

GUIDE FOR

EUROPEAN CITIZENS

GENERAL RULES FOR  
CITIZENS FROM THE  
EUROPEAN UNION, FROM  
OTHER MEMBER STATES OF THE  
EUROPEAN ECONOMIC AREA  
(EEA) AND FROM SWITZERLAND



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## 1. INTRODUCTION

Since it joined the European Union in 1986, Spain has taken responsibility for establishing the administrative formalities for citizens from the member States to exercise their right to enter, leave and stay in Spain.

As a consequence of Directive 2004/38/CE, issued by the European Parliament and the Council on 29 April 2004, relating to the right of citizens of the Union and of their family members to move and reside freely in member States territory, on 16 February 2007, Royal Decree (hereinafter RD) 240/2007 was approved on the entry, free movement and residence in Spain of citizens from European Union member states, other member states of the European Economic Area (EEA) and Switzerland.

This RD repealed the previous RD 178/2003, of 14 February, on the entry and stay in Spain of nationals from European Union member states and other member states of the European Economic Area (EEA), as well as any other rules of equal or lower status contradicting it. The RD has undergone several modifications, with the latest being that of RD 1192/2012, of 3 August, governing the condition of insured and beneficiary for the purposes of medical care in Spain.

Royal Decree 240/2007 governs entry and exit, free movement, stay and residency, permanent residency and work in Spain, common regulations for procedures pertaining to application procedures, issue and renewal for registration certificates and residency cards, as well as for limitations to rights for reasons of public order, security and public health.

The aforementioned Royal Decree is applicable to nationals from European Union Member States (**Germany, Austria, Belgium, Bulgaria, Cyprus, Croatia, Denmark, Slovakia, Slovenia, Spain, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, The Netherlands, Poland, Portugal, The United Kingdom, Czech Republic, Rumania and Sweden**); to nationals from the member states of the European Economic Area (EEA) (**Iceland, Liechtenstein and Norway**) and to **Swiss** nationals, according to the Agreement dated 21 June 1999 between the European Community and the Swiss Federation on the movement of individuals.

## GENERAL RULES FOR CITIZENS FROM THE EUROPEAN UNION, FROM OTHER MEMBER STATES OF THE EUROPEAN ECONOMIC AREA (EEA) AND FROM SWITZERLAND

**It also applies**, no matter their nationality, **to relatives of a citizen** from a European Union member State or from a European Economic Area (EEA) member State, when they are accompanied by him or her, or when they are reunited with him or her.

For more information on the relatives to whom the RD applies, please read the leaflet entitled “General Rules applicable to non-EC relatives of European Union citizens” on the web site:

[www.ciudadanosextranjeros.es](http://www.ciudadanosextranjeros.es)

The Royal Decree recognises the right of entry, exit, freedom of movement and residence in Spanish territory, having completed the formalities required to do so and notwithstanding the limitations established therein. Likewise, the right to access any kind of work, both employed and self-employed, service provision or studies, under the same terms and conditions as Spanish nationals.



**All European Union citizens residing in Spain will be treated as equals to Spanish citizens.** That right will be extended to family members who do not have the nationality of a European Member State or of a European Economic Area (EEA) State, who are beneficiaries of the right to reside or of the right to permanent residence.

Lastly, by virtue of Royal Decree 1161/2009, of 10 July, Royal Decree 240/2007 was changed, so being in possession of a European Union citizen family member residence card that is valid and current, issued by another member State of the European Economic Area (EEA), exempts those family members from the requirement to obtain an entry visa and, on showing this card, no entry or exit stamp will be required on their passport.

## 2. ENTERING AND LEAVING SPAIN



### ENTERING SPAIN

European Union citizens wanting to enter Spain must be in possession of a valid and current passport or identity document stating the holder's nationality.

If the European Union citizen does not have the documents required for entering Spain, RD 240/2007 establishes that, before refusing them entry, the Authorities responsible for border control will give these people the maximum assistance so that they may obtain or receive their documents within a reasonable period of time or so that they can confirm or prove by other means that they are beneficiaries of this regime, provided that the absence of the travel document is the only reason for preventing their entry to Spanish territory.



### LEAVING SPAIN

The citizens of a European Union member State or of another member State of the European Economic Area (EEA) or Switzerland, and their family members, whatever their nationality, will have the right to leave Spain to travel to another member State, regardless of whether they are required to show their valid passport or identity document to border control staff for checking, if they leave via a manned checkpoint, and of the legal circumstances that may place a ban leaving the country for reasons of national security or public health, or established in the Penal Code.



### 3. STAY

In the event that the stay in Spain of a citizen from a European Union member State, from another European Economic Area (EEA) member State, or from Switzerland, for whatever purpose, is less than three months in duration, being in possession of a valid passport or identity document will be sufficient, and this stay will not be counted for the purposes of the effects arising from their residence situation.

Citizens intending to stay or fix their place of residence in Spain for more than three months will be required to apply for a certificate of registration as a European Union resident.



**ESPAÑA**  
**CERTIFICADO DE REGISTRO DE CIUDADANO DE LA UNIÓN**  
El encargado del Registro Central de Extranjeros certifica que:

D./Dª.:  
Fecha y lugar nac.:

Hijo/a de:  
NIE:                      Nacionalidad:  
Domicilio:

Residente comunitario permanente en España desde

## 4. ADMINISTRATIVE SITUATIONS

### 4.1. RESIDENCE

Citizens from another European Union member State, or from a European Economic Area (EEA) State or from Switzerland who are intending to reside in Spain for a period of more than three months are required to apply to be inscribed in the Central Register for Foreign Nationals, which, in the event that they are registered, will issue them with a Registration Certificate as proof.

#### HOW DO YOU OBTAIN RESIDENCE?

You must be able to prove one of the following:

-  You are employed by someone else in Spain.
-  You are self-employed in Spain.
-  You have sufficient income for your own upkeep and that of your family members during your period of residence in Spain. You must also show proof that you have public or private health insurance, contracted either in Spain or in another country, which provides cover in Spain during your period of residence. You will be assessed individually to ascertain whether you have sufficient financial resources. Sufficient proof of meeting this requirement is considered to be having an income or financial resources greater than the amount set every year by the State General Budget Law [Ley de Presupuestos Generales del Estado] to qualify for the right to receive non-contributory benefit.
-  That you are a student enrolled at a state or private educational institution that is recognised or funded by the education authorities and that you intend to study or undertake vocational training. You must also be able to prove that you have public or private health insurance, contracted either in Spain or in another country, that provides cover in Spain, plus you must be able to state that you have sufficient financial resources to support yourself and your family members and not become a burden on Spanish social services during your period of residence.

The application for residence must be made in person by the citizen of the European Union or other EEA State or Switzerland at the appropriate Police Station. The relevant fee must be paid in full before the registry certificate can be issued.



## DOCUMENTATION REQUIRED

-  **Official application form EX-18** completed in duplicate (go to our web site [www.ciudadanosextranjeros.es](http://www.ciudadanosextranjeros.es) to download the form).
-  **Valid and current passport or national identity document.** If it has expired, you must produce a copy of the expired document plus a copy of the renewal application.
-  No documentation is required if permanent residence is being sought because you have lived legally in Spain for a continuous period of five years. If this is not the case, you will be required to provide the following documentation:
  - a) If you are employed by someone else, you can provide any one of the following documents:**
    - Employment contract or certificate of employment, including the name and address of the company, tax code and social security code.
    - Employment contract or notification of the contract plus terms and conditions of employment.
    - Proof of having been enrolled in the Social Security scheme or having similar status, or written consent to checks being carried out on your details in the Social Security General Treasury records.
  - b) If you are self-employed, you can provide any one of the following documents:**
    - Registration in the Economic Activities Census [Censo de Actividades Económicas]
    - Proof that your business is inscribed in the Companies Register [Registro Mercantil].
    - Proof of having been enrolled in the appropriate Social Security scheme or having similar status, or written consent to checks being carried out on your details in the Social Security General Treasury [Tesorería General de la Seguridad Social] or Tax Agency [Agencia Tributaria] records.

**c) If you are not currently working in Spain you should provide the following:**

- Proof that you have public or private health insurance, contracted either in Spain or in another country, which provides cover in Spain during your period of residence equivalent to the level of healthcare provided by the Spanish state healthcare system. Pensioners can comply with this requirement by producing proof that they have healthcare cover provided by the State where they draw their pension.
- Documentation that proves you have sufficient income for you and your relatives while you are resident in Spain. This can be proved by any legally accepted method, such as property deeds, certified cheques, certificates showing income received from capital or credit cards with a bank statement showing the available spending balance on that card.

**d) If you are a student, you must provide:**

- Proof that you are enrolled in a state or private education institution that is either recognised or funded by the appropriate education authority.
- Documentary evidence that you are covered by a public or private health insurance policy. You can show your European health card if it is valid for the period of residency and entitles you to receive adequate healthcare from a medical point of view, bearing in mind the nature of the cover and its duration.
- An affidavit that you have sufficient income for your own upkeep and that of your family members during your period of residence in Spain.

To comply with these requirements, it will be considered sufficient to produce documentary evidence that you are taking part in a European Union educational exchange programme for students and teachers.

## 4.2. PERMANENT RESIDENCE

### WHAT IS THE CERTIFICATE OF PERMANENT RESIDENCE OF A EUROPEAN UNION CITIZEN?

It is issued to citizens from European Union member states and other member states of the European Economic Area (EEA) or Switzerland who reside in Spain and who can prove one of the following circumstances:

- a) That you have legally resided in Spain for a continuous period of five years.
- b) That you are self-employed or employed by someone else and are leaving work because you have reached the age set by Spanish legislation for retirement with the right to draw a pension.
- c) That you are employed by someone else and you are taking early retirement after having worked in Spain for at least the last twelve months and having lived in Spain for more than three years. The three-year period of residence is not required if the European Union citizen is married or is the registered partner of a Spanish citizen, or if they are a citizen who has lost their Spanish nationality after marrying or becoming the registered partner of the person employed.
- d) That you are self-employed or employed by someone else and you have stopped working as a result of permanent disability, and that you have lived in Spain for more than two years without interruption. The two-year period is not required if:
  - The disability is the result of a work-related accident or occupational disease that entails the right to a pension that is the full or partial responsibility of a Spanish state organisation.
  - The European Union citizen is married to or is the registered partner of either a Spanish citizen or a citizen who lost their right to Spanish nationality after marrying or becoming the registered partner of the person employed.

- e) You are self-employed or employed by someone else and after working and living in Spain for three consecutive years, you are working in another member State and you return to Spain on a daily basis or at least once a week.

Employment will take into account periods of involuntary unemployment duly justified by the public employment service, periods of suspension of activity for reasons outside the employee's control, and absence from the workplace or sick leave taken as a result of illness or accident.

## HOW IS IT OBTAINED?

The application must be made in person by the citizen of the European Union or other EEA State or Switzerland at the appropriate Police Station.

Before the permanent certificate of residence can be issued, showing their name, nationality, address, foreign national identity number, registration date and status as permanent resident, the applicant is required to pay the appropriate fee.



## DOCUMENTATION REQUIRED

-  **Official application form EX-18** completed in duplicate. (Go to our web site [www.ciudadanosextranjeros.es](http://www.ciudadanosextranjeros.es) to download the form).
-  **Valid and current passport or national identity document.** If it has expired, you will be required to produce a copy of the expired document plus a copy of the renewal application.
-  **Documentary evidence of the circumstances by which permanent residence is being sought.** No documentation is required if permanent residence is being sought because you have lived in Spain for a continuous period of five years, as this circumstance would be verified by the Foreign Nationals' Office [Oficina de Extranjería].

 5. RECOMMENDED READING

CARRASCOSA GONZÁLEZ, Javier, DURÁN AYAGO, Antonia y CARRILLO CARRILLO, Beatriz L., *Curso de Nacionalidad y Extranjería*, Colex, Madrid, 2007.

DURÁN AYAGO, Antonia y CARRILLO CARRILLO, Beatriz L., *Guía legal práctica de extranjería*, Comares, Granada, 2006.

FUENTES I GASÓ, J. R., GIFREU I FONT, J., Y TORRES ESTRADA, R., *Tomo XVIII Esquemas de Extranjería*, Tirant lo blanch, Valencia, 2009.

MARTÍN MARTÍN, Jaime, “Nueva ordenación de los ciudadanos comunitarios en España: el RD 240/2007 de 16 de febrero”, en *Economist & Jurist*, número 112, Barcelona, Grupo Difusión, Julio-Agosto 2007, pp. 52-62.

MASANET FERNÁNDEZ, Juan Manuel (Coord.), ORTEGA GIMÉNEZ, Alfonso y otros, *Manual práctico orientativo de extranjería. Aspectos jurídicos y sociales del fenómeno de la inmigración en España*, Grupo Difusión, Barcelona, 2007.

ORTEGA GIMÉNEZ, Alfonso (Coord.) y otros, *Formularios de nacionalidad y extranjería*, Difusión Jurídica y Temas de Actualidad, Barcelona, 2008.

ORTEGA GIMÉNEZ, Alfonso y LÓPEZ ÁLVAREZ, Antonio, “El régimen jurídico de entrada, libre circulación y residencia en España de ciudadanos comunitarios”, en *Diario LA LEY*, Año XXIX, Número 6978, Lunes, 30 de junio de 2008, La Ley, Madrid, pp. 01-09.

VV. AA., Revista del Ministerio de Trabajo e Inmigración, monográfico sobre *Derecho Social Internacional y Comunitario*, nº 92, Ministerio de Trabajo e Inmigración, Madrid, 2011.



## 6. USEFUL WEB SITES

[www.consultor.com/oue](http://www.consultor.com/oue)

Excmo. Colegio Oficial de Graduados Sociales de Alicante – Foreign Nationals’ One-Stop Office [Oficina Única de Extranjeros] in Alicante

[www.consultorga.com](http://www.consultorga.com)

Foreign Nationals’ Office [Oficina de Extranjería] in Alicante

[www.migrarconderechos.es](http://www.migrarconderechos.es)

Migrar con Derechos

[www.empleo.gob.es](http://www.empleo.gob.es)

Ministry of Employment and Immigration [Ministerio de Trabajo e Inmigración]

[www.intermigra.info](http://www.intermigra.info)

Foreign Nationals’ Dept. at Real e Ilustre Colegio de Abogados de Zaragoza

[www.accursio.com](http://www.accursio.com)

Website by Javier Carrascosa, Tenured Professor at the University of Murcia.



## 7. APPLICABLE SPANISH LEGISLATION

### **ROYAL DECREE 1161/2009, OF 10 JULY,**

modifying Royal Decree 240/2007, of 16 February, on entry, freedom of movement and residence in Spain of citizens from European Union member states and other states in the European Economic Area (EEA). (BOE 23-07-2009) The latest modification of RD 1192/2012, of 3 August, governing the condition of insured and beneficiary for the purposes of medical care in Spain, charged to public funds via the National Healthcare System. (BOE 04-08-2012).



## 8. MORE INFORMATION

### AT THE FOREIGN NATIONALS' OFFICE [OFICINA DE EXTRANJERÍA]

Calle Ebanistería número 4  
03008 Alicante.

### AT THE FOREIGN NATIONALS' OFFICE [OFICINA DE EXTRANJERÍA] IN ALTEA

Calle San Isidro Labrador número 1  
03590 Altea (Alicante).

### AT THE NEAREST NATIONAL POLICE STATION [COMISARÍA DE LA POLICÍA NACIONAL]



## UNIDAD DE CIUDADANOS EXTRANJEROS

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