



# GMS Flash Alert

## Immigration Edition

2022-063 | March 18, 2022



# Spain – Measures for Refugees from Ukraine

The Spanish Council of Ministers, at its meeting on 8 March 2022<sup>1</sup>, approved two agreements. First, one that extends the temporary protection granted by Decision (EU) 2022/382 of the Council of 4 March 2022, to people affected by the conflict in Ukraine who manage to reach Spain in search of refuge<sup>2</sup>. And second, one that approved the procedures<sup>3</sup> for recognition of the temporary protection of persons affected by the conflict in Ukraine referred to in the Implementing Decision (EU) 2022/382 of the Council, of 4 March 2022.<sup>4</sup>

## WHY THIS MATTERS

One consequence of the conflict between Russia and Ukraine has been the significant migration of people, placing heavy burdens on the borders with neighbouring countries.

This refugee situation is forcing a re-think in the European Union (EU) and its member states of standard border-crossing policies and practices.<sup>5</sup>

The measures in Spain's two new agreements help to make Spain's immigration procedures more flexible, efficient, and expedited. Spain has designed expedited procedures to grant temporary protection to displaced persons which pertain to obtaining a residence and work permit within 24 hours.

Immigration counsel, global-mobility professionals, tax service providers, and companies with employees (and their families) relocating as they flee danger in Ukraine, should keep abreast of the changing situation and take steps to assist those affected.

## Do Ukraine Nationals Need a Visa to Enter Spain?

Ukrainians with biometric passports do not need visas to enter the Schengen area. However, if they do not have a biometric passport or travel documents:

- they can go to a consular office of a country bordering Ukraine (for example, Poland, Romania, Hungary, etc.) to assess their situation and address their concerns and needs to the local consular officials;
- they can present a birth certificate or any document that proves their identity, as well as, if they have it, any document that proves their residence in Ukraine before 24 February 2022.

In the case of minors, documents that can be presented include, the child's birth certificate, the certificate proving the family relationship or relationship with the guardians or persons who accompany the minor and are in charge of the minor's care.

## Besides Those Cases Approved: Who Else Can Apply?

Spain decided to extend the scope of application of the Implementing Decision (EU) 2022/382 of the Council of 4 March 2022, to the following cases:

- 1) Ukrainian nationals in a temporary situation in Spain before 24 February 2022, who, as a result of the armed conflict, cannot return to Ukraine (students, tourism, business, etc).
- 2) Third-country nationals or stateless persons who were legally residing in Ukraine on the basis of a valid legal residence permit (whether permanent or otherwise as students) issued in accordance with Ukrainian law and are not allowed to return to their country or region.
- 3) Ukrainian nationals who were in an irregular situation in Spain before 24 February and who, as a result of the armed conflict, cannot return to Ukraine.
- 4) Members of the families of the persons referred to in sections 1 and 2 in the following terms:
  - a) spouse or common-law partner;
  - b) minor unmarried children or those of the spouse, regardless of whether they were born within or outside of marriage or adopted;
  - c) other close relatives who lived together as part of the family unit at the time of the circumstances related to the migration of displaced persons and who depended totally or mainly on them.

## How Does the Procedure Work?

**The procedure will be initiated at the request of the interested person in-person** before officials of the General Directorate of the Police, in the reception centres of the Ministry of Inclusion, Social Security and Migration or, where appropriate, before the police stations that are determined.

Then, the Asylum and Refuge Office will process applications for temporary protection through the urgent procedures.

**The applications will be solved within a maximum period of 24 hours from the request.**

## To What Rights Are Individuals Entitled under Temporary Protection of Directive 2001?

Once approved, the temporary protection will have attached to it a residence and work permit, which is valid for the entire duration of protection. It allows the individual to work without any restrictions (for any enterprise or as a freelancer across all of Spain's territory).

Also, temporary protection grants access to medical care, and for those under **18** years of age, grants the right to access education.

## How Long Will Temporary Protection Last?

Temporary protection and residence and work permits will last one year and, at the end of the first year of validity, are expected to be automatically extended for another year (unless temporary protection has been declared finished).

Exceptionally, it may be extended for one more year, under the terms provided for in the Regulation on the temporary protection regime in the event of a surge in immigration of displaced persons.

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### KPMG NOTE

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

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### FOOTNOTES:

1 See *Referencia del Consejo de Ministros, Madrid, martes 8 de marzo de 2022*, at:

<https://www.lamoncloa.gob.es/consejodeministros/referencias/Paginas/2022/refc20220308.aspx> .

2 See [BOE.es - BOE-A-2022-3716 Orden PCM/170/2022, de 9 de marzo, por la que se publica el Acuerdo del Consejo de Ministros de 8 de marzo de 2022, por el que se amplía la protección temporal otorgada en virtud de la Decisión de Ejecución \(UE\) 2022/382 del Consejo de 4 de marzo de 2022 a personas afectadas por el conflicto de Ucrania que puedan encontrar refugio en España.](#)

3 See [BOE.es - BOE-A-2022-3715 Orden PCM/169/2022, de 9 de marzo, por la que se desarrolla el procedimiento para el reconocimiento de la protección temporal a personas afectadas por el conflicto en Ucrania.](#)

4 See "[Council Implementing Decision \(EU\) 2022/382 of 4 March 2022](#)" in *Official Journal of the European Union*, 4.3.2022. For an earlier stage, in proposal form, plus an explanatory memorandum, click [here](#). For actions taken by the Council of the EU, see "Justice and Home Affairs Council, 3-4 March 2022," at: <https://www.consilium.europa.eu/en/meetings/jha/2022/03/03-04/> .

5 For related coverage, see [GMS Flash Alert 2022-045](#), 4 March 2022. Also, see [GMS Flash Alert 2022-051](#), 9 March 2022.

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## Contact us

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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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