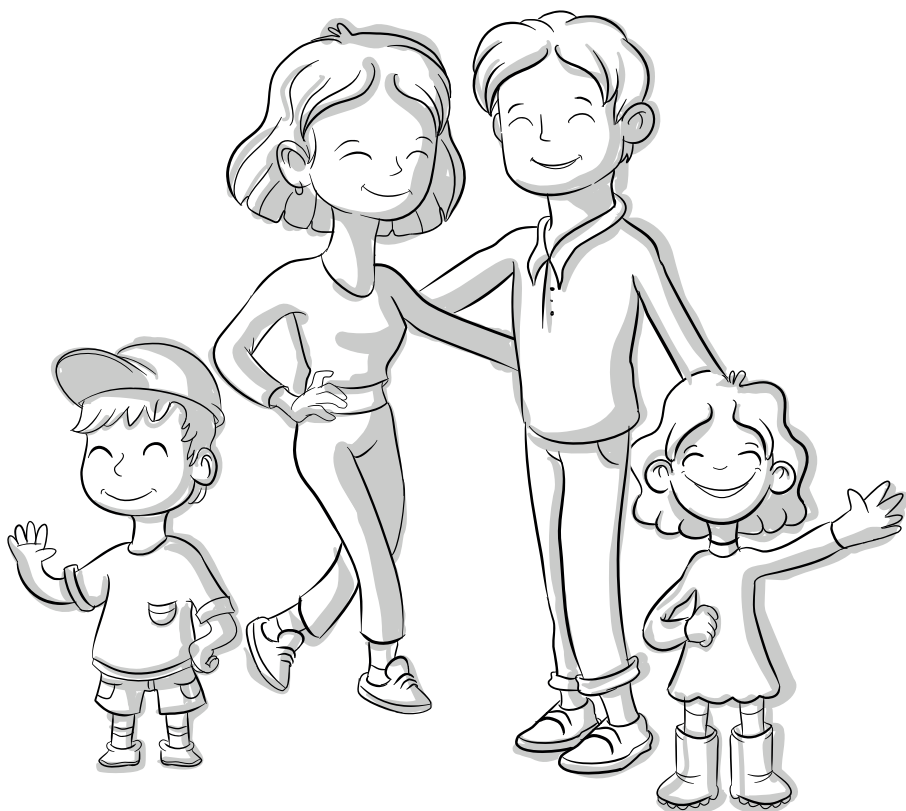


# A GUIDE

## FOR FOREIGNERS



**OICOS**



OFICINA  
DE INTEGRACIÓN  
Y COOPERACIÓN  
SOCIAL



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# SANTANDER, A WELCOMING CITY

Gema Igual

On behalf of the people from Santander, I would like to take this opportunity to welcome you to a friendly, enabling, diverse and multicultural city, always ready to be enriched by those who come from other parts of the world to stay with us.

Santander City Council created the Office of Social Inclusion and Cooperation (OICOS) to be closer to its residents and to promote and encourage the full social, labour and personal inclusion of foreigners or migrants living in our municipality.



One of the tasks of OICOS is to accompany those who wish to live in Santander but are unaware of the procedures they must follow in order to legalise their situation.

The aim of this guide is to provide clear information on the main immigration procedures.

We want to accompany you throughout the process with this informative tool that addresses questions of interest about residence in Spain, family reunification, temporary residence, nationality and short stay in our country.

I hope you enjoy reading this. You can also count on the team of professionals at our inclusion centre, always ready to make you feel at home.

**Gema Igual Ortiz, *mayor of Santander***

# Dear reader...

This **guide for foreigners** is intended to be a brief but clear roadmap for all those who, like you, wish to live and work in our city.

Therefore, this guide is a very practical document which is not focused on EU nationals, but on individuals who are subject to the Immigration Regulation.

Since we do not want to confuse you with the many options and possibilities set in both the immigration law and the immigration regulation, the guide only includes the strictly necessary regulations.

The main aim of this guide is to be as useful as possible for someone like you who wishes to live and reside in Santander and needs to know how to legalise his or her personal, family and work situation.

For this reason, we would like to point out that this guide is strictly informative and aimed at the public. It is always advisable to seek further information from professionals or organisations specialised in migration.




*If you are one of those people who wants to live in Santander and does not know how to start or where to go... this is your guide!*

'My homeland is the world;  
my family is humanity'.

*Mijail Bakunin*

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As we already mentioned, in order to make this guide as friendly and informative as possible, we have divided it into several chapters. The first part deals with **residence permits and temporary permits to stay in Spain, as well as the related procedures and requirements.**

For the purpose of discussing the situations of foreigners who have resided in Santander for several years, we will also provide information about **how he or she can obtain the Spanish nationality, according to the existing options.**

And finally, we will make some general comments with some advice, recommendations... as well as **the regulation, rights and existing services** available to foreigners who arrive in Santander.

## TO BEGIN...

When a foreigner arrives for the first time in Santander, we must identify **his or her intention or purpose behind** doing so. Broadly speaking, we differentiate between:

- A foreigner who comes to Spain with the intention of **temporarily staying** in Spain, for leisure purposes, for tourism, for example. Therefore, he or she plans to go back to his or her country of origin in the short term.

Or,

- A foreigner who comes to Spain with the intention of starting a new life, and therefore, the person plans to **live and work in Spain** in the short, medium and long term.

We will try to offer you, in a clear and simple way, as much information as possible about all the existing cases and situations, though we will focus **on what is relevant to residence and work in Santander**. We aim to provide you with all the information necessary to obtain the residence permit in Spanish territory as well as the **Spanish nationality**, if you wish to apply for it when the time comes.

## RESIDENCY IN SPAIN

It is important from the beginning to be clear about the **concept of 'residency'**, because from now on, you will hear that concept many times everywhere you go and not everyone knows what it means.

Broadly speaking, **'residency' is the permit to stay in Spain for a fairly stable period of time.**

In short, as a general rule, a foreigner with legal residency in the Spanish territory has the same rights and obligations as a Spanish national, subject to certain limitations, such as for example, the right to vote in Parliamentary elections or to hold a public office.

You should also know that there are two main types of residency, **'temporary'** and **'long term'**.

### WHAT IS A TEMPORARY RESIDENCY?

Basically, this is when a foreigner is authorised to stay in Spain for a **period of more than ninety days and less than five years.**

### AND WHAT WOULD LONG-TERM RESIDENCY BE?

This is when the foreigner is **authorised to reside and work in Spain forever under the same conditions as Spaniards.**

*Now that you have made the decision of starting a new life in Santander, you might be more interested in knowing what it is like and how to obtain the first type of residence. Do not worry, we will now focus on that.*

There are many types of permits that fall under the category of **temporary residence**:

- Non-profit
- Family reunification..
- Employment.
- Self-employment.
- Research work.
- Employment of highly-qualified professionals.
- Fixed-term employment.
- Work in the context of transnational provision of services and exemption from work permit..

Yes, there are a lot of them, but do not worry. We will try to explain them to you as best we can. It is therefore best to differentiate between **non-profit residency and work permits or for-profit residency**.

We believe it is important to **insist on, and share information of, the types of residency that allow you to carry out a work activity**, since they have a positive impact on your economic income. We can include temporary residency due to exceptional circumstances in their different modalities, and especially 'arraigo'.



We focus this guide on **foreigners who are looking to create a new life in Santander...**

And we could add...

**...wishing to obtain a residence permit that will enable them to carry out a work activity.**

We would like to clarify that residency with work activity can be classified in many different ways.

In this guide, as a starting point, we differentiate between **people who already have family members residing in the Spanish territory and people who arrive in Santander without any family tie in the city.**

For this reason, we will mention the following types of residency taking into account the situation in which you may find yourself:

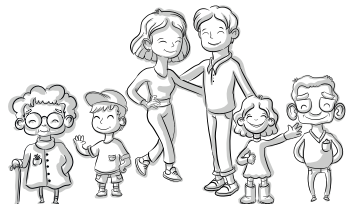
- **Residence due to family reunification:** for those who have relatives already living in Santander.
- **Temporary residence as employee or self-employed:** for those who wish to have a for-profit activity.
- **Temporary residence on the grounds of 'arraigo':** for those who have gained specific rights during a specific time period in Spain.

***NOTE:** We already mentioned that a temporary residence permit for reasons of 'arraigo', due to its application and its validity, is the one that may be of most interest to a person arriving for the first time in Santander. We will summarise each case of 'arraigo', as well as the procedures to be followed and their main requirements:*

## FAMILY REUNIFICATION

**What do we understand by a reunited person?** It is the case of a foreigner who obtains temporary residence by virtue of the right to family reunification and who is already residing in Santander.

Thus, the person who obtains the temporary residence through this procedure would be the **REUNITED person**, and the person who applies for family reunification would be the **REUNITING person**..





## WHICH FAMILY MEMBERS CAN BE REUNITED?

- **The spouse or person in an analogous affective relationship** with the resident foreigner.
- **Children or his or her spouse's or partner's children**, provided that they are under 18 years of age, or, have a disability and are legally represented by the applicant.
- **Those legally represented by the applicant** provided that they are under 18 years of age at the time of the application for their residence permit, or that they have a disability and are not objectively able to cover their own needs due to their health condition.
- **First-degree ascendants (father or mother)**, or those of their spouse or partner, provided that they are dependent on the applicant and are, in principle, over 65 years of age, can justify the need to authorise their residence in Spain.

In this case, the applicant can always apply for the family reunification procedure, provided that he or she has a permit for at least one year and has applied for its renewal or modification to reside for at least one more year.

In any case, the procedure has three stages:

- 1** The first stage takes place in Santander **when the applicant submits his or her application for family reunification residence permit to the competent Immigration Office.**
- 2** Secondly, outside Spain, once a positive decision is issued by the competent immigration office, the reunited family member **will have two months from the date he or she was notified to personally apply for the corresponding visa at the Spanish embassy or consulate where the reunited family member lives.**
- 3** And the third stage, again in Santander, **and always within one month of entry into Spain, is when the reunited person will personally apply for the foreigners' identity card at the immigration office where the permit is processed.**

Finally, **key requirements** shall be:

**A)** The applicant has the financial means to be able to afford the reunification of his or her family members:

- In the case of family units that include two members, counting both the reuniting person and the reunited person upon arrival in Spain: the required amount will come to 150% of the Spanish **Public Multiple Effects Income Indicator (IPREM)** per month.
- In the case of family units that include more than two people, counting the reunited person upon arrival in Spain: the required amount will come to 50% of the IPREM per month for each of the additional members.

**IMPORTANT:** *This amount may be reduced in the case of minors and represented persons. When there is a stable source of income equal to, or higher than, the minimum wage, the amount will be considered sufficient, even if it does not reach the above amount.*

In any case, if a family unit has two members, one of whom is a minor, the amount required will be 110% of the guaranteed amount of the Minimum Vital Income on an annual basis, and for each additional minor, an additional 10% will be required, with a maximum ceiling of 150%.

**B)** Proof of financial means may be provided in the following ways:

*In the case of for-profit activity as an employee:*

- Copy of the applicant's employment contract.
- If applicable, the latest personal income tax return.

*In the case of self-employment:*

- Certification of the activity carried out.
- Personal income tax return for the previous year.

**C)** The applicant must have and prove **adequate housing** (either owned or rented) to meet their needs and those of their family, by means of a **report issued by the authorised entities of Santander city council.**

**D)** If the spouse or partner is the one to be reunited, a **sworn statement that he or she does not live in Spain with another spouse or partner** should be submitted.

## Renewal of residence permits by virtue of family reunification:

Residence permits for reunification **are usually valid for the same period as the residence permit of the person reuniting**. Therefore, the deadline for renewing this type of residence permit will be the same.

And in any case,

The renewal must be requested on an official form within **60 calendar days before its expiry**. Submission of the application within this period shall extend the validity of the previous permit until the procedure is completed. **In the event that the application is submitted within ninety calendar days after its expiry**, the validity of the permit shall **also be extended until the resolution of the procedure**, regardless of the initiation of the sanctioning procedure for the infringement in which it was incurred.

***IMPORTANT:** Any reunited person who is a spouse, unmarried partner or descendant can automatically work as an employee or self-employed person in Spanish territory, without the need for any prior administrative procedure.*

# TEMPORARY RESIDENCY FOR WORK

A foreigner is said to be in a situation of temporary residence and work as an employee when he or she is over 16 years of age and is authorised to stay in Spain for a period of more than 90 days and less than five years and to work as an employee.

The most important aspect of this type of procedure is that **the application for the initial permit of temporary residency and work as an employee is submitted by the employer** (an individual if the offer is in the domestic service sector) **to the immigration office where the work is to be carried out**.

The national employment situation, the catalogue of occupations that are difficult to fill and the international agreements with other countries are sometimes considered.

In this type of residency, we can divide the procedure into three stages with the following specifications:

- 1 Firstly, in Santander: **the application should be submitted by the employer at the immigration office where the work activity is to be carried out.**
- 2 Secondly, **at the Spanish embassy or consulate** where the foreign person to be hired lives: within **one month** of notification of the decision, the prospective worker must personally apply for his or her visa.
- 3 And, finally, again in Santander: within **three months** of the date of entry into Spanish territory, **the worker must register in the social security scheme**, and then apply in person for a foreigner's identity card at the competent Immigration Office.

And during stage 3 above, the **key requirements** are the following::

- A) Employment contract signed by the worker and the employer guaranteeing the minimum wage at the time of application.

The validity of this employment contract is suspended until the worker is registered for social security.

- B) The employer possesses sufficient financial, material or personal resources in order to run the business and to meet the obligations assumed in the employment contract towards the worker.

The business solvency and work history of the employer is extremely important in order to obtain a positive decision.

The worker has the professional training and legally required qualifications for the practice of the profession.

- C) The more diplomas or training courses in a certain sector or occupation a prospective worker can submit to the immigration office, the more chances his or her professional capacity can be recognised..

## Renewal of permits for temporary residency and employment:

The renewal shall be carried out, provided that the foreigner is in one of these situations:

- A) The employment relationship for which the permit was granted is still in effect.
- B) The employee (the foreigner) has worked during at least three months per year, and is in one of the following circumstances:
  - 1 He or she has signed an employment contract with a new employer in accordance with the conditions of his or her work permit, and is registered or treated as registered at the time of applying for renewal.
  - 2 Has a new contract subject to the renewal approval.
  - 3 **The employment relationship for which the permit was granted and now needs to be renewed is interrupted for reasons beyond his or her control**, and that he or she is actively seeking employment by registering with the authorized public employment service as a job seeker.
- C) An unemployment benefit or an economic assistance benefit was granted.
- D) Termination of the employment contract or suspension of the employment relationship because of being a victim of gender-based violence.
- E) When the worker proves:

- 1 That he/she has been working and registered in the social security scheme for at least nine months in a twelve-month period, or eighteen months in a twenty-four-month period, provided that his or her last employment relationship was interrupted for reasons beyond his or her control and that he/she has been actively seeking employment.
- 2 The spouse or the person with whom he or she has a relationship of similar affectional bond regarding reunification, meets the economic requirements to reunify the worker.

**IMPORTANT:** *The renewal of the permit of residence and work as an employee will be for a period of four years, unless it corresponds to a long-term residence permit, and will allow the practice of any activity in any part of the national territory, both employed and self-employed. The validity of the renewed permit shall be in effect from the day immediately following the day on which the previous permit expired.*

*And, in any case,*

*the renewal must be requested on an official form within sixty calendar days before its expiry. Submission of the application within this period shall extend the validity of the previous permit until the procedure is completed. In the event that the application is submitted within ninety calendar days after its expiry, the validity of the permit shall also be extended until the resolution of the procedure, regardless of the initiation of the sanctioning procedure for the infringement in which it was incurred.*

## TEMPORARY RESIDENCY DUE TO 'ARRAIGO'

Dear reader, we insist once again: **this type of residency is one of the most important cases and one of the most requested in all immigrant offices in Spain.**

Why is this the case? Why do we consider this type of residence to be the most relevant? Because, in general terms, it means the **possibility to obtain a residence permit which is associated with a work permit for foreigners who are in Spain due to exceptional circumstances, whether or not they have family ties.**

The main feature and what differentiates this permit from an initial permit for residency and work as an employee is that the foreigner who submits this application is already in Spain.

It is worth mentioning that the individual has the possibility to apply for the permit at the authorised Immigration Office and does not need to do it in their country of origin.

Moreover, for this type of residency, rather than identifying several phases of the procedure, we can mention that there are **several types of 'arraigo'**:

- Social.
- Labour.
- Family.
- Studies.

## 1. SOCIAL 'ARRAIGO'

This residence permit is granted to a foreigner when **he or she has lived in Spain for at least three consecutive years.**

This type is, without any doubt, one of the most demanded procedures at the immigration office in Santander. Any foreigner who has been in Spain for many years can apply for it, even if he or she never had a residence permit before, or if he or she had one, but it was lost or terminated for different reasons.

In any case, the essential starting point in order to apply for this type of permit is to demonstrate that the person has stayed continuously for 3 years in Spain.

Thus, to demonstrate the stay during said period, **it is essential to submit documentary evidence issued in Spanish territory, which show the name of the applicant and corresponding dates.**

As we will see below, the registration certificate is one of the best examples of **proof** of registration, but documents such as medical prescriptions, medical reports, money transfers, bank books, etc. can also be useful.

The following **requirements** must also be met:

- A)** Valid passport.
- B)** Registration certificate.
- C)** An **employment contract signed by the worker and the employer that guarantees at least the minimum interprofessional wage or the wage established**, where applicable, in the specific collective bargaining agreement.
- D)** **Family ties with other foreign residents or 'arraigo' report that proves social integration**, issued by the autonomous community authority where the persons have their regular residence. Foreigner registered in the municipality of Santander should contact the corresponding social work unit, which will be responsible for issuing this report.
- E)** Clean **criminal record in Spain or in the country or countries of origin** in which the person has lived for the last five years.

## 2. LABOUR 'ARRAIGO'

This residence permit is granted to a foreigner when he or she **has been continuously in Spain for at least 2 years**.

In addition, the following **requirements** must be met:

- A)** Valid passport.
- B)** Registration certificate.
- C)** **Proof of the existence of an employment relationship lasting not less than six months**, with the following particularities:
  - In the case of paid employment, at least 30 hours per week over a 6-month period or 15 hours per week over a 12-month period, and in the case of self-employment, at least six months of continuous employment.
- D)** Clean **criminal record in Spain or in the country or countries of origin** in which the person has lived for the last five years.



This **type of temporary residence permit** has become more important in recent years, given that work activity can be demonstrated by practically any legally accepted proof (employment record, employment contract, pay slips, administrative resolution of the labour inspection office...) and therefore, those who were working in Spain for whatever reason (for example, because they have an international protection) can apply for it.

### 3. FAMILY 'ARRAIGO'

This residence permit is granted to a foreigner when he or she has family ties with a Spanish national in one of these cases:

- A) A spouse or registered partner.
- B) An ascendant over 65 years of age.
- C) A dependent ascendant under 65 years of age.
- D) A descendant under 21 years of age.
- E) A dependent descendant over 21 years of age.

In addition, the following **requirements** must be met:

- A) Valid passport.
- B) Registration certificate.
- C) The **original and legalised document of the existing family relationship**: For example, a birth certificate.
- D) Clean **criminal record in Spain or in the country or countries of origin** in which the person has lived for the last five years.

**IMPORTANT:** *Is there a deadline for submitting this type of application? In principle, there is no deadline since it depends on the relationship that the person already has or is going to have (in this case, we refer to the case of having a descendant born in Spain and who, when the time comes, will be granted the Spanish nationality).*

## 4. STUDY 'ARRAIGO'

This residence permit is granted to a foreigner when he or she has **been continuously in Spain for at least 2 years.**

In addition, the following **requirements** must be met:

- A)** Valid passport.
- B)** Registration certificate.
- C)** **Commitment of the foreign person to undertake official training for employment or to obtain a certificate of professional capacity.**

The studies could be the following:

- Official courses under the vocational training system: certificates of professional capacity, specialisation courses, vocational training diplomas and certificates of competence.
  - Training leading to the award of a certificate of technical aptitude or professional qualification for the practice of a specific job.
    - Training promoted by the public employment services: catalogue of training specialities.
    - Official master's degrees from universities, courses for advanced studies or for updating competences and educational or professional skills in the field of lifelong learning at universities.
- 
- D)** Afterwards, the applicant must provide proof of enrolment to the immigration office within three months of notification of the decision granting the permit.
  - E)** **Clean criminal record in Spain or in the country or countries of origin** in which the person has lived for the last five years.

This type of permit is intended to incorporate foreigners, who are in Spanish territory without legal residence and who are working irregularly, into the labour market. Therefore, once the training has been successfully completed, the interested party may apply for a residence and work permit to the Immigrant Office together with an employment contract signed by the worker and the employer that guarantees at least the minimum interprofessional wage, provided that it is during the valid period of this residence permit.

***REMEMBER:** The residence and work permit must be applied for during the validity period of this type of residence for studies.*

In these cases, the immigration office will grant a **two-year permit that will enable the applicant to work.**

In short, **these are the existing types of residency for exceptional circumstances due to 'arraigo'** in Spain.

All these temporary residence permits for exceptional circumstances due to 'arraigo' have a very similar **procedure:** they are initiated at the authorised Immigration Office by the foreigner, and in case of a **favourable resolution, a residence permit would be granted and be valid for one year**, without affecting what is established in the case of international protection.

***IMPORTANT:** You should know that all these temporary permits for exceptional circumstances have in common, due to their extraordinary nature, the possibility of extension for one year, as long as it is demonstrated that the reasons for granting them still persist (you do not need to follow the renewal procedure as in the other types of residence permits).*

*However, we recommend that the individual who holds such a residence permit for exceptional circumstance should change it to a residence and work permit at the competent immigration office, during the sixty calendar days prior to expiry.*

*The submission of the application within this period extends the validity of the previous permit until the procedure is complete.*

*The permit shall also be extended until the procedure is resolved in the event that the application is submitted within ninety calendar days following the date on which the previous permit expired, without affecting the initiation of the sanctioning procedure for the infringement in which it was incurred.*

**AND REMEMBER:** *Although we have already indicated that these are the most common cases, there is temporary residency for more specific exceptional circumstances, where the foreigner must receive special protection for various personal or family reasons, or simply because of his or her collaboration with the Spanish authorities: international protection, humanitarian reasons, collaboration with authorities, national security, or public interest..*

## **SPECIAL CASE: VICTIM OF GENDER-BASED VIOLENCE**

A temporary residence and work permit for exceptional circumstances can be granted to a foreign woman who is a victim of gender-based violence and, if applicable, also to her children if they are minors or have a disability and are objectively unable to cover their needs.

In this case, the **key requirements** would be:

Submitting a **complaint to the specific authority** and showing proof of this before the Immigration Office, by means of one of these documents:

- **A protection order**, by the judicial authority in the framework of criminal proceedings.
- **A report from the public prosecutor's office** indicating the existence of signs of gender-based violence or sexual violence.

It is very important to submit one of these documents immediately to the competent immigration office, since this is the way to obtain a **provisional permit** which will also allow the foreign victim to work as an employee or self-employed person, in any occupation, sector and geographical area.

If the legal proceedings conclude with a conviction or a court decision concluding that the woman has been a victim of gender-based violence, she **will have the chance to get long-term residency**.

In summary, we can conclude that there are different ways of obtaining a residence permit (for-profit or not for-profit) in Spain, and that the procedure starts in the country of origin of the foreigner (**regrouping or residence and work permit**) or in the Spanish territory: **'arraigo'**.

To sum up, and as we mentioned at the beginning of our roadmap, there are mainly two types of foreigners in Spain:

On the one hand, those who wish to **reside** in Spanish territory (we have already seen different cases with their specifications), and on the other hand, those who wish to temporarily **stay** in Spanish territory.

We already mentioned that there is a crucial nuance between two concepts. Up to now we have used the concept of **RESIDENCE**. We will now revise the concept of **STAY**, because the two do not mean the same thing.

## A STAY IN SPAIN

### WHAT DO WE UNDERSTAND BY A STAY?

A foreigner is in a short-term stay situation when he/she does not hold a residence permit but **is authorised to stay in Spain for an uninterrupted period or the sum of successive periods whose total duration does not exceed ninety days in a six-month period**.

To make it clear, these are situations in which the individual is in Spain for a certain duration and returns to his or her country within a short period of time: for example, for **tourism purposes**.

However, there are other types of stay in Spain, and we would like to specifically focus on a study **stay**.

## WHAT IS A STUDY STAY?

A study stay is when the foreigner is authorised to stay in Spain for a period of more than ninety days for the sole or main purpose of carrying out any of the following activities of a non-working nature:

- A) Completion or extension of studies in an authorised education centre in Spain, in a full-time programme, leading to the award of a degree or certificate of studies.
- B) Conducting research or training activities, without affecting the special scheme for researchers.
- C) Participation in a student mobility programme, to follow a secondary education and/or baccalaureate programme in an officially recognised education or scientific institution.
- D) Non-work internship in a public or private organisation or entity.
- E) Provision of voluntary service within a programme pursuing objectives of general interest.

The **main activity of the study stay should be one of the above-mentioned**: in other words, the most important thing is that it is a type of permit that is mainly granted for coming to study in Santander for a certain period of time.

However,

**CAN IT ENABLE YOU TO WORK EVEN IF YOU ARE STUDYING? YES.**

In the case of contractual employment, the contract must be certified and presented by the prospective employer to the relevant immigration office.

In any case, **there is no need to request an authorisation for those non-work placements in public or private entities that belong to the syllabus for which the study permit was granted** and that take place within the framework of the collaboration agreements between these entities and the teaching or scientific centre in question.

In the case of **a self-employed activity**, the student is permitted to do so, as long as the requirements for this type of work activity are met: business project, financial resources, professional qualifications...

**IMPORTANT:** *Self-employed and employed persons will be authorised to work, provided that the working hours do not exceed 30 hours per week, and in all cases, it must be compatible with the pursuit of their studies. The studies are higher studies, in the frame of a regulated training for employment or training aimed at obtaining a certificate of professional capacity or training leading to obtaining the certificate of technical aptitude or professional qualification necessary for the exercise of a specific occupation.*

As a general rule, in order to start the procedure, the individual will submit an application to the consulate or embassy in the country where he or she resides, or, if he or she is already in Spain, to the competent immigration office, at least one month prior to the expiry date of the situation in which he/she finds him/herself.

## **APPLICATION REQUIREMENTS FOR A STUDY STAY AT THE IMMIGRATION OFFICE IN SANTANDER ARE AS FOLLOWS:**

- 1** That the foreign person is in a stay situation currently in effect and within the period set for this purpose: at least one month before the expiry date of the situation in which he or she finds him/herself: that is to say, if a temporary stay of 3 months has been granted to you, you **must apply always** before the last month.
- 2** That the foreign person has sufficient financial means to cover the costs of the stay and return to his or her country.
- 3** Documentation proving that the person has been admitted to an authorised education centre in Spain.

**And if the stay will be longer than six months:**

- 4** A criminal record certificate, legalised and translated, if necessary, from the previous countries of residence during the last five years.
- 5** A legalised medical certificate, translated if necessary, certifying that he or she does not suffer from any of the diseases, in accordance with the provisions of the international health regulations 2005.

## WHAT ABOUT THE FAMILY MEMBERS OF THE HOLDER OF A TEMPORARY RESIDENCE PERMIT?

The spouse, unmarried partner, children (under the age of eighteen or with any disability who are objectively unable to provide for their own needs due to their state of health), can obtain at the same time the permit to enter and stay legally in Spain together with the student for the same length of time as the duration of his or her studies.

The requirements to grant a visa to the family member would be:

- 1 That the foreigner must have a valid residence permit.
- 2 That said individual has sufficient financial means to support the family unit.
- 3 Proof of the family or kinship relationship between the two by means of original documents, duly legalised, updated and translated if necessary.

If the stay will be longer than six months:

- 4 A criminal record certificate legalised and translated, if necessary, from the previous countries of residence during the last five years..
- 5 A legalised medical certificate, translated if necessary, certifying that he or she does not suffer from any of the diseases, in accordance with the International Health Regulations 2005.

## SPANISH NATIONALITY

Applying for the Spanish nationality could be seen as the next natural, logical and coherent step for a foreigner after several years of residence in Spain.

In any case, you should bear in mind that there are different ways of obtaining the Spanish nationality which do not necessarily require a prior and continuous residence in Spain.

Namely:

- 1 By naturalisation
- 2 For Spaniards of origin
- 3 By possession of status
- 4 By option
- 5 By residence





## **1. NATIONALITY OBTAINED BY NATURALISATION:**

This is an extraordinary, rare case, where exceptional circumstances are taken into account. The nationality will be granted by the government by Royal Decree.

This type of acquisition could include Spanish nationality by letter of naturalisation to Sephardic Jews originating from Spain.

## **2. NATIONALITY FOR SPANIARDS OF ORIGIN:**

The most common case is when the person was born to a Spanish father or mother, regardless of where the birth took place.

Also, when those born in Spain are children of foreign parents, if at least one of the parents was born in Spain (except for children of diplomats).

Even those born in Spain to foreign parents, if both lack nationality (stateless), or if the law of neither of them attributes a nationality to the child: nationality by simple presumption.

Finally, minors under 18 years of age who are adopted by a Spaniard are also Spaniards of origin. If the adoptee is over 18 years of age, he or she may opt for Spanish nationality of origin within two years of the adoption.

## **3. NATIONALITY BY POSSESSION OF STATUS**

This case is very rare, as it requires possessing and using in good faith, the Spanish nationality for ten years by being recognised in a title registered in the competent civil registry, although one is not Spanish in reality.

Let's take an example to make it easier to understand: those cases in which a person uses and has Spanish nationality because his or her father was Spanish, but later it is demonstrated that he was not really the father.

## **4. NATIONALITY BY OPTION**

The option is a benefit that our legislation offers to foreigners who meet certain conditions to acquire Spanish nationality. They will have the right to acquire Spanish nationality in this way:

- Those who are or have been subject to the parental authority of a Spaniard.
- Those whose father or mother was Spanish and was born in Spain.
- Those whose parentage determination (this means establishing who a person's parents are) or birth in Spain occurs after the age of eighteen.
- Those whose adoption by Spaniards takes place after the age of eighteen. In this case the right to opt in exists until two years have elapsed from the constitution of the adoption.

In this section, a recent procedure can also be included: obtaining nationality through the Law of Historical Memory.

This takes into account those born outside Spain to a father or mother, grandfather or grandmother, who were originally Spanish, and who, as a consequence of having suffered exile for political, ideological or religious reasons, or for reasons of sexual orientation and identity, have lost or renounced Spanish nationality.

Moreover, sons and daughters born abroad to Spanish women who lost their nationality because they married foreigners before 1978 when constitution came into force are also included.

Finally, and in relation to the Law of Historical Memory, the sons and daughters of legal age of Spaniards whose nationality of origin was recognised by virtue of the right of option in accordance with the provisions of this law or in the seventh additional provision of law 52/2007, of 26 th December, which recognises and extends rights and establishes measures in favour of those who suffered persecution or violence during the Spanish civil war and the dictatorship.

## **5. NATIONALITY BY RESIDENCE**

All the afore-mentioned methods of obtaining the nationality, although important and relevant in each social, political and cultural context, are less common than the case of nationality by residence, which is the most demanded and most important among foreigners.

And this is just for a simple reason: all foreigners who have been residents in Spain for a certain number of years can apply for this.

Generally, a foreigner can apply for Spanish nationality after ten years of residence in Spanish territory.

But beware, the time limit is reduced to five years for those who have obtained refugee status, and even to two years in the case of nationals of origin from Latin American countries, Andorra, the Philippines, Equatorial Guinea or Portugal, or Sephardim.

Finally, the period is reduced to only one year when the applicant for nationality:

- Was born in Spanish territory.
- Did not properly exercise his or her right to acquire Spanish nationality by option.
- Was legally subject to the guardianship (under the supervision of a guardian), custody or foster care (foster care that allows the reduction of legal residence to one year is that in which there is a resolution of the public entity that is responsible in each territory for the protection of minors and the foster care that is judicially recognised) of a Spanish citizen or institution for two consecutive years, even if he or she continues in this situation at the time of the application.
- At the time of application, has been married to a Spaniard for one year and is not legally or de facto separated.
- Is the widow or widower of a Spaniard, if at the time of the death of the spouse they were not separated, either de facto or judicially.
- Was born outside Spain to a father or mother (also born outside Spain), grandfather or grandmother, provided that all of them were originally Spanish.

**In addition, and with respect to the procedure for obtaining nationality by residence, it is important to highlight some relevant aspects:**

- The prior obligation to demonstrate constitutional and socio-cultural knowledge of Spain, through passing the academic test, known as the CCSE.
- And additionally, depending on the original language of the applicant for nationality, the obligation to demonstrate a degree of competence and mastery of the Spanish language, through the passing of the academic test, called DELE.

- And, of course, the obligation to demonstrate good civic engagement not only during the time of residence in Spanish territory, but also in their country of origin by means of a criminal record certificate, duly legalised, updated and translated if necessary.

## PRACTICAL INFORMATION OF INTEREST. BASIC CONCEPTS BEYOND THE IMMIGRATION REGULATION.

Last but not least, in this guide we do not want to forget everything that surrounds the stay and residence of a foreigner when he or she decides to live in Spain, and especially in Santander.

- For example, registration, what it is and how it is obtained.

The municipal registry is the administrative register of people who live or usually reside in a municipality. When we register, we can justify our address and residence to different private and public entities.

In short, it is compulsory to register in Spain whether you have a residence permit or not.

The registration certificate is the document that will allow you to prove your continued stay in Spain and will be necessary, for example, for legalising your administrative situation in the case of applying for social 'arraigo'. It also allows children under the age of sixteen to access education and is an obligatory and necessary requirement for access to the Cantabrian health system.

**IMPORTANT:** *In order to guarantee the services and rights that you can receive in Santander, it is essential that you update your registration certificate with the address where you reside, since public services, social services, schools, medical centres, etc. are organised by geographical zones and you will be assigned some of these according to the place where you are registered.*

*Remember that for foreigners who do not yet have legal residence in Spain, registration in the municipal registry is subject to periodic renewal every 2 years, which may mean expiry of the registration if it is not renewed.*

*In Santander, registration in the registry of inhabitants will be carried out at the statistics service of the city council located in the Ribalaygua building, at Calle Los Escalantes 3, 2nd floor. Together with the application, a document that proves both the identity of the person and the number of people living in the home should be submitted.*

***TIP:** Having a valid registration certificate on hand at all times will give you immediate access to the basic services you may need in Santander.*

- **What about education in Spain for a foreigner?**

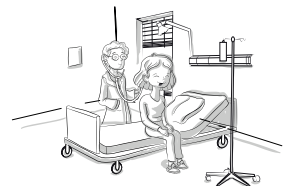
Education in Spain is always compulsory and free for minors from the age of six until the age of sixteen, regardless of the administrative situation of the minor. Access to free and compulsory basic education is guaranteed, and the academic qualification will be obtained taking into account the minor's age and curricular competence as a reference point.

Remember that the registration certificate is the document that will give your children direct access to the Spanish education system. In general, enrolment is usually done at schools in the last term of the school year, but there is an extraordinary enrolment period throughout the year, for which you should go directly to the schools or to the Regional Ministry of Education (in Santander, located at Calle Vargas, 53).

Grants or scholarships may be available at any given time. It is advisable to go to the Department of Education of the regional government of Cantabria.

***TIP:** Obtaining recognition in Spain for the studies completed in the country of origin facilitates access to the education system, and even proves professional skills. To do this, remember to legalise and apostille, if necessary, the relevant academic qualifications, as well as the complete academic record.*

- **Does a foreigner have the right to healthcare?**



Yes. Generally, foreigners are entitled to free public health care under the same conditions as Spanish nationals, provided that they have a legal and regular residency in Spanish territory.

Currently in Cantabria, in principle, foreigners who have been registered for at least three months in one of its municipalities, for example Santander, and who have a valid residence permit or passport, can apply for a health card under the same conditions as other users of the Cantabrian health system.

**NOTE:** *You must prove that you have been in Santander for more than 90 days, so you must have been registered in the municipality for at least this period.*

The individual health card is very important as it is a document issued by the Cantabrian health service that identifies citizens as users of the public health system of the region of Cantabria and accredits their right to health services.

The registration in the Spanish health system includes the pharmaceutical benefit, so that you will only have to pay 40% of the price of the medication, regardless of the type of residency you have.

Finally, all procedures related to the health card will be carried out at the health centre assigned to you according to your address, and, in any case, at the Cantabrian health service administration.

**IMPORTANT:** *Foreign women, regardless of their administrative situation, whether they are legally resident in Spain, and regardless of how long they have been in Spain, have the right to public health care provided by the national health system during pregnancy, and before and after childbirth.*

- It is also very important to know that foreigners registered in the city of Santander, regardless of their administrative situation, can go to the social services.

Remember that social services are a system of social protection for the citizens of Cantabria, which includes programmes and resources that tackle specific social problems but also services and benefits for social promotion and action, attending to social needs in a comprehensive manner.

**TIP:** *This is an essential organisation where foreigners can find information not only on everything we have explained in this guide, but also on possible social assistance in terms of welfare, employment or training.*

# BASIC REGULATIONS TO BE CONSIDERED

- Organic Law 4/2000 of 11 th January on the rights and freedoms of foreigners in Spain and their social inclusion.
- Royal Decree 557/2011, of 20 th April, approving the regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social inclusion, after its reform by Organic Law 2/2009.
- Royal Decree 240/2007, of 16 th February, on the entry, free movement and residence in Spain of citizens of the member states of the European Union and other states party to the agreement on the European Economic Area.
- Royal Decree of 24 th July 1889 publishing the civil code.
- The Spanish constitution.





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DE INTEGRACIÓN  
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SOCIAL

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