotPre?_piref73_7706063_73_1337373_1337373.next_page=/wc/detalleNotaSalaPrensa&idNotaSalaPrensa=37809&anyo=2020&mes=10&pagina=1&mostrarvolver=S&movil=null).
http://www.congreso.es/portal/page/portal/Congreso/Congreso/SalaPrensa/NotPre?_piref73_7706063_73_1337373_1337373.next_page=/wc/detalleNotaSalaPrensa&idNotaSalaPrensa=37809&anyo=2020&mes=10&pagina=1&mostrarvolver=S&movil=null .

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 Royal Decree (*Real Decreto 926/2020, de 25 de octubre, por el que se declara el estado de alarma para contener la propagación de infecciones causadas por el SARS-CoV-2.*), in Spanish, please visit:
https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-12898

3 For the Authorization of new extension of the State of Alarm (in Spanish), please visit this government [website](http://www.congreso.es/portal/page/portal/Congreso/Congreso/SalaPrensa/NotPre?_piref73_7706063_73_1337373_1337373.next_page=/wc/detalleNotaSalaPrensa&idNotaSalaPrensa=37809&anyo=2020&mes=10&pagina=1&mostrarvolver=S&movil=null).
http://www.congreso.es/portal/page/portal/Congreso/Congreso/SalaPrensa/NotPre?_piref73_7706063_73_1337373_1337373.next_page=/wc/detalleNotaSalaPrensa&idNotaSalaPrensa=37809&anyo=2020&mes=10&pagina=1&mostrarvolver=S&movil=null .

4 For the new extension of the Travel Restrictions (in Spanish), please visit this government [website](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-13201):
https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-13201

5 For the current instructions on health requirements to travel to Spain, please visit: <https://www.spth.gob.es/more> .

* * * *

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Spain:



Miguel Arias

Partner

Tel. + 34 91456 3864

marias@kpmg.es



Javier de Robles

Senior Manager

Tel. + 34 91 451 3189

jderobles@kpmg.es



Patricia Contreras

Associate

Tel. + 34 91 456 3400

patriciacontreras@kpmg.es

** Please note that KPMG LLP (U.S.) does not provide any immigration services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

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

© 2020 KPMG Abogados S.L.P., a professional limited liability Spanish company and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. All rights reserved.

www.kpmg.com

kpmg.com/socialmedia



© 2020 KPMG LLP, a Delaware limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved. Printed in the U.S.A. NDPPS 530159

The KPMG name and logo are registered trademarks or trademarks of KPMG International.

The KPMG name and logo are trademarks used under license by the independent member firms of the KPMG global organization.

KPMG LLP is the U.S. firm of the KPMG global organization of independent professional services firms providing Audit, Tax and Advisory services. The KPMG global organization operates in 147 countries and territories and has more than 219,000 people working in member firms around the world.

Each KPMG firm is a legally distinct and separate entity and describes itself as such. KPMG International Limited is a private English company limited by guarantee. KPMG International Limited and its related entities do not provide services to clients.

Flash Alert is a GMS publication of KPMG LLP's Washington National Tax practice. To view this publication or recent prior issues online, please click here. To learn more about our GMS practice, please visit us on the Internet: click here or go to <http://www.kpmg.com>.