

GUIDE FOR

FAMILIES OF CITIZENS OF THE EU

LEGAL REGULATIONS
FOR RELATIVES OF
CITIZENS FROM THE
EUROPEAN UNION,
FROM THE MEMBER STATES
BELONGING TO THE EUROPEAN
ECONOMIC AREA AND
SWITZERLAND



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DE ALICANTE



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PUBLISHED BY:

Excma. Diputación de Alicante
Unidad de Residentes Internacionales

AUTHOR:

Various

DESIGN AND LAYOUT:

Tresdedos Infografía

EDITION:

January 2020

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1. INTRODUCTION

Since it joined the European Union in 1986, Spain has put in place 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 (**Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom**);
-  nationals from States belonging to the European Economic Area (**Iceland, Liechtenstein and Norway**);
-  and nationals from **Switzerland** under the Agreement of 21 June 1999, between the European Community and the **Swiss Confederation**, on the movement of individuals.

The Royal Decree **also applies** to relatives, no matter their nationality, 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. Relatives to whom this 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 and provided that record has not been cancelled.**

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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 are dependent, 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 to freely enter, exit, circulate and reside in Spanish territory, having previously complied with the formalities established by the country and notwithstanding the limitations set out therein. Likewise, the right to access any employment, either working for a third party or for oneself, provide services and undertake studies in the same conditions as Spanish citizens.

Relatives who intend to remain or become resident in Spain for more than three months will be required to apply for a European Union citizen family member registration certificate. All European Union citizens and their family members living in Spain will be treated as equals to Spanish citizens.

Lastly, by virtue of Royal Decree 1161/2009, of 10 July, Royal Decree 240/2007 is modified to the effect that possession of a valid and current European Union family residence card, issued by another State belonging to the European Economic Area, will exempt these family members from the obligation to obtain an entry visa and, on presentation of this card, no entry or exit stamp will be required in their passport.

ESPAÑA

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

D./D^a.:
Fecha y lugar nac.:

Hijo/a de:
NIE: Nacionalidad:
Domicilio:

Residente comunitario permanente en España desde

2. ENTERING AND LEAVING SPAIN



ENTERING

The family members of a European Community citizen who do not possess the nationality of one of the European Union Member States, of another State belonging to the EEA or of Switzerland, will enter with a valid and current passport, and they will also need the corresponding entry visa if required under Regulation 1806/2018, of the European Parliament and of the Council, of 14 November.

The visa will be issued free of charge and the process will be given priority if they are accompanying the EU citizen or joining them.

The decision to reject a visa application must be explained and must be motivated either by the failure to duly comply with the requirements demanded to that effect by this Royal Decree, or for reasons of public order, public safety or public health. The applicant will be informed of the reasons unless this is contrary to State security.



LEAVING

Citizens of a European Union Member State or of another State belonging to the European Economic Area or of Switzerland, and members of their family, whatever their nationality, will have the right to leave Spain to travel to another Member State country, notwithstanding the requirement for them to show a valid passport or identity document for border control officials to check if they are leaving via a manned checkpoint, and provided they are not legally prevented from doing so for reasons of national security or public health or any other circumstances set out in the Criminal Code.

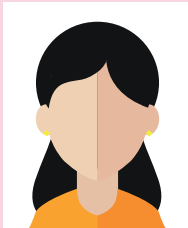


3. STAY

Family members from third States accompanying the citizen from one of these States or joining them, and whose stay in Spain is less than three months, will only be required to be in possession of a valid and current passport and comply with the entry requirements set out in the Royal Decree.

4. ADMINISTRATIVE SITUATIONS

EXTRANJEROS España



letra-NUMERO-letra

RÉGIMEN COMUNITARIO

NOMBRE

NACIONALIDAD

DOMICILIO

VAL.

4.1. RESIDENCE OF THE EUROPEAN COMMUNITY CITIZEN'S RELATIVE

WHAT IS THE EUROPEAN UNION CITIZEN'S RELATIVE RESIDENCE CARD?

It is a residence permit granted to relatives accompanying or joining a citizen from the European Union, from another State belonging to the EEA or from Switzerland, **giving the right to residence for a period of more than three months**, for being employed or self-employed, having medical insurance and sufficient financial resources to keep the family together, or being a student with medical insurance and sufficient financial resources to keep the family together.

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:**

- Work for an employer 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. 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 to qualify for the right to receive non-contributory benefit.

Family members from third States accompanying the citizen from one of these States or joining them, and whose stay in Spain is less than three months, will only be required to be in possession of a valid and current passport and comply with the entry requirements set out in the Royal Decree.


- 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 family member of a student, this may be:

-  **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 and provided that record has not been cancelled.
-  **Son or daughter of the European Union citizen or of their spouse** or registered partner, provided no 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.

In 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, who are dependent, 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 family member of the European Union citizen must apply for the card in person at the Foreign Nationals' Office in Alicante or Altea, by prior appointment and within three months of their date of arrival in Spain. 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.




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 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 PROVIDED BY THE RELATIVE

-  **Official application form (EX 19)** in duplicate.
-  **The family member's full current and valid passport.** If this has expired, copies of the expired passport/identity document plus the renewal application form must be provided.
-  **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.



National identity card 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) Anyone working for an employer may provide one or more of the following documents:**
 - Contracting statement issued by the employer or employment certificate, including at least the company name and address, tax ID reference and social security account code.
 - Registered employment contract or notification of the intention to contract and conditions.
 - Document of affiliation or similar condition in the corresponding Social Security regime or consent for details to be checked in the records held by the Social Security General Treasury.
- b) Anyone who is self-employed may provide one or more of the following documents:**
 - Registration in the Economic Activities Census.
 - Proof of registration of their premises in the Commercial Register.
 - Document of affiliation or similar condition in the corresponding Social Security regime or consent for details to be checked in the records held by the Social Security General Treasury or by the Tax Agency.

c) Anyone not working in Spain must provide:

- Documentation providing proof of public or private health insurance, contracted in Spain or in another country, provided it gives cover in Spain during the period of residence that is equivalent to the cover provided by the Spanish national health system. Pensioners comply with this requirement by providing certification that proves they have healthcare paid for by the State that pays their pension.
- Documentation proving that the European Union citizen has sufficient resources for themselves and their family members during the period of residence in Spain. This can be proved by any other means admissible by law, including property title deeds, certified cheques, documentation justifying capital income obtained or credit cards with bank certification proving the credit amount available on each card.

d) Students must provide the following documentation:

- Proof of enrolment in the public or private education institution, recognised or funded by the competent education administration.
- Documentation proving they have public or private health insurance. They may provide the European Health Insurance Card (EHIC) valid for the period of residence and enabling them to receive the necessary healthcare from a medical point of view, taking into account the nature of the services and the expected duration.
- Statement of having sufficient resources for themselves and their family members during the period of residence in Spain.

To comply with these requirements, it will be sufficient to present documentation proving participation in a European Union programme that supports educational exchanges for students and teaching staff.

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

4.2. LONG-TERM RESIDENCE OF NON-EU RELATIVES OF EUROPEAN UNION CITIZENS

WHAT IS THE LONG-TERM RESIDENCE CARD?

It is a **permit for long-term 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 accompany them or join them.

HOW IS IT OBTAINED?

The relative of the European Union citizen must be able to prove that one of the following applies to them:

- That they 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 community regime is maintained for death, marriage annulment, divorce or cancellation of civil partnership as provided for in RD 240/2007).
- That they are 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 long-term residence before the end of the five-year period.
- If they are living in Spain as a family member of a European Union citizen who has died during the course of their working life prior to acquiring the right to long-term 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 family member of the European Union citizen must apply for the card in person at the Foreign Nationals' Office in Alicante or Altea, by prior appointment. The family member of the European Union citizen must apply for the card in person at the Foreign Nationals' Office in Alicante or Altea, by prior appointment. If the card has expired, 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 TO BE PROVIDED

-  **Official application form (EX 19)** in duplicate.
-  **The family member's full current and valid passport.** If this has expired, copies of the expired passport/identity document plus the renewal application form must be provided.
-  If applicable, **documentary evidence that the family bond is still in force.**
-  In the case of death of the EU citizen, the **full death certificate** must be provided 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 a 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 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 working 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 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 (Multiplier for the Public Income) index establishing a basic income level. For example, for 2019 this was 2,151.36 euros.
 - b) To support each family member, 100% of the IPREM index establishing a basic income level, which for 2019 was 537.84 euros.
- Have public or private health insurance cover contracted with an insurance provider authorised to operate in Spain.



DOCUMENTATION TO BE PROVIDED

-  **Official application form (EX 01)** 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.

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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 THE EU REGIME 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 (537.84 euros per month for 2019).

If the family unit consists of two members, 200% of the IPREM index establishing a basic income level (1075.68 euros for 2019). 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.

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 TO BE PROVIDED

-  **Official application form (EX-03)** in duplicate.
-  **Photocopy of valid full passport or travel document** or, 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.
- If the business is a legal entity (S.A., S.L., Cooperative, etc.):
 - Copy of the company's NIF (tax 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 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 (personal income tax), VAT, Company Tax or VILE (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 the planned 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.

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 TO BE PROVIDED

-  **Official application form (EX-07)** 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. The period of validity of the permit will be two years or equal to the duration of the hosting agreement or contract, if this is shorter, and may be extended for a further two years.

There are two kinds of residence and research work permits:

1. Residence permit for EU research. For foreign researchers holding a doctorate or another appropriate higher education qualification enabling them to access doctoral programmes and who have been selected by the research organisation in order to carry out research activity.
2. Residence permit for national research. For the following foreign nationals:
 - a. Scientific and technical staff working in scientific research, technology development and innovation, in business organisations or R&D+i centres based in Spain.
 - b. Researchers hosted under an agreement by public or private research organisations.
 - c. Academics contracted by universities, higher education and research bodies and institutions, or business schools based in Spain.

HOW IS IT OBTAINED?








The requirements are as follows:

-  Provide a hosting agreement or employment contract. The contract or agreement must include:
 - The title or purpose of the research activity or the research field.
 - The commitment by the research organisation to host the foreign national in order to complete their research activity.
 - The commitment by the foreign national to try to complete the research activity.
 - Information, if applicable, on planned mobility in other Member States.
 - The start and end date of the research activity or its estimated duration.
-  Have no criminal record in Spain and in previous countries of residence in the preceding five years, for crimes contemplated under Spanish law.

- Have sufficient income for their own upkeep and that of any family members during the period of residence in Spain.
- Have public or private health insurance cover contracted with an insurance provider authorised to operate in Spain.
- Not be banned from entering countries with which Spain has signed relevant agreements.



DOCUMENTATION REQUIRED

-  **Official application form (EX-04)** 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 registered in the appropriate Registry.
 - 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 the contract signatory's identity details checked via the Identity and Residence Data Verification System.
-  **Contract signed by the employer and the employee.**
-  **Documentary evidence showing that the business has sufficient financial, material and staff resources**, namely: copy of the IRPF (personal income tax), VAT, company tax or VILE (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 TO BE PROVIDED

-  **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 registered in the appropriate Registry.
 - 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 the contract signatory's identity details checked via the Identity and Residence Data Verification System.
-  **Contract signed by the employer and the employee.**
-  **Documentary evidence showing that the business has sufficient financial, material and staff resources**, namely: copy of the IRPF (personal income tax), VAT, company tax or VILE (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 exclusion of permission to work.

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 TO BE PROVIDED

-  **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.

-  In the 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 of **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 and CARRILLO CARRILLO, Beatriz L., *Curso de Nacionalidad y Extranjería*, Colex, Madrid, 2007.

DURÁN AYAGO, Antonia and 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, monographic on *Derecho Social Internacional y Comunitario*, nº 92, Ministerio de Trabajo e Inmigración, Madrid, 2011.



6. USEFUL WEBSITES

www.consultor.com/oue

Excmo. Colegio Oficial de Graduados Sociales de Alicante
One-stop Foreign Nationals' Office [Oficina Única de Extranjeros] in Alicante

www.consultorga.com

Foreign Nationals' Office [Oficina de Extranjería] in Alicante

www.migrarconderechos.es

Migrar con Derechos.

www.empleo.gob.es

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



7. APPLICABLE SPANISH LEGISLATION

LAW 14/2013, OF 27 SEPTEMBER,

supporting entrepreneurs and their internationalisation, altered by Royal Decree-Law 11/2018, of 30 August.

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. (BOE 04-08-2012).

ORDER PRE/1490/2012, OF 9 JULY,

enacting rules for the application of article 7 of Royal Decree 240/2007, of 16 February, on the entry, free movement and residence in Spain of citizens from European Union Member States and from other States belonging to the European Economic Area Agreement.



8. MORE INFORMATION

FOREIGN NATIONALS' OFFICE IN ALICANTE

Calle Ebanistería no. 4
03008 Alicante

FOREIGN NATIONALS' OFFICE IN ALTEA

Calle San Isidro Labrador no. 1
03590 Altea (Alicante)

LOCAL POLICIA NACIONAL STATION

in the province where you live



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