



DIPUTACIÓN  
DE ALICANTE

Rules Governing  
the Acquisition, Loss  
and Reacquisition of  
Spanish Nationality

## Guide for Foreign Nationals





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**Rules Governing the Acquisition, Loss  
and Reacquisition of Spanish Nationality**  
Régimen de adquisición, pérdida  
y recuperación de la nacionalidad española

Guide for Foreign Nationals  
Guía para Ciudadanos Extranjeros  
July 2014 edition

Published by  
Alicante Provincial Council [Excma. Diputación de Alicante]  
Foreign Nationals' Unit

Depósito legal  
A 426-2014

Author  
Various

Design and Typesetting  
Puntual comunicación y marketing

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## 1

## What is Spanish nationality?

Spanish nationality **is the status of a person determined by the nature of the bond or relationship that connects them to Spain.**

It is the link between that person and the Spanish state, enabling them to enjoy a series of **rights** that they can demand from the Spanish state structure, which can in turn require them to comply with a series of **obligations and duties**. So, for example, nationality gives someone the right to work in public administration or stand for government office.



## 2

## Acquisition of Spanish nationality

**For a foreigner, acquiring Spanish nationality is the greatest legal acknowledgement of their integration into Spanish society,** so it means more than obtaining a residence and work permit.

Nationality provides a series of rights that are essential for everyone, as people cannot exercise their rights in a particular country if they do not have nationality. These rights include the right to vote, other rights such as being able to have access to specific jobs and positions, to state examinations for jobs in the state administration, such as registrar, notary or judge, all of which require Spanish nationality.

Obtaining Spanish nationality is not done automatically or by legal process, it is granted by the State; it does not consist of a simple permit, it shows that the person belongs to a particular State. This is why granting nationality does not only involve the recognition of a right, and not just any kind of right; this means that granting nationality is not a free decision, it is bound by compliance with certain requirements set by the State and by law, and it can be refused for reasons of public order or national interest.

## 2.1. Spanish nationality by origin

### What is this?

This is the nationality someone acquires when they are born.

### Who are Spanish nationals by origin?

Spanish nationals by origin are the following:

- ◆ People with a Spanish father or mother.
- ◆ People born in Spain with foreign parents, if one of their parents was also born in Spain (except in the case of diplomats' children).
- ◆ People born in Spain with foreign parents who have no nationality (stateless) or if the legislation of their country does not confer any nationality on the child.
- ◆ People born in Spain and who do not know who their parents are. Minors whose first known abode was in Spanish territory are presumed to have been born in Spain.



## 2.2. Spanish nationality by residence

### What is this?

It is a way of obtaining nationality.

### Who can apply for it? Requirements

Any foreign citizen who has been living in Spain for a particular length of time. To be granted Spanish nationality by residence, the applicant must have been living in Spain legally and on a continuous basis for at least 10 years.

In the case of people who have obtained asylum or who are refugees in Spain, 5 years is sufficient, whilst 2 years is required for nationals from Latin American countries, Andorra, Philippines, Equatorial Guinea, Portugal and for Sephardic Jews. Plus, people born in Latin American countries will not be required to renounce their nationality of origin in order to obtain Spanish nationality, as they have the right to dual nationality.

Generally speaking, the **period of residence** required is **10 years**. However, there are certain exceptions:

- ◆ Political refugees: **5 years**.
- ◆ Nationals from Latin American countries, Andorra, Philippines, Equatorial Guinea, Portugal and Sephardic Jews: **2 years**.
- ◆ Born in Spanish territory or married to a Spanish national: **1 year**.
- ◆ Born outside Spain, with a father or mother, grandfather or grandmother who were originally Spanish: **1 year**.
- ◆ People under the legal guardianship, custody or protection of a Spanish citizen or institution for two consecutive years, including if they are still in this situation at the time of application: **1 year**.
- ◆ Widows or widowers of a Spanish national, if they were not either legally or actually separated at the time of the spouse's death: **1 año**.



An application for Spanish nationality by residence should be submitted to the Civil Registry for the area in which the applicant is living along with the following **documents**:

- ◇ Application addressed to the Minister of Justice [*Ministro de Justicia*].
- ◇ The applicant's full birth certificate, duly legalised by the Consulate if applicable.
- ◇ Criminal record certificate issued by their country of origin or alternatively, a Consular certificate of good conduct.
- ◇ Local Council Registration Certificate [*Certificado de Empadronamiento*].
- ◇ Certification issued by the General Police Directorate [*Dirección General de Policía*] confirming the length of time the applicant has been legally and continuously living in Spain.
- ◇ Proof of financial resources to cover living costs in Spain.
- ◇ Photocopy of the Foreigners' Identification Number (N.I.E.) or Residence Card.
- ◇ Photocopy of current passport.
- ◇ Proof of integration in Spain.
- ◇ If the applicant was born outside Spain and claims to be the son/daughter or grandson/granddaughter of someone who is Spanish by origin, they must also provide the full birth certificate of their Spanish parent/grandparent.
- ◇ If the applicant is married to a Spanish national, they must also provide: Their full marriage certificate issued by the appropriate Spanish Civil Registry, a civil partnership certificate or alternatively, a joint local council registration certificate [*Certificado de Empadronamiento*] plus the Spanish spouse's full birth certificate.
- ◇ If the applicant is the widow or widower of a Spanish national, they must also provide: marriage certificate issued by the Spanish Civil Registry; a civil partnership certificate or joint local council registration certificate showing the name of the deceased spouse at the time of their death; the spouse's full birth certificate and death certificate

- ◇ If the applicant has been under the legal guardianship, custody or protection of a Spanish citizen or institution, they must also provide a copy of the court ruling on the guardianship or a document issued by the authority responsible for the matter in their Autonomous Community.
- ◇ If the applicant is someone who in the past was given the chance to obtain Spanish nationality by option and did not take advantage of this, they must also provide documentation proving that they had the opportunity to do so.
- ◇ If the applicant has children who are minors, they must provide their birth certificates, translated if applicable and legalised or stamped with the apostille of the issuing country, plus copy of their residence card, passport or identity card.

All documents issued abroad must be submitted duly **legalised or stamped with the apostille** of the issuing country, and translated if applicable.

The Ministry of Justice will normally rule on nationality applications within a period of 12 to 24 months.

**On being granted Spanish nationality**, the person concerned must swear or promise to be loyal to the King and to obey the Constitution and the law, and they must state that they **renounce their previous nationality**, unless they are covered by any of the dual nationality provisions. Their birth will then be registered as a Spanish national in the appropriate Civil Registry (usually the one where they originally submitted their application) and their surnames will be adapted to Spanish legislation if applicable (Spanish law requires all nationals to have a name and two surnames).

**Once registered as a Spaniard**, they will then be given their birth certificate so they can obtain their **National Identity Card (D.N.I.)** and Spanish passport if needed.

The Spanish Civil Registry may also request any other documentation they deem necessary for the application to be dealt with as quickly as possible. Any change of address or other personal information must be notified to the Spanish Civil Registry that dealt with the nationality application. Notifications can also be sent by registered post to the Civil Registry in the town where the applicant lives. Alternatively, they can be processed via an administrative agent [*Gestor Administrativo*]. The civil registry is under the auspices of a judge, who can require the applicant to submit further documentation if they deem it necessary for processing the case.



## 2.3. Spanish nationality by option

### What is it and who can acquire it?

This is another way of obtaining Spanish nationality that is available to:

- ◆ Anyone who is or has been under the guardianship or custody of a Spanish national.
- ◆ People whose father or mother were originally Spanish and born in Spain.
- ◆ People who were confirmed as being registered or born in Spain after they came of age.
- ◆ Anyone who was adopted when they were aged over 18.

### When does it expire?

The option expires at the age of 20.

#### Exceptions:

- ◆ People who were confirmed as being registered or born in Spain after they came of age.
- ◆ People who were adopted when they were aged over 18.

In these two cases, the option expires two years from the date on which their registration or birth was confirmed as being in Spain, or on the date when they were legally adopted.

There is no age limit for people whose father or mother were originally Spanish and born in Spain to exercise their option right.

## 2.4. Spanish nationality by discretionary naturalisation [*Carta de Naturaleza*]

### What is it and how do you apply for it?

This is an exceptional way of acquiring nationality, which must be applied for to the Ministry of Justice, provided there are **exceptional reasons in the public interest or humanitarian reasons to justify this approach**. An example of this is the agreement adopted by the Council of Ministers on 12 March 2004, approving the granting of Spanish nationality to victims and their direct family members (the wounded, spouse, children and first degree blood relatives of those who were killed) following the terrorist attack in Madrid on 11 March 2004 (RD 453/2004, of 18 March, BOE [Official Gazette] no. 70, of 22-03-04).

### Who grants or refuses it and how is it obtained?

Granting nationality by this route is the remit of the Council of Ministers by Royal Decree issued by the Government of Spain and is done on a discretionary basis.

## 2.5. Spanish nationality by possession of status

What is it and who can acquire it?

**The possession and continued use of Spanish nationality for at least 10 years, in good faith and based on an entry in the Civil Register** that they thought was legitimate is sufficient reason for confirming nationality, even though the entry granting it is deleted.

The applicant must have played an active role in possessing and using their Spanish nationality, and their behaviour must have reflected their belief that they were Spanish, both in terms of enjoying their rights and of fulfilling their obligations to the Spanish state.



 **10 years**

## 2.6. Spanish nationality by presumption

### What is it and who can request it?

This possibility is available for people born in Spain with foreign parents and who are not eligible for their parents' nationality to be passed on to them by the countries in question. To prevent them from being stateless, Spanish law grants them Spanish nationality by presumption.

Spanish nationality **CANNOT** be granted to children born in Spain to parents originally from:

Angola	Guinea	Russia
Algeria	Iran	Sierra Leone
Bulgaria	Nicaragua	Syria
China	Nigeria	Switzerland
Egypt	Dominican Republic	Zaire
Ghana	Romania	



Spanish nationality **CAN** be granted to children born in Spain to parents originally from:

Argentina	Chile	Peru
Bolivia	Ecuador	Portugal
Brazil	U.S.A.	Sahara
Cape Verde	Iraq	Uruguay
Colombia	Palestine	Mauritania *
Cuba	Paraguay	

\* Provided one of the parents is an Algerian national.

In the specific case of **VENEZUELA**, if both parents are Venezuelan, the child born in Spain is Venezuelan. If only one parent is Venezuelan, the child must reside in Venezuela or state their wish to be Venezuelan in order to acquire that nationality; otherwise the child will be granted Spanish nationality.

If this is approved, the registry entry for the child's birth will state that he or she is treated as **Spanish by origin**. The child's parents can subsequently request the relevant birth certificate in order to obtain a Spanish Identity Card (*D.N.I.*).



## 3

## Loss of Spanish nationality

### How do you lose Spanish nationality?

Spanish nationality can be **lost** by adults living abroad and who:

- ◆ Voluntarily acquire another nationality, or
- ◆ Make exclusive use of the foreign nationality granted to them while they were still minors. Loss of Spanish nationality occurs after three years counting from acquisition of the foreign nationality or from the date of emancipation.

They can avoid losing their Spanish nationality if they state their wish to preserve Spanish nationality before the Spanish Civil Registry within the stipulated time-scale.

**Acquiring the nationality of Latin American countries, Andorra, Philippines, Equatorial Guinea and Portugal is not sufficient to result in the loss, in the way described above, of Spanish nationality by origin.**

In these cases, Spanish nationality must be expressly renounced by the individual concerned.

Spanish nationality can be voluntarily relinquished by emancipated individuals living abroad regularly, as long as they have another nationality.

Spanish nationality cannot be lost if Spain is at war.

Naturalised foreigners can lose their Spanish nationality if **a)** they voluntarily join the military or take up political office in a foreign country in contravention to express prohibition by the Government; or **b)** if they make exclusive use for 3 years of the nationality they relinquished when acquiring Spanish nationality.

If it is legally proved that Spanish nationality has been acquired by lying, by fraudulent means or by hiding information, a ruling will be issued by which that nationality is annulled. The annulment must be implemented by the Office of State Counsel or as the result of a complaint, within a period of fifteen years.

## 4

## Reacquisition of Spanish nationality.

### Can Spanish nationality be reacquired?

Yes, provided the person can meet the following requirements:

- ◆ Be legally resident in Spain. This requirement does not apply to emigrants nor to emigrants' children. (In other cases this requirement may be waived by the Justice Minister if there are exceptional circumstances).
- ◆ State their wish to reacquire Spanish nationality before the Spanish Civil Registry.
- ◆ Record the reacquisition in the Civil Registry.



## When is the reacquisition of Spanish nationality at the discretion of the Spanish Government?

Reacquisition and acquisition of Spanish nationality will be at the Spanish Governments discretion in the following cases:

- ◆ People who have made exclusive use of the nationality they said they had relinquished when they acquired Spanish nationality.
- ◆ People who voluntarily join the military or take up political office in a foreign country in contravention to express prohibition by the Government.
- ◆ If the ruling states that someone has acquired Spanish nationality by lying, by fraudulent means or by hiding information.

## Who can apply for it?

The following people can apply for Spanish nationality for any of the above reasons:

- ◆ The individual in person, provided they are aged 18 or over or emancipated.
- ◆ People over the age of 14 assisted by a legal representative.
- ◆ The legal representative of a minor aged under 14 or disabled.  
In this case, permission is needed from the Spanish Civil Registry where the individual normally lives, following a ruling by the Office of State Counsel.

## Bibliography

## Useful publications

ALONSO BURÓN, José Carlos (Dir.), ORTEGA GIMÉNEZ, Alfonso (Coord.) y otros, *Código básico de Extranjería y Nacionalidad*, Ediciones Laborum, Murcia, 2007.

ÁLVAREZ RODRÍGUEZ, Aurelia, *Cuestionario práctico sobre nacionalidad española*, Eolas ediciones, León, 2010.

CARRASCOSA GONZÁLEZ, Javier, *Derecho español de la nacionalidad. Estudio práctico*, Comares, Granada, 2011.

ORTEGA GIMÉNEZ, Alfonso y LÓPEZ ÁLVAREZ, Antonio (Coords.), *Cuestiones socio-jurídicas actuales sobre la inmigración y la integración de personas inmigrantes en España (con especial incidencia en la Comunidad Valenciana)*, Civitas, Thomson Reuters, Cizur Menor (Navarra), 2011.

ORTEGA GIMÉNEZ, Alfonso (Coord.) y otros, *Manual práctico orientativo de Derecho de la Nacionalidad*, Difusión Jurídica y Temas de Actualidad, Madrid, 2010.

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

## Useful web sites

<http://www.consultorga.com/>  
Foreign Nationals' Office [*Oficina de Extranjería*] in Alicante.

<http://www.consultor.com/oue>  
Excmo. Colegio Oficial de Graduados Sociales de Alicante  
Foreign Nationals' Office [*Oficina de Extranjería*] in Alicante.

<http://www.migrarconderechos.es>  
*Migrar con Derechos*.

<http://www.empleo.gob.es>  
Ministry of Employment and Immigration [*Ministerio de Trabajo e Inmigración*].

<http://www.mjusticia.gob.es>  
Spanish Ministry of Justice.

<http://www.intermigra.info/extranjeria/>  
Foreign Nationals' Dept. at *Real e Ilustre Colegio de Abogados de Zaragoza*.

## Applicable Spanish legislation

**Organic Law on the rights and freedoms of foreign nationals in Spain (Foreigners' Law).**  
Organic Law 4/2000, 11 January, on the rights and freedoms of foreign nationals in Spain and their social inclusion (BOE 12/01/2000).

**Foreigners' Law Rules.**  
Royal Decree 557/2011, 20 April.

**Civil Code.**  
Royal Decree 24 July 1889 (Arts. 17 to 28) (*Gaceta de Madrid*, 25/07/1889).

**Civil Registry Law.**  
Law, 8 June 1957, governing the Civil Registry (Arts. 63 to 68) (BOE [Official Gazette] 10/06/1957).

**Civil Registry Rules**  
Royal Decree, 14 November 1958, publishing the Civil Registry Rules (Arts. 220 to 237) (BOE [Official Gazette] 11/12/1958).

## More information

At the **Foreign Nationals' Office** [*Oficina de Extranjería*] in Alicante. Calle Ebanistería No. 4, 03008 Alicante.

At the **Foreign Nationals' Office** [*Oficina de Extranjería*] in Altea Calle San Isidro Labrador No. 1, 03590 Altea (Alicante).

**At the Customer Service Office at the General Directorate of Registries and Notaries** [*Dirección General de los Registros y del Notariado*]. Plaza de Jacinto Benavente No. 3, Madrid 28071.

At the nearest **National Police station** [*Comisaría de la Policía Nacional*].

At the **Ministry of Justice Central Information and Customer Service Office**. Plaza de Jacinto Benavente, No. 3, 28012 Madrid.

At the nearest **Civil Registry**.



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Foreign Nationals' Unit  
Alicante Provincial Council [*Diputación de Alicante*]

Avda. Federico Soto 4, entlo.  
Alicante 03001  
Telf. 965 10 73 91  
Fax: 965 98 04 12

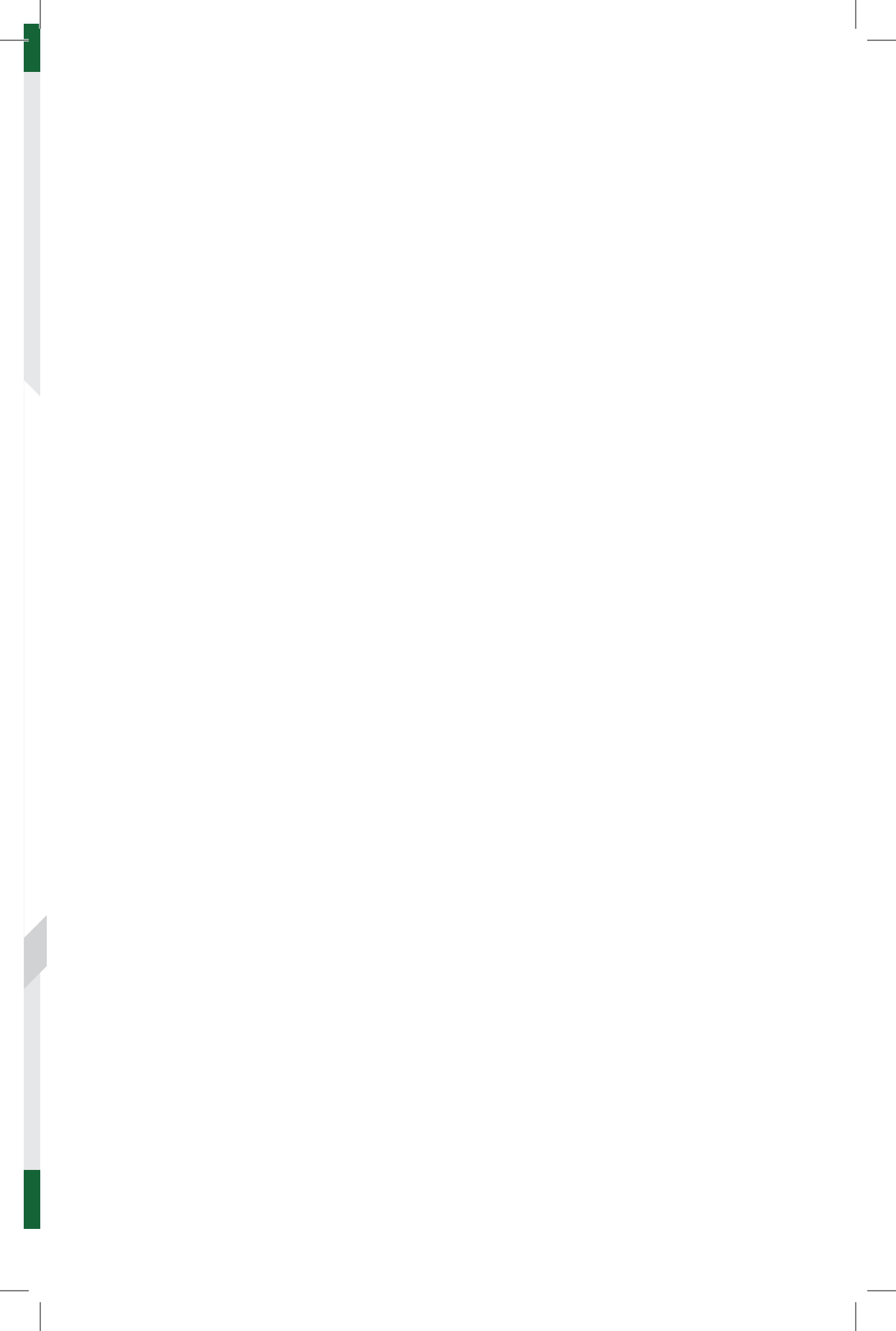
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