

## SEAFARER SUBJECT GUIDE

---

### ABANDONMENT IN SPAIN

This Guide deals with the situation where seafarers are abandoned in a port in Spain as well as where seafarers are abandoned on a Spanish flagged vessel in a port outside Spain. This document is not intended to be legal advice, nor does it constitute legal advice. If a seafarer is abandoned, he is strongly advised to consult a lawyer qualified to practise in Spain.

\*A full text version of this Subject Guide including footnotes will become available for subscription in due course. In the meantime if there is a specific inquiry on any Subject Guide, please contact SRI.

---

#### **1. When is a seafarer considered abandoned according to national case law or legislation? Is there any special legislation concerning abandoned crew?**

1.1 A seafarer is considered abandoned when the shipowner abandons him in a port without paying wages and without repatriation. There is no special legislation in Spain concerning abandoned crew.

#### **2. What is the immigration status of abandoned seafarers?**

2.1 Seafarers that are citizens of another EU member state can freely move within Spain under Directive 2004/38/EC. Other abandoned seafarers cannot freely move within Spain.

#### **3. Can an abandoned seafarer get shore leave?**

3.1 An abandoned seafarer can enter and leave the ship, but his immigration status is not regular, except for citizens of another EU member state.

#### **4. Is abandonment of seafarers considered a crime?**

5.1 The abandonment of seafarers is not considered a crime in the national laws of Spain. The crime of endangering life is not established in relation to the abandonment of crew.

#### **5. What entities and/or persons may be involved with or assist an abandoned crew?**

5.1 Various entities and/or persons may be involved with or assist an abandoned crew.

5.2 Lawyers

## SEAFARER SUBJECT GUIDE

---

See FIND ASSISTANCE on the SRI app which can be downloaded from the home page of the SRI website at [www.seafarersrights.org](http://www.seafarersrights.org)

5.2.1 In addition, reference may be made to the Guide on Using Lawyers and Fact File available on the SRI app and at

[https://www.seafarersrights.org/seafarers\\_subjects/using\\_lawyers/](https://www.seafarersrights.org/seafarers_subjects/using_lawyers/)

5.3 ITF Inspectors and union officials

See FIND ASSISTANCE on the SRI app which can be downloaded from the home page of the SRI website at [www.seafarersrights.org](http://www.seafarersrights.org)

5.4 Welfare agencies

See FIND ASSISTANCE on the SRI app which can be downloaded from the home page of the SRI website at [www.seafarersrights.org](http://www.seafarersrights.org)

5.5 Governments and Embassies

Additionally the seafarer may need to access government official websites, including lists of embassies, to find an appropriate contact.