

## Q&A on temporary protection for displaced Ukrainians

### I. Entering the European Union (“EU”) and, in particular, Spain

#### **A. What are the requirements for entering an EU Member State?**

Ukrainian nationals can enter an EU Member State freely, without a visa, and stay for up to 90 days within a 180-day period.

#### **B. Once I have entered an EU Member State, can I move freely within the EU territory?**

Yes, as visa exempt travellers, Ukrainian nationals have the right to move freely within the EU for a period of 90 days.

#### **C. What documentation do I need to enter Spain?**

Ukrainians need a biometric passport. If you do not have a biometric passport, or any travel documents, obtain a birth certificate or any other document proving your identity, in addition to any other document that can prove residence in Ukraine before 24 February 2022, and if possible contact a consular office of a country bordering Ukraine so that your individual situation can be looked into.

In the case of minors, obtain any certificate that proves the family relationship.

### II. Temporary protection in Spain

Temporary protection is the instrument that exists for situations where, as a consequence of conflicts and human rights violations, there is a massive influx of displaced persons in need of immediate protection.

#### **A. What requirements do I have to meet to be eligible for temporary protection measures?**

The temporary protection applies to different groups of people who left Ukraine, as of 24 February 2022, as a result of the invasion by the Russian armed forces.

These groups are as follows:

- (i) Ukrainian nationals who are in one of the following situations:
  - a) Resident in Ukraine since before 24 February 2022.
  - b) Those who were staying in Spain before 24 February 2022 and who, as a result of the armed conflict, are unable to return to Ukraine.
  - c) Those who were in an irregular situation in Spain before 24 February 2022 and who, as a result of the armed conflict, cannot return to Ukraine.
- (ii) Stateless persons and other non-Ukrainian nationals who are in one of the following situations:
  - a) Those who had international protection or equivalent national protection in Ukraine before 24 February 2022.
  - b) Those who were legally residing in Ukraine on the basis of a valid legal residence permit - whether

a permanent residence permit or another type such as a student residence permit - issued in accordance with Ukrainian law and who are unable to return to their country or region.

## **B. Can my family members be beneficiaries of temporary protection measures?**

Yes, in the following situations:

- (i) Ukrainian nationals who are in one of the following situations:
  - a) Resident in Ukraine since before 24 February 2022.
  - b) Those who were staying in Spain before 24 February 2022 and who, as a result of the armed conflict, are unable to return to Ukraine.
- (ii) Stateless persons and non-Ukrainian nationals in one of the following situations:
  - a) Those who had international protection or equivalent national protection in Ukraine before 24 February 2022.
  - b) Those who were legally residing in Ukraine on the basis of a valid legal residence permit - whether a permanent residence permit or another type such as a student residence permit - issued in accordance with Ukrainian law and who are unable to return to their country or region.

Family members are defined as the following:

- (i) Your spouse, or your partner if you are not married but in a stable relationship, if the legislation or Member State treats these relationships in a comparable way to married couples. In the case of Spain, comparable treatment is generally granted.
- (ii) Unmarried minor children or the children of your spouse, regardless of whether they were born in or out of wedlock or whether they were adopted.
- (iii) Other close relatives who were living together as part of the family unit at the time prior to the displacement and who were wholly or partially dependent on the beneficiary of the temporary protection measures.

## **C. What is temporary protection in Spain?**

Temporary protection allows beneficiaries to enjoy certain rights for a period of one year, which are extendable for an additional year. Exceptionally, the general temporary protection regime may be extended for one more year on top of that. That is to say: (1+1+1).

The temporary protection regime includes the following main rights:

- (i) The right to freedom of movement within Spanish territory;
- (ii) The right to free residence in Spanish territory;
- (iii) The right to be informed of rights and obligations in a language you understand;
- (iv) The possibility of obtaining a travel document, provided that the need to leave Spanish territory is justified and you do not still hold a valid passport;
- (v) The right to obtain authorisation to work;
- (vi) The right to benefit from social and health services;
- (vii) The right to family reunification; and
- (viii) The right to apply for refugee status.

## **D. Where can I apply for temporary protection in Spain?**

The application must be submitted in person to the officers of the Directorate-General for Police, at the reception and referral centres of the Ministry of Inclusion, Social Security and Migration or at specific police stations.

To date, three Reception, Assistance and Referral Centres have been set up:

(i) **Madrid:**

Centro de Formación de la Seguridad Social  
Carretera de Carabanchel a Aravaca, 91 | 20223 | Pozuelo de Alarcón

(ii) **Barcelona:**

Pabellón municipal FIRA | number 7  
Av. Reina Maria Cristina, s/n | 08004 | Barcelona

(iii) **Alicante:**

Ciudad de la Luz  
Avinguda de Jean Claude Combaldieu, s/n | 03008 | Alicante

You can request an appointment and information using the following telephone number:

(0034) 91 047 44 44

The police stations where you can apply are available at this link:

<https://www.inclusion.gob.es/es/ucrania/protecciontemporal/comisarias.htm>

**E. What is the maximum time limit for deciding on my application for temporary protection?**

Your application must be decided on within 24 hours of submission.

**F. What documentation do I need to submit with my application for temporary protection in Spain?**

In addition to applying in person, you must present documentation proving that you belong to one of the groups to which temporary protection applies. The Spanish government has indicated that one of the following documents will be sufficient for this purpose:

- (i) identity and travel documents; or
- (ii) documentation proving family ties, e.g. marriage certificates, birth certificates, adoption certificates, etc.

In any case, the European Commission has indicated that Ukrainian nationality may be proven if one of the following documents is submitted:

- (i) passports of any kind - e.g. national passports, diplomatic passports, service passports, collective passports and surrogate passports, including children's passports;
- (ii) national identity card - including temporary and provisional ones;
- (iii) military service book and military service card;
- (iv) seaman's registration books, skippers' service cards and seaman's passports;
- (v) citizenship certificate; or
- (vi) other official documents indicating citizenship.

The application must also include all your personal details and indicate:

- (i) an address which, for the purposes of temporary protection, will be considered as an address for service. If your address changes, the Asylum and Refugee Office ("ARO") should be notified as soon as possible; and
- (ii) where possible, a mobile telephone number and an email address which, with your consent, can serve as a means of communication with the ARO.

**G. What about children under 18?**

For minors under the age of 18 accompanied by an adult, the application must be submitted by the person responsible for the minor.

In the case of unaccompanied minors, the European Commission points out the need for their registration to be carried out as a general rule in the first host Member State, prioritising, whenever possible, that the minor be reunited with other family members in another Member State. In this regard, the European Commission has stressed that minors should be reunited with family members who have been granted temporary protection, taking into account their opinion, in accordance with their age and maturity, and provided that it is in their best interests.

Moreover, unaccompanied minors who have family members residing in another Member State with a different legal status may also be reunited.

Family reunification procedures should be without prejudice to the possibility for the family members of the children concerned to go to the Member State of first entry to collect them.

For further information, please consult:

- (i) The European Commission's Operational Guidelines, available at the following link:  
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022XC0321%2803%29&qid=1647940863274>
- (ii) Guidance on the reception of unaccompanied children from the European Asylum Support Office.  
Available at the following link:  
<https://euaa.europa.eu/sites/default/files/Guidance-on%20reception-%20conditions-%20for-unaccompanied-children.pdf>

#### **H. What are the immediate effects of the application for temporary protection?**

Once you have applied and while the application is being processed, you are:

- (i) authorised to remain in Spanish territory; and
- (ii) entitled to social benefits if you lack financial means.

For this purpose, the National Police will issue a receipt certifying that the application has been submitted.

#### **I. Will I be issued with a foreigner identification number, known as a “NIE”?**

Yes, when you apply for temporary protection, the police officers will issue a receipt certifying the submission of the application, which will state the NIE you have been assigned.

#### **J. What should I do while my application for temporary protection is being processed?**

The application is processed by the ARO. During this time, you need to cooperate with the ARO to help them carry out their checks and verify the circumstances that are relevant to the application. In some exceptional cases, you might be called to attend an interview in person.

#### **K. How is the application for temporary protection decided?**

The application must be decided on within 24 hours by the Minister of the Interior.

The decision may decide to grant or refuse the application for temporary protection.

#### **L. How do I know if my application for temporary protection has been decided on?**

You will receive the decision on your application for temporary protection by one of the following means:

- (i) electronic notification;
- (ii) notification by post;
- (iii) In person notification at police stations or the foreigners' offices;

- (iv) notification at the reception and referral centres of the Ministry of Inclusion, Social Security and Migration.

In addition, the decision may be published in the Official State Gazette and on the ARO website.

#### **M. What are the effects of your application for temporary protection being granted?**

The granting of temporary protection implies the granting of a residence permit and a work permit, either as an employed or self-employed person.

In addition, beneficiaries of temporary protection are also granted the following rights (among others):

- (i) The right to education. In general, for people under 18 years of age, under the same conditions as Spaniards. Those who are over 18 years of age have the right to access the other post-compulsory educational stages, to obtain the corresponding qualifications and to the public grant system under the same conditions as Spaniards.
- (ii) The right to health care.
- (iii) The right to access general, basic and specific Social Security benefits and services, under the same conditions as Spaniards.
- (iv) The right to benefit from social services where there is a lack of financial means, in particular for those with special needs.

#### **N. What can I do if I am refused temporary protection?**

The decision refusing temporary protection can be appealed in either of the following two ways:

- (i) By submitting an appeal for reconsideration to the Minister of the Interior within one month of the day on which the notification was received.
- (ii) By submitting an application for judicial review within two months of the day on which the notification was received.

If your application is refused, you can go to the Bar Association of the province you are in to find out whether you can get free legal aid.

#### **O. How can I renew the temporary protection?**

After the first year, the temporary protection will be automatically extended for a further year, unless the protection has been terminated by the competent body.

The renewal of work and residence permits follows the same regime as for temporary protection. In other words, once temporary protection is renewed, work and residence permits are renewed.

#### **P. What can I do if I need accommodation, maintenance or financial support?**

In addition to temporary protection benefits, you may be eligible for other types of support for accommodation, maintenance and other financial assistance.

To find out if you are eligible, you can contact the International Protection Reception System made up of the Refugee Reception Centres (“RRCs”) and other mechanisms managed by non-profit organisations.

You can apply to the following RRCs:

##### **(i) Alcobendas RRC**

Address: C/ Sariñena, 7, 28100 Alcobendas (Madrid)

Telephone: 91 653 41 00

Fax: 91 654 73 14

E-mail: [car.alcobendas@meyss.es](mailto:car.alcobendas@meyss.es)

**(ii) Mislada RRC**

Address: Camino Viejo de Xirivella, 2 bis, 46920 Mislata (Valencia)

Telephone: 96 359 12 17

Fax: 96 350 01 50

E-mail: [car.mislata@meyss.es](mailto:car.mislata@meyss.es)

**(iii) Sevilla RRC**

Address: Plaza de la Acogida, 1, 41020 Seville

Telephone: 95 452 96 85 / 66

Fax: 95 452 91 97

E-mail: [car.sevilla@meyss.es](mailto:car.sevilla@meyss.es)

**(iv) Vallecas RRC**

Address: C/ Luis Buñuel, 2, 28018 Madrid

Telephone: 91 777 78 14 / 98

Fax: 91 380 73 28

E-mail: [car.vallecas@meyss.es](mailto:car.vallecas@meyss.es)

In addition, depending on which province you are in, for the first reception you can go to the following entities:

- (i)** Accem: Andalusia -Córdoba-, Castile-La Mancha, Castile and Leon, Madrid, Murcia, Asturias, Extremadura, Aragon and Galicia.
- (ii)** CEAR: Andalusia -Malaga, Seville and Cadiz-, the Basque Country and the Canary Islands -Gran Canaria and Tenerife-.
- (iii)** Red Cross: Andalusia -Almeria, Granada and Huelva-, the Balearic Islands, Cantabria, Catalonia, La Rioja, Navarre and Valencia.

**Annex I** contains a list of the addresses, telephone numbers and e-mail addresses of all the Accem, CEAR and Red Cross offices that you can contact.

**Q. What should I do if I need health care?**

To be entitled to health care, all you need is the receipt issued by the National Police or the decision granting temporary protection.

You must present this receipt or the decision at the health centres or the units authorised by the Autonomous Communities, which will register you in the database and issue the corresponding certification document or card.

**R. Can I have access to international protection - asylum - if I have been granted specific temporary protection?**

If you are a beneficiary of the temporary protection regime, you will be eligible for international protection, e.g. the asylum regime. However, during the processing of your asylum application, you will not be able to cumulatively enjoy the rights associated with asylum. Likewise, at the end of the period of recognition of temporary protection, you may apply for the protection provided for in Article 17.2 of Law 5/1984, of 26 March, regulating the rights and status of refugees.

### III. Information points

Useful telephone numbers:

- (i) Reception, Assistance and Referral Centres: 91 047 44 44.
- (ii) Emergencies: 112.
- (iii) Police: 091.
- (iv) Domestic violence: 016.
- (v) Embassy of Ukraine in Spain: 917 48 93 60.

You can get more information on your rights by following the links below:

- (i) <https://www.inclusion.gob.es/es/ucrania/index.htm>
- (ii) <http://www.interior.gob.es/web/servicios-al-ciudadano/oficina-de-asilo-y-refugio>
- (iii) <https://www.cear.es/>
- (iv) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022XC0321%2803%29&qid=1647940863274>

The information contained in this document is of a general nature and does not constitute legal advice.  
This document was prepared on 21 March 2022 and Pérez-Llorca makes no commitment to update or revise its contents.