

GMS Flash Alert



Immigration Edition

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Spain - COVID-19: State of Alarm Extended Again

This GMS *Flash Alert* provides an update on the current “State of Alarm” in Spain in order to help slow the spread of COVID-19¹, and highlights the resumption of administrative deadlines and automatic extensions on residence permits.

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

WHY THIS MATTERS

The extension of the State of Alarm 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, 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 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.

Extension of State of Alarm

The State of Alarm in Spain has been extended, for a sixth time, until 21 June.²

The validity of Royal Decree 463/2020, of 14 March, and the measures that modify, apply, and develop it, remain valid through 21 June 2020.

Starting 1 June Administrative Schedules and Timeframes to Resume or Restart

The third additional provision in Royal Decree 463/2020³ established the suspension of administrative deadlines and the interruption of the timeframes and deadlines set for processing procedures/activities of public sector agencies. The cessation of activities entailing attending to the public in person at all the foreign offices that are part of the Functional Area of Work and Immigration, was 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.

However, the fifth extension of the State of Alarm⁴ had established that, with effect from 1 June 2020, the setting of the administrative deadlines that had been suspended/interrupted will be resumed or restarted (depending on the norms approved during the State of Alarm and its extensions).⁵

Automatic Extension on Residence Permit (Order SND/421/2020⁶)

The immigration regulations impose on foreigners the duty to renew their residence and/or work authorisations when they are temporary. They also require the requesting of an extension of the stay authorisation for studies, student exchange, non-labour practices, or volunteer services.

Foreigners may find themselves in a situation of unexpected "irregularity" (e.g., in non-compliance); therefore it is necessary to automatically extend all those authorisations that expire during the State of Alarm, as well as those that expired in the three months prior to their declaration.

This measure does apply to the following cases:

1. Extension of temporary residence and / or work authorisations and stay authorisations.⁷

- 1) There will be an automatic extension for temporary residence and/or work authorisations and stay authorisations for studies, student mobility, non-labour practices, or volunteer services provided for in the immigration regulations, whose validity expires during the State of Alarm and its successive extensions, or have expired in the 90 calendar days prior to the date on which it was decreed. Such automatic extensions will be done without the need to issue an individual resolution for each of them by the Immigration Office.
- 2) The automatic extension will start the day after the expiration of the authorisation and will last until six months have elapsed from the end of the State of Alarm.
- 3) This automatic extension will apply to the authorisations referred to in section 1, regardless of whether requests for renewal, extension, or modification had been submitted prior to the entry into force of this order, as long as they have not been resolved. The automatic extension will not have an effect when the foreign national obtains a favourable resolution to his/her request for a renewal.
- 4) The validity of the foreigner identity cards granted and issued by virtue of the authorisations listed in point 1 above and whose validity would have expired during the State of Alarm, as well as in the 90 calendar days prior to the date it was decreed, will be automatically extended for the same period as the aforementioned authorisations.

It is important to note that the automatic extension will not be applied to the training stays of foreigners, regulated in article 30 of Royal Decree 183/2008, of 8 February, which is concerned primarily with expertise in sciences, health, and certain aspects of specialised health training systems.

2. Extension of Identity Cards (ID-cards) as a relative of a European Union citizen.

The validity of **ID-cards as a relative of a European Union citizen** whose validity would have expired during the State of Alarm or in the 90 calendar days prior to the date on which it was decreed, is automatically extended during the State of Alarm and up to a period of six months from the end of it.

3. Extension of the foreigner's identity cards granted based on a long-term residence.

The validity of foreigners' identity cards granted based on a long-term residence whose validity would have expired during the State of Alarm or in the 90 calendar days prior to the date it was decreed, is automatically extended during the State of Alarm and up to a period of six months from the end of it.

4. Extension of stays of up to 90 days.

Those people who are in Spain in a situation of stay (tourism/business), for a period not exceeding 90 days, that has expired during the validity of the State of Alarm, will see their stay automatically extended for a period of three months.

This validity will be limited to Spanish territory.

The extended period will be taken into account for the purposes of calculating the maximum authorised time for future stays.

5. Extension of long-term visas.

The validity of long-term visas issued under a Youth Mobility Agreement, as well as "study stay" visas of up to 180 days, where such validity is expiring during the period of the State of Alarm, will be extended for a period lasting three months from the end of the State of Alarm, provided that the holder is in Spain and has not been able to return to his country of origin.

Situation of Resident Foreigners Who Are outside of Spain?

- Holders of authorisations included in item number 1 above, as well as a holders of **ID-cards as a relative of a European Union citizen** or a foreigner's identity card granted on the basis of an extended long-term residence who are abroad, may enter Spain with the presentation of their valid travel documentation and the expired alien identity card.
- Holders of long-term visas issued under Law 14/2013, of 27 September (*Ley de emprendedores y de su internacionalización*) whose validity expires while the State of Alarm is in force and who are abroad, will be able to enter Spain with the presentation of their valid travel documentation and the expired visa.

Absences from Spanish Territory?

Many people who are stuck outside of Spain may be worried about the status of accrued residence and what being outside of Spain means for that. In order to consider the continuity of one's residence period that is accrued, absences from Spanish territory as a consequence of the impossibility of returning to Spain due to COVID-19 will not be computed.

KPMG NOTE

Employers and professional service providers 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 our 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), [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 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 authorisation of the 6th extension of the State of Alarm (in Spanish), please visit this government [website](#).

On 11 March 2020, the World Health Organisation declared coronavirus/COVID-19 an international pandemic. The Spanish government, at the extraordinary meeting of the Council of Ministers of 14 March 2020, approved Royal Decree 463/2020, of 14 March declaring a State of Alarm to aid in its management of the COVID-19 health crisis.

Article 3 of Royal Decree 463/2020, of 14 March established, within the framework of the provisions of article sixth of Organic Law 4/1981, of 1 June on the State of Alarm, that the duration of the State of Alarm would be 15 calendar days.

In order to effectively manage the health emergency and contain the spread of the disease, through the Agreements of the Council of Ministers of 24 March, 7 April, 21 April, and 5 May 2020, the government requested from Congress of the Deputies authorisation to extend on four occasions the State of Alarm, declared by the aforementioned royal decree, as well as the validity of the measures contained therein. The plenary session of the Congress of Deputies, in the sessions held on 25 March, 9 April, 22 April, and 6 May 2020, agreed to grant the aforementioned authorisations in the terms set forth in the respective authorisation agreements for extensions.

Thus, by means of Royal Decree 476/2020, of 27 March, which extends the State of Alarm declared by Royal Decree 463/2020, of 14 March, the extension was extended until 00:00 hours 12 April 2020; through Royal Decree 487/2020, of 10 April, the extension was ordered until 00:00 on 26 April 2020; Royal Decree 492/2020, of 24 April, established a new extension until 00:00 on 10 May 2020; and Royal Decree 514/2020, of 8 May, extended the State of Alarm until 00:00 on 24 May 2020.

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 the Authorisation of 5th extension of the State of Alarm (in Spanish), please visit this government [website](#).

5 For the original Royal Decree (*Real Decreto 537/2020, de 22 de mayo, por el que se prorroga el estado de alarma declarado por el 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/eli/es/rd/2020/05/22/537> .

6 For the original Order in Spanish (*Orden SND/421/2020, de 18 de mayo, por la que se adoptan medidas relativas a la prórroga de las autorizaciones de estancia y residencia y/o trabajo y a otras situaciones de los extranjeros en España, en aplicación del 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*) please visit: <https://www.boe.es/eli/es/o/2020/05/18/snd421> .

7 The renewal, extension, or modification of the authorisation that has been extended in accordance with the provisions of the law shall be governed, in terms of procedure, requirements, effects, and duration, by the provisions of applicable regulations depending on the type of authorisation that has been extended. The corresponding applications may be submitted at any time during the term of the extension or up to 90 calendar days after the end date of its validity, without prejudice to the sanction corresponding to the delay. In any case, if this last request is favourable, the beginning of the term corresponding to the new authorisation will be carried over to the day following the expiration of the extended authorisation.

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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.

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