



MINISTERIO
DE TRABAJO
Y ASUNTOS SOCIALES



Foreign workers: unemployment protection

for more information

www.inem.es

What are the rights of foreign workers with respects to unemployment protection?

All foreign workers with a valid residence and/or work permit who are unemployed are entitled to unemployment benefits and subsidies, provided they comply with the requirements established by the regulations governing the general protection of unemployed persons, irrespective of their nationality.

Economic unemployment assistance is complemented with personalised advice for searching for employment and participation in training actions and labour insertion programs, administered by the Employment Services of the Autonomous Communities or by the National Employment Institute (INEM) in the Basque Country, Ceuta and Melilla.

1. What documents do you need for identification purposes?

If you are a national from a member State of the European Union/European Economic Area:

- For any action before the National Public Employment Services it is necessary to present a personal identification document of your country of origin, or Foreigner Identification Card.
- If you are a national of one of the countries that adhered to the European Union after 1st May 2004, it is necessary to bear in mind the limitations to the free movement of workers established for each one of these countries, which may establish the need to obtain a residence and/or work permit in order to legally work in Spain.

If you are a national from a State that does not belong to the European Union/European Economic Area:

- For any action before the National Public Employment Services it is necessary to present a valid residence and/or work permit.
- It will be sufficient with the presentation of a Foreigner Identification Card if this document clearly reflects that the holder is in possession of a valid residence and/or work permit.
- The Law allows for the renewal of a work permit to foreigners who are receiving contributory benefits, unemployment subsidies or an active labour insertion subsidy. The aforesaid renewal will be valid for the duration of the corresponding benefits.
- Work carried out by foreigners in possession of work permits for cross-border workers, for seasonal activities and for students, do not contribute towards unemployment benefits. Consequently, the involuntary loss of employment carried out with the cited permits does not entitle you to receive unemployment benefits, and the period of time worked cannot be considered in any case to obtain unemployment benefits.

Whatever your nationality, you must provide your Foreigner`s Identification Number (NIE)

What happens if you wish to return to your country?

If you are receiving unemployment benefits in Spain:

- During the time that you remain overseas you cannot receive unemployment benefits, given that you cannot comply with the legal obligation of being available to the Spanish Public Employment Services, nor with the commitment of activity.
- The law allows you to suspend the receipt of unemployment benefits when the reason for your travel overseas to another country is to search for employment or to work, to participate in international cooperation actions or to study to improve your professional qualifications. In these cases:
 - If your stay overseas is for a period of less than 12 months, when you return to Spain you may request the resumption of the benefits.
 - If your stay overseas has been for a period of 12 months or more the benefits will be extinguished, and you will not receive unemployment benefits when you return to Spain.

- Travel overseas for reasons other than those indicated above implies the extinction of the right to receive the aforesaid benefits.
- If we are dealing with occasional travel, for a maximum accumulated period of 15 days a year, payment of the unemployment benefits will not be interrupted, provided that you notify the Employment Office and they authorise said travel.
- If your intention is to travel overseas to search for employment in a State belonging to the European Union/European Economic Area or Switzerland, you have the possibility of “exporting” the contributory benefits or unemployment subsidies that you have recognised in Spain and receive them in the country of destination during a maximum period of three months, provided that you have been registered as a job seeker in Spain during at least 4 weeks. (With regards to Portugal it is possible to export all the unemployment benefits that you have pending).

To have the right to export the aforesaid unemployment benefits you must register yourself at the employment services of the country to where you are travelling. For this reason:

- If you are a national of one of the countries that adhered to the European Union on the 1st of May 2004, it is necessary to bear in mind the limitations to the free movement of workers established for each one of these countries, which may affect the possibility of registering yourself with the employment services of your country of destination, or legally working within said country.
- If you are a national of any other country not belonging to the EU/EEA you may export the unemployment benefits to search for employment in member countries (except for Denmark, Iceland, Norway and Liechtenstein), provided that you accredit that you are entitled to register yourself with their employment services and legally work in the country where you intend to travel, with the corresponding work or residence permit.
- If you wish to request the exportation of your unemployment benefits you must file an application with the Employment Office corresponding to your domicile, together with the E.303 forms. It is important that you carefully read form E. 303/5, document that details the conditions and requirements for travelling.

If you have worked in Spain and made social security contributions towards unemployment:

- You may use the social security contributions made in Spain to receive unemployment benefits in any EU/EEA country, and in Switzerland and Australia.
- To accredit overseas the periods worked in Spain you must request form E.301 before departing Spain, or the form established to this end with Australia from the competent authorities of the National Public Employment Services.