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HOW TO HELP UKRAINE?

GUIDE FOR CITIZENS FLEEING THE ARMED
CONFLICT



WHERE TO FIND LEGAL ADVICE

The Legal Guidance Service - Foreigners of ICAM has reinforced its services to attend, as soon as possible, requests for information and, if necessary, legal assistance from Ukrainian citizens. To access the service, it is necessary to request an appointment by:

- sending a form to contact you <https://soj.icam.es/servicio-de-cita-previa-extranjeria-denegacion-de-asilo/>
- toll free phone: 900 814 815

PERSONS ELIGIBLE FOR THE TEMPORARY PROTECTIVE RECEPTION SYSTEM

1. Ukrainian nationals residing in Ukraine before February 24, 2022.
2. Ukrainian nationals who were staying in Spain before February 24, 2022 who, as a result of the armed conflict, cannot return to Ukraine.
3. Third-country nationals or stateless persons who were legally residing in Ukraine on a valid legal residence permit (whether permanent or otherwise as students) issued in accordance with Ukrainian law and are unable to return to their country or region.

Nationals of Ukraine who were in an irregular situation in Spain before February 24 and who, as a result of the armed conflict, cannot return to Ukraine.

5. Family members of the persons referred to in paragraphs 1 and 2 in the following terms:
 - a) to the spouse or their domestic partner;
 - b) their unmarried minor children or children of their spouse, without distinction as to whether they were born in or out of wedlock or adopted;



c) other close relatives who were living together as part of the family unit at the time of the circumstances related to the mass influx of displaced persons and who were wholly or mainly dependent on them.

CONTENT OF TEMPORARY PROTECTION

GENERAL ISSUES

- Ukrainian persons do not need a visa to enter and stay for up to 3 months in the entire Schengen territory, although controls may be reintroduced by EU Member States.
- Citizens may settle in any member country.
- The period for which Temporary Protection is granted is 1 year, extendable up to 3 years (in periods of 6 months).

RIGHTS

- Residence and work permit for self-employment and employment for a period of one year, extendable up to 3 years.
- Access to education and professional training. Social assistance and housing.
- Medical care.

DEADLINES

Informative note of 4/03/2022 of the Ministry of Inclusion, Social Security and Migration establishes the criterion that the beneficiaries of temporary protection must be documented as soon as possible and in any case within a maximum period of 3 months, either by means of an expression of willingness to request temporary protection, or by means of an application for international protection, or by means of documentation proving that they are beneficiaries of international protection.

WHERE TO APPLY FOR TEMPORARY PROTECTION

- Specific police stations of the National Police (to be confirmed).
- Authorized reception centers.



PROCEDURE

- You will be provided with documents proving that you belong to one of the groups entitled to temporary protection. A language interpreter will be available for the procedure.
- Two passport photographs must be provided.
- To designate domicile in the application, which will be considered habitual domicile to the effects of notifications. The interested party must communicate, as soon as possible, changes of address to the Asylum and Refugee Office.
- He/she will be issued a receipt accrediting his/her application, which will include the NIE assigned to him/her.
- The application will be resolved within 24 hours. The resolution will include the residence authorization, and in the case of adults, work authorization.
- It will be notified electronically whenever possible, providing a cell phone number and e-mail address when possible, by post or by personal appearance at police stations or foreigners' offices.
- In the case of accompanied minors under 18 years of age, the application shall be submitted by the person responsible for them.

DOCUMENT TO PROVE IDENTIFICATION DATA

- Biometric passport.
- If you do not have a passport or any travel documents, present a birth certificate or a document proving your identity, as well as, if available, a document proving your residence in Ukraine before February 24, 2022.
- In the case of minors: birth certificate of the minor, certificate proving family ties or relationship with the guardians or persons accompanying the minor and in charge of him/her.

RENEWALS

They will be automatically extended for another year at the end of the first year of validity.



FREQUENT QUESTIONS



1 TEMPORARY INTERNATIONAL PROTECTION

WHAT IS TEMPORARY INTERNATIONAL PROTECTION?

This is an exceptional procedure whereby, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to re-enter their country of origin, they are guaranteed immediate and temporary protection, especially if the asylum system is also at risk of being unable to manage this flow of persons without effects contrary to its proper functioning, to the interests of the persons concerned and to those of other persons seeking protection.

TO WHOM DOES TEMPORARY INTERNATIONAL PROTECTION APPLY?

Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and with the effect that temporary protection, as extended by the Council of Ministers, shall apply to the following categories of persons:

1) Ukrainian nationals who were in a situation of staying in Spain before February 24, 2022 who, as a result of the armed conflict, are unable to return to Ukraine.

2) Third-country nationals or stateless persons who were legally residing in Ukraine based on a valid legal residence permit (whether permanent or otherwise as students) issued in accordance with Ukrainian law and are unable to return to their country or region.

3) Nationals of Ukraine who were in an irregular situation in Spain before February 24 and who, as a result of the armed conflict, cannot return to Ukraine.

4) Family members of the persons referred to in paragraphs 1 and 2 in the following terms:



A) to the spouse or domestic partner;

B) to their unmarried minor children or their spouse's minor children, without distinction as to whether they were born in or out of wedlock or were adopted;

C) to other close relatives who were living together as part of the family unit at the time of the circumstances related to the mass influx of displaced persons and who were wholly or mainly dependent on them.

WHAT IF I AM NOT IN ONE OF THESE GROUPS?

As set out in the Commission's Communication providing operational guidelines for the management of external borders to facilitate border crossings at the EU-Ukraine borders, those persons who are not included in the above groups will continue to be granted access to the EU. Depending on their circumstances, they may also apply for international protection or legal migration status. In principle, they can receive assistance to be repatriated to their country of origin.

WHAT CAN I DO IF I WAS IN SPAIN BEFORE FEBRUARY 24?

The Council of Ministers has decided to extend temporary protection to persons who left Ukraine before February 24, 2022, who were in Spanish territory before that date and who, as a result of the armed conflict, are unable to return to Ukraine.

HOW LONG WILL TEMPORARY INTERNATIONAL PROTECTION LAST?

In accordance with Directive 2001/55/EC, temporary protection must have an initial duration of one year, with the possibility of automatic extension for periods of six months for a maximum period of one year. That is, initially, until March 4, 2023. In accordance with Directive 2001/55/EC, temporary protection must have an initial duration of one year, with the possibility of automatic extension for periods of six months for a maximum period of one year.



That is, initially, until March 4, 2023. If the reasons for granting temporary protection persist, it will be automatically extended for one more year, i.e., until March 4, 2024. Exceptionally, Spain has established the possibility of extending it for one more year if the reasons for its adoption persist, until March 4, 2025.

WHAT DOCUMENTATION DO I NEED TO ENTER SPAIN?

Ukraine is listed in Annex II of Regulation (EU) 2018/1806 of the European Parliament and of the Council and its nationals are exempt from the requirement to be in possession of a visa to cross the external borders of the Member States for stays not exceeding 90 days per period of 180 days, provided they have a biometric passport. If you are Ukrainian and wish to enter Spain, but do not have a biometric passport or travel documents, you can go to a consular office of a country bordering Ukraine (e.g. Poland, Romania, Hungary, etc.) to study your situation.

If you do not have a passport or any travel documents, please present your birth certificate or a document proving your identity, as well as, if available, a document proving your residence in Ukraine before February 24, 2022.

In the case of minors: birth certificate of the minor, certificate proving family ties or relationship with the guardians or persons accompanying the minor and in charge of him/her.

HOW DO I APPLY FOR TEMPORARY INTERNATIONAL PROTECTION?

1) The application for temporary protection shall be made by personal appearance of the person concerned to the officials of the Directorate General of Police:

- at the reception centers, reception and referral centers of the Ministry of Inclusion, Social Security and Migration or, as the case may be,
- at the police stations to be determined.

In the case of minors accompanied by an adult, the application shall be submitted by the person responsible for them.



At the time of the application, all documents proving that the applicant belongs to the group to which temporary international protection applies must be provided (see section "To whom does temporary international protection apply").

The address given in the application will be considered the usual address for the purpose of notifications, without prejudice to the obligation of the interested party to inform, as soon as possible, the Asylum and Refugee Office of any change of address. The personal data will include, when possible, a cell phone number and an e-mail address. Exceptionally, in some cases, a personal interview may be included if necessary to clarify certain aspects of the application.

2) Police officers will take the fingerprints of the applicants and will issue them, at the time of application, a receipt certifying the submission of their application, which will include the NIE assigned to them.

Language interpreters will be available.

HOW LONG WILL IT TAKE TO RESOLVE THE APPLICATION?

The Asylum and Refugee Office will process applications for temporary protection through the emergency procedure. The decision will be issued within 24 hours of the application.

WHAT RIGHTS DOES TEMPORARY PROTECTION GIVE ME?

The application for temporary protection authorizes the person concerned to remain in Spanish territory and to receive the social assistance provided for in the regulations on temporary protection in the event of a mass influx of displaced persons, while it is being processed.

The beneficiaries of temporary protection, if they lack economic means, may benefit from social, educational, and health services. In general, they will have access to education, health care, Social Security, and social services under the same conditions as foreigners residing in Spain.



The beneficiaries of the temporary protection under 18 years of age in situation of abandonment, will be referred to the competent services in the matter of protection of minors, informing, likewise, the Public Prosecutor's Office.

The guardian legally assigned to the minor will represent him/her during the procedure

WILL I BE ABLE TO WORK WHILE I AM IN SPAIN?

Yes, the decision granting temporary protection will include the authorization of residence and work authorization for employees and self-employed persons.

IS TEMPORARY INTERNATIONAL PROTECTION COMPATIBLE WITH AN APPLICATION FOR ASYLUM OR OTHER AUTHORIZATION?

Persons receiving temporary protection would generally be obliged to remain in the Member State granting such protection. However, member states may, based on a bilateral agreement, decide and authorize otherwise.

The rights under the Temporary Protection Directive apply in all EU member states except Denmark. They do not apply in the Schengen-associated countries (Switzerland, Norway, Liechtenstein, Iceland).

CAN MY TEMPORARY INTERNATIONAL PROTECTION BE REVOKED?

Yes, the temporary international protection granted may be revoked in the event of any of the following circumstances:

a) Verification of non-compliance with the requirements established to benefit from temporary protection.

b) Concurrence of any of the causes of denial:

1) When there are justified reasons to consider that the person in question:



- Has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to respond to such crimes.

- Has committed a serious commoncrime outside the Spanish State before his or her admission to Spain as a beneficiary of temporary protection. The severity of the persecution to be expected must be considered in relation to the nature of the crime allegedly committed by the person concerned. Particularly cruel actions, even if committed with a purportedly political objective, may be qualified as serious ordinary crimes. This applies both to the participants in the crime and to the instigators of the crime.

- He has been guilty of acts contrary to the purposes and principles of the United Nations.

2) Where there are reasonable grounds to believe that the person in question represents a danger to national security or where having been convicted by a final conviction of a particularly serious crime, he or she constitutes a threat to public order.

2

RECEPTION SYSTEM



WHO CAN ACCESS THE FOSTER CARE SYSTEM?

Those displaced from Ukraine since the beginning of the war (February 24, 2022), as well as Ukrainians who were in Spain on that date and have not been able to return, whether in a regular or irregular situation, will be eligible. Both cases include Ukrainian nationals residing in Ukraine and third-country nationals or stateless persons who had a legal residence permit in Ukraine. It also affects their family members.

HOW DO I ACCESS THE RECEPTION SYSTEM?

If you wish to enter the reception system, you should contact the organization that manages the reception of asylum seekers in the province where you are located.

WHAT ARE THE REQUIREMENTS TO ACCESS THE RECEPTION SYSTEM?

Be a beneficiary of temporary protection as established in the regulations on temporary protection regime in case of mass influx of displaced persons.

In addition, the following additional requirements must be met:

- a) Lack sufficient resources to meet their needs and those of their family unit.
- b) Not having been a recipient of the benefits offered in the Reception System for the maximum period of perception stipulated for each of them.
- c) Not to have abandoned a place in the System of reception of international protection or the proposed itinerary without the authorization of the entity responsible for it.
- d) Not to have caused obligatory cancellation of the System of reception of international protection.
- e) Not to have submitted previous applications for international protection that have been rejected or rejected in Spain or in countries associated with the Dublin Regulation.



Other requirements are:

f) Not to have been beneficiaries of the accommodation and maintenance activity of the First Reception action (Phase E. and D.), of the accommodation and maintenance activity in a center of the International Protection Reception System (1st phase) or beneficiaries of rental assistance and attention to basic needs of the International Protection Reception System (2nd phase);

g) Not to be an applicant or beneficiary of the Statute of Statelessness;

h) Not having resided in Spain for a period of more than 6 months (whether or not they have formalized their application for international protection), except those who, being sheltered in a Humanitarian Attention device, apply for International Protection during their stay there and are referred to a first reception resource.

WHAT IS THE PROCEDURE OF THE RECEPTION SYSTEM?

The International Protection Reception System foresees an intervention methodology based on the planning of itineraries by phases, depending on the degree of autonomy acquired by the beneficiaries of the actions.

It consists of the following phases:

a) Previous Phase of Evaluation and Referral or 1st Reception (Phase E. And D.). In this phase the contact of the addressees with the Reception System of international protection is initiated. In this phase, an initial needs assessment is carried out and, if necessary, referral to the resources best suited to their profile is made as soon as possible. An assessment will be made as to whether the recipients present any vulnerability or specific reception needs. To guarantee the coverage of the basic and urgent needs of the beneficiaries who so require, they may be referred to provisional housing resources prior to accessing the reception facilities

b) Reception Phase (1st phase). The itinerary begins with admission to a reception center or unit. It is intended to cover the basic needs of the recipient from the moment of arrival in Spain and to help him/her acquire the skills to facilitate an independent life upon leaving the center.



The reception facilities are staffed with specialized technical personnel, offering residents, in addition to accommodation and food, other activities such as social care, psychological care, training, interpretation and translation, and legal assistance. In this phase, emphasis will be placed on cultural and educational orientation activities, with special emphasis on language teaching and pre-and professional training

c) Phase of Preparation for Autonomy (2nd phase). The second phase begins when people finish their stay in the reception center and need to continue receiving support. The itinerary is oriented towards the acquisition of autonomy and independence. In this phase, the beneficiaries continue to ensure that their basic needs are covered, making certain resources available to them, mainly financial aid and also continuing, through ongoing accompaniment, intensive language learning, and access to employability and training programs.

WHAT IS THE DURATION OF THE HOST SYSTEM?

The maximum time fixed for the itinerary will be 18 months for all beneficiaries, which may be extended up to 24 months in the case of vulnerable people.



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