



# GMS Flash Alert

## Immigration Edition

2020-479 | December 3, 2020

# Spain - COVID-19: Travelling to Spain at Christmas

This GMS *Flash Alert* provides an update on the current travel restrictions and sanitary/health controls at Spain's borders, due to the international health emergency.<sup>1</sup>

Spanish authorities approved a new extension – until 24:00 hours on 31 December 2020<sup>2</sup> – of certain travel restrictions. There is a temporary restriction of non-essential travel from third countries to the European Union (EU) and Schengen associated countries for reasons of public order and public health due to the coronavirus pandemic.

This measure, along with the recently reinforced sanitary/health control measures that came into force on 23 November,<sup>3</sup> has created a little confusion about the ability of travellers to enter/leave Spain and under what conditions.

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## WHY THIS MATTERS

The travel restrictions and the health controls put in place can affect employers and their globally-mobile employees – especially business travellers – doing business in Spain.

All this could cause some anxiety, stress, and inconvenience, especially where plans for travel and relocation are already underway.

Individuals should be particularly aware of the consequences of non-compliance with the new policies, which could result in sanctions, an interruption in travel plans, and the disruption of planned business and leisure travel activities.

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## Can I Travel to Spain This Christmas?

Answering this question is achieved by applying two filters (so to speak): one for borders (travel restrictions) and the other for health (document control); they are consecutive filters applied together, not alternative ones.

# Travel Restrictions of Non-Essential Travel

The restrictions on non-essential trips will be in effect until 31 December at 24:00. Many consider that another extension will happen (notification of an extension is typically officially published (in the *Boletín Oficial del Estado*) two days before the end of the previous one).

## Who is Affected by These Travel Restrictions?

These restrictions do not affect EU citizens and their families, and any other beneficiaries of the right to free movement within the EU (with Order INT / 578/2020, of 29 June, they are already outside the scope of application of the temporary restrictions at Spain's external borders).

Therefore, the current exempt categories refer to third-country nationals.

In accordance with Order INT / 657/2020, of 17 July, any third-country national will be subject to denial of entry, for reasons of public order or public health unless they belong to one of the following categories:

1. Habitual residents of the EU, Schengen associated states, Andorra, Monaco, The Vatican (Holy See), or San Marino who go directly to their place of residence (in one of these noted countries), providing they have documentary proof.
2. Holders of a long-stay visa issued by a member state or Schengen associated state who are heading to one of these noted countries.
3. Health professionals, including health researchers, and elderly care professionals who are heading to or returning from their work activity.
4. Transport personnel, seafarers, and aeronautical personnel necessary to carry out air transport activities.
5. Diplomatic, consular, international organisations, military, civil protection personnel, and members of humanitarian organisations, in the exercise of their functions.
6. Students who carry out their studies in the member states or Schengen associated states and who have the corresponding permit or visa and medical insurance, provided that they go to the country where they are studying, and that the entry occurs during the academic year or the 15 days prior.
7. Highly-qualified workers whose work is necessary and cannot be postponed or carried out remotely, including participants in high-level sporting events that take place in Spain. These circumstances must be justified by documentation.
8. Persons travelling for imperative family reasons duly accredited.
9. People who document relevant reasons of *force majeure* or need, or whose entry is allowed for humanitarian reasons.
10. Residents of the countries listed below, provided that:
  - a. they come directly from those countries,
  - b. have travelled exclusively through (e.g., transited) other countries included in the list, or
  - c. who have only carried out international transits at airports located in countries that are not included in the list.

The list of third countries and special administrative regions whose residents are not affected by the temporary restrictions are nine (9) countries and the two (2) Special Administrative Regions (SAR) of the People's Republic of China ("China"):

**States:**

Australia	South Korea
Japan	Thailand
New Zealand	Uruguay
Rwanda	China and Special Administrative Regions of China*: a) Hong Kong SAR b) Macao SAR
Singapore	

\*Note that it is still subject to reciprocity in the case of residents of China, the Hong Kong SAR and the Macao SAR.

Once an individual has confirmed that he or she falls in one of the aforementioned exceptions, then he or she has to check if he or she also needs a visa depending on the individual's nationality, and he or she would need to obtain a visa to enter the Schengen area.<sup>4</sup>

## Health Controls

If it is confirmed that an individual falls into one of the exception categories and that he has the required documentation, he will be able to travel to Spain, but is required to adhere to sanitary/hygiene protocols in place.

Any third-country national who, after verification by the health authorities, does not meet the health control requirements for COVID-19 established by the Ministry of Health, he will be subject to denial of entry for public health reasons, even if the national belongs to one of the previously-noted exception categories.

### What Sanitary/Health Measures Are in Force?

All passengers arriving in Spain by air or sea must undergo a health check<sup>5</sup> before entering the country.

These controls may include taking an individual's temperature, a documentary control, and a visual control of the passenger's condition<sup>6</sup>.

The documentary control consists of:

(1) All passengers originating from any airport or port located outside of Spain must complete, before departure, a public health form called "Health Control Form," through the website [www.spth.gob.es](http://www.spth.gob.es) or from the Spain Travel Health-SpTH application, or use the downloadable file at:

<https://www.mscbs.gob.es/profesionales/saludPublica/sanidadExterior/ControlHS.htm> .

(2) All passengers from a country or risk zone as listed<sup>7</sup>, who intend to enter Spain, must have a Diagnostic Test for Active Infection (hereinafter "PDIA") for SARS-CoV-2 and obtain a negative result; the test must be performed in the seventy-two (72) hours prior to arrival in Spain.

It should be taken into account that the list of countries or risk zones will be reviewed every 15 days and will become effective seven days after the list's publication (see footnote 5), with the aim of allowing transport companies, travel agencies, and tour operators to adjust information policies and communications for passengers.

## What Are the Countries or Risk Zones?

The current list from 30 November until 13 December can be checked at this link:

<https://www.mscbs.gob.es/profesionales/saludPublica/ccayes/alertasActual/nCov/documentos/Anexolpaises-zonasderiesgoentre30-11-2020y13-12-2020.pdf> .

As noted above, the list of countries or risk zones will be reviewed every 15 days and will become effective seven days after its publication. For more details, see GMS [Flash Alert 2020-459](#) (6 November 2020).

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## KPMG NOTE

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 (see the Contact Us section below).

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## FOOTNOTES:

1 See in Spanish and English: <https://www.mscbs.gob.es/profesionales/saludPublica/sanidadExterior/ControlHS.htm>.

2 See (in Spanish) the extension of the travel restrictions: *Orden INT/1119/2020, de 27 de noviembre, por la que se prorroga la Orden INT/657/2020, de 17 de julio, por la que se modifican 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 la COVID-19* at: <https://www.boe.es/buscar/act.php?id=BOE-A-2020-8099>.

3 See (in Spanish) the health control measures: *Resolución de 11 de noviembre de 2020, de la Dirección General de Salud Pública, relativa a los controles sanitarios a realizar en los puntos de entrada de España* at: [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2020-14049](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-14049).

4 See (in Spanish) the Schengen list: 2018/1806 of the European Parliament and of the Council, of 14 November 2018, establishing the list of third countries whose nationals are subject to the visa requirement to cross the external borders and the list of third countries whose nationals are exempt from that obligation at: <https://www.boe.es/buscar/doc.php?id=DOUE-L-2018-81887>.

5 See in Spanish and English:

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

6 See (in Spanish) the principal questions and answers as published:

<https://www.mscbs.gob.es/profesionales/saludPublica/sanidadExterior/CHS/Pdf/PreguntasRespuestas.pdf>.

7 See (in Spanish) the list of countries or risk zones:

<https://www.mscbs.gob.es/profesionales/saludPublica/ccayes/alertasActual/nCov/documentos/Anexolpaises-zonasderiesgoentre30-11-2020y13-12-2020.pdf>.

## 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:



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\* 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.**

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