

GUIDE FOR

FAMILIES OF CITIZENS OF THE EU

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



DIPUTACIÓN  
DE ALICANTE



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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.

Spanish rules governing the entry, freedom of movement and residence in Spain of citizens from European Union member states, other states in the European Economic Area (EEA) and Switzerland are set out in Royal Decree 240/2007, of 2 April 2007. This Royal Decree has been altered on several occasions, with the last update being by Royal Decree 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.

The aforementioned Royal Decree is addressed to nationals from European Union Member States (**Germany, Austria, Belgium, Bulgaria, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, The Netherlands and The United Kingdom**); 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.

The Royal Decree **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.** The relatives to whom it applies are as follows:

- a) **Spouse**, provided that no agreement or declaration of annulment is in force or divorce decreed.
- b) **Partner with whom there is a bond analogous to marriage and recorded in a public register located in a European Union member State or in a European Economic Area (EEA) state.**

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

c) **Their direct descendants** and those of their spouse or registered partner, provided that no agreement or declaration of annulment is in force or divorce decreed or that the entry recording the registered partnership has been cancelled, who are aged under twenty-one, over the age of twenty-one and dependent on them, or disabled.

d) **Their direct ancestors** and those of their spouse or registered partner who were dependent on them, provided that no agreement or declaration of annulment is in force or divorce decreed or that the entry recording the registered partnership has been cancelled.



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.

Relatives 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 relative of a European Union resident. All European Union citizens and their relatives residing in Spain will be treated equally in respect of Spanish citizens.

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 in force, 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.

**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



## 2. ENTERING AND LEAVING SPAIN



### ENTERING SPAIN

Relatives of an EU citizen who do not possess the nationality of another European Union member State, or from a European Economic Area (EEA) State, or from Switzerland, will be required to enter Spain with a valid and current passport, plus they will also need the corresponding entry visa if required by Regulation 539/2001, of 15 March. The visa will be issued free of charge and the process will be fast-tracked if they are accompanying the EU citizen or due to be reunited with him or her.

The decision to reject a visa application must be justified, and the reasons for refusal explained, either because the requirements of the aforementioned Royal Decree have not been met, or for reasons of public order, security or public health. The reasons will be given to the applicant unless State security is likely to be compromised by doing so.



### 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, if they leave via a staffed checkpoint, for checking, 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

Relatives from other States who accompany a citizen from one of these States or who are intending to be reunited with him or her, and whose stay in Spain is less than three months, will only be required to possess a valid and current passport and fulfil the entry requirements set out in the Royal decree.

## 4. ADMINISTRATIVE SITUATIONS

EXTRANJEROS España	RÉGIMEN COMUNITARIO
	NOMBRE
	NACIONALIDAD
	DOMICILIO
	VAL.

letra-NUMERO-letra

### 4.1. RESIDENCE OF RELATIVES OF EUROPEAN UNION CITIZENS

#### WHAT IS THE RESIDENCE CARD FOR RELATIVES OF EUROPEAN UNION CITIZENS?

It is for people meeting or travelling with a European Union citizen (who may be Spanish) or citizen of another member State, **with the right to reside for a period of over three months**, who is either employed or self-employed, who has healthcare insurance and sufficient financial resources to support the family unit, or who is a student with healthcare insurance and sufficient financial resources to support the family unit.

#### HOW IS IT OBTAINED?

The **European Union citizen**, EEA citizen or Swiss national accompanying the non-European Union relative **must meet one of the following criteria**:




- Be employed by someone else in Spain.
- Be self-employed in Spain.
- Have sufficient financial resources to support themselves and their family members and not become a burden on Spanish social services during their period of residence. They must also show proof that they have public or private health insurance, contracted either in Spain or in another country, which provides cover in Spain during their period of residence equivalent

to the level of healthcare provided by the Spanish state healthcare system [Sistema Nacional de Salud]. They will be assessed individually to ascertain whether they have sufficient financial resources, although personal and family circumstances will be taken into account. 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.

- d) Be a student enrolled at a state or private educational institution that is recognised or funded by the education authorities and that they intend to study or undertake vocational training. They must also be able to prove that they have public or private health insurance, contracted either in Spain or in another country, that provides full cover in Spain, plus they must be able to state that they have sufficient financial resources to support themselves and family members and not become a burden on Spanish social services during their period of residence..

**In order to apply for the card, the family member must have the following relationship with the European Union citizen:**

**In the case of a student or family member of a student, the relationship may be that of:**

-  **Spouse**, provided that no agreement or declaration of annulment is in force or divorce decreed.
-  **Partner** with whom there is a bond analogous to marriage and recorded in a public register located in a European Union member State, or in a European Economic Area (EEA) state.
-  **Son or daughter of the European Union citizen or of their spouse** or registered partner, provided that no agreement or declaration of annulment is in force or divorce decreed or that the entry recording the registered partnership has not been cancelled, who are aged under twenty-one and dependent on them, or disabled.

**In all other cases the relationship may be that of:**

-  **Direct ancestor** of the European Union citizen, or of the EEA citizen or Swiss national, or of their spouse or registered partner and dependent on them, provided

that no agreement or declaration of annulment is in force or divorce decreed and that the entry recording the registered partnership has not been cancelled.

**Within three months from the date of entry in Spain, the family member of the European Union citizen must apply for the card in person at the Foreign Nationals' Office [Oficina de Extranjería] in Alicante or Altea.** A receipt will be issued as proof that the application has been made. This is sufficient for proving the person's legal right to remain until the card is delivered.




The applicant must pay the corresponding fee before the residence card for relatives of European Union citizens is issued.

The residence card must be issued within three months of the application being made. The card is effective from the recorded date of entry in Spain as a relative of a European Union citizen.

The residence card for family members of European Union citizens is **valid for five years** from the date of issue, or for the duration of the expected period of residence of the European Union citizen if this period is less than five years.



## **DOCUMENTATION TO BE SUPPLIED BY THE RELATIVE:**

-  **Official application form EX-19 completed** in duplicate.
-  **The family member's full current and valid passport.** If it has expired, they will be required to produce a copy of the expired document plus a copy of the renewal application.
-  **Documentary evidence of the family relationship** with the European Union citizen, EEA citizen or Swiss national:
  - a) If the applicant is the son or daughter of a European Union citizen, EEA citizen or Swiss national, or of their spouse or registered partner and over the age of 21,** documentary evidence of their status as dependent family member.

- b) If the child is a minor and does not reside in Spain with both parents, documentary evidence of their status as dependent family member of the EU citizen or of their spouse or registered partner.
- c) If the applicant is an ancestor of the European Union citizen or of their spouse or registered partner, documentary evidence of their status as dependent family member.

 **Identity card [D.N.I.] of the Spanish citizen or registration certificate** of the European Union citizen they are accompanying or with whom they are due to be reunited.

## DOCUMENTS TO BE SUPPLIED DEPENDING ON THE CONDITIONS FULFILLED BY THE EUROPEAN UNION OR EEA CITIZEN:

- a) **If you are an employed person**, you should 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.
  - Registered 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 should 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 documentation:

- 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 [Sistema Nacional de Salud]. 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 family members 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.

**d) If you are a student** you should provide the following documentation:

- 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 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 expected duration.
- Statement of having sufficient financial resources to support yourself and your family members.

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.

- Three recent colour passport-size photographs taken against a white background.

## 4.2. PERMANENT RESIDENCE OF NON-EU RELATIVES OF EUROPEAN UNION CITIZENS

### WHAT IS THE PERMANENT RESIDENCE CARD?

It is a **permit for permanent residence** issued to relatives of a citizen from a European Union member State, from a European Economic Area (EEA) member State or from Switzerland, when they are accompanied by him or her, or when they are reunited with him or her.

### HOW IS IT OBTAINED?

**If you are a relative of the European Union citizen you must be able to prove that one of the following applies to you:**

- You must have lived legally in Spain for a continuous period of five years, provided the family bond for which the residence card was issued remains intact, with the exception of cases in which the European Community regime is maintained for death, marriage annulment, divorce or cancellation of civil partnership as provided for in RD 240/2007.
- You must be living in Spain as a family member of a European Union citizen; if this person is employed or self-employed and acquires the right to permanent residence before the end of the five-year period.
- You must be living in Spain as a family member of a European Union citizen who has died during the course of their active life prior to acquiring the right to permanent residence, provided one of the following circumstances applies:
  - a) At the time of death, the EU citizen had lived in Spain for a continuous period of at least two years.
  - b) Cause of death was a work-related accident or occupational disease.
  - c) The spouse of the EU citizen lost their Spanish nationality as a result of their marriage to the deceased.



The application must be made in person by the citizen of the European Union or other EEA State or Switzerland at the Foreign Nationals' Office [Oficina de Extranjería] in Alicante or Altea, with a previously arranged appointment. If the card expires, the renewal application should be made within the month prior to the expiry date, although renewal applications will also be accepted up to three months after the expiry date without incurring an administrative fine. A receipt will be issued as proof that the application has been made. This is sufficient for proving the person's legal right to remain until the card is delivered.






The applicant must pay the corresponding fee before the residence card for relatives of European Union citizens is issued.

The residence card must be issued within three months of the application being made.

The card will be valid for ten years from the date of issue, and will be renewed automatically.



## DOCUMENTATION REQUIRED

-  **Official application form EX-19 completed** in duplicate.
-  **The family member's full current and valid passport.** If it has expired, they will be required to produce a copy of the expired document plus a copy of the renewal application.
-  If applicable, **documentary evidence that the family bond is still in force.**
-  In the case of death of the EU citizen, you must provide the **full death certificate** and, if applicable, documentary evidence that death was caused by a work-related accident or occupational disease, or that the EU citizen's spouse lost their Spanish nationality as a result of their marriage to the deceased.
-  **Three recent colour passport-size photographs** taken against a white background.

### 4.3. CHANGING THE EU REGIME TO THE GENERAL REGIME FOR FAMILY MEMBERS DUE TO MARRIAGE ANNULMENT, DIVORCE OR CANCELLATION OF INSCRIPTION AS REGISTERED COUPLE

Foreign nationals who no longer hold a residence card for relatives of a European Union citizen due to marriage annulment, divorce or cancellation of the entry recording a registered partnership, may obtain temporary residence or residence and work permits.

Relatives of a citizen from a European Union member State, from a European Economic Area (EEA) member State or from Switzerland with a residence card that is no longer valid under the EU regime must apply for their permit to be updated.

This applies to the following card holders:

- Ancestors and descendants of the ex-spouse or the ex-partner of the European Union citizen.
- Ex-spouses and ex-partners who are unable to keep their personal right to residence as European citizens because they cannot prove any of the following circumstances:
  - a) That the marriage or registered partnership lasted at least three years, up to the start of the legal process of annulment, divorce or cancellation of the entry recording a partnership, at least one of which must have occurred in Spain.
  - b) That they have been awarded custody of the European citizen's children.
  - c) That they have been victim of domestic violence.
  - d) That they have been subjected to human trafficking by their spouse or partner.
  - e) They can provide proof of the existence of a legal ruling or mutual agreement on visiting rights to the minor residing in Spain.

In order to be granted a change of regime in any of the situations listed below, they must be able to comply with the following:

- Have no criminal record in Spain and in their previous countries of residence for crimes contemplated under Spanish law.
- Not be banned from entering Spain and be listed as likely to be refused entry at the borders of countries with which Spain has signed relevant agreements.




**Within three months from the notification of the annulment, divorce or cancellation of the record of a registered partnership, the family member of the European Union citizen must apply for the card in person at the Foreign Nationals' Office [Oficina de Extranjería] in the province where they reside, by prior appointment. In the case of minors, the application must be made by their father, mother or guardian.**

The corresponding fee must be paid within ten days of acceptance of the application for change of regime.

The application process takes three months in most cases, except for a couple of modification circumstances which may take up to forty-five days, counting from the day after the date on which the application is received by the relevant body for processing. If this period expires with no notification having been received from the Administration, it can be assumed that the application was rejected.

The permit granted depends on the duration of the documentation originally issued to the holder. Within one month from the date of notification, the foreign national (if a minor, they must be accompanied by their father, mother or guardian) must personally request the Foreign Nationals' Identify Card at the National Police station [Comisaría de la Policía Nacional] in the province where the permit was processed.

The applicant must show their passport or travel document to prove their identity when providing a fingerprint and provide the following:

-  **Official foreign national identity card application form (EX17).**
-  **Receipt showing that the fee for the card has been paid.**
-  **Three passport-size photographs.**

## 4.3.1. CHANGING THE EU REGIME TO THE STATUS OF NON-LUCRATIVE RESIDENCE

### WHAT IS THIS?

It is a temporary residence permit.





### HOW IS IT OBTAINED?

The requirements for obtaining this permit are as follows:

- Have sufficient financial resources to pay their own living costs as well as those of their family members, if applicable, according to the following amounts:
  - a) For their living costs, a monthly amount that is 400% of the IPREM index establishing a basic income level, for example for 2014 this was 2,130.04 euros.
  - b) To support each family member, 100% of the IPREM index establishing a basic income level, which for 2014 was 532.51 euros.
- Have public or private health insurance cover contracted with an insurance provider authorised to operate here in Spain.



### DOCUMENTATION REQUIRED

-  **Official application form EX-01 completed** in duplicate.
-  **Photocopy of valid full passport or travel document** or, if applicable, valid certificate of registration as a foreign national.
-  For individuals of the age of criminal responsibility, a **criminal record certificate**, issued by the authorities in the country or countries where the applicant was living during the **five years** immediately prior to entering Spain.
-  **Documentary proof of having sufficient financial resources** to cover the period being applied for.

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

This can be proved by any legally accepted method, such as property deeds, certified cheques or credit cards with a bank statement showing the available spending balance.

If the financial resources come from shares or stocks in Spanish, mixed or foreign companies, based in Spain, they must certify that the applicant does not engage in any kind of paid employment, and provide a sworn statement to that effect.

 **Documentary proof of medical insurance cover.**

## 4.3.2. CHANGING FROM EU RULES TO THE STATUS OF RESIDENCE AND PAID EMPLOYMENT

### WHAT IS THIS?

It is a **residence and paid employment permit**.

### HOW IS IT OBTAINED?

The requirements are as follows:

- Be registered in the appropriate Social Security Regime as a paid employee or fulfil the following requirements:
  - a) Provide an employment contract signed by the employer and the worker guaranteeing continuous work during the period that the residence and work permit is in force.
  - b) The terms and conditions set out in the employment contract must comply with current legislation.
  - c) The employer must be registered with Social Security and be up to date with all their tax obligations and with their Social Security contributions.
  - d) The employee must be able to work and hold the relevant professional skills and qualifications, if applicable.
  - e) The employer must have sufficient financial, material and staff resources for their business and to meet their contractual obligations to the employee.




If the employer is an individual, they must prove, once the payment of the salary agreed with the foreign national has been discounted, 100% of the IPREM index establishing a basic income level if there are no dependant family members (532.51 euros per month for 2014).

If the family unit consists of two members, 200% of the IPREM index establishing a basic income level (1065.02 euros for 2014). If the family unit consists of more than two members, 50% of the IPREM index establishing a basic income level should be added to the above amount for each additional family member.

**Please note:** If not already registered with the Spanish Social Security, the foreign national must be registered and on the appropriate regime within one month of notification being given.



## DOCUMENTATION REQUIRED

-  **Official application form EX-03 completed** in duplicate.
-  **Photocopy of valid full passport or travel document** or, if applicable, valid certificate of registration as a foreign national.
-  **A criminal record certificate**, issued by the authorities in the country or countries where the applicant was living during the five years immediately prior to entering Spain.

If they are not already registered with the Spanish Social Security as an employed person, the foreign national must provide the following:

**a) Documentation identifying the company:**

- If the business is owned by an individual: copy of the NIF or NIE, or consent to have identity details checked via the Identity and Residence Data Verification System [Sistema de Verificación de Datos de Identidad y Residencia].
- If the business is a legal entity (S.A., S.L., Cooperative, etc.):
  - Copy of the company's NIF (tax ID reference) and a copy of the Articles of Incorporation duly inscribed in the appropriate register.
  - Copy of the public document proving that the contract signatory is legally authorised to act on behalf of the company.
  - Copy of the NIF or NIE identity documents, or consent to have identity details checked via the Identity and Residence Data Verification System [Sistema de Verificación de Datos de Identidad y Residencia] or NIE of the contract signatory.

- b) Signed employment contract.
- c) Documentary evidence showing that the business has sufficient financial, material and staff resources, namely: copy of the IRPF [Impuesto sobre la Renta de las Personas Físicas] (personal income tax), VAT, company tax [Impuesto de Sociedades] or VILE [Informe de la vida laboral de la Empresa] (company employment history) for the previous three years. A job description must also be provided.

### 4.3.3. CHANGING THE EU REGIME TO THE STATUS OF RESIDENCE AND SELF-EMPLOYED WORK

#### WHAT IS THIS?

It is a **residence and self-employed work permit**.

#### HOW IS IT OBTAINED?

The requirements are as follows:




- Be registered in the appropriate Social Security Regime as a self-employed person or fulfil the following requirements:
  - a) Fulfil the legally established requirements for opening or setting up a business.
  - b) Possess the necessary professional skills and qualifications or proven experience enabling the professional activity to be undertaken, plus any association memberships if applicable.
  - c) Be able to prove that the planned investment is sufficient and the impact on job creation, if applicable.
  - d) Be able to prove that there are sufficient financial resources available for living and accommodation expenses, once the necessary business costs have been deducted.



**Please note:** If not already registered with the Spanish Social Security, the foreign national must be registered and on the appropriate regime within one month of notification being given.



## DOCUMENTATION REQUIRED

-  **Official application form EX-07 completed** in duplicate.
-  **Photocopy of valid full passport or travel document** or, if applicable, valid certificate of registration as a foreign national.
-  **A criminal record certificate**, issued by the authorities in the country or countries where the applicant was living during the five years immediately prior to entering Spain.
-  If not registered in the appropriate **Social Security Regime** as a self-employed person, **check the documentation required**.

## 4.3.4. CHANGING THE EU REGIME TO THE STATUS OF RESIDENCE AND RESEARCH WORK

### WHAT IS THIS?

It is a **residence and research work permit** that can be obtained by a foreign national.

### HOW IS IT OBTAINED?

The requirements are as follows:

- Provide an employment contract signed by the employer and the worker guaranteeing continuous work during the period that the residence and work permit is in force.
- The terms and conditions set out in the employment contract must comply with current legislation.
- The employer must be registered on the appropriate Social Security regime and be up to date with all their tax obligations and with their Social Security contributions.
- The employer must have sufficient financial, material and staff resources for their business and to meet their contractual obligations to the employee.

If the employer is an individual, they must prove, once the payment of the salary agreed with the foreign national has been discounted, 100% of the IPREM index establishing a basic income level if there are no dependant family members (532.51 euros per month for 2014).








If the family unit consists of two members, 200% of the IPREM index establishing a basic income level (1065.02 euros for 2014). If the family unit consists of more than two members, 50% of the IPREM index establishing a basic income level should be added to the above amount for each additional family member.

- The individual must be able to work and hold the relevant professional skills and qualifications, if applicable.

In this case, the application process takes forty-five days, counting from the day after the date on which the application is received by the relevant body for processing.



## DOCUMENTATION REQUIRED

-  **Official application form (EX-05)** in duplicate, correctly completed and signed by the foreign national.
-  **Photocopy of valid full passport or travel document** or, if applicable, valid certificate of registration as a foreign national.
-  **A criminal record certificate**, issued by the authorities in the country or countries where the applicant was living during the five years immediately prior to entering Spain..
-  **Documentation identifying the company:**
  - a) Copy of the company's NIF (tax reference) and a copy of the Articles of Incorporation duly inscribed in the appropriate register.
  - b) Copy of the public document proving that the contract signatory is legally authorised to act on behalf of the company.
  - c) Copy of the NIF or NIE, or consent to have identity details checked via the Identity and Residence Data Verification System [Sistema de Verificación de Datos de Identidad y Residencia] or NIE of the contract signatory.
-  **Contract signed by the employer and the worker.**
-  **Documentary evidence showing that the business has sufficient financial**, material and staff resources, namely: copy of the IRPF [Impuesto sobre la Renta de las Personas Físicas] (personal income tax), VAT, company tax [Impuesto de Sociedades] or VILE [Informe de la vida laboral de la Empresa] (company employment history) for the previous three years. A job description must also be provided.
-  **Copy of the relevant professional qualifications** required for the activity, legally approved if applicable.

## 4.3.5. CHANGING THE EU REGIME TO THE STATUS OF RESIDENCE AND HIGHLY QUALIFIED PROFESSIONAL WORK

### WHAT IS THIS?

It is a **residence and work permit for highly qualified professionals with a higher education qualification** or, exceptionally, with a minimum of five years' comparable professional experience.

### HOW IS IT OBTAINED?








- If the research organisation is authorised to sign agreements and appears on the list issued by the Ministry of the Economy and Competitiveness for this purpose.
- If the research project has been accepted by the research organisation and includes a definition of the aim, duration and material and financial resources required in order to complete it.
- The research organisation must be registered on the appropriate Social Security regime and be up to date with all its tax obligations and with its Social Security contributions.
- The research organisation must have signed a hosting agreement with the researcher, which includes the employment contract signed both by the organisation and the foreign researcher, with a start date that depends on the date when the permit is granted.
- The researcher must hold the relevant and legally required professional skills and qualifications.

In this case, the application process takes forty-five days, counting from the day after the date on which the application is received by the relevant body for processing.

The permit granted depends on the duration of the documentation originally issued to the holder and will be valid for the duration of the research project. The permit will be restricted to the research activity for which it was issued. The residence and work permit will be issued on condition that the worker is registered and active in the Spanish Social Security system.



## DOCUMENTATION REQUIRED

-  **Official application form (EX-05)** in duplicate, correctly completed and signed by the foreign national.
-  **Photocopy of valid full passport or travel document** or, if applicable, valid certificate of registration as a foreign national.
-  **A criminal record certificate**, issued by the authorities in the country or countries where the applicant was living during the five years immediately prior to entering Spain.
-  **Documentation identifying the company:**
  - a) Copy of the company's NIF (tax reference) and a copy of the Articles of Incorporation duly inscribed in the appropriate register.
  - b) Copy of the public document proving that the contract signatory is legally authorised to act on behalf of the company.
  - c) Copy of the NIF or NIE, or consent to have identity details checked via the Identity and Residence Data Verification System [Sistema de Verificación de Datos de Identidad y Residencia] or NIE of the contract signatory.
-  **Contract signed by the employer and the worker.**
-  **Documentary evidence showing that the business has sufficient financial, , material and staff resources**, namely: copy of the IRPF [Impuesto sobre la Renta de las Personas Físicas] (personal income tax), VAT, company tax [Impuesto de Sociedades] or VILE [Informe de la vida laboral de la Empresa] (company employment history) for the previous three years. A job description must also be provided.
-  **Copy of the relevant professional qualifications required** for the activity, legally approved if applicable.

## 4.3.6. CHANGING THE EU REGIME TO THE STATUS OF RESIDENCE WITH EXEMPTION FROM THE WORK PERMIT

### WHAT IS THIS?

It is a **residence permit** with exemption from the work permit.

### HOW IS IT OBTAINED?

The exempted activities for obtaining this modification are as follows:

- **Technicians and scientists invited or contracted by the State, Autonomous Communities, universities, local organisations or bodies** mainly promoted or funded by them for the purpose of promoting and developing research.

Intended for foreign nationals whose knowledge, specialisation, experience or scientific practice means they have been invited or contracted by one of the aforementioned Administrations in order to carry out an activity or technical, scientific or general interest programme.

- **Professors, technicians, researchers and scientist invited or contracted by a Spanish university.**

Intended for foreign teaching staff invited or contracted by a Spanish university for carrying out teaching, research or academic work.

- **Management, teaching or research staff from cultural or teaching institutions funded by other States** or renowned private foreign institutions, officially recognised by Spain, working on cultural and teaching programmes in their own countries. Studies, programmes, qualifications or diplomas issued must be valid and recognised by the countries they are funded by.

- **Civil servants or military personnel from foreign governments** carrying out activities governed by cooperation agreements with the Spanish Administration.

- **Correspondents from foreign communication media** who are carrying out their journalism activity in Spain, who are duly accredited by the Spanish authorities, either as correspondents or as special envoys.
- **Members of international scientific missions** working on projects and research authorised by the appropriate State or Autonomous Administration.
- **Artists performing in specific events** lasting no longer than five continuous days or twenty days of performances over a period of less than six months.
- **Religious ministers and members of the church hierarchy**, religious faiths and communities, and religious practitioners from religious orders. The following requirements must be complied with:
  - a) The church or community must be listed in the Religious Organisations Register held by the Ministry of Justice.
  - b) The person must be a religious minister, member of the hierarchy or religious practitioner.
  - c) The activities must be strictly religious or contemplative in nature or be linked to the Order's statutory purposes; work activities not undertaken in this sphere are expressly excluded.
  - d) The organisation undertakes to cover living and accommodation expenses, plus the costs of complying with Social Security regulations.
- **Foreign nationals belonging to bodies that represent**, govern and administer internationally recognised trade unions and business organisations, if their activity is confined to the exercise of these functions.
- **Foreign minors of working age under the guardianship of youth protection organisations**, for activities that the organisation believes will be beneficial for their social integration.



## DOCUMENTATION REQUIRED

-  **Official application form (EX-09)** in duplicate, correctly completed and signed by the foreign national.
-  **Photocopy of valid full passport or travel document** or, if applicable, valid certificate of registration as a foreign national.
-  **A criminal record certificate**, issued by the authorities in the country or countries where the applicant was living during the five years immediately prior to entering Spain.
-  **Documentary evidence of the circumstance of exemption** from the work permit.
-  In the case of **technicians and scientists**, this can be proved by:
  - a) **Official application form (EX-09)** in duplicate, correctly completed and signed by the foreign national.
  - b) **Photocopy of valid full passport or travel document** or, if applicable, valid certificate of registration as a foreign national.
  - c) **A criminal record certificate**, issued by the authorities in the country or countries where the applicant was living during the five years immediately prior to entering Spain.
-  In the case of **professors, technicians, researchers and scientists**, invited or contracted by a Spanish university, this is proved by showing the invitation or work contract for carrying out the aforementioned activities, signed by the legal representative of the university.
-  In the case of **management, teaching or research staff from cultural or teaching institutions funded by other States**, this is proved by providing justification of the validity in the country of origin of qualifications or diplomas issued in Spain, of the work contract or designation for carrying out management or teaching activities and, in the case of private organisations, documentary evidence that they are officially recognised in Spain.



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

- ▶ In the case **case of civil servants or military personnel from foreign governments** this is proved by showing the certificate issued by the appropriate foreign State Administration and justification of these circumstances.
- ▶ In the case of **correspondents from foreign communication media** this is proved by showing the accreditation issued by the Spanish authorities.
- ▶ In the case **members of international scientific missions** this is proved by showing the authorisation issued by the appropriate State or Autonomous Administration for taking part in the international scientific mission.
- ▶ In the case of **performing artists**, this is proved by showing the work contract for carrying out artistic activities, the list of permits or licences for the performances showing the status of the process and including, if applicable, documentary evidence of applications having been made to the appropriate organisations.
- ▶ In the case of **religious ministers** and members of the church hierarchy, this is proved by showing a certificate from the Ministry of Justice, and for other cases, by documentary evidence obtained from the religious organisation with the approval of the Ministry of Justice, and by showing the copy of the Statutes of the Order.
- ▶ In the case of **foreign nationals belonging to representative bodies**, this is proved by showing a certificate issued by the trade union or business organisation.
- ▶ In the case of **foreign minors of working age under the guardianship of youth protection organisations**, this is proved by showing documentary evidence that the minor is under the guardianship of the protection organisation, and the proposal from the organisation for the activity that favours the minor's integration.

## 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' 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 run 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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