

**INTERNAMIENTO Y EXPULSIÓN DE EXTRANJEROS
GUIA INFORMATIVA DE DERECHOS Y GARANTIAS**

**INTERNMENT AND EXPULSION OF FOREIGNERS
INFORMATIVE GUIDE OF RIGHTS AND GUARANTEES**

GUÍA EN INGLÉS



Observatori del Sistema Penal i els Drets Humans
Universitat de Barcelona



Regidoria de Dona i Drets Civils
Ajuntament de Barcelona

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PRESENTACIÓ

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En el *Primer Informe sobre els procediments administratius de detenció, internament i expulsió d'estrangers a Catalunya* l'OSPDH va poder comprovar que l'enginyeria jurídica creada pel legislador i el govern respecte d'aquests procediments trenca drets i llibertats dels estrangers, especialment dels sense papers, i dificulta, a més, la seva defensa jurídica per facilitar les expulsions del territori. Aquesta situació es veu agreujada pel fet que una majoria d'advocats es desenten de l'assistència jurídica un cop presentades les al·legacions a la proposta d'expulsió i, en segon lloc, perquè la gran majoria dels jutges fa un seguiment merament formal del procediment d'internament, sense entrar en les causes que afecten a l'expulsió i del que succeeix en els centres d'internament.

L'Àrea d'Immigració i Estrangeria del OSPDH fa aquesta guia amb la voluntat de reduir la indefensió dels estrangers sotmesos als procediments administratius d'internament i expulsió, contribuir a garantir i fer respectar els seus drets fonamentals i de canviar i millorar el tracte que aquestes persones reben dels diferents actors implicats en aquests procediments sempre desde la perspectiva de lo que hauria de ser una pràctica administrativa d'estricta legalitat.

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amb el suport de la

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INTERNMENT AND EXPULSION OF FOREIGNERS **INFORMATIVE GUIDE OF RIGHTS AND GUARANTEES**

The Spanish Alienage Law stipulates the expulsion of foreigners being in Spain and not having residence permit. In order to make the expulsion easier, the judge can decide their internment.

This guide informs foreigners in an abridged way about the requirements and proceedings that the law establishes to carry out the internment and the expulsion, as well as about the rights with which the law provides them.

I. THE EXPULSION

a) The expulsion from the territory is a punishment that the administrative authority imposes on foreigners staying in irregular situation in Spain (art. 57.1 LEx)¹.

A foreigner is in irregular situation when:

- he has not been conceded a deferral of stay (*prórroga de estancia*),
- he does not have residence permit, or it expired more than three months ago,
- he has not applied for its renewal within three months after the expiry of the permit (art. 53.a LEx)
 - ▶ The residence permit is considered to be conceded when the State does not reply to the application in a period of three months (art. 54.10 REx). If the State refuses its renewal, it is advisable:
 - a) to appeal this decision by means of an “alzada” appeal (*recurso de alzada*) (art. 114.2 Law 30/92) and
 - b) to apply for a permit to remain in the country until there is a decision on the appeal. Against this decision a “contencioso-administrativo” appeal can be lodged (art. 115.3 Law 30/92).

b) Any foreigner without residence permit can be arrested by the police in order to process his expulsion by means of preferential proceedings.

The arrest cannot last more than 72 hours

What rights does the foreigner have?

- a) to testify before the police or before the judge with regard to the reason for the expulsion.
- b) to a lawyer’s assistance.
- c) when a foreigner does not have sufficient economic means, to the free assistance by a lawyer provided under the legal aid scheme (*abogado de oficio*) (art. 22.1 LEx)
- d) Those included in art. 520 Ley de Enjuiciamiento Criminal: “Any person arrested or in prison will be informed, in a comprehensible way, and immediately, about the offences attributed to him and the reasons for his deprivation of freedom, as well as about his rights, especially these ones:
 - ▶ to keep silence, not testifying if he does not want to, not to answer the questions he is asked, or to state that he will only testify before the judge.
 - ▶ to not to testify against one-self and not to admit one-self’s guilt.
 - ▶ to name a lawyer and to request the lawyer’s assistance in the police and judicial proceedings of testification, as well as in any session for the foreigner’s identity recognition. If the foreigner does not

¹ The *Spanish Alienage Law* establishes several reasons for the expulsion of foreigners (art 54.1 a), b) and art 53 a), d), f) of the LEx.). This guide focuses on the fact of foreigners not having a valid residence permit. Anyway, the proceedings in the other situations are the same as the one described in this guide.

name a lawyer, he will be assigned a lawyer provided under the legal aid scheme (abogado de oficio).

- ▶ to inform the foreigner's relatives -or any other person he names- of the fact of his arrest and the place where he is in custody at any moment. Foreigners have also the right to all these circumstances be communicated to their country's consulate.
- ▶ to an interpreter's free assistance, if the foreigner does not understand or speak the official language.
- ▶ to be examined by a forensic scientist (médico forense), or failing that, by the doctor from the institution where he is.

Advise:

- a) name a trustworthy lawyer expert on alienage law;
- b) be constantly in touch with the lawyer;
- c) communicate the police and the judge the foreigner's legal residence.

c) After the notification of the agreement on the start of the expulsion proceedings, the foreigner has a 48 hour period to make declarations (alegaciones) and submit documents (art. 63.1 LEx).

What does the lawyer have to do?:

- to give the foreigner his name and telephone number
- to inform the foreigner about his situation and rights
- to examine the reasons for the processing of the expulsion proceedings through preferential action
 - ▶ When there are also criminal proceedings, a "reforma" appeal (recurso de reforma) must be lodged against the notification of the decision that stipulates to follow abridged proceedings (procedimiento abreviado) in a quick trial (juicio rápido). The lawyer's assistance in a criminal trial must be different from the assistance in the expulsion proceedings.
- to examine the justification of the preventive measure of arrest,
- to examine whether the principle of proportionality is observed
 - ▶ Preferential proceedings and measures of arrest and internment due to a simple administrative infringement must be decided only in exceptional cases.
- to use all the means of proof and defence at his disposal
- to avoid no matter what a later possible situation of defenselessness (not declaring means admitting the offences attributed); for that reason, the lawyer should lodge all the necessary administrative and/or judicial appeals.
- to assist the foreigner in the internment proceedings before the judge appointed to start proceedings (juez de instrucción)
- to demand the empowerment (apoderación) *apud acta*² (art. 32.3 Law 30/1992)
- if appropriate, to apply for *habeas corpus*³.

Advise:

- a) request the revoke of the proceedings and, secondarily, the revoke of the fine
- b) in the declarations (alegaciones) all the available information about the foreigner has to be stated
 - ▶ For example: registration (empadronamiento), marital status (single, married, long-term relationship (pareja de hecho)), whether living together with a Spaniard, a citizen from EU or a resident foreigner or not, whether having children in Spain or not, previous permits, economic situation, application for asylum, being born in Spain and having resided legally here for the last 5 years (the foreigner or the spouse), receiving financial assistance in cases of disability, unemployment or integration program (the foreigner or the spouse), having been Spanish by birth (the foreigner or the spouse), being under 18 years old, for collaborating with the law providing information about illegal trade of human beings, having applied previously for a temporary residence permit on account of exceptional circumstances,

² Proceedings by means of which the foreigner appoints before the judge's assistant the name of the lawyer that will represent him.

³ Proceedings that allow any person arrested illegally to appear immediately before the judicial competent authority. The start of habeas corpus proceedings can be requested: a) by the person deprived of freedom, the spouse or the person involved with him in similar affectivity relations; descendants, ancestors, brothers or sisters; b) by the public prosecutor (el ministerio fiscal); c) by the ombudsman; d) by the competent judge appointed to start proceedings (el juez de instrucción competente) (art. 3 LO 6/1984, de 24 de mayo).

being pregnant and the expulsion meaning a risk for pregnancy, being in criminal proceedings and being requested a sentence above or below 6 years and exceptional circumstances to avoid the expulsion take place, the certain possibility that expulsion cannot be carried out in the stipulated period of internment.

- c) collaborate with the lawyer providing him with all the necessary information for the defence.
- d) ask the lawyer for a copy of the declarations (*alegaciones*).

d) Once there is well-reasoned proposal of the expulsion decision

- the police have to notify the expulsion proposal to the interested party
- hearing proceedings (*trámite de audiencia*) are opened in order to allow the foreigner to make declarations (*alegaciones*) and submit documents in a period of 48 hours.

e) Once the Subdelegación del Gobierno signs the expulsion order:

- the police have to notify immediately the foreigner the decision on the proceedings
 - ▶ The maximum period in which the decision on the proceedings has to be passed and notified is of 6 months since the start of the proceedings (art. 121 REx).
 - ▶ The decision must be well-reasoned, must solve all the questions put forward in the proceedings, must only admit the facts stated in the course of the proceedings, must contain the different appeals that can be lodged against it, as well as the organ to which they have to be addressed and the period stipulated to lodge them (art. 132.1 and 3 REx).
- -the police have to communicate this decision to the foreigner's country's embassy or consulate (art. 133 REx).
- -the police will proceed to register this decision on the Registry Office for Foreigners of the *Dirección General de Policía* (art. 133 REx).

What effects does the decision on the expulsion proceedings have?

- the foreigner can be immediately expelled.
 - ▶ the execution of the expulsion order is suspended if the foreigner has applied for political asylum - until this application is not accepted for consideration or there is a decision on it-, and it is also suspended in the case of pregnant women when the expulsion means a risk either for their pregnancy or their personal safety (art. 141.9 REx).
 - ▶ if the foreigner does not have sufficient economic means, the execution of the expulsion order will be paid by the Home Office budget (*Ministerio del Interior*).
- any authorization to remain in Spain expires, and any proceedings aiming at getting the authorization to reside or work in Spain are closed on.

What does the lawyer have to do?

- to check how the decision on the proceedings is notified to the foreigner
- to try to revoke the expulsion order by means of lodging a "contencioso-administrativo" appeal (*recurso contencioso-administrativo*), and to apply for the suspension of the expulsion order as a preventive measure until there is a decision on the appeal (art. 21.2 LEx).
 - ▶ To lodge a "contencioso-administrativo" appeal, there is a two-month period which begins the day after the notification.
- if the "contencioso-administrativo" appeal is rejected, the lawyer can lodge an "apelación" appeal before the *Tribunal Superior de Justicia* (there is a period of 15 days).
- if the foreigner is free and there are new elements to declare, a "reposición" appeal (*recurso de reposición*) can be lodged. If this one is refused, it can be lodged a "contencioso-administrativo" appeal (there is a period of 6 months).
 - ▶ In a one-month period since the day after the notification of the expulsion order, before the same organ and according to which is stipulated in arts. 116 y 117 and those concordant of the Law 30/92, 26th november, de RJAP y PAC, modified by the Law 4/99, 13th january.
 - ▶ The appeal is assumed to be refused if the State gives no answer in one month

II.- THE INTERNMENT

After the arrest and the start of the expulsion proceedings, the police can ask the judge for the foreigner's internment in a Center for the Internment of Foreigners

the internment cannot last more than 40 days

a) if the police ask for the foreigner's internment

What does the lawyer have to do?

- to find out when the foreigner is transferred to the police court (*juzgado de guardia*) or to provide the court with a telephone number in order to be localized
- to assist the foreigner during his appearance in court and to supervise that all his rights are respected
 - ▶ the foreigner's hearing (*audiencia*) before the judge must take place within 72 hours after his arrest and in the presence of the judge and the judge's assistant (*secretario judicial*), the interested party, his lawyer and the public prosecutor (*el ministerio fiscal*)
- to collect all the information available about the foreigner and to try to speak to the judge
- to follow the proceedings to the end

b) if the judge refuses the internment

The police can take some preventive measures on the foreigner, such as the withdrawal of his passport or the document that prove his nationality, the demand to appear periodically before the judge appointed to start proceedings or before any other authority decided by him, and the obligation to reside at a given place (art. 131.6 REx)

- ▶ The police must communicate the preventive measures to the foreigner's country's embassy or consulate (art. 133 REx).
- ▶ In this case the police have to give the foreigner a supporting document of such a measure.
- ▶ In this case the police have to take into consideration the foreigner's family, personal or social circumstances.

c) If the foreigner is interned

The internment can only take place according to the causes provided in the proceedings (art. 131. 5d REx)

What rights does the interned foreigner have?

- to be informed about his situation.
 - ▶ When being interned in the center, foreigners must be given written information about their rights and obligations, the matters of general organization, the rules of the running of the center, the disciplinary rules and the means to make requests or complaints. All the information must be given in a language that foreigners understand.
- to be guaranteed full respect for his life, personal safety and health and not to be subject under any circumstance to degrading treatment or to mistreatment, orally or in deed, as well as to his dignity and privacy be preserved.
- to make easier the exercise of the rights recognized in the law, without any restriction, except for those that result from his situation of internment.
- to get appropriate medical and sanitary assistance and to be assisted by the center social welfare services.
- to communicate immediately the fact of his internment to the person named by him, to his lawyer and to his country's consulate.
- to be assisted by a lawyer (or, when necessary, by a lawyer provided under the legal aid scheme) and to be able to communicate confidentially with him, even out of the visiting hours of the center when the urgency of the situation demands it.
- to communicate with his relatives, the employees of his country's consulate or other persons during the visiting hours of the center; these communications can only be restricted by judicial order.

- to be assisted by an interpreter if he does not understand or speak Spanish; this assistance will be free if the foreigner does not have sufficient economic means.
- to be in his young children's (minors) company, on condition that the public prosecutor gives his approval on such measure and the center does have units to guarantee the family unity and privacy.
 - ▶ the interned foreigners can make, orally or in writing, petitions and complaints about matters concerning their internment. Such petitions or complaints will be submitted to the center director, who will consider them or, if he does not have jurisdiction over them, will inform the proper authority.

What does the lawyer have to do?

- if he is a new lawyer, to give the foreigner his name and telephone number
- if he is a new lawyer, to get informed about the place where the foreigner was arrested and to be in contact with the lawyer that assisted the foreigner previously.
- to study whether the reasons referred are sufficient to authorize the internment and its later maintenance, and to examine whether it can be pronounced its nullity (for instance, for not having been notified to the foreigner when the internment order was published in the BOP).
 - ▶ If lack of reasoning is proved, with the consequent violation of art. 24.1 CE, it has to be pronounced the nullity of the decision (art. 62.1 a) Law 30/92.
- to apply for the foreigner's freedom on the grounds of the following reasons: his settlement in Spain, the disproportion of the measure, the existence of relatives in his care, the favor libertatis, the expiry of the proceedings, the offer of other preventive measures compatible with freedom (such as the withdrawal of passport, his personal appearance in court), the damage caused by the expulsion, whether he was interned previously due to the same cause, the higher or lower probability of taking flight, and the certain possibility that expulsion cannot be carried out in the stipulated period of internment.
- to apply for an administrative document certifying the foreigner's internment and the length or duration of it (the internment).
- if appropriate, to lodge a "reforma" appeal (*recurso de reforma*) before the court where the internment sentence has been pronounced
- if appropriate, to lodge a remedy of complaint (*recurso de queja*) before the provincial court.

Advise

In order to guarantee himself an efficient defence, the foreigner should be assisted at any time and continuously by the same lawyer assigned to him at the beginning of the expulsion proceedings.

USEFUL ADDRESSES

Bar Association of Barcelona (*Col.legi d'Advocats de Barcelona*) (www.icab.es):

-Spell of court duty and assistance to detained people: Roger de Lluria 113, bajos, Bcn, tel. 934871350. email: toro@icab.es. Opening hours: 9-15 h.

-Free legal assistance (SERTRA): Valencia 344-346, bajos, Bcn tel. 935671983 - email: sertra@icab.es. Opening hours: 9-12 h.

Help service to Immigrants, Foreigners and Refugees (SAIER): (www.bcn.es/diversa)

Av. Paral.lel 202, Bcn 08015, tel. 932924077

Opening hours: Monday, Tuesday, Thursday: 9-18 h, Wednesday: 9-20 h, Friday: 9-14 h.

ABBREVIATIONS

LEx: Organic Law) 4/2000, 11th january, on rights and liberties of Foreigners in Spain and their integration into society (www.igsap.map.es/cia/dispo/17877.htm)

REx: RD 2393/2004, 30th december, by means of which it is passed the new Regulation (*Reglamento*) of the Organic Law, 11th january, on rights and liberties of Foreigners in Spain and their integration into society (BOE 07.01.2005) (www.igsap.map.es/cia/dispo/31075.htm)

MORE FREQUENT QUESTIONS

1.-What does the foreigner have to do when the police arrest him for not having the residence permit, take him to the police station and, after some proceedings, let him go?

When the police start the expulsion proceedings, the foreigner, despite being free, has to keep in touch with his lawyer as the proceedings continue. The lawyer must make all the declarations (alegaciones) and appeals provided by the law. The foreigner has to have permanently his lawyer's name and telephone number and call him in order to get informed about the state of the expulsion proceedings at all times. It may be necessary to request the assistance of another lawyer before the Bar Association (Colegio de Abogados).

2.- Who is the professional that best advises a foreigner about the expulsion or the internment proceedings?

A lawyer, especially if he is an expert on alienage law.

3.- If the foreigner cannot get in touch with his lawyer, what does he have to do?

Go to the Bar Association in order to find a solution or, otherwise, to make a complaint in the appropriate way.

4.- When does the judge usually order the foreigner's internment?

When the foreigner does not have the residence permit and, besides, all the following circumstances take place: not having legal residence in Spain, not having Spanish relatives and not having legal means of living.

5.- Can a foreigner who is processing the residence permit according to the new rules that came into effect at the beginning of 2005 (RD 2393/2004, BOE 7-1-2005) be expelled?

If he applies for the residence permit in the extraordinary proceedings of normalization (disp. adic. 3ª), the expulsion process is stopped as long as he has not been communicated the refusal of the permit. Supposing that he is conceded the residence permit, the expulsion proceedings are closed on (archivados).

6.- With what countries have Spain signed treaties for the readmission of their citizens?

With Bulgaria, Colombia, Chile, Ecuador, Latvia, Lithuania, Morocco, Nigeria, Poland, Romania and Slovakia. The citizens from these countries are usually expelled within a 40-day period.

7.- When a foreigner is interned, what happens to the minors in his care?

The foreigner has the right to be in his young children's (minors) company, on condition that the public prosecutor gives his approval on such measure and the center does have units to guarantee the family unity and privacy. If the center does not have appropriate conditions, the services for the protection of minors will take care of them. Minors in whom the conditions for their internment occur will be put under the control of the services for the protection of minors.

8.- When expulsion proceedings are brought against a foreigner working in Spain without residence permit, and the police apply the judge for his internment, is it advisable for him to declare the fact of his working illegally?

Declaring the fact of his working can help so that the judge does not decide his internment.

9.- In case the judge does not authorize the internment, do the police go on dealing with the expulsion proceedings?

Yes.

L'Observatori del sistema penal i els drets humans de la Universitat de Barcelona (OSPDH) és un centre d'investigació, estudi i treball que té com a objectius, per una banda, investigar des d'una perspectiva crítica què tipus de tractament realitza el sistema penal i les seves agències d'aplicació (policia, magistratura i presó) a un conjunt de problemes socials que afecten a les societats europees; i, per una altra, contribuir a la promoció de la cultura dels drets humans, cada cop més amenaçada per processos i polítiques d'exclusió i discriminació i per les polítiques d'alarma social i "d'emergència" construïdes i patides per les modernes societats occidentals.

L'OSPDH neix en el marc d'una sèrie de paradoxes i apories contemporànies: les societats actuals presenten importants potencialitats de desenvolupament i de circulació de la informació però, alhora, provoquen una ampliació dels sectors que habiten en l'exclusió social, tot el qual contribueix a crear una sensació d'inseguretat i d'alarma generalitzada que reclama "solucions urgents i dràstiques". És l'anomenada "societat del risc" o de la inseguretat permanent, avui més fràgil per la institucionalització i extensió d'una cultura punitiva i bèl·lica impulsada per les institucions del control jurídic-polític. Aquestes pretenen encarrilar la conflictivitat social a través del sistema penal, el qual no està preparat ni ha de realitzar tal funció. Davant d'aquesta política és cada vegada més necessari l'anàlisi de semblant conflictivitat, de les respostes institucionals i, en el seu cas, proposar camins alternatius. Per desenvolupar aquests objectius l'Observatori divideix el seu treball en tres grans tipus d'activitats: a) d'investigació; b) docents, encaminades a l'anàlisi dels problemes socials i a la promoció d'una cultura respectuosa i compromesa amb els drets humans; c) l'observació de les institucions del sistema penal, les quals necessiten d'un ull extern que penetri en elles i les travessi per informar a la societat civil en llavors de la transparència i de l'estricta legalitat que han de presidir les seves actuacions.

Àrees de treball del OSPDH:

a) Gènere; b) Immigració i Estrangeria; c) Presons; d) Menors; e) Justícia.

Projectes d'Investigació i estudis que desenvolupa actualment l'OSPDH:

- 1) Que parlin les dones. Estudi de l'empresonament sobre l'entorn familiar
- 2) Gènere i Reinserció Social. Dones preses a Barcelona
- 3) Una aproximació a la vulneració dels drets humans de les treballadores sexuals a la ciutat de Barcelona
- 4) Justícia de Proximitat
- 5) La implementació dels drets a l'assistència sanitària, a les prestacions i serveis de la Seguretat Social i als serveis i prestacions socials bàsiques en relació amb els estrangers en els barris de Trinitat Vella, El Raval, Eixample Dret
- 6) Estudi sobre el funcionament de les mesures no privatives de llibertat en el sistema de Justícia Juvenil a Catalunya
- 7) Projecte d'estudi sobre la viabilitat de la creació de la figura d'Adjunt al Síndic de Greuges de Catalunya en matèria penitenciària
- 8) "Challenge. the changing Landscape of European Liberty and Security", (Contract núm. CIT1-CT-2004-506255)
- 9) Privació de Llibertat i Drets Humans Conseqüències de les reformes legislatives espanyoles (penals i penitenciàries) a les presons

Publicacions del OSPDH:

- L'Empresonament a Catalunya*, Edicions 1984, Barcelona, 2004.
- Primer Informe sobre los procedimientos administrativos de detención, internamiento y expulsión de extranjeros en Cataluña*, Virus, Barcelona, 2003 (també en www.ub.es/ospdh)
- Sistema penal y problemas sociales* (Bergalli y colabs.), Tirant lo Blanch, Valencia, 2003.
- Mitologías y discursos sobre el castigo. Historia del presente y posibles escenarios* (I. Rivera, coord.) Anthropos, Barcelona, 2004.
- Alessandro Baratta: El pensamiento crítico y la cuestión criminal*, Anthropos, Barcelona, 2004.
- Política Criminal y Sistema Penal* (I. Rivera, coord.), Anthropos, Barcelona, 2005.
- Recorridos y posibles escenarios formas de la penalidad* (I. Rivera y M. Monclús), Anthropos, Barcelona, 2005.
- Rev. *Panoptico*. Nueva Época, n. 1-7, Virus, Barcelona, 2004.

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INTERNAMENT I EXPULSIÓ D'ESTRANGERS GUIA INFORMATIVA DE DRETS I GARANTIES

La Llei d'Estrangeria permet l'expulsió dels estrangers/es que es troben a Espanya i que no tenen permís de residència. Per facilitar l'expulsió el jutge pot decidir el seu internament.

Aquesta guia informa de manera abreujada als estrangers/es sobre els requisits i els tràmits que estableix la llei per portar a terme l'internament i l'expulsió. Així mateix s'indiquen els drets i les garanties que la llei els atorga en aquests casos.

INTERNAMIENTO Y EXPULSIÓN DE EXTRANJEROS GUÍA INFORMATIVA DE DERECHOS Y GARANTÍAS

La Ley de Extranjería permite la expulsión de extranjeros/as que se encuentran en España y que carecen de permiso de residencia. Para facilitar la expulsión el juez puede decidir el internamiento.

Esta guía informa de modo abreviado a los extranjeros/as de los requisitos y trámites que establece la ley para llevar a cabo el internamiento y la expulsión. Asimismo se indican los derechos y garantías que la ley les otorga en estos casos.

INTERNMENT AND EXPULSION OF FOREIGNERS INFORMATIVE GUIDE OF RIGHTS AND GUARANTEES

The Spanish Alienage Law (Ley de Extranjería) stipulates the expulsion of foreigners being in Spain and not having residence permit. In order to make the expulsion easier, the judge can decide their internment.

This guide informs foreigners in an abridged way about the requirements and proceedings that the law establishes to carry out the internment and the expulsion, as well as about the rights with which the law provides them.

INTERNEMENT ET EXPULSION DES ÉTRANGERS GUIDE INFORMATIF DES DROITS ET GARANTIES

La Loi sur l'Immigration permet l'expulsion des étrangers/ères qui se trouvent en Espagne sans permis de résidence. Pour décréter l'expulsion, le juge peut décider l'internement.

Ce guide informe de façon abrégée les étrangers/ères des nécessités requises et des démarches établies par la loi pour décréter l'internement et l'expulsion. De même, on y cite les droits et les garanties que la loi permet dans ces cas.

غیرملکی تارکین وطن کی ملک بدری یا حراست حقوق و تحفظات کے بارے میں معلوماتی گائیڈ

غیرملکیوں کے بارے میں قانون کے مطابق ایسے تمام افراد کو ملک بدر کیا جاسکتا ہے جن کے پاس کام یا رہائش کی ریڈیڈنسی نہ ہو۔ ملک بدری کو یقینی بنانے کیلئے عدالت متعلقہ فرد کو قید کرنے کا حکم دے سکتی ہے۔ زیر نظر معلوماتی گائیڈ میں مختصر طور پر ملک بدری یا قید سے متعلقہ قانون کی وضاحت کی گئی ہے۔ اس کے علاوہ قانون کے دائرے میں رہتے ہوئے تارکین وطن کے حقوق اور تحفظات کے بارے میں بھی بتایا گیا ہے۔

اعتقال الأجانب وطردهم دلیل توضیحی حول الحقوق والواجبات

إن قانون الأجانب يسمح بطرد الأجانب المتواجدين في إسبانيا وليس لديهم رخصة إقامة. ومن أجل ترتيب إجراءات الطرد يحق للقاضي أن يصدر أمرا بالتوقيف. هذه الدليل يشرح للأجانب بطريقة مبسطة الشروط والإجراءات التي ينص عليها القانون من أجل تنفيذ التوقيف والطرده.