Frequently asked questions about the situation of foreigners in Spain during the state of alert (“estado de alarma”):

- What happens with my immigration application?
- And with my asylum application?

The SJM team has prepared this short Q&A in which we try to detail and solve the most common doubts that may have arisen to migrants and asylum seekers who are residing in Spain during this period of state of alert. During the entire duration of the state of alert, almost all administrations have closed their doors and discontinued their public attention. In this document we will try to answer to some of the doubts that may come up during the current crisis.

The personal attention of the local SJM entities has also been suspended in the cities where we are present, until further notice. Nevertheless, we understand that during these weeks many questions and doubts may come up. To keep calm, receiving the necessary information is vital.

Until when will the state of alert continue?

On March 14th, the Spanish government decided to impose the state of alarm during a 15 day period (calendar days), until March 29th. On March 25th, the government requested the Spanish parliament for a 15 day extension of the state of alarm, obtaining the approval of the parliament. Since then, it has been extended in two occasions. Therefore, to the day of this document, the validity of the state of alarm continues until May 10th.

The Spanish government can extend the state of alarm if it considers that the health emergency continues, and if the national parliament approves the request of extension. Therefore, we cannot offer certainties as of when the state of alert will be lifted.

I. IMMIGRATION PROCEDURES
I have to go to the foreign national’s office- “oficina de extranjería”- during the following days. Am I allowed to go? And if I have a prior appointment which I requested a long time ago?

Unfortunately, due to the health emergency all the public administrations in charge of issues related to the documentation of migrants and asylum seekers have interrupted their face to face appointments for the entire duration of the state of alert. There are only a few cases exempted, for exceptional and expressly defined reasons.

Therefore, all prior appointments have been cancelled. If what you had to do has to be specifically face to face, such as having your fingerprints taken for your foreign national identity card (TIE, in spanish) or the red card that identifies you as asylum seeker, or to do the initial or second interview for your asylum application, you’ll have to make sure you request a new appointment after the state of alarm is lifted.

We do not know for certain how the appointment system will work for your specific Immigration Office once the state of alarm has ended.

So, if you requested the initial appointment yourself, you may receive an SMS or an email (to the mail account you provided) from the Immigration Office automatically assigning you a new appointment. If you don’t receive any news from the Immigration Office, you’ll have to request a new appointment yourself once they are available.

If the initial appointment was requested in your name by a friend, lawyer, caseworker, ask him/her to inform you if an SMS or email arrives with the new appointment date and time.

Remember, as well, that during the state of alarm the freedom of movement has been restricted and you can only be in public spaces for very exceptional causes. It is therefore advisable that you stay at home or in the reception centre where you currently live.

But the documents I had to present to present to the migration office are going to lose their validity in the following weeks. Documents as difficult to obtain as the certificate of criminal records of my country of origin.

The authorities have announced that the public administration will recognize as valid any document that expired during the state of alarm, so you will be able to present the same document in your next appointment. If you feel safer presenting the documents while they are still strictly valid, you can always do so over the internet, in the official sites we will detail below.

I requested a residence permit or renewal and am waiting for an answer to my request, is it possible that the authorities answer me during the state of alarm?
The instructions given to the employees of the immigration offices are to try to solve all files that do not need any additional step to be concluded (for example, a request of additional documentation) and that is going to be solved favourably for the foreign citizen concerned (to grant the permit, the renewal of the permit, etc.). So if you presented a complete application, which complies with all the legal requirements, it is possible that you receive a positive resolution during the state of alarm.

The immigration office has requested that I present additional documentation for my file and I was awarded only 10 days to do so. Or, my application for a permit has been rejected and they tell me that I have 1 month to appeal the decision. Do I have to reply to any of these requests right now?

The Spanish government has declared that all legal deadlines are suspended for as long as the state of alarm is in place. This means that all the days included in the state of alarm are considered non-working days in terms of the obligations with the administration, and, therefore, all legal deadlines you have with the administration are extended. Think of it as if every day of the state of alarm was a Sunday or a holiday. Once the state of alarm is lifted, the legal deadlines will continue and the working days to be accounted for.

For example, if on Wednesday March 11th the administration gave you a deadline of 10 days to present a document, only the 12th and 13th of March would count as working days. Since then, the legal deadlines are suspended. If the state of alarm is lifted on May 10th as is planned as of today, then on such date you would have 8 working days left to present the requested documentation, having as deadline May 20th.

My residence permit has expired. Is the validity of my permit automatically extended with the approval of the state of alarm? Do I have a deadline to renew my residence permit?

The Spanish legislation for foreigners determines that, as a general rule for renewals of residence permits, the interested party must present a request for renewal in the 90 calendar days- 3 months- after the expiry of his or her expiring permit. If you fail to renew your permit in such term, you start living in an irregular situation in Spain.

The authorities have not specifically mentioned that the residence permits are to be considered extended in the current situation, so we cannot assume that they are.

Therefore our recommendation is that, if you know or foresee that the period of 90 calendar days for you to request the renewal of your permit will elapse during the state of alarm, try to present the documents for the renewal through the internet. You can do it yourself, or someone can present it in your name, if you or the person who represents you has a digital certificate- certificado digital- recognized by the Spanish authorities as authentication of his or her identity to operate via the internet. Please
do so in the “Registro Electronico Común” or the “Mercurio Platform” (Plataforma Mercurio).

The immigration offices are already prepared for these renewal requests. They will consider the renewal correctly presented via internet and, if there are documents missing from the file, they will only request such documents once the state of alarm is lifted.

So...if I am in an irregular situation in Spain and I am detained by the police in the street, can they take me to a police station? Can they request that I be placed in a detention centre for migrants, in order to deport me to my country?

In these past few days we have observed the liberation many of the migrants detained in detention centres for migrants (CIEs, in spanish) due to the current circumstances and the logistical difficulties to perform deportations. Nevertheless, take into account that the immigration policies are still in place and we cannot assure you that there are no current or future police detentions for lacking the legal permit of stay in Spain.

So it is best if you stay at your home planning your future, because you are in an irregular situation in Spain and for your safety and your health due to the current situation.

What can I do if I am a victim of a crime during the state of alarm?

The spanish criminal laws are completely applicable during the state of alarm. So if you are unfortunately a victim of a crime during this period you can call the general number of emergencies- 112- the number of the police- 091- or the number of the guardia civil- 062- and they will tell you exactly what to do. If you prefer not to use the phone, due to problems with the language or any other issue, you can also go directly to your closest police station; they are all open to receive criminal complaints.

Please bear in mind that the service for the assistance and guidance for victims of gender violence are fully functioning as well. You can call number 016 (specialized only for gender violence) during the 24 hours, every day of the year, and you can report your situation. They can assist you in up to 52 languages. Find more detailed information here.

Remember, leaving your house due to an emergency and in order to report being victim of a crime will not be considered, in any case, a breach of the state of alarm.

I am currently visiting Spain and cannot return to my country until the current health emergency has elapsed. After the initial 90 days of legal stay, am I in an irregular situation?
No. The Spanish authorities have extended the legal stay of those foreign visitors that cannot return to their home country due to the current circumstances. So your situation in Spain is legal until the state of alarm is lifted in Spain and your country allows its nationals to return.

I am currently a beneficiary of the programme of humanitarian aid for migrants of the Spanish reception system (PAHI, in Spanish), am I in risk of losing my condition as beneficiary during the state of alarm?

In principle, no person will be expelled from the humanitarian aid programme for the entire duration of the state of alarm. Furthermore, profiles who are part of vulnerable groups are entitled to an extended period in the PAHI, even in ordinary circumstances. If it is your case, please consult the social worker in charge of your file.

II. ASYLUM SEEKERS OR THOSE WHO WANT TO APPLY FOR ASYLUM

I am in Spain and want to apply for asylum, what steps do I have to take?

The asylum application has to be necessarily initiated with a face to face interview with the police. Those asylum interviews, as well as the service of assigning appointments for such interviews are not currently available state wide. Try to find out how the appointment service works in the province of city in which you currently live in order to request an appointment as soon as they’re available.

If you already had an appointment for your asylum interview in the border, a CIE (migrant detention centre) or the airport, consult with the lawyer assigned to assist you because due to the postponement of your interview it is very possible that your file will be processed with a different asylum procedure, which may benefit your case.

If I am an asylum seeker and the validity of my red card is close to its expiry, can I continue to be entitled to receive the aids of the reception system for refugees.

Yes. The authorities have already foreseen this situation and will consider your documentation as asylum seeker as valid even if it has expired. Sort out the details with the case workers of your reception centre or of the NGO in charge of your case.

Also take into account that you have the right to legally work in Spain and to sign a labour contract if your initial red card of asylum seeker has expired during the state of alarm. Normally, you would need to obtain the second red card in order to be entitled to work, but in the current circumstances, the authorities will allow you to work by showing your expired initial red card.
Remember to ask your employer if the job you are going to do is foreseen by the Spanish government as “vital for the state”, since those are the only employees that are allowed to be working outside of their houses during the current phase of the state of alert.

**I still haven’t done the asylum application even though I had an appointment. Can I request to be included/maintained in the reception system for refugees?**

Yes you can. Discuss your situation with the social worker of your humanitarian aid programme or the refugee reception system in which you are currently registered.

**I am in the reception system for refugees, am I in risk of losing my condition as beneficiary of such programme during the state of alarm?**

No person will be expelled from the refugee reception system during the entire duration of the state of alarm. If you are currently in the first phase of the system and should enter the second phase without a guaranteed alternative housing solution, your first-phase period will be extended in a month to month basis until the state of alarm is lifted.

**I want to travel to Spain in the following days, can I do so?**

Due to current health emergency, Spain has strengthened its border controls. Starting on March 17th and until April 25th ([here you can find the decision which initially stated the controls](https://webcache.googleusercontent.com/search?q=cache:%2F%2Fwww.madrid.es%2Farchivo%2F2020%2F03%2F25%2Fnotas-de-prensa%2F123267%2F) and [here the decision which extends the period in which the controls are applicable- in spanish](https://webcache.googleusercontent.com/search?q=cache:%2F%2Fwww.madrid.es%2Farchivo%2F2020%2F04%2F02%2Fnotas-de-prensa%2F127326%2F), the border with other EU-member states- namely Portugal and France- are subject to police controls for the entry of people. Since the state of alarm has recently been extended, we foresee that the validity of the border controls will also be renewed in the following days. In principle, if you have a residence permit in Spain or are recognized as a frontier worker, you should be allowed to enter.

If you do not have a residence permit in Spain, it is very possible that you will not be allowed to enter Spanish territory, both trying to enter through land borders between Spain and other EU countries, or trying to enter through the border between Morocco and Spain.

If you are barred access to the Spanish territory, remember that you can request to receive a written notice with the reasons that impede you from entering the country. You are also entitled to have the assistance of a lawyer and an interpreter if you do not understand Spanish, both free of charge.

If you want to enter Spain because your life or physical integrity are at risk in your country of origin or of current residence, try to get in contact with a Spanish organization, NGO or lawyer- preferably of the city to which you are entering- in order to seek guidance and assistance.
In case you have any additional doubt or query, please contact consultas@sjme.org