IMMIGRATION POLICY IN SPAIN

Immigration to Spain increased significantly in the beginning of the 21st century. In 1998, immigrants accounted for 1.6% of the population, and by 2009, that number had jumped to above 12% — one of the highest in Europe at the time. Until 2014, the numbers were decreasing due to the economic crisis, but since then, immigration to Spain has increased again since 2015 and immigrants now account for 12.8% of the Spanish population, according to the United Nations. As of 2018, there were over 5,947,106 foreign-born people in Spain, 12.8% of the total population. This makes Spain one of the world's preferred destinations to immigrate to, being the 4th country in Europe by immigration numbers. Spain attracts significant immigration from Latin America and Eastern Europe. The fastest-growing immigrant groups in 2017 were Venezuelans, Colombians, Italians, Ukrainians, and Argentinians.

The population of Spain doubled during the 20th century due to the spectacular demographic boom in the 1960s and early 1970s. The birth rate then plunged by the 1980s, and Spain's population became stagnant, its demographics showing one of the lowest sub-replacement fertility rate in the world.

During the early 21st century, the average year-on-year demographic growth set a new record with its 2003 peak variation of 2.1%, doubling the previous record reached back in the 1960s when a mean year on year growth of 1% was experienced This trend is far from being reversed at the present moment and, in 2005 alone, the immigrant population of Spain increased by 700,000 people.

Migration policies

Migration can contribute to development through the **elaboration and application of migration policies in the countries of origin, transit and destination which carry out a concerted and appropriate management of migratory flows**.
The first responsibility in this sense resides in the countries of destination. However, it is also necessary to count on the involvement of countries of origin and transit.
Given this situation, it is also essential to meet the needs of these countries of origin and transit, and, based on those needs, to provide them with the technical and financial assistance necessary so that they may create or upgrade their capacities. The migration policies of these countries must form an integral part of national development plans or strategies that also address aspects or facets linked to migration. Support for the construction, in countries of origin and transit, of such migration policies must also

be integrated within international co-operation policies, promoted on the part of the developed countries and international organizations.

Therefore, the orderly management of migration should be carried out within a framework of **shared responsibility** and **co-operation** with the countries of origin, transit and destination, working towards a **concerted and coherent management of migratory flows**. These migration policies are necessary for all of the parties involved, be they countries of origin, transit, or destination, because if they are not interconnected, they will be inefficient.

Within such a scenario, an appropriate migration policy would be based on an **integrated approach** to migratory flows, which, necessarily, must consider **different fields of action:**

General (countries of origin, transit and destination)

1) The creation of **sources and systems of statistical information referring to all aspects of the migratory phenomenon e.g. flows and diasporas.**

Obtaining, analysing, and interpreting data on the different aspects of migration should lead to evidence-based formulation of appropriate migration policies.

2) Ensuring that migration follows legal channels, promoting legal migration, and providing a fair response to the needs involved. Irregular migration brings with it the drama of loss of human life, the abuses linked to human trafficking, and a situation of vulnerability and absence of rights in the country of destination. Only legal migration, properly managed, and which makes it possible for the immigrant to enjoy integration and full rights, can contribute to development in the countries of origin. Therefore, it is important for the countries of origin to facilitate legal migration, co-operating with the host countries to reduce irregular entries.

This problem must be approached at the point of origin, through the collaboration and co-ordination of all the operative services involved in this area from the different States forming part of the migration routes. Measures should be adopted aimed at improving their capacities in managing migratory flows and the fight against irregular immigration, through border control and surveillance, security in identity and travel documents, the readmission of emigrants who have entered in an irregular manner, and the fight against the mafias and networks trafficking in human beings. Moreover, potential emigrants should be informed regarding the risks involved in irregular emigration.

Countries of destination

1) Integration policies

Adequate integration of immigrants in the host society improves their capacity to act as a development factor in their countries of origin. Therefore, it is necessary to delve deeper into those aspects of the integration process that have the greatest impact on immigrants' capacity to act as agents of development in their countries of origin.

Reception programs: introduction to the host society, and initiatives aimed at improving their fluency in the local language.

Employment integration programs: training programs for developing professional aptitudes and facilitating adult education; access to employment, promotion, and equality of treatment; intermediation mechanisms in the labour market; support and consulting services for business activities, etc.

Educational integration programs: access to compulsory education, facilitation of non-compulsory education.

Programs of integration into **social life**: access to housing, social services, and health services.

Programs promoting **participation** in the life of the host country (trade unions, parents' associations, civic associations) and support for the development of **associative bodies** for the immigrant population, fostering co-operation between native and immigrant organizations.

Programs promoting **equality of treatment and non-discrimination** in access to public or private goods and services.

2) Polices that promote **return migration** and **temporary mobility of emigrants,** enabling them to finish their studies and/or work for a limited period of time in countries of destination, later returning to their countries of origin, where they can put into practice the knowledge and skills acquired, thus contributing to the development of their home countries. Some measures able to promote such temporary mobility of emigrant students and workers include:

a) An adequate **migration legislation** and **visa policy**, providing greater mobility of those competencies having an impact on the country of origin, cutting red tape, and favoring efficient management, without a reduction in security.
b) Incentive measures, such as agreements on the **transfer of pensions and health benefits** via recognition of contribution periods.
c) Programs promoting **work visits** to the country of origin.

3) Measures **supporting voluntary returns**, always based on the free decision of immigrants to return to their home country, and linked to a project of integration into economic activity in the country of origin, through such activities as self-employment, small and medium-sized businesses (SMB), or family firms.
Such measures should be coordinated in migrants' country of origin as well as that of destination, and involve the creation of mechanisms and partnerships to:

Provide information, orientation, and consulting services regarding resources and return incentives.
Analysis and assessment of the technical and financial viability of the project.

Support financing: micro credits, public co-financing, remittances, etc.
Accompaniment: orientation and consulting services during the startup phase and first year of the life of the project in the country of origin.
It should be taken into account that a major factor in the success of return programs depends on the existence of minimal conditions of stability and confidence in the political and economic/financial system of the country of origin as well as support for these kinds of programs on the part of the Governments of migrants' countries of origin.

4) Incentives providing alternatives to the brain drain suffered by many countries of origin. This brain drain can be combated not only through measures promoting return migration and temporary mobility of emigrants, and support measures for voluntary returns, but also through reinforcing the countries of origins' educational capacities, increasing employment opportunities, and improving the employment conditions of specialised workers, as well as promoting possibilities for professional promotion and the establishment of adequate salaries.
Moreover, countries of destination should adopt an ethical code which involves renouncing the massive recruitment of professionals in certain developing countries susceptible to a negative impact on their development conditions, especially in the healthcare sector.

5) Policies promoting **co-development** (intimately linked to integration policies):
Strictly speaking, state-sponsored measures aimed at promoting collaboration with **diasporas and immigrant associations** in the host countries are of high importance, in order to make it possible for them to participate in the decision making process and the elaboration of migration policies, including all aspects pertaining to integration and the maximization of the positive impact on development in countries of origin, identifying needs and possible spheres of action.
In this process, immigrant associations can be assisted and empowered in carrying out specific development actions in their communities of origin (education, health, infrastructures, etc.); it is also possible to support linking such initiatives to the communities of origin, through the eventual creation of **transnational networks** and **public-private alliances**, featuring the participation of local authorities, associations of emigrants' families, business organizations, and local savings and loan co-operatives.
From a broad co-development perspective, it is essential to become fully conscious of the basic role of, and need for, immigration in the economy and demography of the host countries, and for the host countries to assume the development objectives of the countries of origin as being part of their own concerns and needs.
application of **migration policies** for the appropriate management of migratory flows should occupy a vital position within the definition of **wide-ranging development policies,** of national development plans and strategies that also address aspects or facets linked to migration, so that the positive impact of migration on their own development may be maximised, and the negative consequences minimised. It would be a question of establishing migration ministries, institutes, or public services, which would be in charge of drawing up these policies and putting them into practice. Support for the construction, in countries of origin and of transit, of such migration policies must also be integrated into the international co-operation policies promoted on the part of developed countries and international organizations. Some of the spheres of action where they could operate are detailed below.

I) Skills creation for the appropriate management of migratory flows, through legal and institutional reinforcement and providing human and material resources for migration services:

A) Information and orientation services, furnishing information regarding:

Legal migration channels, existing mechanisms and legal framework for migration in the country of destination.
Needs of the labour market in the country of destination: sectors requiring workers, occupations whose needs are not met by locally available workers, necessary qualifications, language skills, etc.
Living conditions (social and cultural life, transportation, housing, democratic values) and working conditions (workers' rights, salaries, trade unions, collective bargaining, training) in the host country.
Risks in opting for irregular migration: loss of rights, exploitation, human trafficking, loss of one's own life.

B) Mechanisms for **training at the point of origin**, such as occupational training for adapting to a different job and learning the language of the host country.

C) Perfecting **recruiting** and personnel selection processes for migrant workers, through greater transparency and the participation of social agents from the countries of origin.

D) Services that ensure the **protection and integration of emigrants and their families**. In many countries, such as El Salvador, Morocco, and the Philippines, there are already high-level civil servants who look after their countries' emigrant communities abroad.

The **use of new information and communication technologies** can be a useful instrument aimed at disseminating information on available job vacancies and providing information.

E) The establishment of **Emigration Observatories** to analyse the trends and impact of migration in countries of origin.

F) The **training of personnel** for migration management.

G) The creation or modification of **legislation, policies,** and **migration programs** able to improve the management of migratory flows and the protection of emigrants' rights, and to guarantee the readmission of persons in an irregular situation in their countries of destination.

II) Promoting business skills in emigrants and their families, giving them access to financial institutions, providing them with skills in management and other issues involved in setting up a business, and providing financial assistance, if necessary. An entrepreneurial spirit can be promoted in the country of origin or of destination through remittances or the return flow of emigrants, or both at once; moreover, the **constitution of transnational business ties** can be promoted.

III) The promotion of initiatives aimed at making it possible for **remittances** to have an impact on the development of the communities to which they are sent. Such initiatives are developed in a separate paper.

All of these courses of action need to part of migration policies designed as the result of a process of dialogue and negotiation amongst the countries involved. This process must be oriented towards putting into practice a cooperative management of migration, based on the idea that all of the countries affected by it recognise the lines of reasoning, and the advantages and incentives, which justify their involvement in this negotiation and concerted management.
From Spain's point of view, it is essential to highlight the **integrated approach** that must be the driving force behind these migration policies; in other words, it is important to underline how **all of these spheres of action complement each other,** as well as the importance of maintaining **coherence in those policies** regarding migration issues, which encompass all of these areas.

Most especially, there should be coherence between the actions aimed at building skills for the appropriate management of migratory flows in countries of origin and transit, and those aimed at managing the entry of emigrants into their countries of destination. These policies are intertwined and should always be based on the principles of involvement of the countries of origin and transit, partnership and association, and joint responsibility amongst the countries of origin, transit and destination of migration. **All these policies should, moreover, be long lasting, and long-term.** States must design policies that look towards the future.

literary source: MINISTERIO DE ASUNTOS EXTERIORES

Humanitarian care:
http://extranjeros.mitramiss.gob.es/es/atencionhumanitaria/index.html

This section contains information on the Humanitarian Attention program that, within the scope of the Ministry of Migration, manages the Directorate General Inclusion and Humanitarian Attention. The Humanitarian Attention Program is aimed at addressing the state of need of immigrants in vulnerable situations due to physical deterioration and lack of social, family and economic support that reach the Spanish coast or form part of settlements that involve serious social and health risks and require immediate action programs for its correction. This Humanitarian Assistance program is managed, within the scope of the Ministry of Migration, by the Directorate General Inclusion and Humanitarian Attention and is implemented with its own means, through the Temporary Immigrant Stay Centers (CETI), located in Ceuta and Melilla and through specialized non-profit social entities, which are subsidized by the Directorate General Inclusion and Humanitarian Attention. The granting of subsidies for the development of the programs is carried out in accordance with the General Subsidies Law 38/2003, of November 27, articles 22.2 and 28. The regulatory framework is contained in Royal Decree 441/2007 , of April 3, which approves the regulatory rules for the direct granting of grants to entities and organizations that carry out humanitarian assistance actions for immigrants.

International Protection and Asylum:

http://extranjeros.mitramiss.gob.es/es/ProteccionAsilo/index.html

Within the scope of the Secretary of State for Migration, the General Directorate for Inclusion and Humanitarian Assistance is entrusted, among other functions, with the development and management of a system of integral reception and integration of asylum seekers, refugees, stateless persons, persons received by temporary protection regime and other subsidiary protection statutes.

Refugee Shelter Center (C.A.R.):

http://extranjeros.mitramiss.gob.es/es/ProteccionAsilo/index.html

They are public establishments destined to provide accommodation, maintenance and urgent and primary psychosocial assistance, as well as other social services aimed at facilitating coexistence and integrating in the community people who apply for asylum in Spain or obtain refugee or displaced status in Spain and that lack the financial means to meet their needs and those of their family. Regulatory Regulations The

Regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration makes reference in article 264.2 to specific programs aimed at foreigners who have the status of asylum seekers or stateless status, refugees , stateless persons, beneficiaries of protection. In addition, the Ministerial Order of January 13, 1989 regulates the Shelters of Refugees and Asylees and the Resolution of July 6, 1998 approves the Basic Statute of the CAR and develops Order 13-1-1989, which regulates them. Beneficiaries People who meet any of the following conditions may be beneficiaries of the Refugee Shelter Centers of the General Directorate for Inclusion and Humanitarian Assistance: Have requested or be a beneficiary of international protection in Spain. Be in possession of the relevant document that proves your status as an applicant or beneficiary of international protection of the status of statelessness or temporary protection in Spain. Having applied for international protection and not being admitted for processing the application, when a Member State has accepted the responsibility of examining its asylum application under Council Regulation (EC) 343/2003 of February 18, 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application filed in one of the member states by a third-country national, during the period established to manage the transfer to the country that has accepted its taking over. In all cases the following requirements will apply: Lack of work or financial means to meet your needs and those of your family. Not suffer from communicable diseases or physical or psychological disabilities that can alter the normal coexistence in the center. Express acceptance of the regulations governing the center. Length of stay the stay in the centers will last six months, unless the administrative file is resolved prior to the course of this period. In case of refusal resolution, the beneficiary will have fifteen days to leave the center. Exceptionally, and for reasons of necessity, prior report from the technical team, the Directorate of the center may propose to the General Directorate of Inclusion and Humanitarian Attention the authorization, once only, of an extension of stay until notification of the resolution of the file of asylum. Its duration will depend on the individual characteristics of each case, following the proposal of the center's management in a motivated manner. Services and benefits Accommodation and temporary maintenance. Information and advice on new situation. Orientation for its incorporation into the educational, health and social system. Psychological attention. Specialized social care and management of complementary financial aid. Development of courses for language learning and basic social skills. Guidance and intermediation for professional training and job placement. Occupational and leisure activities and free time. Activities to raise awareness and disseminate the actions of the C.A.R. addressed to the host society. Financial assistance to CAR beneficiaries

865-2006 Regulatory rules CM aid2015 Resolution aids Centers2017 Resolution helps Centers. The maximum amounts established for each type of aid will be the same and in the same terms as those established in the 2015 Resolution. Object Allow the beneficiary to solve the most peremptory personal and / or family needs, as well as provide him with adequate means to ensure his greater personal autonomy and future social integration. Beneficiary Requirements be an applicant or beneficiary of international protection. Deadline Aid for personal and transportation expenses may be requested from the moment the beneficiary enters the center and depending on his personal situation. Other expenses may be requested throughout the beneficiary's stay at the center, when the circumstance that gives rise to it occurs. Request The request signed by the applicant will be addressed to the person responsible for the General Directorate of Inclusion and Humanitarian Attention, which contains the personal data of the same, the purpose and needs that are intended to cover.

Requirements for traveling to Spain:

Entry into Spain for stays not exceeding ninety days during the semester:

This is subject to the conditions established by Regulation (EU) 2016/399 of the European Parliament and of the Council of March 9, 2016, which establishes a Union Code of Standards for the Crossing of Persons across Borders (Schengen Borders Code).

Be in possession of a valid and valid passport or travel document.

The document must be valid until three months after the expected date of departure from the territory of the Member States and must have been issued within the previous ten years. Citizens of any State of the European Union, Switzerland, Norway, Iceland and Liechtenstein only need a valid National Identity Document or passport. The UK and Ireland do not belong to the Schengen area and require a passport. In the case of being a minor and traveling with the DNI, it must be accompanied by a parental permit.

Be in possession of a valid and valid visa:

This requirement is applicable to third-country nationals included in the list of countries subject to the visa requirement for the crossing of the external borders, provided they are not in possession of a valid residence permit or a valid long-term visa issued by another Member State.

Foreigners holding a valid residence permit or a valid long-term visa issued by another Schengen State may circulate for a maximum of 90 days, in any period of 180 days, through the territory of the other Schengen States, provided they are in possession of a valid and in force passport or travel document, justify the purpose and conditions of your stay as well as the sufficiency of financial means for your support during the period of stay in Spain and prove not to pose a danger to public health, public order, national security or international relations of Spain or other States with which Spain has an agreement in this regard. Likewise, they will not be required to appear on the national list of ineligible persons in the Member State concerned.

In any case, at police controls, access may be denied (even with a valid passport and / or visa) in the following cases:

- Tourist or private trips. In these cases, the presentation of any of the following documents may be required:

1. Document justifying the accommodation establishment or an invitation letter from an individual, if staying at his home, issued by the Police Station corresponding to his place of residence.

IMPORTANT: In no case, the invitation letter will supply the accreditation by the foreigner of the other requirements for entry.

2. Confirmation of the booking of an organized trip with itinerary.

3. Return ticket or tourist circuit

For the accreditation of economic means, the provisions of Order PRE / 1282/2007, of May 10, on economic means, the disposition of which must be accredited by foreigners in order to enter Spain, will be taken into account.

The minimum amount to be credited is 90 euros per person per day, with a minimum of 810 euros or its legal equivalent in foreign currency.

- Travel of a professional, political, scientific, sports or religious nature or for other reasons.

The presentation of any of the following documents may be required:

1. The invitation of a company or an authority to participate in meetings, conventions, etc., of a commercial, industrial nature, etc.

2. Document proving the existence of commercial, industrial, etc. relationships.3. Access cards to fairs, congresses, conventions, etc.

4. Invitations, entrance cards, reservations or programs indicating, as far as possible, the name of the inviting body and the length of the stay or any other document indicating the purpose of the visit.

- Study trips or other type of training.

The presentation of any of the following documents may be required:

1. Registration document of a teaching center to participate in theoretical and practical training courses.

2. Certificates related to the courses followed.

Exceptionally, presentation of the medical certificates required by the Ministry of the Interior, in accordance with the Ministries of Health and Consumption and of Labor and Immigration, or in application of the regulations of the European Union.

The requirement of these certificates will be disseminated, as far as possible, sufficiently in advance. Not be subject to an entry ban (registered in the S.I.S. [Schengen Information Service] or in the National Registry).

The following are causes of entry prohibition:

1. Having previously been expelled or returned by Spain or some Schengen State.

2. To be expressly prohibited from entering for activities contrary to the interests of Spain or human rights or for their notorious connection with criminal organizations.

3. Be internationally claimed for criminal causes.

4. Assuming a danger to public health, public order, national security or the international relations of Spain or of other States with which Spain has an agreement in this regard.

5. Have exhausted 90 days of stay in a period of 180 days.

Procedures after entering Spain Once the visa has been issued, there are certain procedures that must necessarily be carried out in Spain.

Short-term visa extensions.

An extension of the stay in Spain can be obtained as long as the duration of your visa is less than 90 days. It is the responsibility of the Immigration Offices and Police Stations to process and resolve said extensions.

Alien identity cards.

When the duration of the authorized stay or residence in Spain lasts for more than six months, the corresponding foreigner's identity card must be requested from the Police Station or competent Foreigners Office, within one month of entering Spain. Holders of a seasonal work and residence visa are exempt from said obligation.

RESIDENCE PERMITS

DO YOU ACTUALLY NEED TO APPLY FOR A RESIDENCE VISA?

We need to divide the answer between the two different groups of foreigners.

If you are a citizen from a European Union country or from the European Economic Area (EEA) or from Switzerland, you just need to get your Identification Number in Spain (NIE) and your EU registry certificate. But a visa or a residence permit won't be required in order to stay legally in the country for the long run. EU citizens don't need a visa to live in Spain.

But what happens if you are not from the EU, EEA or Switzerland? Then, **as a Non-European Union citizen you will need to get your visa** in order to work and live legally in the country.

In that sense, there are three different types or residency cards in Spain. And you will get one or the other depending on how long you stay in the country:

SHORT TERM VISA

The **short-term visa or Schengen visa** allows non-EU citizens to stay in the country for 90 days. It is also called tourist visa. Bear in mind that most permits can't be obtained under a tourist visa. This means that, as a rule, you can't come to Spain with a short-term visa and get your residence permit afterwards; you need to apply from your country of origin. Nevertheless, there are some exceptions that we will explore later on.

TEMPORARY RESIDENCY

If you are planning to live in Spain for the long run, this is the option you should apply to. The **temporary residency** encompasses all the different types of residence permits you have available. They will grant you the possibility to legally live and work in the

country for 1 or 2 years. Once that period finished, and if you still meet the initial requirements, **you can renew your temporary residence permit** for an additional year or two.

PERMANENT RESIDENCY

After 5 years of living uninterruptedly in Spain with your permit or visa, you won't have to renew it anymore. And that is because then you will be eligible to **apply for the permanent residency**, a permit that will allow you to live and work in Spain indefinitely.

The requirements are easy to meet. Just with your passport, current permit and the proper form filled you will get the long-run card. Nevertheless, even though we said you must have lived in the country for 5 years, you should bear in mind that all the years lived in Spain under the student visa count half.

Furthermore, it is the gateway for **Spanish citizenship**.

Uniform Schengen visas

This visa allows stays in the Schengen area of up to 90 days (in any 180-day period) for reasons of tourism, business, family visit, medical treatment, for studies, non-work placements or volunteer activities of less than 3 months , or for other non-profit activities. It also allows territorial and airport transit.

The procedures and conditions for the issuance of these visas are included in Regulation (EC) No. 810/2009 establishing a Community Code on visas (Visa Code) 01/31/2020The Schengen visa is issued to third-country nationals included in Annex I of Regulation (EU) 2018/1806. The short-term visa application must be submitted by means of an official application form, duly completed (original and copy), which can be downloaded free of charge from this website or obtained, also free of charge, from the Diplomatic Missions or Consular Offices of Spain in the Foreign. The visa must be applied for in person at the Diplomatic Mission or Spanish Consular Office in whose demarcation the applicant legally resides. If there is no Spanish Diplomatic Mission or Consular Office in a given country, the Diplomatic Mission or Consular Office will be requested to represent Spain in that country. At the time of submitting the visa application, the corresponding fee must be paid using the established payment method. This amount will not be returned in case of visa denial. The basic visa fee is 80 euros for applicants from 12 years old, 40 euros for minors from 6 to 11 years old

and free for applicants under 6 years old. Check with the Diplomatic Mission or Consular Office where the visa is requested for the existence of exemptions or reduced fees, applicable under international regulations or agreements. In the case of applications submitted to the visa outsourcing company, a service fee will also be paid, and, on a voluntary basis, additional services may be accessed at an extra cost to the applicant. The maximum term to resolve the short-term visa application files is 15 calendar days from the date of submission of the application. This period may be extended to a maximum of 45 calendar days in specific cases, especially when a more detailed examination of the application is necessary. If the visa is denied, the applicant will be notified by means of a standard form indicating the cause of the refusal. In this case, a contentious-administrative appeal may be filed with the Superior Court of Justice of Madrid within a period of two months from the date of notification. Optionally, an appeal for reversal may be filed with the same Diplomatic Mission or Consular Office within one month from the date of notification of the denial. Data Protection.

The processing of personal data of visa applicants is carried out in accordance with the General Data Protection Regulation. People who wish to exercise the rights of access, correction and deletion of their personal data in the Visa Information System (VIS) should contact:

Ministry of Foreign Affairs, European Union and Cooperation General Inspection of Services

Postal address:

Plaza de la Provincia, 1, C.P. 28071 Madrid, Spain Email: dpd@maec.es For more information on your rights and duties and on how to exercise the rights of access, correction and deletion of data included in the SIS, you can consult the website of the Spanish Agency for Data Protection.

Visas for relatives of citizens of the European Union, the States party to the Agreement on the European Economic Area and Switzerland.

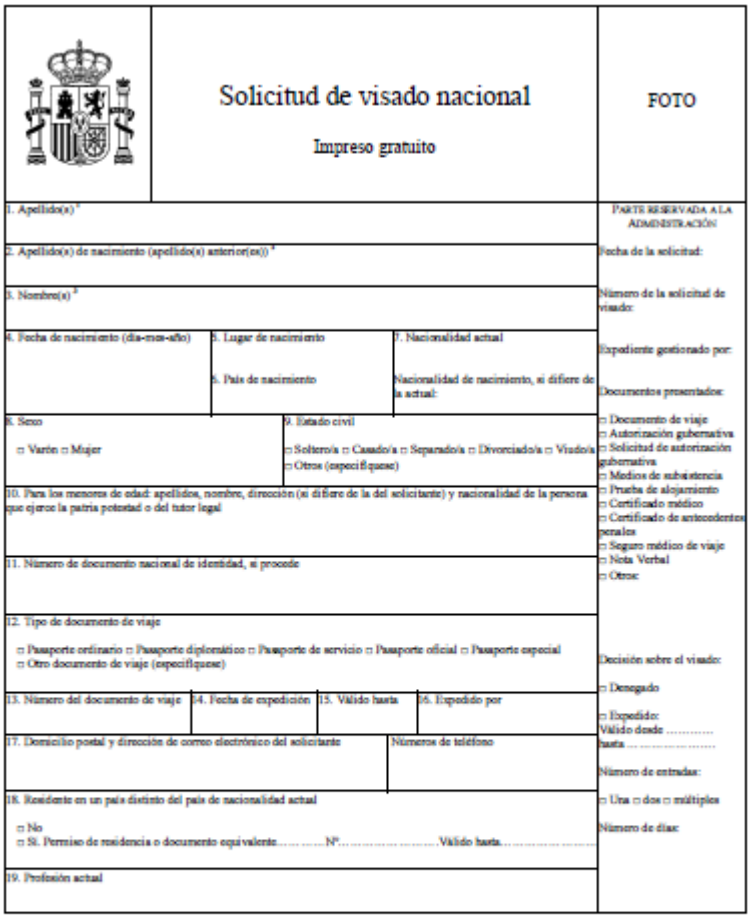
The procedure and conditions for issuing entry visas under the Community regime are set out in Directive 2004/38 / EC of the European Parliament and of the Council, of April 29, 2004, and in Royal Decree 240/2007, of 16 of February, on the entry, free movement and residence in Spain of citizens of the EU member states and of other states party to the Agreement on the European Economic Area. Third-country

nationals who are family members of community citizens are beneficiaries of the community regime, provided that they appear listed in articles 2 and 2 bis of Royal Decree 240/2007 and accompany or meet with the community citizen. The processing of these visas will have preferential character.

Visas will be issued free of charge. In those consular demarcations in which there is an external service provider, the interested party may choose to submit their request directly to the Diplomatic Mission or Consular Office of Spain, or to the in the offices of that supplier, in which case you must pay the fee for the provision of the service and, on a voluntary basis, additional services may be accessed at an extra cost to the applicant.

In this link you can find the information to have the visa document to be download:

http://www.exteriores.gob.es/Portal/es/ServiciosAlCiudadano/InformacionParaExtranjeros/Paginas/VisadosDeLargaDuracion.aspx



Solicitud de visado nacional

Impreso gratuito

FOTO

1. Apellido(s) [1]

2. Apellido(s) de nacimiento (apellido(s) anterior(es)) [2]

3. Nombre(s) [3]

4. Fecha de nacimiento (día-mes-año)

5. Lugar de nacimiento

6. País de nacimiento

7. Nacionalidad actual

Nacionalidad de nacimiento, si difiere de la actual:

8. Sexo

□ Varón □ Mujer

9. Estado civil

□ Soltero/a □ Casado/a □ Separado/a □ Divorciado/a □ Viudo/a □ Otros (especifíquese)

10. Para los menores de edad: apellidos, nombre, dirección (si difiere de la del solicitante) y nacionalidad de la persona que ejerce la patria potestad o del tutor legal

11. Número de documento nacional de identidad, si procede

12. Tipo de documento de viaje

□ Pasaporte ordinario □ Pasaporte diplomático □ Pasaporte de servicio □ Pasaporte oficial □ Pasaporte especial
□ Otro documento de viaje (especifíquese)

13. Número del documento de viaje | 14. Fecha de expedición | 15. Válido hasta | 16. Expedido por

17. Domicilio postal y dirección de correo electrónico del solicitante | Números de teléfono

18. Residente en un país distinto del país de nacionalidad actual

□ No
□ Sí. Permiso de residencia o documento equivalente..... Nº..... Válido hasta.....

19. Profesión actual

PARTE RESERVADA A LA ADMINISTRACIÓN

Fecha de la solicitud:

Número de la solicitud de visado:

Expediente gestionado por:

Documentos presentados:

□ Documento de viaje
□ Autorización gubernativa
□ Solicitud de autorización gubernativa
□ Medios de subsistencia
□ Prueba de alojamiento
□ Certificado médico
□ Certificado de antecedentes penales
□ Seguro médico de viaje
□ Nota Verbal
□ Otros:

Decisión sobre el visado:

□ Denegado

□ Expedido:
Válido desde .....
hasta .....

Número de entradas:

□ Una □ dos □ múltiples

Número de días:

[1] Debe rellenarse con arreglo a los datos que figuren en el documento de viaje.
[2] Debe rellenarse con arreglo a los datos que figuren en el documento de viaje.
[3] Debe rellenarse con arreglo a los datos que figuren en el documento de viaje.

1

RESIDENCY IN SPAIN FOR NON-EU CITIZENS

Let's now explore into greater detail the **different residency options any non-EU citizen has**.

There are **different types of visas and residence permits in Spain**:

http://www.exteriores.gob.es/Portal/es/ServiciosAlCiudadano/InformacionParaExtranjeros/Paginas/TramitesDespuesDeSuEntrada.aspx

NON-LUCRATIVE VISA

Let's say that you do not want to work in Spain. You would like to retire in the country, or you just have enough means so that you do not need to embark in any economic activity. Then, the **retirement or non-lucrative visa** will be the best option for you. Its requirements are straightforward:

- You need private health insurance.
- It is also required to demonstrate the possession of sufficient economic funds. The legal requirement is 26.000€ but depending on your consulate that amount can increase. (**You need to check the information in your own country or in your country consulate that are the ones that will have the information because it's not the same for each).**

Non-lucrative visa (Residence Visa) is a type of **visa for non-EU citizens** that does not allow lucrative activities from the applicant in Spain.

However, the **economic conditions** of the applicant must be steady. The **non-lucrative visa** is for someone with a **good economic situation** who wishes to stay **more than three months is Spain**.

Non-European union citizens that want to live in Spain and who have **savings or passive income** enough to prove that they don't need to **work in Spain** may be eligible for a **non- lucrative visa in Spain**.

The **initial non lucrative residency** permit is granted for a period of one year and **renewable for periods of two years** upon expiry until the holder has been a resident in Spain for 5 years, at which point a **long-term residency can be granted**.

The **main documents** to provide for such an **application** are **proof of income or savings**, of **having a place to stay** in Spain and a private **health insurance**. A certificate of **criminal records** will also be required.

Though the **basic documentation** required is quite simple, the most important aspect of the application for a non-lucrative visa is that **the documentation must show that the applicant has a fitting profile** for a non-profit residency permit. This implies **demonstrating clearly** that the applicant has **no intention to work in Spain** and that he or she has enough **economic capacity** as to not have any need to.

It is important to keep in mind that, like almost all **Spanish residency permits**, the non-lucrative residency permit **requires the holder not to be absent from Spain for more than 6 months** per year in order to conserve and be able to renew the permit. To **access long term residency**, in addition to the previous requirement, **the holder cannot be absent from Spain for more than 10 months in total over the 5 year** of residency required.

What are the requirements to get a Non-lucrative Visa?

When applying for the non-lucrative visa you must have a certain level of income outside of Spain, or own assets that cover your maintenance in Spain. The amount of income for the year 2019 is 2151.36 euros per month for you and in the event that you bring family members, that require your financial support, the required amount per each family member is 540 euros a month. In the process, you must submit evidence that proves your income.

In addition to the requirements related to your livelihood, there are also requirements for your health conditions. You are required to provide a medical certificate that states neither you or any of your family members do not suffer from any dangerous diseases.

Do I have to become a tax resident in Spain to get my Non-lucrative Visa renewed?

Yes. To get it renewed you need to reside in Spain for at least 6 months in a year, and that implies becoming a tax resident

Application Location

You need to apply in your home country. And you need to apply at the Spain Embassy or Consulate that has jurisdiction over your state or province. For me, my home address is in Florida, so I had to apply at the Spanish Consulate in Miami.

Interestingly enough, each Embassy and Consulate seems to have slightly different requirements for the non lucrative visa but the core is basically the same. You can find any extra requirements on the website of the Embassy or Consulate where you need to apply. Also, **some Embassies and Consulates require you to make an**

appointment to apply for the non lucrative visa and some don't. Definitely check this in advance as it could take a couple of months to secure an appointment.

Luckily, for me, the Consulate of Spain in Miami does not require appointments, so as soon as I had all of my paperwork together, I simply showed up the next day and applied.

Non Lucrative Visa: Documents and procedure

The paperwork is of course the heart of the application process.

So, presumably, if you follow everything, you should also have all of your paperwork in order the first time around!

No guarantees though and you really need to find out the specific requirements of the Embassy/Consulate where you'll apply to make sure you don't need other items.

Here's what you need:

1. **Passport** (should have 2 empty pages and be valid for at least 1 year past the date on which you'll apply)

- bring your actual passport
- make a photocopy of **EVERY SINGLE PAGE** of your passport (this includes blank pages, personal information pages, everything!)

2. **Driver's License or Identification card of your country**

- bring your actual identification card of your country
- make a photocopy of the front and back of it

3. **National Visa Application Form**

- fill out the **National Visa Application PDF** on your computer and then print two copies of the completed application form

- paste a passport photo of yourself (headshot with white background) in the upper right-hand corner box on each application form

4. **Form "EX-01 – Formulario"**

- This is the **authorization for residency form** (it's #11 on that link this is an example of Miami consulate:

  http://www.exteriores.gob.es/Consulados/MIAMI/en/InformacionParaExtranjeros/Pages/Visa%20Requirements/Non-Profit-Visa.aspx;

  but you can find yours in the page of this link clicking in your country's consulate:

  http://www.exteriores.gob.es/Consulados/Paginas/Inicio.aspx

- Fill out the PDF version of this form on your computer
- It needs to be filled out and printed out in one go as you cannot save this form once you enter your details
- Fill out Section 1 and under "*Domicilio en Espana*", if you don't have an address in Spain already, simply type in the city (*Localidad*) and the province (*Provincia*) where you plan to live, leaving the rest of the address section blank
- Do not fill out Section 2
- For Section 3, simply fill out the "*Telefono movil*" and "*Email*" boxes and leave the rest blank
- Print out this form and make 2 photocopies of it as well

5. **Form "Tasas Extranjeria – Modelo impreso 790"**

- This **Tasas Extranjeria form** (on that link you should see your countries consulate: http://www.exteriores.gob.es/Consulados/Paginas/Inicio.aspx)
- It needs to be filled out and printed out in one go as you cannot save this form once you enter your details either
- In the upper right corner, where it says "*Ejercicio*", enter the year in the four boxes
- Fill out the section "*Apellidos y nombre*" in the format of Last Name, First Name, Middle Name (Smith, Johnathan Greg)

- Fill out the "*Nacionalidad*" box with your nationality
- Repeat the previous three steps on pages 2 and 3 of the form
- On pages 1 and 2, check the box that says "*Principal*"
- Do not fill out any other boxes on this form
- Print all 3 pages of the form and make 2 photocopies as well

6. **Criminal Background Check**

- For each country you have to ask it in your police country an **official state background check** (antecedents penales)
- You cannot use a simple background check that you can order and print online (it needs to be one of the two official versions above)
- When you order the background check, it needs to be a version that is notarized by the issuing authority, which is pretty standard
- It must be translated into Spanish (some states, such as Florida, allow you to order the background check in both English and Spanish which makes it much easier; otherwise, when you receive it, you need to get it officially translated and notarized)
- Once you have the official background check in Spanish, you need to send it off for an Apostille certification (this is a specific certification of the document, in addition to the notarization, that is done by the state government where the background check was issued)
- when you have your Apostille-certified, Spanish-language background check, make a photocopy of the Apostille certificate and the background check as well as a photocopy of the English-version background check as an extra precaution

7. **Medical Certificate of Good Health**

- You need your doctor to sign off that you don't have certain communicable diseases as per the International Health Regulations of 2005 simply used the template that can be found at: #8 on this page;

  http://www.exteriores.gob.es/Consulados/MIAMI/en/InformacionParaExtranjeros/Pages/Visa%20Requirements/Non-Profit-Visa.aspx, as an example

  but you should see the link and click on your country's consulate:

http://www.exteriores.gob.es/Consulados/Paginas/Inicio.aspx

- You have to printed it out, brought it to your doctor to review and he signed and stamped it
- The document needs to be in Spanish, so if your doctor is not willing to sign the template above (which is in both English and Spanish), you will need to get the English version **officially translated**

8. **Proof of Spanish Health Insurance**

- This sounds tricky but it wasn't too bad of a process in the end
- Every non lucrative visa applicant needs to show proof of having private Spanish Health Insurance
- You CANNOT use travel insurance or any insurance from your home country (some people get away with it but there's a high chance you'll be rejected if you don't have insurance from a Spanish company)
- It needs to be a health insurance plan without deductibles and without co-payments
- Make sure they send you all of the documents in Spanish
- Print out the official health insurance certificate/letter they send you, as well as the proof of payment and a copy of your policy (what it includes and excludes), all in Spanish
- Make a couple of photocopies of everything

9. **Visa Fees – Money Orders**

- The only way to pay for your visa application is with money orders
- You need to get two money orders from your bank or the post office

For citizens of other countries, simply find the visa fee page on your local Embassy or Consulate's website to see what you need to pay

- DO NOT fill out the "Pay to the order of" section of the money orders in advance
- The staff at the Embassy/Consulate will fill that out for you

10. **Proof of Financial Resources**

- To obtain this visa, you need to show proof of investment income of 2151.36 EUROS per month OR a total of 26.000,00 EUROS aprox. in bank accounts, investment accounts or a combination of both (it increases by about 540 EUROS per person per month if you're applying with a spouse or children)
- Technically, the income you show should not be derived from actual work as the visa is designed for those who have sufficient money to spend 1 year in Spain without working
- You should print out your bank statements and investment account statements for the past year (yes, 12 months of statements for each account!), make a photocopy of them all and bring them with you
- Make sure the statements have your name and address listed on them so that it is very clear that they are your bank/investment accounts

11. **Proof of Accommodation in Spain**

- You can use either a notarized invitation letter from family or a friend in Spain who will be responsible for your accommodation, an actual lease for an apartment/house in Spain or a deed of a property if you own a house/apartment in Spain
- **OR** you can write a letter explaining why you chose a particular town/city in Spain to live in
- Since I don't have a place in Spain yet, I went with the letter option
- Simply write a few paragraphs about why you want to move to Spain and why you chose a particular town or city to live in
- At the bottom of the letter, include a list of everything that you're including in your application such as application forms, medical certificate, proof of health insurance, bank statements totaling 'x' amount and so on
- The letter needs to be in Spanish
- If you're not able to do it yourself, you'll need to get your English letter officially translated into Spanish
- Get the English and Spanish versions of your letter notarized
- Make a photocopy of the notarization certificate, the Spanish letter and the English letter

---

Time to Apply

Once you have everything listed above, it's time to actually apply for the non lucrative visa. Again, depending on where you need to apply, the Embassy or Consulate may or may not require you to make an appointment in advance.

Application for a National Visa

This application form is free

PHOTO

1. Surname (Family name) (x)

2. Surname at birth (Former family name(s)) (x)

3. First name(s) (Given name(s)) (x)

4. Date of birth (day-month-year)

5. Place of birth

6. Country of birth

7. Current nationality

Nationality at birth, if different:

8. Sex

□ Male □ Female

9. Marital status

□ Single □ Married □ Separated □ Divorced □ Widow(er)
□ Other (please specify)

10. In the case of minors: Surname, first name, address (if different from applicant's) and nationality of parental authority/legal guardian

11. National identity number, where applicable

12. Type of travel document

□ Ordinary passport □ Diplomatic passport □ Service passport □ Official passport □ Special passport
□ Other travel document (please specify)

13. Number of travel document

14. Date of issue

15. Valid until

16. Issued by

17. Applicant's home address and e-mail address

Telephone number(s)

18. Residence in a country other than the country of current nationality

□ No
□ Yes. Residence permit or equivalent ..... No. ..... Valid until

* 19. Current occupation

PARTE RESERVADA A LA ADMINISTRACIÓN

Fecha de la solicitud:

Número de la solicitud de visado:

Expediente gestionado por:

Documentos presentados:

□ Documento de viaje
□ Autorización gubernativa
□ Solicitud de autorización gubernativa
□ Medios de subsistencia
□ Prueba de alojamiento
□ Certificado médico
□ Certificado de antecedentes penales
□ Seguro médico de viaje
□ Nota Verbal
□ Otros:

Decisión sobre el visado:

□ Denegado

□ Expedido:
Válido desde .....
hasta .....

Número de entradas:

□ Una □ dos □ múltiples

Número de días:

(x) Fields 1-3 shall be filled in in accordance with the data in the travel document.

Where you can find the information templates by acceding to this link: http://www.exteriores.gob.es/Consulados/Paginas/Inicio.aspx

Here you will find everything you need to apply, and you can choose English language.

Law on Visas for Entrepreneurs

This Act is aimed at investors, entrepreneurs, highly skilled professionals, researchers, and workers performing inter-company business operations, including their spouses and children under 18.
The Act facilitates a swiftness of processing, generally establishing a resolve within 10 days for all visa applications relevant to this law.

The Residence Visa issued under this law is sufficient to reside in Spain for one year without having to obtain a foreign identity card. The renewal of residency may take place even if absences exist for longer than six months per year in the case of Residency Visas and authorisations for foreign investors and for foreign workers performing inter-company operations abroad or that have established their base of operations in Spain.

GENERAL REQUIREMENTS:

- Regularly on Spanish soil.
- Be older than 18 years.
- No criminal record in Spain or countries lived in during the last 5 years for offenses stipulated under Spanish Law.
- Not listed as objectionable in the territorial space of countries with which Spain has signed an agreement in this regard.
- Have a public insurance or private health insurance with a Health Insurance Institution authorised to operate in Spain.
- Have sufficient financial resources for yourself and for the members of your family during the period of residency in Spain (2.130€ monthly for yourself and 532€ for every family member that is in your care).
- Pay the fee for the processing of visa(s).

It is important to mention that the processing of the Residency Visa is extended to the spouse and children under 18 years of age or to elderly family members, who are not able to provide for themselves due to their state of health, when they unite with or accompany applicants. Consequently, they may apply jointly and simultaneously or successively for a family residence visa, with proof of compliance with the above requirements.

The presence of the applicant of the visa is not required because biometric data is not required. The residency visa may be requested and obtained through a duly accredited representative.

This Act of residency visa refers to the following:

Residency Visas for Capital Investors (RIC):

A significant capital investment is understood as an initial investment with a value equal to or greater than 2 million Euros in Spanish government bonds issued or a value equal to or superior to 1 million Euros in shares or shares in Spanish companies or deposits into Spanish financial institutions.

Besides the general requirements established, the applicant must have proof of the investment of the minimum amount required over a period not exceeding 60 days preceding the filing of the application in the following manner: sides the general requirements established, the applicant must have proof of the investment of the minimum amount required over a period not exceeding 60 days preceding the filing of the application in the following manner:

1. In the case of an investment in unlisted shares or company shares a copy of the statement of investment made in the Registrar of Foreign Investments of the Ministry of Economy and Competitiveness must be presented.
2. In the case of an investment in listed shares, a certificate of a financial intermediary, duly registered with the National Commission of the Stock Market or the Bank of Spain, which states that the person has made the investment according to the standard rules.
3. In the case of an investment in government bonds, a certificate of the financial institute or the Bank of Spain has to be presented which indicates that the applicant is the sole owner of the investment for a period equal to or greater than 5 years.

4. In the case of a bank deposit investment, a certificate from the financial institution must be presented which states that the applicant is the sole owner of the bank deposit.

Residency Visas for Acquisition of Real Estate (RIV):

Foreigners who can prove the acquisition of real estate in Spain with an investment value equal to or in excess of 500.000€ may apply for this visa.
In addition to the general requirements established, the applicant must prove the acquisition of the real estate property by means of certification containing information of the dominion and taxes of the Land Registry which corresponds with the property. This certification has to be issued withing 90 days preceding the presentation of the application of the Residency Visa. If, at the time of the visa application, the acquisition of land is pending registration at the Land Registry, it will be sufficient to submit certification attesting the pending submission for registration of the acquisition document, accompanied by the proof of payment of the corresponding taxes.
The applicant must prove availability of an investment in real estate for the amount of 500.000€ free of all charges or encumbrances. The share of investment in excess of the required amount may be subjected to charges or encumbrances.

Residency Visas for Entrepreneurs and Business Activities (REM):

This section covers all investors presenting a business plan, considered and recognised as being of general interest, to be developed in Spain with the intention of entering and staying in Spain for a period of one year for the sole or primary purpose of carrying out the preparatory work to develop an entrepreneurial activity.

The applicant must present a favourable report from the Commercial Office in the area of geographical demarcation where the investor presents the visa request, to confirm that the business plan presented is considered as a general interest.

It must be noted that a significant capital investment is admissible when the investment is carried out by a legal person resident in an area not under the consideration of preferential taxation conforming to Spanish legislation and the foreigner possesses, directly or indirectly, the majority of voting rights and has the power to appoint or remove the majority of board members.

In the case of entrepreneurs, entrepreneurial activity is understood as that which is innovative in nature with a special interest to Spain and can count on a favourable report from the Commercial Office where the investor presents the application for the visa.

Residency Visa for Highly Skilled Professionals (TAC):

Application for this visa requires that the company carries out the processing of the Residency Permit, issued by the Large Enterprise and Strategic Economic Unit in Spain and granted by the General Directorate of Immigration, in advance.

Residency Visa for Training or Research (RIN):

This visa contemplates the mixed case relating to foreigners wishing to perform activities of training, research, development and innovation in public or private institutions. These cases are:

1. **The Personal Researcher** to which Article 13 refers in the additional provision of the Law 14/2011, of 1 June, of Science, Technology and Innovation.
2. **The Personal Scientist and Technician** who carries out works of scientific investigation, development and technical innovation, in business institutes or centres of I+D+I established in Spain.
3. **Researchers** accommodated in the framework of an agreement by organisations of public or private research, under the conditions laid down by regulation.
4. Teachers contracted by universities, organisations or centres of higher education or research, or business schools established in Spain in agreement with the criteria of established regulation.

Visa for professional employment transfer (TTI):

This visa may be processed for those foreigners who move to Spain as part of an employment, professional or vocational training on the grounds of a relationship with a company established in Spain or in another country.

This visa requires that the company performs the application beforehand in Spain for the processing of a Residence Permit for Intra-Company Transfers, done by the Large

Enterprise and Collective Strategies Unit and granted by the General Directorate of Immigration.

Residency Visas for Family Members (RFI):

The new law establishes that spouses and children under 18 years of age, or elderly individuals unable to provide for their own necessities due to their state of health, that are united with or accompany the applicant, may apply for a Residency Visa.

In addition to the general requirements they have to prove their family relations.

All the documents needed, and the templates needed you can find them in this link:

http://www.exteriores.gob.es/Consulados/CIUDADDELCABO/en/InformacionParaExtranjeros/Pages/Law-on-Visas-for-Entrepreneurs.aspx

BUSINESS RESIDENCE PERMIT IN SPAIN

Can you set up a company and get the residency at the same time? With the **entrepreneur visa**, you can. If the project that you would like to start in Spain is of economic interest for the country, innovative and involves a high level of technology, (demonstrated through the business plan), you can easily have access to this visa. If you just want to create a regular company, the **work permit as a self-employed individual** will be the best alternative. Our business lawyers will assist you in all steps to set up your business in Spain and with your tax optimization.

http://www.exteriores.gob.es/Consulados/Paginas/Inicio.aspx

INVESTOR VISA

Many of the residency permit application procedures can be tough: a lot of documents and requirements. In order to solve this situation, the **Golden Visa** was created. You just need to invest 500.000€ in Spanish real estate and you will easily get your residency. The **investor permit** may be one of the easiest ways to start living in Spain.

STUDENT VISA

Do you want to do your masters or Ph.D. in Spain? Are you planning to conduct any kind of research in the country? Then the **student visa** is for you. This residence permit

allows non-EU citizens to study or conduct research in Spain. You can also work and do an internship with this visa. Furthermore, another of its advantages it that you can transition towards a work permit afterwards, eliminating the complex work visa requirements.

WORK PERMIT

Depending on your situation and the job offer you have, there are **different types of work visas** you can apply to. Each has its own requirements and the application differs:

- Regular work permit, which must be applied from your country of origin. It will be your employer, from Spain, the one who has to request for you the residence permit
- If you have a job offer as a **highly qualified worker**, the procedure to get the residence permit can start while in Spain. This visa is granted to those who get an offer as managers or any other technical position, and who earn over 40.000€ per year.
- Similar to the skilled professional visa you also have the **EU blue card**, which allows you to work in the whole Europea Union area.

FAMILY MEMBER OF AN EU CITIZEN

Under this immigration procedure, European Union citizens living in Spain can bring with them their relatives that are non-EU nationals. The **residence permit as a family member of a Europea Union citizen** is usually formalized after constituting a civil partnership with the non-EU national or a marriage. Furthermore, parents and children of the European Union citizen can also benefit from the right to get their residence and work authorization as relatives.

SPANISH RESIDENCE PERMIT TROUGH MARRIAGE

Getting married with a Spanish national (or with an EU citizen) will help you get your visa in Spain easily. But not only marriage, **constituting a civil partnership will also enable you to get your legal status**. In that sense, you can get the residency trough marriage under two different procedures:

- If your spouse is from Europe, the family member of an EU citizen visa will be the go-to option.

- Nevertheless, you can also get the residency if your spouse is from a non-EU country, but he/she has lived in Spain for 5 years with her residence permit. Then, the procedure that will help you become a legal resident is the **family reunification process**.

  Remember that:

  Reside in Spain: The possibility of residing in Spain is open to all those who can demonstrate a sufficient reason or connection.

  Foreign citizens who wish to reside in Spain must have been previously authorized to do so. Once such authorization has been obtained, the corresponding visa must be obtained to allow entry into Spain.

  Residence in Spain can be temporary or permanent:

  Temporary residence is the situation that authorizes you to stay in Spain for a period of more than 90 days and less than five years. Authorizations lasting less than five years may be renewed periodically, at the request of the interested party, taking into account the circumstances that led to its granting.

  The initial temporary residence authorization that does not include work authorization will be granted to foreigners who have sufficient means for themselves and, where appropriate, for those of their family. The regulations in force establish the procedure and requirements necessary to obtain a residence and work authorization in Spain to carry out lucrative activities both for others and for their own account.

  Long-term residence is the situation that authorizes you to reside and work in Spain indefinitely, under the same conditions as Spaniards. Foreign citizens who have had temporary residence in Spain for five years continuously and who meet the conditions established by regulation will have the right to long-term residence. For the purposes of obtaining long-term residence, periods of previous and continuous residence in other Member States will be computed as the holder of the EU blue card. The residence will be considered to have been continued even though for periods of vacation or other reasons established by regulation the foreigner has temporarily left the national territory.

  EU citizens

EU citizens and their families, provided that the latter travel or meet with such citizens, are subject to a specific legal regime derived from the rights recognized by the Treaties.

http://www.exteriores.gob.es/Portal/en/ServiciosAlCiudadano/InformacionParaExtranjeros/Paginas/Residir.aspx

NIE: Foreigner Identity Number (NIE)

Foreigners who, for their economic, professional or social interests, are related to Spain, will be endowed, for identification purposes, with a personal number, unique and exclusive, of a sequential nature.

The personal number will be the foreigner's identifier, which must appear on all documents that are issued or processed, as well as the procedures that are stamped on your identity card or passport.

For the assignment of NIE due to economic, professional or social interests, the following requests will be accepted:

to. Those presented in Spain personally by the interested party,

b. Those presented in Spain through a representative,

c. Those that appear in the Diplomatic Representations or Spanish Consular Offices located in the country of residence of the applicant, corresponding to their demarcation of residence.

For the allocation of said number, the following documents must be provided:

- Standardized application-form (EX-15), duly completed and signed by the foreigner.
- Original and copy of the full passport, or identity document, or travel title or registration card in force.
- Communication of the economic, professional or social causes that justify the request.
- When requested through a representative, the latter shall prove that he has sufficient power stating expressly that he is empowered to present such a request.

Note on the validity of foreign public documents: To check the necessary requirements regarding the legalization and translation of foreign public documents, you can consult

the information sheet of the General Secretariat for Immigration and Emigration (see in EXTERNAL LINKS).

External links

Information sheet on legalization and translation of documents of the General Secretariat for Immigration and Emigration:

http://extranjeros.mitramiss.gob.es/es/InformacionInteres/InformacionProcedimientos/Ciudadanosnocomunitarios/hoja098/index.html

Electronic headquarters of the General Police Directorate (immigration procedures): https://sede.policia.gob.es/portalCiudadano/sede/proc_extranjeria.html

The NIE with a temporary certificate, is valid for only 3 months, and is intended for those foreigners who at no time intend to reside even briefly in Spain but who, without moving to live in our country, must perform a specific act with fiscal relevance in Spain.

Something they will do in just a few days or days of travel and stay (for example: appear before a notary to receive an inheritance, or to sign the purchase of a house, etc.).

This documents must be renewed once its expiration date has arrived.

The information for timing and what you have to do you can find it here:

http://extranjeros.mitramiss.gob.es/es/InformacionInteres/InformacionProcedimientos/Ciudadanosnocomunitarios/hoja018/index.html

TYPE OF AUTHORIZATION It is the renewal of the authorization of temporary residence and work for others.

BASIC REGULATION

Organic Law 4/2000, of January 11, on Rights and Freedoms of Foreigners in Spain and their Social Integration (articles 36, 38 and 40).Regulation of Organic Law 4/2000, approved by Royal Decree 557/2011, of April 20 (articles 71 and 72).

REQUIREMENTS

Not be a citizen of a State of the European Union, the European Economic Area or Switzerland, or a relative of citizens of these countries to which the Union citizen regime applies.

Lack of a criminal record in Spain. Not being prohibited from entering Spain and not appearing as rejectable in the territorial space of countries with which Spain has signed an agreement to that effect.

In his case, accredit the schooling of the minors in his charge at the age of compulsory schooling.

Pay the fees for processing the temporary residence authorization and the one related to work authorization for others. To be able to prove one of the following cases: Continue with the employment relationship that gave rise to the granting of the authorization whose renewal is intended.

Having carried out work activity for a minimum of six months per year and: Having signed a new employment contract and being registered or assimilated at the time of application, or Have a new contract that guarantees the worker's work activity and with effective start conditioned to the granting of the renewal. Having carried out the activity for a minimum of three months per year provided that: The employment relationship that gave rise to the authorization was interrupted by reasons beyond the control of the worker. Employment has been actively sought by registering with the competent Public Employment Service as a claimant. Have a valid employment contract. Have granted a contributory unemployment benefit. To be a beneficiary of a public welfare economic benefit destined to achieve their social or labor insertion. The employment relationship has been terminated or suspended as a consequence of the worker being a victim of gender violence. Have been working and registered with Social Security for a minimum of nine months in a twelve-year period, or eighteen months in a twenty-four-year period, provided that: The last employment relationship was interrupted by reasons beyond the worker's control. Employment has been actively sought. The worker's spouse or domestic partner has sufficient financial requirements to regroup the worker. If the family unit includes two members, the minimum amount to be accredited is that which represents 150% of the IPREM monthly,.For each additional member, 50% of the IPREM must be added, REQUIRED DOCUMENTATION

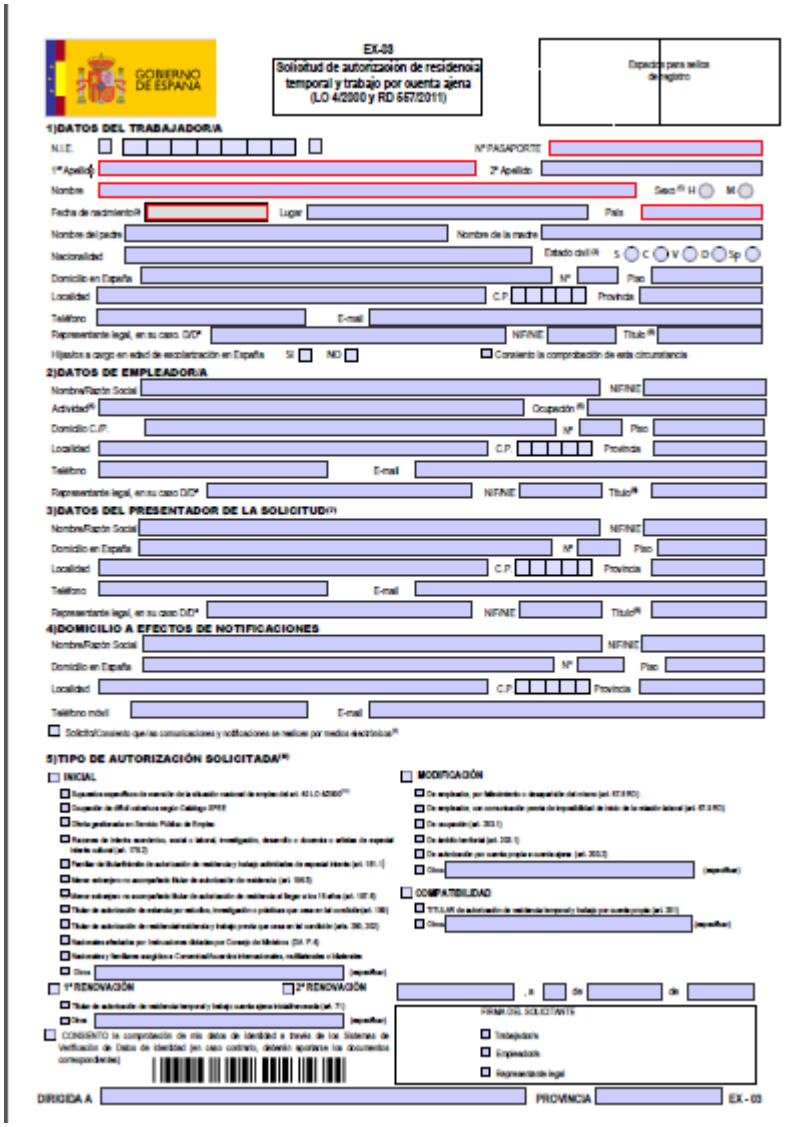
Note: in general, copies of the documents must be provided and the originals must be exhibited at the time of submitting the application.

Application form in official model (EX – 03) in duplicate, duly completed and signed by the worker.

This form can be obtained at:

http://extranjeros.empleo.gob.es/es/ModelosSolicitudes/Mod_solicitudes2/index.html

Full copy of the valid passport or travel title.



GOBIERNO DE ESPAÑA

EX-03

Solicitud de autorización de residencia temporal y trabajo por cuenta ajena (LO 4/2000 y RD 557/2011)

Espacio para sellos de registro

1)DATOS DEL TRABAJADOR/A

N.I.E. | Nº PASAPORTE

1º Apellido | 2º Apellido

Nombre | Sexo H M

Fecha de nacimiento | Lugar | País

Nombre del padre | Nombre de la madre

Nacionalidad | Estado civil S C V D Sp

Domicilio en España | Nº | Piso

Localidad | C.P. | Provincia

Teléfono | E-mail

Representante legal, en su caso, D/Dª | NIF/NIE | Título

Hijos/as a cargo en edad de escolarización en España SI NO Consiento la comprobación de esta circunstancia

2)DATOS DE EMPLEADOR/A

Nombre/Razón Social | NIF/NIE

Actividad | Ocupación

Domicilio C/P. | Nº | Piso

Localidad | C.P. | Provincia

Teléfono | E-mail

Representante legal, en su caso D/Dª | NIF/NIE | Título

3)DATOS DEL PRESENTADOR DE LA SOLICITUD

Nombre/Razón Social | NIF/NIE

Domicilio en España | Nº | Piso

Localidad | C.P. | Provincia

Teléfono | E-mail

Representante legal, en su caso D/Dª | NIF/NIE | Título

4)DOMICILIO A EFECTOS DE NOTIFICACIONES

Nombre/Razón Social | NIF/NIE

Domicilio en España | Nº | Piso

Localidad | C.P. | Provincia

Teléfono móvil | E-mail

Solicito/Consiento que las comunicaciones y notificaciones se realicen por medios electrónicos

5)TIPO DE AUTORIZACIÓN SOLICITADA

INICIAL

MODIFICACIÓN

COMPATIBILIDAD

1ª RENOVACIÓN 2ª RENOVACIÓN

CONSIENTO la comprobación de mis datos de identidad a través de los Sistemas de Verificación de Datos de Identidad (en caso contrario, deberán aportarse los documentos correspondientes)

, a de de

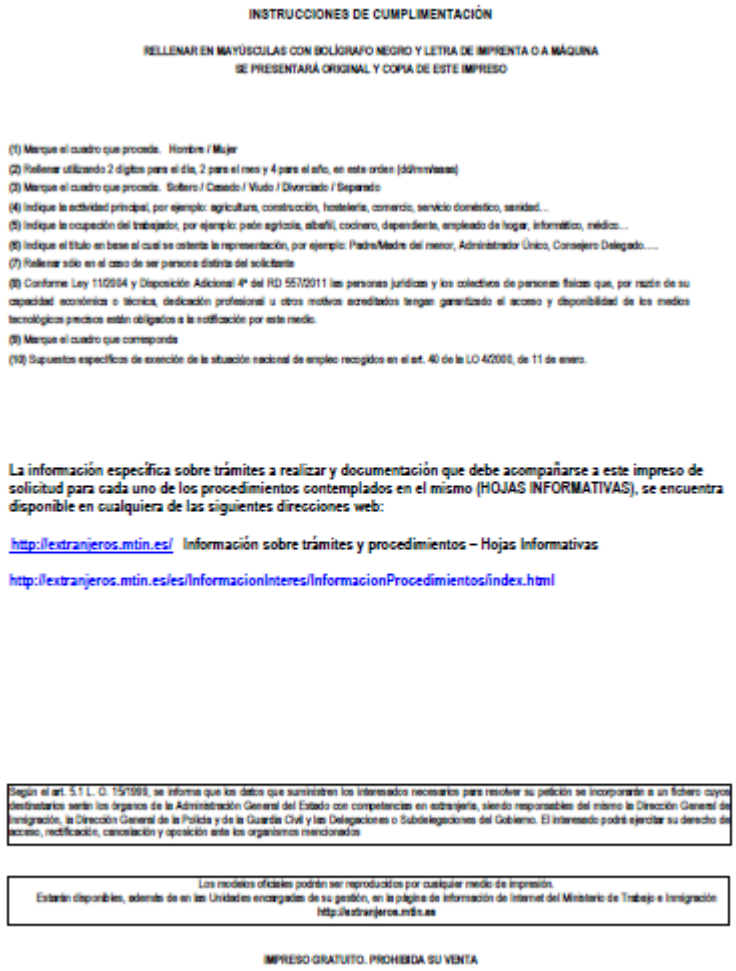
FIRMA DEL SOLICITANTE

Trabajador/a

Empleador/a

Representante legal

DIRIGIDA A | PROVINCIA | EX - 03



INSTRUCCIONES DE CUMPLIMENTACIÓN

RELLENAR EN MAYÚSCULAS CON BOLÍGRAFO NEGRO Y LETRA DE IMPRENTA O A MÁQUINA
SE PRESENTARÁ ORIGINAL Y COPIA DE ESTE IMPRESO

(1) Marque el cuadro que proceda. Hombre / Mujer
(2) Rellenar utilizando 2 dígitos para el día, 2 para el mes y 4 para el año, en este orden (dd/mm/aaaa)
(3) Marque el cuadro que proceda. Soltero / Casado / Viudo / Divorciado / Separado
(4) Indique la actividad principal, por ejemplo: agricultura, construcción, hostelería, comercio, servicio doméstico, sanidad...
(5) Indique la ocupación del trabajador, por ejemplo: peón agrícola, albañil, cocinero, dependiente, empleado de hogar, informático, médico...
(6) Indique el título en base al cual se ostenta la representación, por ejemplo: Padre/Madre del menor, Administrador Único, Consejero Delegado....
(7) Rellenar sólo en el caso de ser persona distinta del solicitante
(8) Conforme Ley 11/2007 y Disposición Adicional 4ª del RD 557/2011 las personas jurídicas y los colectivos de personas físicas que, por razón de su capacidad económica o técnica, dedicación profesional u otros motivos acreditados tengan garantizado el acceso y disponibilidad de los medios tecnológicos precisos están obligados a la notificación por este medio.
(9) Marque el cuadro que corresponda
(10) Supuestos específicos de exención de la situación nacional de empleo recogidos en el art. 40 de la LO 4/2000, de 11 de enero.

La información específica sobre trámites a realizar y documentación que debe acompañarse a este impreso de solicitud para cada uno de los procedimientos contemplados en el mismo (HOJAS INFORMATIVAS), se encuentra disponible en cualquiera de las siguientes direcciones web:

http://extranjeros.mtin.es/ Información sobre trámites y procedimientos – Hojas Informativas

http://extranjeros.mtin.es/es/InformacionInteres/InformacionProcedimientos/index.html

Según el art. 5.1 L. O. 15/1999, se informa que los datos que suministren los interesados necesarios para resolver su petición se incorporarán a un fichero cuyos destinatarios serán los órganos de la Administración General del Estado con competencias en extranjería, siendo responsables del mismo la Dirección General de Inmigración, la Dirección General de la Policía y de la Guardia Civil y las Delegaciones o Subdelegaciones del Gobierno. El interesado podrá ejercitar su derecho de acceso, rectificación, cancelación y oposición ante los organismos mencionados

Los modelos oficiales podrán ser reproducidos por cualquier medio de impresión.
Estarán disponibles, además de en las Unidades encargadas de su gestión, en la página de información de Internet del Ministerio de Trabajo e Inmigración
http://extranjeros.mtin.es

IMPRESO GRATUITO. PROHIBIDA SU VENTA

In the case of having minors of compulsory school age in their charge, a report issued by the competent authorities, autonomous or state, or the educational center.

A report on the integration of the Autonomous Community of your place of residence may be submitted for evaluation by the Immigration Office, stating participation in training activities and knowledge of the official languages.

Documentation according to the assumption for which the renewal is requested: If the employment relationship that gave rise to the authorization to be renewed continues. Documentation to provide: It is not necessary to present any other document.

If the activity can be accredited for a minimum of six months per year and a new employment contract has been signed and be registered or assimilated at the time of the request. Documentation to provide: It is not necessary to present any other document.

It has a new employment contract that guarantees the worker's work activity. Documentation to provide: Copy of the new employment contract.

If the activity can be accredited for a minimum of three months per year. Documentation to be provided: Proof that the employment relationship that gave rise to the authorization was interrupted by reasons beyond the worker's control.

Proof that the worker has actively sought employment.

If you have a tax benefit. Documentation to provide: Accreditation of the concession of the contributory benefit.

Specific information for some questions:

For each type of visa, we must describe the procedure, where to present the applications and which documents are required, and how to contact:

The procedures and conditions for the issuance of these visas are found in Organic Law 4/2000 and its Regulations, approved by R.D. 557/2011.

These visas enable you to reside, reside and work, study or research in Spain. All foreigners who wish to enter Spain to reside, reside and work or study need to have such a visa, unless they are citizens of the European Union, Iceland, Liechtenstein, Norway or Switzerland.

The long-term visa application must be submitted by means of a duly completed application form (original and copy), which we attach as a Document "National Visa Application", and which can be obtained free of charge from the Diplomatic Missions or Consular Offices of Spain in the Foreign.

The visa must be applied in person, and can be requested by a duly accredited representative in the event that you do not live in the locality where the Diplomatic Mission or Consular Office is located and reasons that hinder the displacement are accredited, such as the remoteness of the mission or Office, transport difficulties that make the trip especially burdensome or for proven reasons of illness or physical condition that significantly hinder their mobility.

At the time of submitting the visa application, **the established fee (€ 60 in general)** must be paid, and no refund is expected if the application is denied. In certain cases,

which must be consulted in the Diplomatic Missions or Spanish Consular Offices, a reduction or exemption of the fee is foreseen in the current regulations.

The rest of the necessary requirements should be consulted at the Diplomatic Mission or Consular Office where the visa is requested since they may vary depending on the reason for the trip and the country of origin of the applicant.

Those citizens who intend to reside in Spain must previously inform the competent bodies of the procedures to be carried out, mainly in the Ministry of the Interior and the Ministry of Employment and Social Security.

The maximum term to resolve the long-term visa application files is one month from the date of submission of the application, except in the case of non-profit residence visas, in which the maximum term will be three months. In the event of issuance of the visa, it must be collected in person at the competent Diplomatic Mission or Consular Office within one month of notification of the grant.

In the event of visa denial, the applicant will be notified. In this case, a contentious-administrative appeal may be filed before the Superior Court of Justice of Madrid within a period of two months from the date of notification or, optionally, an appeal for reversal before the same Diplomatic Mission or Consular Office within the term one month from the date of notification of the denial.

- For the working permit: where to ask for it? Requirements? Duty? how long it takes to take the decision? Is there some procedure or recourse procedure against the decision?

Distinguimos dos procedimientos, en función si se trata de un ciudadano de la Unión, o no.

We distinguish two procedures, depending on whether you are a citizen of the Union, or not.

A) FOREIGN.- NON-CITIZEN OF THE UNION.

It is an authorization for temporary residence and work for others that an employer or entrepreneur requests for the hiring of a worker who is neither residing nor residing in Spain.

The procedures and conditions for the issuance of these visas are found in Organic Law 4/2000 and its Regulations, approved by R.D. 557/2011.

REQUIREMENTS

• Not be a citizen of a State of the European Union, the European Economic Area or Switzerland, or a relative of citizens of these countries to which the Union citizen regime applies.

• Not be irregularly in Spanish territory.

• Lacking a criminal record in Spain and in their previous countries of residence for crimes existing in the Spanish law.

• Not to be prohibited from entering Spain and not to appear as rejectable in the territorial space of countries with which Spain has signed an agreement to that effect.

• Not to be found, where appropriate, within the commitment period of non-return to Spain that the foreigner has assumed upon voluntarily returning to their country of origin.

• Pay the fees for processing the residence authorization and work for someone else.

• That the national employment situation allows hiring. It allows it if:

o The occupation that the worker will carry out in the company is included in the catalog of occupations of difficult coverage that the Public State Employment Service publishes quarterly.

o The competent Immigration Office considers that it has not been possible to fill the job position in accordance with the certificate that the Public Employment Service issues on the management of the job offer.

o The authorization is addressed to nationals of States with which Spain has signed international agreements (Chile and Peru).

o They can prove the attendance of an assumption included in article 40 of Organic Law 4/2000.

• Present a contract signed by the employer and worker that guarantees the worker continued activity during the period of validity of the authorization to reside and work. The date must be conditioned to the time of effectiveness of the residence and work authorization for others.

• The conditions established in the employment contract must comply with those established by current regulations. If the contract is part-time, the remuneration must be equal to or greater than the interprofessional minimum wage for full-time and annual computation.

• The requesting employer must be registered in the Social Security system regime and be aware of the fulfillment of its tax obligations and vis-à-vis Social Security.

• The employer must have sufficient financial, material or personal means for his business project and to meet the obligations assumed in the contract vis-à-vis the worker.

If the employer is a natural person, once the payment of the agreed salary has been deducted, it must prove 100% of the IPREM if there are no dependents.

If the family unit includes two members, 200%. If the family unit includes more than two people, 50% of the IPREM must be added to the previous amount for each additional member.

• Possess the training and, where appropriate, the professional qualification legally required for the exercise of the profession.

REQUIRED DOCUMENTATION

Note: in general, copies of the documents must be provided and the originals must be exhibited at the time of submitting the application.

• Application form in official model (EX – 03) in duplicate, duly completed and signed by the company that hires. This form can be obtained at:

http://extranjeros.empleo.gob.es/es/ModelosSolicitudes/Mod_solicitudes2/index.html

Documentation related to the worker:

• Complete copy of the valid passport or travel title.

• Copy of the documentation that proves to have the training and, where appropriate, the professional qualification legally required for the exercise of the profession.

Documentation referring to the company, except domestic service:

• Documentation that identifies the company requesting authorization:

o If it is an individual entrepreneur: copy of the NIF or NIE, or consent to verify identity data through the Identity and Residence Data Verification System.

o If it is a legal person (S.A., S.L., Cooperative, etc.):

 Copy of the NIF of the company and copy of the deed of incorporation duly registered in the corresponding Registry.

 Copy of the public document that proves that the signer of the authorization request holds the legal representation of the company.

 Copy of the NIF or NIE or consent to verify the identity data through the Identity and Residence Data Verification System of the applicant.

• Signed employment contract. You must submit original and copy. The copy will be stamped by the Immigration Office and returned for later presentation by the foreigner along with the residence and work visa application.

• Documentation proving that there is an event of non-consideration of the national employment situation. (See fact sheet with assumptions and accurate documentation).• Accreditation that the company can guarantee the necessary solvency, through: a copy of the personal income tax declaration, or VAT, or the Corporation Tax or the report on the company's working life (VILE), referring to the latest three years. Likewise, a descriptive memory of the occupation to be performed must be provided.

Documentation from the employer if the activity is domestic service:

• Copy of the NIF or NIE of the employer or consent to verify the identity data through the Identity and Residence Data Verification System.

• Signed employment contract. You must submit original and copy. The copy will be stamped by the Immigration Office and returned for later presentation by the foreigner along with the residence and work visa application.

• Documentation accrediting not taking into account the national employment situation. (See the information sheet that refers to the assumptions and the precise documentation).

• Copy of the last personal income tax declaration or certification of income issued by the Tax Administration or other documentation that proves enough solvency for the contract.

Important note: when documents from other countries are provided, they must be translated into Spanish or the co-official language of the territory where the application is submitted.

On the other hand, all foreign public documents must be previously legalized by the Spanish Consular Office with jurisdiction in the country in which said document has been issued or, where appropriate, by the Ministry of Foreign Affairs and Cooperation except in the case in which said document has been apostilled by the competent authority of the issuing country according to the Hague Convention of October 5, 1961 and unless said document is exempt from legalization under the International Convention.

For more information on the translation and legalization of documents, you can consult the information sheet

PROCEDURE

• Legitimated subject to submit the application: the employer or entrepreneur, personally, or through a legitimized subject who has been attributed business legal representation. (See Information Sheet on Legitimized Subjects).

• Place of presentation: Immigration Office of the province where the services are to be provided. If the company has work centers in more than one province and more than 500 workers, in the Large Companies Unit of the General Immigration Directorate. Information on the address, telephone numbers and opening hours for the public can be found at http://www.seap.minhap.gob.es/web/servicios/extranjeria/extranjeria_ddgg.html">http://www.seap.minhap.gob.es/web/servicios/extranjeria/extranjeria_ddgg.html">http://www.seap.minhap.gob.es/web/servicios/extranjeria/extranjeria_ddgg.html

• The residence and work fees: will accrue at the time of admission to the application process, and must be paid within ten business days, they are:

o Model 790 code 052, section 2.1 initial authorization of temporary residence to be paid by the foreign worker

o Model 790 code 062, to be paid by the employer:

 Remuneration less than 2 times the SMI: Caption 1.1 for others with residence authorization

 Remuneration equal to or greater than 2 times the SMI.: heading 1.6 for someone else with residence authorization

 The form for the subscription can be downloaded from the Internet portal of the Secretary of State for the Civil Service

• Term of resolution of the request: 3 months from the day following the date on which it was entered in the registry of the competent body for processing.

Once said period has elapsed without the Administration having made the notification, it may be understood that the request has been dismissed due to administrative silence. (When it has not been possible to notify the resolution, it will be announced on the Single Edictal Board (TEU) https://www.boe.es/tablon_edictal_unico. If you have opted for electronic notification or by regulation you would be obliged to use that medium, the resolution will be will notify by publication in the electronic office. If the resolution is not accessed within 10 working days from its publication, it will be deemed notified).

• In the case of concession, the worker has one month from notification to the employer, to personally request the visa at the diplomatic mission or consular office in whose demarcation he resides. The visa application must be accompanied by:

o Ordinary passport or travel title recognized as valid in Spain with a minimum validity of four months.

o Criminal record certificate issued by the authorities of the country of origin or the country or countries in which you have resided during the last five years.

o Medical certificate.

o Copy of the contract presented and sealed by the Immigration Office.

o Proof of having paid the visa fee, which amounts to 60 euros.

• The diplomatic mission will resolve the request within one month.

• Notified, where appropriate, the granting of the visa, the worker must collect it personally within a month from the date of notification. If the collection is not made within the aforementioned period, it will be understood that you have resigned, and the file of the file will be produced.

• The worker must enter Spain during the three months of validity of the visa, which enables the entry and stay in Spain in a stay situation until their affiliation and registration in the corresponding Social Security regime occurs, within the period of three months from entry.

• Within a month after the worker has registered with Social Security, he must personally request the Identity Card of Foreigners at the Immigration Office or Police

Station of the province where the authorization has been processed. To see where to go, the hours and if you must make an appointment you can consult:

http://www.seap.minhap.gob.es/web/servicios/extranjeria/extranjeria_ddgg.html

• The applicant will show their passport or travel title at the time of the fingerprint process and will provide:

o Application for a foreign student card, in the official model (EX-17) available at http://extranjeros.empleo.gob.es/es/ModelosSolicitudes/index.html

o Proof of payment of the card fee.

o Accreditation of affiliation and / or registration of Social Security.

o Three recent color photographs, on a white background, passport size.

B) IN THE CASE OF BEING NATIONAL OF A COMMUNITY STATE, THE FOLLOWING REGULATION APPLIES:

Citizens of a Member State of the European Union or of another State party to the Agreement on the European Economic Area have the right to reside in Spanish territory for a period of more than three months. Those interested will be obliged to personally request before the Office of Foreigners of the province where they intend to stay or fix their residence or, failing that, before the corresponding Police Station, their registration in the Central Registry of Foreigners.

Said application must be submitted within three months from the date of entry into Spain, with a registration certificate immediately containing the name, nationality and address of the registered person, their foreign identity number, being issued immediately. and the registration date. Along with the application for registration, the valid and valid passport or national identity document of the applicant must be presented. In the event that said document is expired, a copy of it and the renewal request must be provided.

Except in cases where no NIE has been assigned prior to the request, document proving the payment of the fee for issuing the certificate (in the rest of the cases, the administrative body to which the request is submitted, prior assignment of the NIE , will deliver the form for the payment of the fee, so that it is made prior to the issuance of the certificate).

- **For the Spanish residence of marriage: For the process of family reunification, which is the procedure and the necessary documents?**

We must distinguish again the regulation for the purposes of community and non-citizens of states of the union. In the case of non-citizens of States of the Union, the FAMILY REAGRUPATION regime applies. In case of being community, COMMUNITY FAMILY RESIDENT CARD. Below we detail the process and necessary documentation in each case:

A) FAMILY REGRUPTION

REQUIREMENTS

• Not be a citizen of a State of the European Union, the European Economic Area or Switzerland, or a relative of citizens of these countries to which the Union citizen regime applies.

• Not be irregularly in Spanish territory.

• Lacking a criminal record in Spain and in their previous countries of residence for crimes existing in the Spanish law.

• Not to be prohibited from entering Spain and not to appear as rejectable in the territorial space of countries with which Spain has signed an agreement to that effect.

• Have health care because it is covered by Social Security or have private health insurance.

• Not suffer from any of the diseases that may have serious public health repercussions in accordance with the provisions of the International Health Regulations of 2005.

• Not being, where appropriate, within the commitment period of non-return to Spain that the foreigner has assumed by availing himself of a voluntary return program.

• Have paid the fee for processing the procedure.

• Have enough financial means to meet the needs of the family. The income contributed by the spouse or partner or another relative in the direct line and first degree, resident in Spain who lives with the regrouping, may be computed. Income from the social assistance system will not be computable. The minimum amounts are as follows:

o For family units that include two members (regrouping and regrouping), a monthly amount of 150% of the IPREM is required. For each additional member, 50% of the IPREM must be added. Have adequate housing.

• The registrant must have resided in Spain for at least one year and have obtained authorization to reside for at least another year. In order to regroup ancestors, the regrouped must hold a long-term or long-term EU authorization.

• The reunited relative may be:

o Spouse or person with whom the reuniting party maintains a relationship of affection similar to the conjugal one. In no case may more than one spouse or partner be regrouped. Situations of marriage and an analogous emotional relationship are incompatible. In the event of being married for a second or subsequent time, the dissolution and the situation of the previous spouse or partner and their relatives in terms of common housing, pension to the spouse or partner and children must be proven.

The relationship is considered analogous to the conjugal:

 When it is registered in a public registry and the registration has not been canceled, or

 When by any means of evidence admitted in law, the validity of an unregistered relationship, established prior to the beginning of the residence of the regrouped in Spain, is proven.

o Children of the reuniting party and of the spouse or partner, including those adopted (provided that the adoption produces effects in Spain), children under eighteen or disabled who are not objectively capable of providing for their own needs due to their state of health. If you are the son of one of the spouses or members of the couple, he or she must exercise parental authority alone or you must have been granted custody and be effectively in your care.

o Legally represented by the regrouping, minors under the age of eighteen or who have a disability and are not objectively capable of providing for their own needs due to their state of health.

o First-degree ancestor of the long-term or long-term resident-EU resident, or their spouse or partner, when in their care, are over the age of sixty-five and there are reasons that justify the need to authorize residence in Spain .They are considered to be in charge when it is proven that during the last year the regrouped has transferred

funds or borne expenses of his ancestor of at least 51% of the gross domestic product per capita, on an annual basis, of his country of residence. You will find information on the Gross Domestic Product per capita by country at the following link:

https://datos.bancomundial.org/indicator/NY.GDP.PCAP.CD?order.

o Exceptionally, when humanitarian reasons are present, the minor under the age of sixty-five may regroup. Humanitarian reasons are considered, among other cases, when the ancestor coexists with the regrouped in the country of origin, or when he is incapable and supervised by the regrouped or his spouse or partner, or when he is unable to provide for his own needs. There are also humanitarian reasons if the applications of the ascending spouses are presented jointly and one of them is over the age of sixty-five.

REQUIRED DOCUMENTATION

Note: in general, copies of the documents must be provided, and the originals must be exhibited at the time of submitting the application.

• Application form in official form (EX – 02) in duplicate, duly completed and signed by the applicant. This form can be obtained at:

http://extranjeros.empleo.gob.es/es/ModelosSolicitudes/Mod_solicitudes2/index.html

• Copy of the complete passport, travel title or registration document in force of the applicant.

• Certified copy of the documentation that proves that you have enough employment and / or economic resources to meet the needs of the family. For this you can present:

o in the event of carrying out gainful activity on behalf of others:

 Copy of the employment contract.

 In your case, last personal income tax declaration.

o in case of making profit for own account:

 Accreditation of the activity carried out.

 In your case, last personal income tax declaration.

o in case of not carrying out any lucrative activity in Spain: certified checks, travelers checks or letters of payment or credit cards, accompanied by a bank certification of the amount available as credit of said card or bank certification.

• Documentation accrediting having adequate housing. To do this, you must attach a report issued by the competent body of the Autonomous Community of the place of residence of the regrouped. The report may be issued by the Local Corporation when it has been established by the Autonomous Community. You can consult the competent body in your place of residence at the following address:

http://extranjeros.empleo.gob.es/es/InformacionInteres/Informes_CCAA_Entidades_locales/Informe_vivienda_adecuada/index.html

This requirement may be justified by any means of evidence admitted in Law in the event that the Autonomous Community or the local Corporation has not issued and notified the report within thirty days from the date of the request. In this case, the documentation provided must make reference to: title that enables the occupation of the dwelling, number of rooms, use to which each of the dependencies is destined, number of people who inhabit it and habitability conditions and equipment. A copy of the proof of having made the report request to the Autonomous Community or local Corporation must also be provided.

• Copy of the complete and valid passport or the travel document of the regrouped.

• Copy of the supporting documentation of family ties or kinship or existence of the de facto union or representation, and:

o In the event of regrouping the spouse or partner:

 Affidavit of the regrouping of not residing with him in Spain another spouse or partner.

 If you are married in second or subsequent nuptials, a judicial resolution that fixes the situation of the previous spouse and their children.

o in the case of children:

 If they are regrouped by a single parent: documentation proving that they have sole custody, have custody granted, or that the other parent authorizes their residence in Spain.

 If they are over eighteen years old and are not objectively capable of providing their own needs, supporting documentation.

 If they are adoptive children, resolution by which the adoption was agreed.

o in the case of those represented by the group:

 If they are over eighteen years old and are not objectively capable of providing their own needs, supporting documentation.

o in the event of regrouping ancestors:

 Documentation proving that the applicant during the last year of residence in Spain has transferred funds or borne expenses of the ascendant.

 Documentation supporting the reasons that justify the need to authorize residence in Spain.

 In your case, documentation that proves that humanitarian reasons exist that justify the authorization.

• Documentation accrediting having guaranteed healthcare.

Important note: when documents from other countries are provided, they must be translated into Spanish or the co-official language of the territory where the application is submitted.

On the other hand, all foreign public documents must be previously legalized by the Spanish Consular Office with jurisdiction in the country in which said document has been issued or, where appropriate, by the Ministry of Foreign Affairs and Cooperation except in the case in which said document has been apostilled by the competent authority of the issuing country according to the Hague Convention of October 5, 1961 and unless said document is exempt from legalization under the International Convention.

For more information on the translation and legalization of documents, you can consult the information sheet.

PROCEDURE

• Subject legitimized to present the request: the regrouped, personally.

• Place of presentation: Immigration Office of the province where the regroupee resides. Information on the address, telephone numbers and opening hours of the Immigration Office can be found at:

http: //www.seap.minhap.gob.es/web/servicios/extranjeria/extranjeria_ddgg.htmL

• Temporary residence tax for family reunification: it will accrue at the time of admission to the application process, and must be paid within ten business days, they are:

o Model 790: code 052, Section 2.1 Initial authorization for temporary residence

The form for the subscription can be downloaded from the Internet portal of the Secretary of State for the Civil Service

• Term of resolution of the request: forty-five days counted from the day following the date on which it was entered in the registry of the competent body to process them. Once said period has elapsed without the Administration having practiced the notification, it may be understood that the request has been rejected by administrative silence. (When it has not been possible to notify the resolution, it will be announced on the Single Edictal Board (TEU) https://boe.es/tablon_edictal_unico. If you had opted for electronic notification or were legally required to use that medium, the resolution will be notified publication in the electronic office, if the resolution is not accessed within 10 working days from its publication, it will be deemed notified).

• In the case of concession, the reunited relative has two months from the notification of the concession, to personally request the visa at the diplomatic mission or consular office in whose demarcation he resides (in the case of minors, the visa application must be submitted by duly accredited representative).

The visa application must be accompanied by:

o Ordinary passport or travel title recognized as valid in Spain with a minimum validity of four months.

o Criminal age: criminal record certificate issued by the authorities of the country of origin or the country or countries in which he has resided during the last five years.

o Medical certificate.

o Original supporting documentation of family ties and, where appropriate, legal dependency.

• The diplomatic mission or consular office will notify the granting, if applicable, of the visa within a maximum period of two months.

• Notified the granting of the visa, where appropriate, the regrouped must collect it personally within two months from the date of notification (in the case of minors it may be collected by their representative).

• Once the visa is collected, the regrouped must enter Spanish territory within the validity period of the visa, which will not exceed three months.

• The regrouped within a month of entering Spain, must personally request (in the case of minors, the representative, accompanied by the minor) the Foreigners Identity Card in the Immigration Office or Police Station of the province where the authorization has been processed. To see where to go, the hours and if you have to make an appointment, you can see it at:

http://www.seap.minhap.gob.es/web/servicios/extranjeria/extranjeria_ddgg.html

• The regrouped and, where appropriate, their representative, will show their passport or travel title at the time of the fingerprint process to prove their identity and will provide:

o Application for a foreigner identity card, in the official model (EX – 17) available at http://extranjeros.empleo.gob.es/es/ModelosSolicitudes/Mod_solicitudes2/index.html

o Proof of payment of the card fee.

o Three recent color photographs, on a white background, passport size.

o In the event that the regrouped is a minor, documentation proving the representation.

• The residence authorization for family reunification of which the spouse, partner and children of working age are holders: entitle to work for others or in any part of the national territory in any occupation and activity sector without the need for any administrative procedure .

• The validity of the authorization of the regrouped will extend until the same date as the authorization that the regroupee is the holder at the time of entry of the relative in Spain.

B) COMMUNITARY FAMILIAR

REQUIREMENTS

• Accompany or meet with a citizen of the Union or another State party to the European Economic Area, with the right to reside for a period of more than three months, as a self-employed worker, have health insurance and sufficient financial means for family unit, or be a student with health insurance and sufficient resources for the family unit.

• The citizen of the Union or another State party to the European Economic Area, must meet one of the following conditions:

o Being a self-employed worker in Spain, or

o Being a self-employed person in Spain, or

o Have sufficient financial resources for themselves and their family members so as not to become a burden for social assistance in Spain during their period of residence. You must also provide public or private health insurance, contracted in Spain or in another country, that provides coverage in Spain during your period of residence equivalent to that provided by the National Health System. The evaluation of the sufficiency of financial means will be carried out individually and, in any case, taking into account the personal and family situation of the applicant. Sufficient accreditation for the fulfillment of this requirement will be considered the possession of resources that are greater than the amount established each year by the General State Budget Law to generate the right to receive a non-contributory benefit, or

o Be a student and be enrolled in a public or private center recognized or financed by the educational administration to pursue studies or professional training, as well as having public or private health insurance contracted in Spain or another country that provides full coverage in Spain, and a responsible declaration that he has sufficient financial resources for himself and the members of his family so as not to become a burden for social assistance in Spain during his period of residence.

Have the following relationship with the Union citizen:

• If you are a student's family member, it could be:

o Spouse, provided that the agreement or the declaration of nullity of the marriage bond or divorce has not fallen.

o Partner with whom you have a union analogous to the conjugal and registered in a public registry established in a Member State of the Union, or in a State party to the European Economic Area and provided that such registration has not been canceled, which must be sufficiently accredited. The situations of marriage and registration as a registered couple will be considered, in any case, incompatible with each other.

o Child of the Union citizen or his spouse or registered partner, provided that the agreement or declaration of nullity of the marriage bond or divorce has not been made, or the registration of the couple, under the age of twenty-one or over said age who lives in his charge, or is incapable.

o Any family member who is in charge or lives with the citizen of the Union in the country of origin. Coexistence will be understood as accredited if a continuous coexistence of 24 months in the country of origin is clearly demonstrated

o Any family member, that for serious health or disability reasons it is strictly necessary for the Union citizen to take care of their personal care

o Unregistered unmarried partner with whom he maintains a duly proven stable relationship by proving the existence of a lasting bond. In any case, the existence of this bond will be understood if a marital coexistence time of at least one continuous year is accredited, unless they have descendants in common, in which case the duly proven stable coexistence accreditation will suffice. The situations of marriage and couples will be considered, in any case, incompatible with each other.

• In the other cases it may be:

o Spouse, provided that the agreement or the declaration of nullity of the marriage bond or divorce has not fallen.

o Partner with whom they maintain a union analogous to the conjugal one and registered in a public registry established in a Member State of the Union, or in a State party to the European Economic Area and provided that such registration has not been cancelled. The situations of marriage and registration as a registered couple will be considered, in any case, incompatible with each other.

o Direct child of the citizen of the Union or of the European Economic Area or of his spouse or registered partner as long as the agreement or the declaration of nullity of the marriage bond, or divorce, or the registration as a minor, has not been cancelled twenty-one years of age or older who lives in his care, or incapable.

o Direct descendant of the citizen of the Union or of the European Economic Area or of his or her spouse or registered partner who lives under his / her care, provided that the agreement or the declaration of nullity of the marriage bond, or divorce, or the cancellation of the registration of the couple.

o Any family member who is in charge of the Union citizen in the country of origin.

o Any family member who lives in the country of origin with the citizen of the Union. Coexistence will be understood as accredited if a continuous coexistence of 24 months in the country of origin is clearly demonstrated

o Any member of the family, that for serious health or disability reasons is strictly necessary for the Union citizen to take care of personal care

o Unregistered unmarried partner with whom he maintains a duly proven stable relationship by proving the existence of a lasting bond. In any case, the existence of this bond will be understood if a marital cohabitation time of at least one continuous year is accredited, unless they have descendants in common, in which case the duly proven stable coexistence accreditation will suffice. The situations of marriage and couples will be considered, in any case, incompatible with each other.

It will be understood that those family members whose financial support is provided by the EU citizen and need material help to cover their basic needs are in charge. This dependency must occur in the country of origin

REQUIRED DOCUMENTATION

Note: in general, copies of the documents must be provided, and the originals must be exhibited at the time of submitting the application.

• Application form in official form (EX – 19) in duplicate, duly completed and signed by the relative of the citizen of the Union. This form can be obtained at

http://extranjeros.empleo.gob.es/es/ModelosSolicitudes/index.html.

• Valid and valid passport of the family member. In the event that it is expired, a copy of it and the renewal request must be provided.

• Documentation proving the existence of a family relationship with the citizen of the Union or the European Economic Area

• In the case of an unregistered couple, documentation that they are a stable couple that attests to the existence of a lasting bond, as well as justification of the time of marital coexistence or, where appropriate, birth certificate of the common offspring.

• If you are the child of a citizen of the Union or of the European Economic Area or of your spouse or registered domestic partner over the age of 21, documentation proving your status as a dependent or dependent family member

• If you are a minor child and do not reside in Spain with both parents, documentation proving your condition as a dependent family member or dependent of the citizen of the Union or your spouse or registered partner

• If you are an ascendant of the citizen of the Union or your spouse or registered partner, documentation proving your condition as a dependent

• D.N.I. (IDENTIFICATION NATIONAL DOCUMENT) of the Spanish citizen or certificate of registration of the citizen of the Union to whom they accompany or with whom they are going to meet

• If it is about another family member, supporting documentation of the relationship and dependency, or that they lived with the Union citizen in the country of origin, or for serious health or disability reasons.

• Depending on the condition that the citizen of the Union or the European Economic Area meets:

o If you are an employee, you can provide any of the following documents:

 Employer hiring statement or employment certificate, including, at least, the name and address of the company, tax identification and contribution account code.

 Work contract registered in the Public Employment Service, or the communication of the contract and its conditions through the CONTRAT @ platform.

 Registration document or situation assimilated to registration in the corresponding Social Security system or consent to check the data in the files of the General Treasury of Social Security.

o Self-employed worker may provide any of the following documents:

 Registration in the Census of Economic Activities.

 Justification of its establishment through Inscription in the Mercantile Registry.

 Registration document or situation assimilated to registration in the corresponding Social Security system, or consent to check the data in the files of the General Treasury of Social Security or the Tax Agency.

o If you do not work in Spain, you must provide:

 Documentation that proves to have public or private health insurance, contracted in Spain or in another country, provided that it provides coverage in Spain during your period of residence equivalent to that provided by the National Health System.

Pensioners comply with this condition by providing certification of having healthcare provided by the State for which they receive a pension.

 Documentation that proves having enough resources for the citizen of the Union and their relatives for the period of residence in Spain. It can be accredited by any means of proof admitted in law, such as property titles, certified checks, supporting documentation for obtaining capital income or credit cards with bank certification that accredit the amount available as credit of the aforementioned card.

o If you are a student, you must present the following documentation:

 Enrolment of the educational center, public or private, recognized or financed by the competent educational administration.

 Documentation that proves having public or private health insurance. You can provide a European health card with a validity that covers the period of residence and enables you to receive the necessary health benefits from a medical point of view, taking into account the nature of the benefits and the expected duration.

 Responsible declaration that you have enough resources for yourself and for the members of your family, for your period of residence in Spain.

The presentation of supporting documentation to participate in a European Union program that favours the educational exchange for students and teachers will be considered enough for the fulfilment of the requirements.

o Three recent colour photographs, on a white background, passport size.

Important note: when documents from other countries are provided, they must be translated into Spanish or the co-official language of the territory where the application is submitted.

In the case of standard forms of the European Union, neither their translation nor their legalization will be necessary in accordance with the provisions of the community regulations that protect them. For example: healthcare models S1, E109, E121 ...

On the other hand, all foreign public documents must be previously legalized by the Spanish Consular Office with jurisdiction in the country in which said document has been issued or, where appropriate, by the Ministry of Foreign Affairs and Cooperation except in the case in which said document has been apostilled by the competent authority of the issuing country according to the Hague Convention of October 5, 1961 and unless said document is exempt from legalization under the International

Convention. For more information on the translation and legalization of documents, you can consult the corresponding information sheet.

PROCEDURE

• Subject legitimized to present the request: the relative of the citizen of the Union or of another State party, personally.

• Place of presentation: Immigration Office of the province where they intend to reside or in the corresponding Police Station. For information on the address, telephone numbers and opening hours of the Immigration Office, you can consult the page:

http://www.seap.minhap.gob.es/web/servicios/extranjeria/extranjeria_ddgg.html.

• Deadline for submission: three months from the date of entry into Spain. A supporting document will be provided to prove the application, which is enough to prove the legal stay status until the card is delivered.

• Fees: must be paid prior to the issuance of the family card of a citizen of the Union.

• The issuance of the residence card must be carried out within the three months following the presentation of the application. The favourable resolution takes effect from the proven date of entry into Spain as a relative of a citizen of the Union.

• Validity of the residence card of a relative of a citizen of the Union: the card will be valid for five years from the date of issue, or the expected period of residence of the citizen of the Union, if said period is less than five years.

- When someone submits the asylum application, do they receive an asylum card (as an identity with the national authorities)?

Currently, when such request is made, the supporting document and provisional concession are obtained, as it is pending resolution. You must then be waiting for the final one.

Due to the state of alarm in which we are currently, the face-to-face petition has been suspended, while awaiting events.

- Is the asylum seeker eligible for a benefit? If so, what is the amount and how do you get it?

The asylum seeker has the following rights:

1.- Being welcomed in a Refugee Reception Center: These are public establishments intended to provide urgent and primary accommodation, maintenance and psychosocial assistance, as well as other social services aimed at facilitating coexistence and integrating people who request asylum into the community. in Spain or obtain refugee or displaced status in Spain and who lack the financial means to attend to their needs and those of their family.

2.- To remain in Spain until your request is resolved, except for a claim from another country of the European Union or an International Criminal Court.

3.- To be assisted by a lawyer, free of charge if you cannot pay it (Bar Associations or NGO).

4.- To the assistance of an interpreter in a language in which you can easily explain yourself.

5.- To have your request communicated to the United Nations High Commissioner for Refugees (UNHCR) in Spain.

6.- To know the content of the file at any time.

7.- To be documented as an applicant for international protection.

8.- To health care in case of need and receive health benefits.

Once you have obtained international protection, you have the right to:

1.- Not to be returned to the country of origin.

2.- Residence and work authorization.

3.- Obtain identity document and, where appropriate, travel.

4.- Regrouping of immediate relatives.

5.- Access to public employment services, education, health care, housing, assistance and social services, care programs for victims of gender violence, social security, integration programs, continuous training and work in practices, and to the procedure of recognition of academic and professional titles in the same conditions that the Spanish. The amount of the benefit will depend on each case.

6.- Access to specific integration and voluntary return programs established.

7.- Reduction in the terms of access to Spanish nationality for refugees.

Rights of applicants for international protection

WHO DOES SPAIN OFFER INTERNATIONAL PROTECTION TO? WHO DOES SPAIN OFFER INTERNATIONAL PROTECTION TO?

- **To refugees,** namely those with a well-founded fear of being persecuted in their country for reasons of race, religion, nationality, political opinions, belonging to a particular social group, gender or sexual orientation. **Refugees are granted the right to asylum.**
- Foreigners who are not refugees but who do not wish to return to their native country for reasons which imply a genuine risk of suffering any of the following:
    - Death sentence.
    - Torture or inhuman or degrading treatment.
    - Serious threats against their life or integrity by reason of indiscriminate violence.

These people will receive subsidiary protection

- If you find yourself in any of the aforementioned situations and you need protection from the Spanish authorities, **you must submit a request for international protection. Submission of a request will result an evaluation of both situations by the Spanish authorities.**

WHERE CAN I REQUEST INTERNATIONAL PROTECTION?

- If you arrive in Spain but you cannot enter Spanish territory, **at border control.**
- If you are already in Spain:
  At the **Oficina de Asilo y Refugio** (OAR) (Office of Asylum and Refuge). - In any **Foreign Office.** - In authorised **Police Stations.** - In **Foreigner Internment Centres.**

Where can I submit my application for asylum?

At any border checkpoint in Spanish territory, at ports and airports; at any asylum and refuge office (OAR); and any immigrant detention centre (CIE).

The Barcelona Asylum and Refuge Office (OAR) is at Passeig de Sant Joan, nº 189. Metro L4 Joanic (yellow line).

Can I claim asylum from abroad?

Spain's Asylum Act provides for the possibility of Spanish ambassadors abroad being able to arrange the transfer of an applicant for international protection who has turned to diplomatic representation and claimed danger to life and limb, providing they are not a national of the country they are currently in.

WHEN SHOULD I APPLY FOR INTERNATIONAL PROTECTION?

- If you are on Spanish territory, within a period of **ONE MONTH from your entry into Spain or from the moment the events justifying your request begin.**

HOW DO I REQUEST INTERNATIONAL PROTECTION?

You must submit an application in person. If you cannot do this for physical or legal reasons, you may authorise another person to do it on your behalf.
You will have to attend an interview in which you must answer a series of questions regarding your personal data, and in which you must **explain all the reasons for which you are applying for international protection** and how you arrived in Spain. The interview will be conducted by a manager who will tell you what to do and help you to complete it in order to establish all the relevant facts.

WHAT RIGHTS DOES AN APPLICANT FOR INTERNATIONAL PROTECTION HAVE?

If you apply for international protection at the Spanish border or within Spanish Territory, you will have the following rights:

- To **remain in Spain** until your application is resolved, **notwithstanding any claim from another the EU country or from an International Criminal Court.**
- To be assisted by an **attorney,** free of charge if you cannot pay (Bar Association or NGO).
- To be assisted by an **interpreter** in the language of your choice. This is for public, but also the NGO's have in must of the cases an interpreter or you can ask for one.
- That your application be communicated to the **United Nations High Commissioner for Refugees** (UNHCR) in Spain. To **have access to the content** of your file at any time.
- To be documented as an applicant for international protection.

- To **medical care** to receive healthcare services, if needed. This is granted because In the 90s, a collaboration agreement was signed of the then Ministry of Labor and Social Security, currently the Ministry of Employment and Social Security, with three NGOs: Red Cross, CEAR and ACCEM, for comprehensive care (social, legal and) of asylum seekers and refugees.

WHAT ARE THE APPLICANT'S OBLIGATIONS?

- Collaborate with the Spanish authorities:
  - Telling the truth about your identity, presenting any identification documents you have or, where applicable, justifying the absence thereof.
  - in detail the reasons for which you are applying for international protection.
- Submitting any information to support your application, as soon as possible.
- Informing or appearing before the authorities whenever necessary in relation to your application, renewal of documents, etc.

- Reporting any change of address. **If you do not report your new address, you may not receive correspondence in relation to your application for international protection, which may then be placed on file.**
- Allowing your fingerprints to be taken.

IT IS ESSENTIAL THAT YOU CONFIDE IN THE SPANISH AUTHORITIES. REMEMBER:

- In order to help you, they need to know all about your situation.
- If you do not give true reasons for submitting your application for international protection from the start, or if any documentation you submit is not genuine, any explanations you give later on may lose credibility.
- Everything you say is CONFIDENTIAL. Your country's government will never find out that you have applied for international protection in Spain nor be informed of anything you say.
- Every person you meet (officials, police, interpreters) is obligated to keep everything you say confidential.
- The persons you meet are used to working with people who need protection. Trust them.
- You may contact the UNHCR or NGOs at any time.
- You have the right to be assisted by a lawyer, free of charge if you cannot pay, throughout the procedure.

WHAT DOES THE INTERNATIONAL PROTECTION PROCEDURE INVOLVE?

1. INITIAL PROCESSING

In this phase, any applications which do not correspond to Spain but to another EU country are not admitted, as are those which are repetitions of previous applications, or those submitted by nationals of other Member States.

IF YOU HAVE SUBMITTED YOUR APPLICATION ON SPANISH TERRITORY

- You will be notified within one month as to whether your application has been admitted or not and, if admitted, if an urgent procedure will be applied.
- If your application is not admitted for processing you must leave Spain, unless you are authorised to stay.
- If your application is not admitted you may appeal to the courts.

IF YOU HAVE SUBMITTED YOUR APPLICATION AT THE SPANISH BORDER:

1. You must remain there until a decision has been made regarding your application. The authorities must make a decision within FOUR days.
2. If your application is admitted, you may enter Spain.
3. If your application is not admitted or is rejected, you MAY REQUEST A RE-EXAMINATION OF YOUR CASE (called a case review) within TWO DAYS from the moment you are informed of the non-admittance. The authorities will have TWO DAYS to respond.
4. If the appeal is rejected, you must leave Spain.
5. You may submit an appeal against a decision of non-admittance or rejection of your request before a judge or tribunal.
6. If you have submitted your application for international protection at a Foreigner Internment Centre (CIE), it will be processed according to points three and five. If your application is admitted, it will be processed through the urgent procedure.

2. ELIGIBILITY PROCESS

- If your application is admitted for processing either at the border or within Spanish territory, it will be passed on for a thorough examination.
- The Authorities will have a maximum of SIX MONTHS, or THREE months when following URGENT procedure, to make a decision.

- During this phase, you may be summoned for another interview.
- If a decision is not made within SIX MONTHS, you will be informed as to the reasons for the delay.
- If the application is accepted, you will be recognised as a refugee or as a person under subsidiary protection.
- If it is rejected, you must leave Spain, unless you have any type of residency permit.
- You may submit an appeal against a negative decision before the Spanish Court (Audiencia Nacional).

Remember that you are entitled to legal assistance, which will be free of charge if you cannot pay, during all phases of the procedure and for filing appeals.

Can I receive help from a lawyer or interpreter?

Yes. Asylum seekers are entitled to free legal aid and an interpreter.

The Care Service for Immigrants, Emigrants and Refugees (SAIER), part of Barcelona City Council, will advise you on how to present your case, help you to prepare your supporting documents and prepare you for your interview.

Both SAIER and the Free Justice Procedure Service (SERTRA) offered by the Barcelona Lawyers' Association can provide you with assistance during your interview at the Asylum and Refuge Office (OAR). So can other associations, such as ACCEM and the Spanish Refugee Aid Commission (CEAR).

WHO DECIDES OVER INTERNATIONAL PROTECTION APPLICATIONS?

• All applications, regardless of who submits them, are examined by the Office of Asylum and Refuge, and the decisions are made by the Ministry of the Interior.
• For decisions on applications admitted for processing, the Ministry of the Interior decides at the proposal of the Interministerial Commission for Asylum

Refuge RIGHTS ARE GRANTED WITH INTERNATIONAL PROTECTION?

• Not to be returned to your country of origin.
• Authorisation to live and work in Spain.
• Obtain an identification document and, where applicable, travel document.
• Reuniting with immediate family.

• Access to public employment services, education, healthcare, housing, welfare and social services, programs for victims of gender-based violence, social security, integration programs, further education and apprenticeships, and procedures for gaining academic and professional titles under the same conditions as local nationals.
• Access to specific integration and voluntary return programs.
• Reduced waiting times to gain Spanish nationalisation for refugees.

SOCIAL PROGRAMS FOR INTERNATIONAL PROTECTION APPLICANTS AND REFUGEES

• International protection applicants may benefit from assistance which guarantees coverage of their basic needs. They are also authorised to work if their request is admitted for processing and more than six months have elapsed since its submission without receiving a final decision.
• People under international protection may benefit from social services, education and healthcare provided by public administrations.
• You can obtain more information at the Social Work Department of the Ministry of Labour and Immigration in the Office for Asylum and Refuge or from any of the NGOs detailed below.

USEFUL ADDRESSES

OFFICE OF ASYLUM AND REFUGE OFICINA DE ASILO Y REFUGIO (OAR)

Cl Pradillo, 40 -28002 Madrid Tel.: 91 537 21 70 -060 Metro: Alfonso XIII www.interior.gob.es

SUBDIRECTORATE GENERAL FOR IMMIGRANT INTEGRATION SUBDIRECCIÓN GENERAL DE INTEGRACIÓN DE LOS INMIGRANTES

Ministerio de Empleo y Seguridad SocialUnidad de Trabajo Social en la Oficina de Asilo y Refugio

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) AL TO COMISIONADO DE LAS NACION ES UNI DAS PARA LOS REFUGIADOS (ACNUR)

Avda. General Peron, 32, 2° lzq.-28020 Madrid Tel.: 91 556 36 49135 03 Metro: Santiago Bernabeu http:l/www.acnur.org1

NON-GOVERNMENTAL ORGANISATIONS (NGOs)

SPANISH RED CROSS CRUZ ROJA ESPAF:IOLA

C/ Valdecanillas, 112 - 28037 Madrid Metro: Simancas Tel.: 91 532 55 55 **www.cruzroja.es**

SPANISH COMMISSION FOR REFUGEE ASSISTANCE COMISI6N ESPAAOLA DE AYUDA AL REFUGIADO (CEAR)

C/ Hnos. García Noblejas, 41 - 8º izq - 28037 Madrid Metro: García Noblejas Tel.: 91 555 06 98 / 29 08 **www.cear.es**

ACCEM

Plaza Sta. M8 Soledad Torres Acosta, 2, 3° -28004 Madrid Tel.: 91 532 74 7819 Metro: Callao www.accem.es

INTERNATIONAL RESCUE RESCATE INTERNACIONAL

Cl Luchana, 36, 4° Dcha. -28010 Madrid Tel.: 91 447 28 72129 60 Metro: Bilbao www.ongrescate.es

NOTE: INFORMATION ON LOCAL NGOs WHICH PROVIDE ASSISTANCE TO APPLICANTS CAN BE FOUND AT INTERNATIONAL PROTECTION APPLICATION OFFICES.

http://www.interior.gob.es/documents/642317/1201485/Informacion_solicitantes_Asilo_Ingles_126160099.pdf/c2097f86-ebc6-4e7b-aeda-d9a64782c457