



## **RESIDENCY REQUIREMENTS IN SPAIN**

### **Advice for British nationals planning to live or living in Spain.**

#### **Overview**

This guide explains the new rules for British citizens applying for residency in Spain, what documents are required, and information on the right to reside in Spain for both British citizens and non-EU family members.

#### **Residency requirements**

From 28 March 2007, Royal Decree 240/07 requires that all EU citizens planning to reside in Spain for more than 3 months should register in person at the Oficina de Extranjeros in their province of residence or at designated Police stations. You will be issued an A4 printed Residence Certificate stating your name, address, nationality, NIE number (Número de Identificación Extranjeros) and date of registration.

More details can be found on the website for the [Spanish Ministry of the Interior](#) (information is in Spanish).

#### **Changes to the residency regulations**

On 10 July 2012 the Spanish government introduced details of the new residency requirements for all EU citizens, including British nationals.

Under the new rules, EU citizens applying for residency in Spain may be required to produce evidence of sufficient financial means to support themselves (and dependents). Applicants may also be asked for proof of private or public healthcare insurance. More details about the application process and documentation you need are available on the website of the [Spanish Ministry for Work and Social Security](#).

The Ministerial Order sets out the new residency requirements and some of the documentation applicants may be asked to present. We have created an unofficial translation of the Ministerial Order below.

#### **Residency requirements - for information only**

This is an unofficial translation by the British Embassy\* of the important parts of Spanish Order 1490 of 9 July 2012, setting out the rules on the entry, free movement and residence in Spain of nationals of other European Union (EU) Member States and European Economic Area states.

## **Article 1: Right of residence for a period of longer than three months**

Nationals of:

- a member state of the European Union
- other States party to the Agreement on the European Economic Area
- Switzerland

have a right to reside in Spain for a period of longer than three months if they meet the conditions laid down in Article 7 of Royal Decree 240/2007, of 16 February 2007, on entrance, free movement and residence in Spain of Nationals of European Union member states and of other states party to the Agreement on the European Economic Area.

## **Article 2: Attendance and registration on the Central Register of Foreign Nationals**

1. Applications for registration as residents by the nationals mentioned in Article 1 shall comply with the provisions of sections 5 and 6 of Article 7 of Royal Decree 240/2007, of 16 February 2007.
2. Applications will be filed in person in the Immigration Office of the province where they intend to reside or in the relevant Police Station.
3. If the application for registration does not meet the necessary requirements for it to be processed, the interested person will be required to correct any faults or attach the obligatory documents within a period of ten days and he will be informed that, if he does not do this, it will be assumed that he has abandoned his application, by reasoned decision, which does not exhaust the administrative procedure and which may be appealed against.
4. The certificate will be issued immediately, once compliance with the corresponding requirements has been confirmed. This certificate will give the name, nationality and address of the registered person, his foreign national identity number and the date of registration.

## **Article 3: Supporting documentation**

1. All applications for registration must be accompanied by the applicant's passport or national identity document, which shall be valid and in force. If these documents have expired, a copy of these and the application for renewal must be produced
2. In addition, the following documentation will be required, depending on the applicant's circumstances:
  - a) Employed workers must produce a declaration to the effect that they have been hired by the employer or a certificate of employment. These documents must include, as a minimum, details of the name and address of the company, tax identification and Employer's Social Security Number. Presentation of an employment contract registered with the corresponding Public Employment Service or a document of registration or situation similar to registration with the corresponding Social Security System will be accepted, although it will not be necessary to produce these documents if the interested party agrees to have his details checked against the General Social Security Finance Office files "Ficheros de la Tesorería General de la Seguridad Social"
  - b) Self-employed workers must produce evidence to the effect that they are self-employed. Registration on the Economic Activities List "Censo de Actividades Económicas" or proof of their establishment by means of registration in the Mercantile Registry "Registro Mercantil" or a document of registration or situation similar to registration with the corresponding Social Security System will be accepted,

although it will not be necessary to produce these documents if the interested person agrees to have his details checked against the General Social Security Finance Office or Taxation Office files “Ficheros de la Tesorería General de la Seguridad Social o de la Agencia Tributaria”

- c) People who do not work in Spain must produce documentation proving that they comply with the following two conditions:
- i. Public or private health insurance contracted in Spain or in another country, provided that it ensures cover in Spain during their period of residence equivalent to the cover provided by the National Health System. Pensioners will be considered to meet this condition if they can prove, by means of the corresponding certificate, that they are entitled to health care paid for by the State from which they receive their pension
- ii. have sufficient resources, for themselves and their family members, not to become a burden on Spain’s social assistance system during their period of residence. Proof of the possession of sufficient resources, whether from regular income, including work income or income of another kind, or from ownership of assets, will be given by any legally admissible evidence, such as property deeds, certified cheques, documentation proving that income from capital is received or credit cards. In this latter case, an up to date bank certificate proving the amount available by way of credit on the aforesaid card shall be produced. The assessment of sufficient resources must be carried out on an individual basis, taking into account the applicant’s personal and family circumstances. The possession of resources that are more than the amount established each year by the State General Budgets Act “Ley de Presupuestos Generales de Estado” that justifies the right to receive non-contributory benefits, taking into account the interested persons’ personal and family circumstances, will be regarded as sufficient proof to meet this requirement
- d) Students, including those who are taking vocational training courses, must present documents proving fulfillment with the following conditions:
- i. Enrolment in a public or private establishment, accredited or financed by the competent educational administration
- ii. Public or private health insurance contracted in Spain or in another country, provided that it ensures complete cover in Spain. However, this condition will be deemed to be met if the student has a European Health Insurance Card that is valid for a period that covers the entire period of residence and that allows him to receive, exclusively, any medical assistance that are necessary from a medical point of view, taking into account the nature of the assistance and the envisaged duration.
- iii. Sworn Statement that he has sufficient resources for himself and his family members, so that they do not become a burden on Spain’s social assistance system during their period of residence. Participation in European Union programmes that promote educational exchanges for students and teachers will be regarded as sufficient proof of compliance with these requirements.

#### **Article 4: Application of the right to reside for a period of longer than three months to family members**

1. This Order will also apply to family members, as set out in Article 2 of Royal Decree 240/2007 of 16 February 2007, who are nationals of an EU Member State or of another State party to the Agreement on the European Economic Area and of Switzerland, who meet or accompany a national of a Member State of the European Union or of another State party to the Agreement on the European Economic Area and of Switzerland.
2. In the case of students, who are nationals of an EU Member State or of another State party to the Agreement on the European Economic Area or Switzerland, the right of residence for a period of longer than three months will only apply, regardless of their

nationality, to their spouse or de facto partner registered in a public register in the terms established in Article 2 of Royal Decree 240/2007, of 16 February 2007, and dependent children, provided that they meet the conditions laid down in letter d) of section 2 of Article 3 of this Order.

3. In other cases, the right of residence will also be extended to the spouse or de facto partner registered in a public register, to their direct descendants and to those of their spouse or registered partner, who are less than 21 years of age or disabled or who are older than this age and dependent on them and also to the direct ascendant and to those of the spouse or registered partner who are dependent on them, when they are not nationals of a Member State of the European Union and accompany the national of a Member State of the European Union or of another State party to the Agreement on the European Economic Area and of Switzerland or meet him in the Spanish State, provided that the conditions laid down in letters a), b) or c) of section 2 of Article 3 of this Order are met.
4. Family members who are nationals of a Member State of the European Union or of another State party to the Agreement on the European Economic Area and of Switzerland, set out in sections 1, 2 and 3 of this Article, must apply for registration in the Central Register of Foreign Nationals in accordance with the provisions of this Order. Family members who are not nationals of a Member State of the European Union or of another State party to the Agreement on the European Economic State and of Switzerland, set out in Articles 2 and 3 of this Article, must apply for a residence card to be issued for a family member of a Union national, in accordance with the provisions of Article 8 of Royal Decree 240/2007, of 16 February 2007.

### **Single Interim Provision.**

This Order will apply to applications presented after 24 April 2012.

### **First Final Provision: Competency Title**

This Ministerial Order is passed under the provisions of Article 149.1.2 of the Spanish Constitution, which gives the State sole jurisdiction in matters of nationality, immigration, emigration, foreign affairs and right of asylum.

### **Second Final Provision: Entry into force**

This Order will come into force on the day after its publication in the "State Official Bulletin". (10 July 2012)

\*This translation is provided by the British Embassy with the intention of assisting English-speaking EU citizens to understand the new residency requirements. The British Embassy can take no responsibility for any errors or differences between this and any future official translation, nor for any inconvenience or expense caused by any error or difference.

### **Non-EU family members**

There is also provision for non-EU family members, who have entered on valid passports and visas (where required), to reside with EU citizens, providing they too register in person at the Oficina de Extranjeros or designated police stations within 3 months of entry. They will be issued with Tarjetas de Residencia de Familiar de Ciudadano de la Union (Residency cards for family members of EU citizens). Additional documents will be required.

## **Registering on the padrón**

The padrón is a list of all the people who live in a certain town. Empadronarse is the act of registering yourself on this list with your local town hall.

### **Who should register?**

It is obligatory by Spanish law to register on the padrón at the Town Hall where you habitually reside, yet many British ex-pats still have not done so. Perhaps some view the padrón as a means of vigilance by the state, in 'big-brother' fashion. However, in reality, it is simply a way for the town hall to know how many people live in their area, without entering into investigations as to a person's official residence status or financial affairs.

### **How you register**

You don't have to own your house to register, just have an address where you habitually live, no matter whether you are the owner, you rent, or live with family or friends. Nor is registration a long drawn out registration process. Simply go to the padrón office of your town hall and fill in the form they provide. Take along official identification, such as a passport, and also your NIE or residence certificate/card, a recent utility bill in your name, and the deeds to your house or a copy of your rental contract. Although you may have to return to collect your certificate, the actual registration is completed all on the same day. Some town halls in the Balearic Islands make a small charge for issuing a 'Certificado de empadronamiento' (eg 1.20 euros in Palma de Mallorca).

### **Benefits of padrón registration**

Once you've completed the simple process, you can begin to enjoy all the advantages being on the padrón offers, such as:

#### **Better public services**

Central government allocates money to the different municipalities according to how many people are on the padrón. Therefore, if you are not registered, your town hall is losing money for the provision of health centres, police officers, fire fighters and schools.

#### **Access to benefits and social care**

You must be on the padrón for a certain period of time in order to access some income-related benefits and other aspects of social care available through social services at your town hall.

#### **A reduction in taxes**

Depending on the town hall, registration on the padrón could mean reductions in certain community charges and inheritance tax. Furthermore, those on the padrón can also often enjoy discounted courses, leisure and cultural activities run by the town hall.

#### **Discounted travel**

A current 'Certificado de Empadronamiento' can allow residents of Spanish islands to receive discounts of up to 50% on air fares and ferry tickets between the islands and the mainland.

## **Voting rights**

In order to register to vote in local or European elections, you must first be registered on the padrón.

## **An easier life**

You'll find you need your padrón certificate to carry out various administrative tasks, such as register for healthcare, register your car with Spanish number plates or enrol your children in school.

More information can be found on [Residentes Europeos website](#).

## **Padrón status checks**

Our understanding from talking to local and national authorities is that there is currently a one-off exercise underway to check the accuracy of the padrón registers. This means you may be contacted to confirm your status on the padrón. If you are contacted, you will be asked to answer to remain active on the padrón and if you don't then you may be removed from the register. If you are not contacted, you are not required to confirm your status.

For certain services (eg social services) you may be required to show a recent padrón certificate which is less than 3 months old. This is normal procedure and is not related to the above mentioned project.

Non-EU citizens are required to renew their padrón certificate in any case. Please contact your locality authority about any changes to the padrón registration process.