



DIPUTACIÓN
DE ALICANTE

Residence card for family
members of EU citizens

Permanent residence card for family
members of EU citizens





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

1. RESIDENCE CARD FOR FAMILY MEMBERS OF EU CITIZENS

Family members of Spanish citizens or citizens from a different EU Member State or from a State that is a member of the Agreement on the European Economic Area or Switzerland, who do not possess the nationality of one of said States, when meeting or accompanying the citizen, or going to reside in Spain for a period greater than three months, must apply for and obtain a residence card for family members of EU citizens.

Requirements

- Accompany or meet an EU citizen (who may be Spanish) or from another member State, entitled to residence for a period greater than three months, due to being employed or self-employed, having health insurance and sufficient financial resources for the family unit, or being a student with health insurance and sufficient resources for the family unit.
 - o The citizen of Spain, the EU or other Member State must meet one of the following conditions:
 - Be an employed worker in Spain, or
 - Be a self-employed worker in Spain,
 - Have sufficient financial resources for him/herself and family members so as not to become a burden for social assistance service in Spain throughout the period of residence, and a public or private health insurance policy hired in Spain or a different country that provides coverage in Spain throughout the residence period equivalent to health coverage provided by the National Health System.
 - Be a registered student at a public or private centre recognised or funded by the education administration for studies or vocational training, and have a public or private health insurance policy hired in Spain or another country that provides total coverage in Spain and that guarantees that he/she possesses sufficient resources for him/herself and family members to not become a burden for Spain's social assistance service during the period of residence.
- Be related in the following manner to an EU citizen:
 - o If a student or family member of the student, this may be:
 - Spouse, provided that the contract has not been revoked or the matrimonial bond declared null and void or divorce ruled.
 - Civil partner, registered at a public registry established in an EU Member State, or a State that

is part of the European Economic Area. In any event, marriage and registration as a civil union shall be considered as incompatible.

- Child of the EU citizen or said citizen's spouse or guardian partner.

o In other cases, this may be:

- Spouse, provided that the contract has not been revoked or the matrimonial bond declared null and void or divorce ruled.
- Civil partner, registered at a public registry established in an EU Member State, or a State that is part of the European Economic Area. In any event, marriage and registration as a civil union shall be considered as incompatible.
- Direct descendants of the citizen or spouse or registered partner under twenty-one years of age or incapable, or older than said age living under their care.
- Direct ascendants of the citizen or spouse or registered partner living under their care.

Required documentation

Note: in general, copies of documents must be provided, and the originals should be displayed when filing the application.

- Official application form print (EX-19) in duplicate, duly completed and signed by the EU citizen's family member. Said print-out can be obtained at <http://extranjeros.empleo.gob.es/es/ModelosSolicitudes/>.
- Family member's complete, valid passport. In the event that the document has expired, a copy of it and the renewal application must be provided.
- Three recent colour photographs against a white background, ID-card sized.
- Documentation demonstrating the existence of a family relation:

o If the spouse or civil partner is applying:

- Marriage certificate, or certificate issued by the pertinent official in charge of registering partnerships. The civil status of the members of the civil partnership must also be demonstrated.

o If children or descendants of the EU citizen are applying:

- Birth certificate.
- If older than 21 years, documentation demonstrating they are under their care, or are disabled.

o If children or descendants of the spouse or partner of the EU citizen are applying:

- Birth certificate.
- If older than 21 years, documentation demonstrating they are under their care, or are disabled.
- Marriage certificate or certificate of civil partnership with the EU citizen.
- In the event that the son or daughter is a minor, documentation demonstrating that the spouse or partner of the EU citizen solely holds parental authority, or that custody has been granted to him/her and that the child is effectively under his/her care.

o If ascendants of the EU citizen or spouse are applying:

- Birth certificate of the EU citizen or spouse or partner.
- Documentary evidence that they are under their care.
- If father or mother of the spouse or partner of the EU citizen, marriage certificate or certificate or civil partnership registration with the EU citizen.

Procedure

Individual entitled to submit an application: family member of the EU citizen or citizen of another member Country, personally.

Location for submission: Foreigners' Office (Oficina de Extranjería) in the province where he/she intends to live, or the pertinent Police Station.

Submission deadline: three months after date of entry in Spain. A receipt proving that the application was submitted shall be provided, which is sufficient to prove that the subject's stay is legal until the card is delivered.

Fees: the fee in force at all times must be paid before issuing the residence card for the family member of the EU citizen.

The residence card must be issued within three months after the application is submitted. The favourable ruling is effective as of the documented date of entry in Spain as a family member of the EU

citizen.

Validity of the residence card for the family member of the EU citizen: the card shall be valid for five years beginning the date of issue, or the established residency period for the EU citizen, if said period is less than five years.

■ 2. PERMANENT RESIDENCE CARD FOR FAMILY MEMBERS OF EU CITIZENS

Family members of Spanish citizens or citizens from a different EU Member State or from a State that is a member of the Agreement on the European Economic Area or Switzerland, who do not possess the nationality of one of said States, residing in Spain, may obtain a permanent residence card for family members of EU citizens.

Requirements

Be able to prove one of the following circumstances:

- Have legally resided in Spain for an uninterrupted five-year period, provided the family tie for which the residence card was issued is not broken, excepting cases wherein the community status is maintained in the event of death, marriage annulment, divorce or deregistration as a partnership registered pursuant to Spanish Royal Decree 240/2007.
- Reside in Spain as a family member of the EU citizen, when the latter is employed or self-employed, and becomes entitled to permanent residence before the five-year period has been completed.
- Reside in Spain as a family member of the EU citizen, who is deceased in the course of active life before acquiring entitlement to permanent residence, provided one of the following circumstances occurs:
 - o The EU citizen has resided uninterruptedly in Spain for at least two years on the date of death.
 - o The death was due to an occupational accident or illness.
 - o The spouse of the EU citizen lost Spanish nationality as a result of marriage to the deceased party.

Required documentation

Note: in general, copies of documents must be provided, and the originals should be displayed when filing the application.

- Official application form print (EX-19) in duplicate, duly completed and signed by the EU citizen's family member. Said print-out can be obtained at <http://extranjeros.empleo.gob.es/ModelosSolicitudes/>.
- Family member's complete, valid passport. In the event that the document has expired, a copy of it and the renewal application must be provided.
- If applicable, documentation proving that the family tie is still in force.
- In the event that the citizen is deceased, an original death certificate must be provided, and if applicable, documentation proving that the death was due to an occupational accident or illness, or that the spouse of the EU citizen lost Spanish nationality as a result of marriage with the deceased party.
- Three recent colour photographs against a white background, ID-card sized.

Procedure

Individual entitled to submit an application: family member of the EU citizen or citizen of another member Country, personally.

Location for submission: Foreigners' Office in the province where he/she lives, or the pertinent Police Station.

In the event that the card is expired, the application must be submitted during the month before it expires, and it can be submitted within the three months after expiry, notwithstanding the pertinent administrative sanction. A receipt proving that the application was submitted shall be provided, which is sufficient to prove that the subject's stay is legal until the card is delivered.

Fee: the fee currently in force must be paid before issuing the certificate of registration.

The residence card must be issued within three months after the application is submitted.

Validity of the residence card for the family member of the EU citizen: the card is valid for ten years after the date of issue and shall be automatically renewed.

Basic Regulations

- Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.
- Royal Decree 240/2007, dated 16 February on the entry, free movement and residence of citizens of Member States of the European Union and other States party to the Agreement on the European Economic Area in Spain.
- Order PRE/1490/2012, dated 9 July, regulating application of article 7 of Royal Decree 240/2007, dated 16 February on the entry, free movement and residence of citizens of Member States of the European Union and other States party to the Agreement on the European Economic Area in Spain.

Further information:

<http://www.interior.gob.es/web/servicios-al-ciudadano/extranjeria/ciudadanos-de-la-union-europea/expedicion-y-vigencia-del-certificado-de-registro>

- General Department of Immigration and Migration (Secretaría General de Inmigración y Migración):
<http://extranjeros.empleo.gob.es/es/InformacionInteres/InformacionProcedimientos/CiudadanosComunitarios/hoja103/index.html>

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

Additionally, all foreign public documents must be previously legalised by the Spanish Consulate Office Spanish (Oficina consular de España) with jurisdiction in the country where said document was issued, and by the Ministry of Foreign Affairs and Cooperation (Ministerio de Asuntos Exteriores y de Cooperación), unless said document received the apostille from the issuing country's Competent Authority, according to the Hague Convention dated 5 October 1961, and unless said document is exempt from legalisation in light of International Conventions. For more information on translation and

legalisation of documents, please see informational page num. 108.

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