



DIPUTACIÓN
DE ALICANTE



What is municipal register,
and what is its purpose?

Published by: Diputación de Alicante
Directed by: Unit of Foreign Citizens



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(Text drawn up in accordance with the legislation in force on April, 2019)

■ 1. WHAT IS MUNICIPAL REGISTER, AND WHAT IS ITS PURPOSE?

Municipal Register (Padrón Municipal) is an administrative registry that must have all residents in a municipality on record.

At minimum, the following information should be included:

- Name and surnames
- Gender
- Regular address
- Nationality
- Place and date of birth
- National Identity Document (Documento Nacional de Identidad - DNI) or the document replacing it, for foreign nationals.

For European residents, this number is the number on the Certificate of Registration in the Foreigners' Central Registry (Certificado de Inscripción en el Registro Central de Extranjeros), where **registration is compulsory** for all those residing in Spain for a period longer than three months. If this certificate is not available, the number on the identity document or valid passport issued by authorities in the country of origin will be put on the registration as a resident.

- Educational or academic certificate or degree
- All other data necessary to prepare the Electoral Roll (Censo Electoral), always guaranteeing respect for fundamental rights recognised in the Constitution.

On a voluntary basis, the following information may be included:

- o Designation of individual who may represent each resident for the Municipal Administration for resident registration purposes.
- o Telephone number.

All residents must inform Local Council (Ayuntamiento) of modifications to their personal circumstances when they mean that this information must be modified.

Registration in the Municipal Register is proof of residence in the municipality and the regular address therein, although it is not proof of legal residence in Spain and does not grant the citizen registered any

rights not granted by applicable law.

The purpose of the Municipal Register is to count and identify inhabitants in a municipality (residents) to provide it with public services (health centres, schools, public transport, etc.) as suitable for the population volume. Spanish Law stipulates that it is mandatory that each Local Administration provide citizens with certain municipal services, such that the more inhabitants there are in the municipality, the more mandatory services will be available.

Therefore, the basic purpose of the Municipal Register is to act as an instrument to design and plan municipal policies and services, and to act as a foundation for making the Electoral Roll. The number of Councillors in a municipality is directly related to the number of people registered as residents.

Local Council is responsible for drawing up, maintaining and revising the resident register, although the National Statistics Institute (Instituto Nacional de Estadística - INE) has certain authorisations to revise it ex officio. The Municipal Register is constantly updated, establishing the official number of inhabitants in each municipality for all intents and purposes at the beginning of each year.

■ 2. WHY REGISTER AS A RESIDENT?

Everyone living in Spain must register as a resident in their municipality of regular residence.

In addition to the compulsory nature of the Law, registering as a resident is highly advisable, important and useful for citizens, because this registration as a resident bestows status as a resident, therefore providing access to the rights afforded to said residents, which will be explored in the next section of this informational guide.

Registration as a resident shall be necessary to access essential services such as schools, primary health care and obtaining a Healthcare Card (Tarjeta Sanitaria).

Moreover, being registered as a resident in a municipality of the Community of Valencia (Comunitat Valenciana) also provides benefits to citizens. In this regard, article 3 of the Statute of Autonomy (Estatuto de Autonomía) of the Comunitat Valenciana establishes that all Spanish citizens who have or acquire administrative residency in any of the municipalities of the Comunitat Valenciana shall be politically considered as Valencian. This article also recognises that EU nationals residing in the Comunitat Valenciana shall enjoy the rights and be bound by obligations incumbent upon Valencians, with the exceptions established, if applicable, by the Constitution or Laws of the State.

3. RESIDENT RIGHTS

Being a resident grants citizen a series of rights and obligations in their relations with their Local Council, and in general with social participation and public affairs. The most significant rights and obligations are:

- Having the right to vote and stand as a candidate in municipal elections, pursuant to provisions in electoral law.
- Participating in municipal management, pursuant to provisions in law and, if applicable, when residents voluntarily wish to collaborate with bodies of governance and municipal administration.
- In accordance with their purpose, using municipal public services and using common resources, pursuant to applicable standards.
- With economic and personal benefits provided by law, contributing to municipal tasks and duties.
- Subject to a reasoned request, being informed and sending requests to the Municipal Administration regarding all municipal documentation and records.
- Calling a popular referendum under the terms of the Law.
- Demanding provision and, if applicable, establishment of a pertinent public service if this is a municipal duty that is mandatory in nature.
- Other rights and duties established by law.

Regarding Local Council activity, residents have extensive rights to access information falling under different scopes of municipal action, such as approval of Budgets, town planning, approval of Local Corporation ordinances and regulations, and the content of agreements adopted in the Municipal Plenary (Pleno Municipal). These rights of residents to information and participation in decision-making and Local Council's actions can be exercised individually by each resident or conjointly through the pertinent Residents' Association (Asociación Vecinal).

■ 4. REQUIREMENTS, DOCUMENTATION AND PROCEDURE

Citizens must register as residents in the municipality where they regularly reside. In the event that they possess several dwellings in Spain, they must apply to register as a resident in the municipality where they live the longest throughout the course of the year.

Individuals who regularly live in a municipality and are not registered as residents must apply to be registered, stating that they are not, or are unaware of being, registered as residents in any other municipality, and grant their approval for ex officio deregistration of any Spanish resident registration before the date of application.

To register, the interested party must provide an original and photocopy of their National Identity Document, passport and Certificate of Registration in the Foreigners' Central Registry (if they have it), a provisional asylum applicant document or valid identity document for non-EU resident citizens issued by a Spanish authority.

Moreover, to prove regular residence at the address, proof must be provided, such as:

- Deed of ownership to the property
- Rental contract
- Authorisation from the owner of the dwelling to register as a resident at that address, along with a photocopy of the National Identity Document, passport or other personal accrediting document. On occasion, the presence of the owner is requested, so he/she may state their consent to the municipal public servant.

The Local Council of reference should be asked for each individual case, to discover how and which documentation should be provided. There may also be a standardised application form in this regard. Non-emancipated minors and disabled adults shall have the same residence as those who hold custody or guardianship over them, or their legal representatives, unless they provide written authorisation for them to reside in a different municipality.

■ 5. REVISION OF THE MUNICIPAL REGISTER

Local Councils shall keep updated registers of residence, so that the data they contain match reality. Periodically, they shall send the Instituto Nacional de Estadística (INE) modifications that are made to the

data in their municipal registers of residence. If Local Councils do not conduct these tasks to verify the reality of the data in their power, the INE may, *ex officio*, verify the reality of residence register data.

Moreover, and each month, the Municipal Register shall be modified with the data provided by the Civil Register (Registro Civil), regarding changes in name and surnames, gender and nationality, by the Ministry of the Interior (Ministerio de Interior), regarding National Identity Documents or Residence Cards (Tarjeta de Residencia), or the Ministry of Education and Culture (Ministerio de Educación y Cultura), regarding educational and academic titles issued or recognised. In these cases, affected residents must be notified of changes to make appropriate statements in this regard.

If the citizen is going to change address and move to a different municipality, said citizen must make a written request to be included in the municipality where establishing the new residence. Applications lodged as a result of changing address within a municipality simply require modification of the registration data in the Municipal Register, with no need to be removed then added again to the Municipal Register.

Non-EU national citizens without permanent residence must renew their registration of residence every two years, even when no change has occurred in their personal circumstances. If this is not done, their registration shall be removed.

Nationals from an EU member state, Member States of the Agreement on the European Economic Area and those who, without belonging to these countries, hold an EU Regime Residence Card (EU member relatives), as well as citizens with permanent residence, must confirm registration in the Municipal Register of Inhabitants in these cases:

- When not in the Foreigners' Central Registry and the last residence registration is older than 2 years.
- When the Certificate of Inscription in the Foreigners' Central Registry was issued more than 5 years ago.
- When in the Foreigners' Central Registry and the last residence registration is older than 5 years.

If confirmation of residence is not formalised, procedures will be undertaken to deregistration from the Municipal Register of Inhabitants.

■ 6. DEREGISTRATION FROM THE MUNICIPAL REGISTER

Regarding Deregistrations of residence, we can identify the following:

Deregistration due to Death. Deceased parties may be removed from the Municipal Register by showing the Family Book (Libro de Familia) or Death Certificate (Certificado de Defunción). On a monthly basis, the INE shall send information on individuals who must be removed due to death.

Deregistration due to Change in Residence. This occurs when an address is changed to a different municipality or country. Once notification is received of registration in a different municipality, or registration at the Consular Section or Office, the interested party's registration is removed with no further procedure being necessary.

Deregistration due to Incorrect Registration (Duplicate). Local Council shall cancel entries in its register of residences that are duplicate, keeping only one of them. If detected by the INE or Local Council, an administrative file shall be opened with a notification sent to the party at the address registered, indicating that the Local Council shall remove one of the registrations. If the interested party responds and expresses a desire to be registered in a municipality, the registration said party indicates as correct shall be kept, removing the others.

The INE shall inform affected Local Council of duplicate registrations it detects when comparing registrations in different municipalities.

Deregistration due to Incorrect Ex Officio Registration. When Local Council ex officio registers certain individuals (for example, minors or disabled registered ex officio in the Register of residence in the municipality where the parents or guardians reside), they shall be removed when it is verified that these registrations were made in error.

Ex Officio Deregistration. If Local Council verifies that the individual no longer resides in the municipality, it shall open up a file to remove this individual from the register. To this end, Local Council normally conduct periodical verifications.

■ 7. DOCUMENTATION FOR THE MUNICIPAL REGISTER

Certifications issued for residence registration are public, reliable documents for all administrative

purposes.

The Registration Certificate (Certificado de empadronamiento) is the document proving residence and regular address. It is normally requested when the document must be provided to certain bodies for certain procedures, such as:

- Legal bodies (courts and tribunals)
- Military bodies or foreign authorities
- Civil Register (marriages, nationality, changes in name and/or surnames and adoptions, etc.)
- Declaring heirs
- Registration of civil partnerships
- Other Official Register, Penitentiary Centres, Customs Management, Universities, Spanish employment institute (INEM)

Moreover, the Registration Slip (Volante de Empadronamiento) is merely informative, indicating residence and the regular address.

Both Certificates and Slips are issued with a set validity period. This period depends on the specific procedure for which it is to be used, although the validity period tends to be a maximum of 3 months as of issue. Registration Certificates and Slips for non-emancipated minors must be applied for by their parents or legal representatives, with whom they are registered.

The certificate for a deceased person may be applied for by any individual who can prove legitimate interest: descendants, spouse, ascendants or individuals authorised by the aforementioned.

■ 8. MUNICIPAL REGISTER AND ELECTORAL ROLL

The Municipal Register is the foundation for preparing the Electoral Roll. For the purposes of updating the Electoral Roll, on a monthly basis, Local Councils shall send the pertinent Provincial Delegation of the Electoral Roll Office a list of variations over the month prior in the street directory, registrations and deregistrations of adult residents in comparison with the last day of the month prior, and changes in address and other modifications to the data of those registered in the Electoral Roll.

For Spanish citizens entitled to vote, being registered in the Municipal Register means they are included in the Electoral Roll.

For other citizens entitled to vote, they must also apply for registration in the Electoral Roll when they meet the following requirements:

- Hold a residence card.
- Have resided in Spain legally and uninterruptedly for a period longer than the minimum specified for each country.
- Be registered in the Municipal Register in the municipality where they regularly reside.

Nationals from other States entitled to vote in municipal elections in Spain must state their desire to exercise the right to vote in municipal elections. For EU citizens, they must also do so to vote for the European Parliament.

This statement is made at the Local Council where the interested party is registered as resident, and shall be done:

- o only once, if an EU citizen, it not being necessary to repeat the procedure for each electoral process:
- o if nationals from third States, said statement must be repeated for each electoral process.

■ 9. REFERENCE LEGISLATION

Reference Legislation for Municipal Register

- Law 7/1985, dated 2 April, regulating the Bases of Local Government.
- Royal Decree 1690/1986, dated 11 July, approving the Regulation of Population and Territorial Demarcation by Local Entities.
- Royal Decree 2568/1986, dated 28 November, approving the Regulation for Organisation, Operation and the Legal System for Local Entities.

10. LINKS

National Statistics Institute (Instituto Nacional de Estadística) - www.ine.es

Ministry of the Interior (Ministerio de Interior) - www.mir.es

Central Electoral Commission (Junta Electoral Central) - www.juntaelectoralcentral.es

Legal warning: the information contained in this guide has a merely informative nature, and entails no rights, expectations or responsibilities whatsoever for the Alicante Provincial Council (Diputación de Alicante).



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