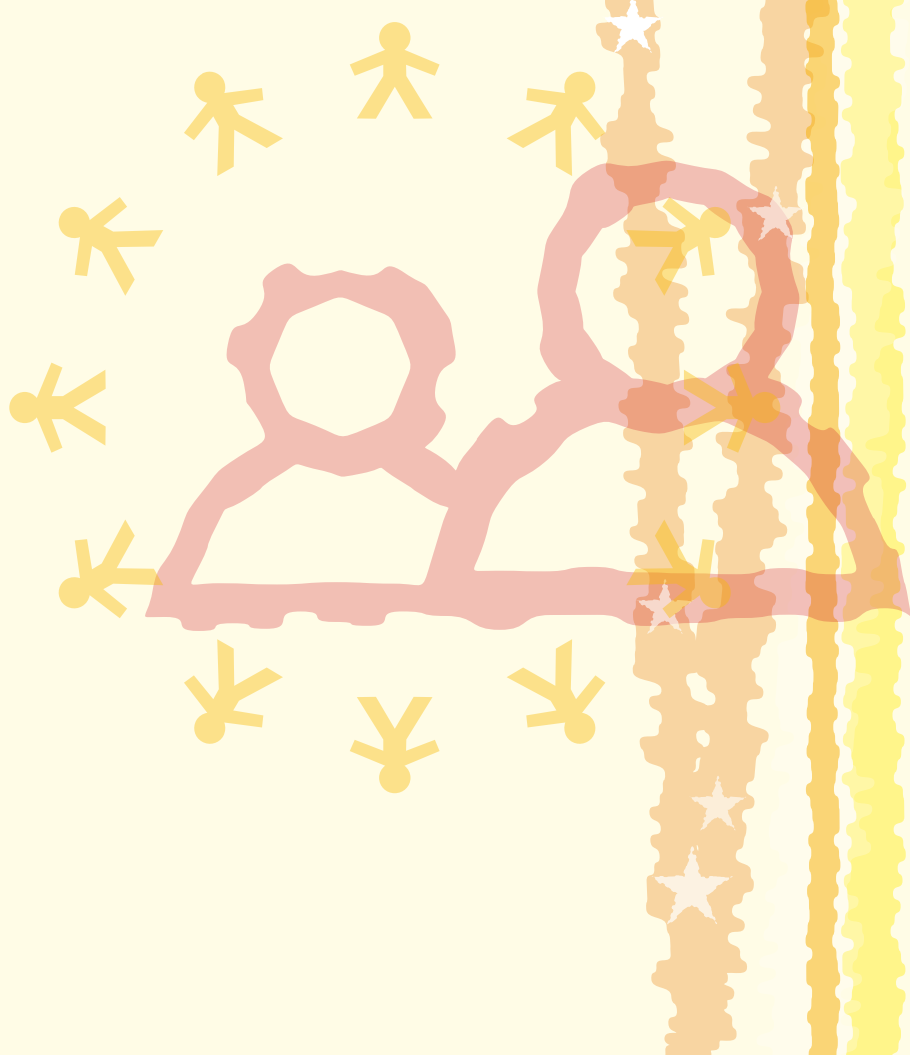




regulations governing eu citizens in **Spain**





This leaflet provides information for the citizens of other Member States of the European Union (EU) or the European Economic Area (EEA), and also nationals of the Swiss Confederation, and their families.

Additional information can be found in a separate leaflet on the rules that apply to Bulgarian and Romanian citizens (and their families) who wish to enter Spain and stay on a temporary or permanent basis after the accession of these States to the European Union on 1st January 2007.

It contains the basic information on entry, temporary and permanent residence of these nationals and their families under the provisions of Royal Decree 240/2007, of the 16th of February, on the entry, free movement and residence in Spain of nationals of Member States of the European Union and other States party to the Agreement on the European Economic Area, which came into effect on 2nd April 2007.

It also provides basic information on the legal arrangements that apply to non-EU relatives of Spanish nationals with regard to entry, temporary stay and permanent residence in Spain.



Who benefits from EU regulations on foreigners in Spain?

The citizens of any of the other Member States of the European Union, or countries that are parties to the Agreement on the European Economic Area, the citizens of the Swiss Confederation, and their families.

| MEMBER STATES OF THE EUROPEAN UNION | | |
|---|----------------|--------|
| Germany | Ireland | |
| Austria | Italy | |
| Belgium | Latvia | |
| Bulgaria (*) | Lithuania | |
| Cyprus | Luxembourg | |
| Denmark | Malta | |
| Slovakia | Netherlands | |
| Slovenia | Poland | |
| Estonia | Portugal | |
| Finland | United Kingdom | |
| France | Czech Republic | |
| Greece | Romania (*) | |
| Hungary | Sweden | |
| STATES PARTY TO THE AGREEMENT ON THE EUROPEAN ECONOMIC AREA | | |
| Iceland | Liechtenstein | Norway |
| EUROPEAN UNION – SWISS CONFEDERATION ACCORD | | |
| Switzerland | | |

(*) If you are a national of Bulgaria or Romania, Member States of the European Union since 1st January 2007, the regulations governing your entry, temporary stay and residence in Spain, and that of your family members, has been set out in a separate leaflet on the provisions of Royal Decree 240/2007 and the transitional arrangements introduced by the Spanish Government in relation to the free movement of Bulgarian or Romanian paid employees, based on the terms of the Acts of Accession of these States to the European Union.

I. your rights

EU citizens are free to enter, leave, travel and live in Spain and may also (with the exception of children aged 21 or over, and dependent relatives in the ascending line) engage in any economic activity, either as paid employees or self-employed, service providers or students, under the same conditions as Spanish citizens.

Do I have to complete any formalities if I was already living in Spain before 2nd April 2007?

If you were living in Spain before 2nd April 2007 and **hold a valid EU residence card** you don't have to do anything until it expires. Then you should go to the Foreigners Office (or if there isn't one, your local Police Station) of the province you live in, and ask for a registration certificate as an EU resident.

If you were living in Spain before 2nd April 2007, but you **do not hold a valid EU residence card** (because you are not obliged to have one and you have chosen not to apply for one) you should go to the Oficina de Extranjeros [Foreigners Office] (or if there isn't one, your local Police Station) of the province you live in, and ask for a registration certificate as a EU resident.

Do I have to complete any formalities to enter Spain for a short stay, as a tourist, for example?

If you're going to spend less than three months in Spain, you only need to bring your passport, or a valid identity card that shows your nationality. When you enter Spain, go through passport control in the queue for nationals from Member States of the European Union.

Do I have to complete any formalities when I want to live in Spain for more than three months?

Within three months of the date you entered Spain, you should go in person to the Foreigners Office (or if there isn't one, your local Police Station) of the province in which you're planning to live and **apply for registration on the Central Register of Foreigners**, using the official form (EX16, which can be downloaded from extranjeros.mtas.es, www.mtas.es or www.mir.es), and attach your passport or valid Identity Document (if it has expired, you should supply a copy of both the expired document and your application to renew it).

Once you've made your application and paid the relevant fee, you will be given a **registration certificate** displaying your name, nationality, address, date of registration and Foreigner's Identity Number (NIE).

Can I live in Spain without working?

Not working does not, in itself, prevent you living in Spain.

Must I undertake any other official procedures in order to work in Spain?

No. You only need to apply for registration in the Central Register of Foreigners if you're planning to stay in Spain for more than three months, and obtain the necessary Registration Certificate.

In other respects, whether you're working for an employer or self-employed, providing services or studying, you will be subject to the same legislation, and in equal conditions, as Spanish citizens (apart from the provisions of article 39.4 of the Treaty Establishing the European Community that concern access to employment in the Public Sector).

When do I have the right to live in Spain permanently?

You will have the right to permanent residence in Spain when you have been lawfully resident in Spain for a period of 5 consecutive years, a fact that will have to be verified by the competent Authorities.

You will also have the right to permanent residence Spain before the end of that five-year period in the following cases:

- When you have stopped working, whether as a paid employee or self-employed, because you have reached pensionable age under Spanish law (or, in the case of a paid employee, you have stopped working due to early retirement) after living in Spain continuously for more than 3 years and working in Spain for the past 12 months (you will not have to meet these residence requirements and length of time working if your spouse or registered partner is a Spanish citizen or has lost their Spanish nationality after marriage/registration as your partner).
- When you have stopped working, whether as a paid employee or self-employed, as a result of permanent disability, after living in Spain for an uninterrupted period of more than 2 years (residence requirement not required if your permanent disability is the result of a work-related accident or occupational illness that entitles you to a pension payable, in whole or in part, by a Spanish State body; or if your spouse or registered partner is a Spanish citizen or has lost their nationality after marriage/registration as your partner).
- When, as a paid employee or self-employed, after 3 consecutive years living and working continuously in Spain, you work in another Member State and maintain your residence in Spain, returning to Spain daily or at least once a week.

What are the formalities needed to get permanent residence in Spain?

After you have applied to the Foreigners Office (or if there isn't one, your local Police Station) of the province where you live, it will issue, as promptly as possible, and on payment of the appropriate fee, a certificate of your right to live in Spain permanently. For this you should present the following documents:

- Valid Passport or Identity Document. If it has expired, you should supply a copy of both the expired document and your application to renew it
- If you have not been living in Spain for 5 years, documents proving that your circumstances meet one of the criteria above mentioned.

II. rights of family members

Can my family live with me in Spain?

Yes.

If they are EU citizens, Part I of this leaflet will apply to them.

If they are citizens of third countries that are not Member States of the European Union (or of the European Economic Area or Swiss citizens), they are entitled to live in Spain and obtain a residence card as a family member of an EU citizen.

Which members of my family have the right to live in Spain?

The members of your family that are entitled to live in Spain under EU legislation on foreigners are the following:

- Your spouse, unless your marriage has been annulled, you are divorced or legally separated.
- A partner with whom you have a union similar to marriage registered in a duly established public register in a Member State of the European Union that precludes the possibility of two simultaneous registrations in that State, and provided the partnership has not been legally terminated

- Your children and those of your spouse or registered partner (unless your marriage has been annulled, you are divorced or legally separated, or the partnership has been legally terminated), under the age of 21 or over that age if they are dependent on you or disabled.
- Your dependent relatives in the ascending line and those of your spouse or registered partner (unless your marriage has been annulled, you are divorced or legally separated, or the partnership has been legally terminated).

Do my family members have to comply with any requirement in order to enter Spain and stay for a short period?

If your family members are citizens of third countries that are not Member States of the European Union (or of the European Economic Area or the Swiss Confederation) they must enter holding a valid passport. They will also need to show the necessary visa, obtained in advance from the Spanish Consular Services in their country of origin or residence, if they need it because of their nationality, and without prejudice to the provisions of any international treaties or agreements to which Spain may be party.

A family member of a Union citizen holding a valid EU-family member residence card issued by a State that has fully implemented the Schengen Agreement of 14th June 1985 will be exempted from visa requirements in order to enter Spain.

Can my non-EU family members live for more than three months in Spain?

Yes. Your family members, when they accompany or join you, can live in Spain for more than three months.

What formalities will my non-EU family members have to comply with to live for more than three months with me in Spain?

Within three months of arriving in Spain, your family members must **apply** in person to the Foreigner Office (or if there isn't one, your local Police Station) of the province in which you're planning to live for an **EU-family member residence card**, by way of the official form (EX16, which can be downloaded from extranjeros.mtas.es, www.mtas.es and www.mir.es), together with the following documents:

- Valid passport (if it has expired, you should supply a copy of both the passport and your application to renew it).
- Documentary proof, duly translated and officially authenticated or bearing an apostille if necessary, attesting to the existence of a family tie, marriage or registered union that would entitle them to a card.
- Registration certificate of the EU-family member they are accompanying or going to join.

- Documentary evidence that they are financially dependent on the EU-family member they are accompanying or going to join, should this be requested.
- 3 recent colour photographs, on a white background, identity card size.

Can my non-EU family members work in Spain?

YES, your spouse or registered partner will be able to work in any paid employment or self-employed activity or in the provision of services under the same conditions as Spanish citizens, and so too will your children (or those of your spouse or registered partner) under the age of 21 (if they are of working age).

Your children aged 21 or over and your direct relatives in the ascending line (and those of your spouse or registered partner) do NOT have such a right. However, their status as a family member of an EU citizen will not be affected by working in an activity in which it can be demonstrated that the income obtained is not a necessary means for supporting them, and that in cases of full-time employment the contract does not exceed three months in any given year and is not considered a continuous occupation in the labour market.

Can my non-EU family members retain the right to live in Spain in their own right?

In certain circumstances, your leaving Spain, death, annulment of marriage, divorce, legal separation or termination of a registered partnership will not affect your family members' right to residence.

However, your non-EU family member(s) must apply for the necessary residence authorisation under the general regulations applicable to foreigners within six months of any of the above circumstances occurring.

Do my non-EU family members have the right to live in Spain permanently?

Yes, when they have been lawfully resident in Spain for a continuous period of 5 years.

Your relatives will also have the right to permanent residence provided they live with you in Spain, in the following cases:

- When you acquire permanent residence in Spain.
- If you die during your working life, before acquiring the right to permanent residence, when your relative has lived with you in Spain, in one of the following circumstances:

Your family member has lived with you in Spain for at least 2 years.

Your death was the result of a work-related accident or occupational illness.

Your spouse was originally a Spanish citizen but lost their nationality when they married you.

Will the EU legislation on foreigners in Spain apply to me if I am a non-EU family member of a Spanish citizen?

Yes. Whatever your nationality, the EU legislation on foreigners will apply to you if you are the family member of a Spanish citizen and you accompany or join him or her in Spain, and you come under one of the following categories:

- You are his or her spouse, provided that the marriage has not been annulled, or you are divorced or legally separated.
- You are the partner with whom he or she has a similar union registered in a duly established public register in a Member State of the European Union that precludes the possibility of two simultaneous registrations in that State, and provided the partnership has not been legally terminated.
- You are the child of a Spanish citizen or of his or her spouse or registered partner (provided their marriage has not been annulled, or they are divorced or legally separated), under the age of 21, or over that age if you are financially dependent or disabled.

Your dependent relatives in the ascending line and those of your spouse or registered partner may reside in Spain in accordance with the provisions of the general legislation governing foreigners, unless on 2nd April 2007 they held a valid or renewable EU resident family member card obtained under Royal Decree 178/2003, in which case the provisions of Royal Decree 240/2007 will apply to them.

III. other information

Is there a charge for the registration certificate or residence card?

Yes. You have to pay an issue charge which is the same as that paid by Spanish nationals when they obtain or renew their National Identity Document.

Do I have to identify myself when the Police ask me to?

Yes. You and your family members are obliged to identify yourselves to members of the Police force if they ask you to do so (by submitting a valid passport or Identity Document).

Do I need to give my Foreigner's Identity Number (NIE) if I conduct any business in Spain?

Both the certificate of registration and the EU-citizen family member card incorporate the Foreigner's Identity Number.

If, because you didn't originally intend to stay in Spain for 3 months or more, you have not registered but you need this Number you can obtain it on application to the Police Directorate General and the Spanish Civil Guard (via the Foreigners Offices or, if there isn't one, the Police Station).

Can I or my family members be prevented from entering Spain or refused registration in the Central Register of Foreigners, expelled or repatriated?

These measures may only be adopted on the grounds of public order, public security or public health, in accordance with the legislation governing public order and security.

Where can I obtain more specific information?

If you would like more specific information, you can:

Go in person to the Foreigners Office or Police Station of the place where you intend to live.

Contact the information and citizens advice unit of the Directorate General for Immigration of the Ministry of Employment and Social Affairs (91 363 90 71; 91 363 90 69; 91 363 71 08). They will tell you which office or department to go to in order to make your application.

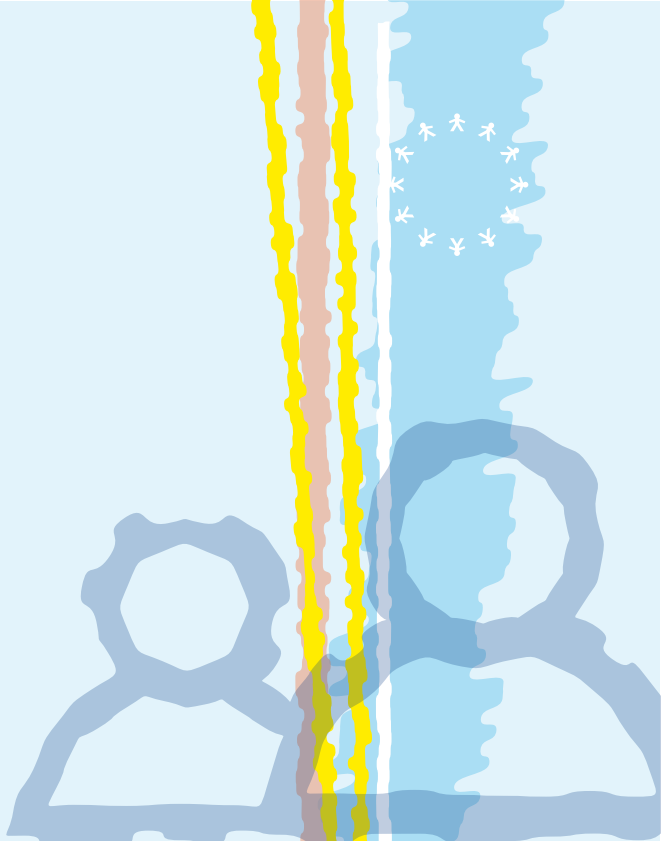
When you ask for this information, you should give:

Your name (as displayed on your passport or identity card).

Your nationality.

Your Foreigner Identity Number (NIE), if you have already been granted one.

The information contained in this leaflet is intended solely for general guidance.



MINISTERIO
DE TRABAJO
Y ASUNTOS SOCIALES

SECRETARÍA DE ESTADO
DE INMIGRACIÓN
Y EMIGRACIÓN

DIRECCIÓN GENERAL
DE INMIGRACIÓN

www.mtas.es
extranjeros.mtas.es