

LONG-TERM VISAS FOR FAMILY REUNIFICATION UNDER EU LAW IN SPAIN FOR SPANISH NATIONALS

DOCUMENTS TO BE SUBMITTED

General considerations

Every Spaniard who resides or will reside in Spain will have the right to reunite with their family members in our country, under community regulations, regardless of the place and time when the link with them is created, if the latter do not hold the nationality of an EU/Schengen State, and provided that said link is maintained, and they will effectively accompany, join or reunite with him in Spain (except for the children of Spaniards of origin - or Spaniards of origin who have lost and subsequently recovered their Spanish nationality - who for any reason do not hold Spanish nationality, whose reunification may be requested even if they will not accompany, join or reunite with the Spanish citizen sponsoring the reunification).

The family reunification visa under EU regulations for nationals of Spanish citizens **MUST BE REQUESTED BY ALL FAMILY MEMBERS WHOSE REUNIFICATION IS REQUESTED, INCLUDING THOSE WHOSE NATIONALITY IS NOT SUBJECT TO A VISA** (Annex II, EU Regulation 2018/1860 of 14 November)

For the aforementioned purposes, the Spanish national may reunite with his family in Spain:

-to the **spouse**, provided they are over 18 years of age, are not legally or de facto separated, and the marriage was not entered into fraudulently. In no case may more than one spouse be reunited with the family, even if the sponsor's personal law permits this type of marriage. A sponsor who is married for the second or subsequent time may only sponsor the new spouse if they prove that the dissolution of their previous marriages occurred through legal proceedings. Alternatively, a foreign national over 18 years of age, who is not married, **and who maintains a relationship of affection analogous to marriage with the sponsor may be sponsored**. For these purposes, a relationship analogous to marriage will be considered to exist when said relationship is registered in a public registry established for this purpose and said registration has not been cancelled, or, in the case of an unregistered couple, when the existence of a stable relationship is proven by any means of evidence admissible in law (in any case, a duly proven stable couple is understood to be one that sufficiently demonstrates a cohabitation relationship analogous to marriage of at least twelve continuous months; the prior cohabitation period will not be required if the couple has children together, provided that the bond is maintained). The situations of marriage, registered partnership, and duly proven unregistered stable relationship will be incompatible with each other for the purposes of family reunification.

-to the **children of the Spanish national sponsoring family reunification who, for any reason, do not hold Spanish nationality and/or the children of their spouse or registered partner or stable partner**, provided that the latter also resides or will reside in Spain, **who are under 26 years of age** at the time of applying for the residence permit in their favor, **over 26 years of age who have a disability for which they require support to exercise their legal capacity**, or **over 26 years of age if they are dependent on the sponsor** and in any case provided that they live or intend to live with the Spanish national sponsoring family reunification and are not married or have not formed their own family unit. When they are children of the spouse or registered or stable partner and are under 18 years of age, they may be granted a residence permit provided that the foreign parent exercises parental authority or custody exclusively or, failing that, provided that the other holder of the right of custody has given their consent before a public authority or notary public. In the case of adopted children, it must be proven that the resolution by which the adoption was agreed meets the necessary elements to produce effects in Spain in accordance with national and international regulations ¹.

-to the children of Spaniards by birth (or Spaniards by birth who have lost and subsequently recovered their Spanish nationality) **who for any reason do not hold Spanish nationality, without any of the limitations of the previous paragraph**.

¹However, it should be noted that there are special rules for the following situations: full adoption without mentioning adoptive parentage; full adoption with the obligation to leave the country with a local passport; simple adoption; and pre-adoptive family foster care.

-to **persons legally represented by the Spanish national sponsoring the family reunification and/or by their spouse, registered partner or stable partner** (for example, the establishment of a guardianship or a *kafala*), when they are under 18 years of age at the time of the application for the residence authorization in their favor, or older than that age who have a disability that requires support or who are not objectively capable of providing for their own needs due to their state of health, provided that the legal act from which the representative powers arise is not contrary to the principles of the Spanish legal system.

-to **a single relative of the Spanish citizen sponsoring reunification who, for any reason, does not hold Spanish nationality, other than those indicated, up to the second degree, who performs or will perform the care required by the former**, provided that he has been recognized as having one of the degrees of dependency contemplated in Article 26 of Law 39/2006 of December 14, on the Promotion of Personal Autonomy and Care for people in situations of dependency.

-to **the parents of the Spanish citizen sponsoring the family reunification who, for any reason, do not hold Spanish nationality**, and/or those of his spouse or registered or stable partner, provided that they prove that they live at the expense of the Spanish citizen sponsoring the family reunification and lack family support in origin, or alternatively when there are proven reasons of an exceptional nature.

-to **other members of the Spanish citizen's family who, for any reason, do not hold Spanish nationality, not included in the previous sections**, provided that they reliably prove, at the time of application, that they are dependent on him .

For their part, all Spanish **minors** who reside or will reside in Spain will have the right to reunite in our country, under community regulations, with their father, mother, guardian or tutor who for any reason does not hold Spanish nationality, provided that the latter has the Spanish minor in charge and lives with him, or is up to date with his obligations towards him, and in any case the legal relationship between them has been established in accordance with Spanish law (unless the father, mother, guardian or tutor already resides in Spain, in which case he must directly manage his residence by family roots in our country according to the case of art. 125.1.e) RD 1155/2024 of November 19).

Conversely, visas will not be processed to apply for residence in Spain through family reunification of grandchildren when one of the parents de facto transfers or delegates parental authority to the Spanish grandparent, since this transfer of parental authority is contrary to Spanish public order and therefore has no legal validity in Spain.

There is no obligation for the sponsoring family member to sponsor all of their eligible descendants . In fact, applications may be submitted for all members of the family unit or for some of them simultaneously or successively. However, it should be noted that for applicants **in the first scenario** (the sponsoring Spanish citizen is in Spain and the family member to be sponsored is in their country of origin or residence), the deadline for submitting the visa application to the corresponding consular office will be ONE MONTH from the date of notification of the favorable decision.

There are two distinct situations: **either the Spanish citizen sponsoring family reunification is in Spain and the family member being reunited is in their country of origin or residence , or both the Spanish citizen sponsoring family reunification and the family member being reunited are outside of Spain**. In the first case, the Spanish citizen sponsoring family reunification must first apply for and obtain a residence permit from the Government Delegation/Subdelegation in the province where they reside, in favor of their family member(s). In both cases, the family member being reunited must submit a visa application.

Applications for EU residence visas may be submitted either in person (those for applicants under the age of 18 must be submitted by their parents or guardians) or through a duly authorized representative. Applications may not be submitted electronically under any circumstances ². Only applications submitted by those who actually and permanently reside within the corresponding consular district will be processed. If the applicant is a national of a third country, they must also have legal residence and/or stay status with a return authorization (not a tourist visa).

²For in-person submission at this Consulate General, you must first consult its website for current public service hours and whether this procedure requires an appointment. **[CUSTOMIZE]**

The consular office may establish an appointment system for receiving applications for this type of visa. Granting an appointment to submit a visa application does not automatically imply visa approval.

Visa applications will be rejected in the cases provided for in Additional Provision Four, Organic Law 4/2000, of January 11.

In cases of incomplete files or if any document submitted does not meet the legally required standards, the applicant will be required to rectify the situation.

Obtaining a family reunification visa for a Spanish citizen requires prior authorization from the relevant Immigration Office in Spain. The processing time for the visa is 75 days.

If the visa is approved, the deadline for collecting it is one month from the date of authorization. The visa must be collected either in person (applications for minors must be submitted by their parents or guardians) or through a duly authorized representative. If the visa is not collected within this period, this Consular Office will issue a decision to close the application due to renunciation. It cannot be collected from any Consular Office other than the one that processed the application.

This visa is free.

The visa holder has a maximum period of 3 months to enter Spain, and must in any case travel to Spain and present to the border authorities the same travel document that was used to process their visa and in which this appears.

Possession of a valid long-stay visa does not guarantee automatic entry into Spain. The holder must demonstrate to border authorities that they meet the requirements that led to the visa's issuance. Nor does it, on its own, allow the holder to leave their country of origin, nationality, or residence, which may impose regulations on this matter.

Once their entry into Spain has been authorized by the border authorities, the visa holder must ensure that their passport is stamped by the latter; if entering Spain from a Schengen State and therefore without crossing external borders, they must, within a maximum period of 3 working days, go to a Police Station or an Immigration Office in order to sign an entry declaration.

The interested party (or their representative in the case of minors) will have a maximum period of 1 month from the day after the date of the entry stamp or from the signing of the entry declaration to request a Certificate of registration of family member of a citizen of the European Union, before the corresponding Immigration Office.

Foreign nationals reunited with their families in Spain by Spanish citizens have the right to work without needing to complete any additional administrative procedures, provided they maintain the conditions under which they were reunited and are above the minimum working age. This authorization allows them to work as employees or self-employed individuals, anywhere in Spain, in any occupation or sector, regardless of the national employment situation.

The death of the Spanish citizen who is the sponsor will not affect the right of residence of those who hold the authorization, provided that they have resided in Spain before the death of the holder of the right.

The cessation of the effective residence in Spain of the Spanish citizen who is bringing the family home will not entail the loss of the residence authorization of his children or of the parent who has been assigned the effective custody of them, regardless of their nationality, provided that said children reside in Spain and are enrolled in an educational center to pursue studies, until the completion of these studies.

In the event of annulment of the marriage or divorce, or cancellation of the registered partnership, of the Spanish citizen sponsoring family reunification with the foreign national, the latter is obligated to notify the competent authorities of this circumstance within six months of its occurrence. To retain their right of residence, they must demonstrate at least one of the following: a duration of at least three years of the marriage or registered partnership before the commencement of the legal proceedings for annulment of the marriage, divorce, or cancellation of the registered partnership, of which at least one year must have been spent in Spain; the granting, by mutual agreement or court order, of custody of the children of the Spanish national to the former spouse or former registered partner of

foreign nationality; or a court order or mutual agreement between the parties establishing visitation rights for the minor child of the former spouse or former registered partner of foreign nationality, when said minor resides in Spain and said order or agreement is in force.

If the visa is denied, a decision of rejection will be issued, which will always be communicated in writing to the interested party, with information on the legal basis on which the denial is based, the appeals that are available and the bodies to which they must be submitted.

Documents to be submitted

There are two distinct situations: either both **the Spanish citizen sponsoring family reunification and the family member being reunited are outside of Spain**, or **the Spanish citizen sponsoring family reunification is in Spain and the family member being reunited is in their country of origin or residence**. In both cases, the family member being reunited must submit a visa application.

FIRST SCENARIO: both the Spanish citizen sponsoring the family reunification and the family member to be reunited are outside the national territory.

All applicants must submit the following:

1. Original passport or travel document.
2. National visa application form (1 copy).
3. 1 photograph.
- 4a. Application form for temporary residence authorization for family members of persons with Spanish nationality EX-24, completed by the Spanish citizen sponsoring the family reunification.
5. Negative certificate attesting that you do not suffer from any disease that could have serious repercussions for public health, in accordance with the provisions of the WHO International Health Regulations of 2005.
6. ONLY FOR APPLICANTS OF MAJORITY UNDER SPANISH LAW (15 years and older): a certificate of no criminal record for offenses under Spanish law, issued by the country or countries in which they have resided during the last 5 years (in the case of applicants under 20 years of age, the certificate (s) must cover the entire period from the day the applicant turned 15). Any criminal record the applicant may have in Spain will be checked ex officio.
7. Document proving the applicant's actual and permanent residence in this consular district (housing rental agreement, utility or telephone bills, proof of enrollment in an educational center provided that classes are mandatory in person, etc.).
8. ONLY IF THE APPLICANT IS A NATIONAL OF A THIRD COUNTRY. Official document proving their legal status of residence and/or stay with authorization to return (visa, resident alien identity document, etc.), which must be valid for a minimum of 3 months after the date of the visa appointment. Driver's licenses issued by local authorities, registration certificates, and for this purpose, rental agreements or utility or telephone bills will not be accepted.

Documentation relating to the Spanish citizen sponsoring family reunification (which must also be submitted in all cases):

9. Photocopy stamped by the Consular Office of your National Identity Document (DNI) or your Passport, in any case valid.
10. ONLY in the case of requesting to reunite the spouse or unmarried foreign person with whom he/she maintains a relationship of affection analogous to that of a conjugal couple, a document signed by the interested party in which he/she responsibly declares that he/she does not have in Spain another spouse or partner with a valid family reunification visa.
11. ONLY in the case of requesting to reunite the spouse or unmarried foreign person with whom he/she maintains a relationship of affection analogous to that of a conjugal person, if he/she has been married previously, a certificate or final divorce judgment.
12. ONLY if it is necessary to prove being Spanish by origin (or Spanish by origin who has lost and subsequently recovered his Spanish nationality), a birth certificate issued by the corresponding Spanish Civil Registry.

Documentation relating to the spouse or unmarried foreign person with whom you maintain a relationship of affection analogous to marriage:

13. Alternatively:

13a. The spouse, marriage certificate, issued by the corresponding Spanish Civil Registry.

13b. In the case of an unmarried person with whom you maintain a relationship analogous to a conjugal relationship and said relationship is registered in a public registry established for these purposes and has not been cancelled, a certificate of registration.

13c. In the case of a person who is not married and with whom they maintain a relationship analogous to marriage, and said relationship is not registered in a public registry established for these purposes, any means of proof that allows sufficient proof of a cohabitation relationship analogous to marriage of at least twelve continuous months or less if the couple has common offspring, provided that the affective bond is maintained.

14. If previously married, a certificate or final divorce decree.

Documentation relating to the children of the Spanish national sponsoring family reunification who, for any reason, do not hold Spanish nationality, and/or those of his spouse or registered partner or stable partner, whatever their circumstances:

15. Birth certificate issued by the corresponding foreign Civil Registry.

16. In case of doubt (if the documentation is not reliable) or if the certification cannot prove the parentage with respect to the family member applying for family reunification or, where applicable, their spouse or partner, any public document that allows the parentage to be determined or confirmed (a simple declaration or statement of facts is not valid).

17. In the case of children/those represented of compulsory school age, a document reserving a place in a public or private school.

Documentation relating to the children of the Spanish national sponsoring the family reunification process who, for any reason, do not hold Spanish nationality and/or those of his spouse or registered partner or stable partner, under 26 years of age, over 26 years of age with disabilities, or over 26 years of age if they are dependent on him:

18. In the case of minor children solely of the spouse or registered or stable partner, documents proving sole parental authority, sole custody, the child's effective care, and authorization for the child's transfer to Spain by judicial authority or with the consent of the other parent. In the case of shared custody, a document from the other custodial parent granting consent for the child to reside in Spain; if the custodial parent is deceased, a certified copy of the death certificate issued by the corresponding Civil Registry. Depending on the specific circumstances of each case, the Consular Office may require additional documentation beyond that indicated.

19. In the case of adopted children, a copy of the resolution by which the adoption was agreed, which must also meet the legal requirements necessary to produce effects in Spain in accordance with national and international regulations.

20. In the case of children over 26 years of age with disabilities, a copy of the court ruling of incapacity, with express mention of the person or persons to whom parental authority is entrusted exclusively or jointly.

21. In the case of children over 26 years of age who live in the care of the Spanish national sponsoring the family reunification or of his spouse or registered or stable partner, documents that prove this circumstance.

Documentation relating to persons legally represented by the Spanish national sponsoring family reunification and/or by their spouse, registered partner or stable partner under 18 years of age or over that age with disabilities :

22. Evidence of the legal act establishing the powers of representation of the Spanish national sponsoring family reunification, or, where applicable, their spouse or registered or stable partner, with respect to the minor or incapacitated person represented, which must not be contrary to the principles of Spanish law. *In the case of kafala , consult specific regulations.*

Documentation relating to the only relative of the Spanish citizen applying for family reunification who, for any reason, does not hold Spanish nationality, other than those indicated, up to the second degree, who performs or will perform the care required by the former :

23. Document recognizing the sponsor under Spanish legislation or their respective national legislation, of one of the degrees of dependency contemplated in article 26 of Law 39/2006 of December 14, on the Promotion of Personal Autonomy and Care for people in situations of dependency.

Documentation relating to the parents of the Spanish citizen applying for family reunification who, for any reason, do not hold Spanish nationality, and/or those of their spouse or registered or stable partner :

24. In any case, official documentation that allows establishing the relationship with the family member who

is reuniting with the family member or, where applicable, with their spouse or partner.

25. Alternatively:

25a. If they are over 65 years of age, documentary proof of economic dependence on the Spanish national sponsoring the family reunification, as well as the reasons justifying the need to authorize their residence in Spain.

25b. If they are under 65 years of age, documentary justification of the exceptional reasons alleged to request their residence in Spain.

Documentation relating to other family members of the Spanish citizen who, for any reason, do not hold Spanish nationality, not included in the previous sections :

26. In any case, official documentation that allows establishing the relationship with the Spanish citizen sponsoring the family reunification.

27. Documentary justification of being exclusively under the care of the Spanish citizen sponsoring the family reunification.

SECOND SCENARIO: the Spanish citizen sponsoring the family reunification is in national territory and the family member to be reunited is in their country of origin or residence.

All the documentation mentioned in the first case must be submitted, with the following exceptions:

Number 4a should not be submitted, and should be replaced by:

4b. Copy of the Resolution granting the residence permit, issued by the Government Delegation/Subdelegation corresponding to the province where the applicant resides. This Resolution will be issued by the aforementioned body after the appropriate processing of an application for residence authorization under EU regulations, which must have been previously submitted by the Spanish citizen sponsoring the family reunification.

Regarding item 9, a photocopy of the sponsor's National Identity Document (DNI) must be submitted, and it must be valid. A photocopy of the passport will not be accepted.

In the case of family reunification of the father, mother, guardian or tutor of a Spanish minor, who for any reason does not hold Spanish nationality, the corresponding consular office must be consulted.

General rules regarding the documentation to be submitted

The EX-24 application form for temporary residence authorization for family members of persons with Spanish nationality can be obtained at this Consular Office or alternatively at the following link:

<https://www.inclusion.gob.es/documents/d/migraciones/ex24-formulario-autorizacion-de-residencia-temporal-de-familiares-de-personas-con-nacionalidad-española-1>

The passport or travel document must be recognized by Spain, must have a minimum validity of 3 months after the validity date of the visa eventually granted and have at least 2 blank pages, and must allow return to the country of issue.

The visa application form must be completed in its entirety and signed by the applicant or, if the applicant is a minor, by both parents or legal guardians. Unsigned applications will not be accepted. The application must clearly state the applicant's home or postal address (which must be within the consular district), telephone number, and email address for communication purposes.

The photograph must conform to the technical requirements of ICAO Document 9303 (close-up of the head and shoulders, in focus and without blemishes, on a plain, light-colored background, taken from the front with eyes open, without glare, dark glasses, or clothing that obscures the face, which must be visible from the hairline to the chin), in color, 3 x 4 cm, and recent (taken within the 6 months prior to submitting the application). If the photograph is digital, it must be printed on photographic-quality paper using a high-resolution printer (prints on regular paper are not acceptable). PLEASE SUBMIT THIS PHOTO ALREADY ADHESIVED (NOT STAPLEDED) TO THE FORM MENTIONED IN POINT 2, in order to facilitate its scanning by this Consular Office.

Official certificates and other foreign documents must not have an issue date older than six (6) months. All other documentation must be as recent as possible.

Criminal record certificates must be submitted in their most complete version.

In the case of official foreign documents, this Consular Office reserves the right to request that they be apostilled ³or, where applicable, legalized (unless otherwise required by a current bilateral or multilateral agreement ⁴), as well as translated into Spanish (documents in English or French are accepted, however ⁵). The obligation to provide the apostilled/legalized documents and their Spanish translation rests with the applicant, who will be responsible for the cost of these procedures.

As an exception to the previous paragraph, certificates from the foreign Civil Registry must in all cases be apostilled or legalized and, where appropriate, translated into Spanish by an official translator.

For applicants who are nationals of third countries, the official document proving their legal status of residence and/or stay with authorization to return to the country must have a minimum validity of 3 months after the date of assignment by the Consular Office of the appointment for the processing of the visa.

All documents must be submitted in ORIGINAL form or, if that is not possible, a legible COPY. Submitted documentation will not be returned (except upon express and justified request).

This consular office reserves the right to request additional documentation or carry out any checks it deems necessary for resolving the case. Documentation submitted without being expressly requested will not be considered in resolving the case.

COMPLIANCE WITH THESE INSTRUCTIONS IS STRONGLY STRONG, AND APPLICANTS ARE REQUESTED TO SUBMIT ALL REQUIRED DOCUMENTATION AT THE SAME TIME IN ORDER TO AVOID DELAYS IN THE PROCESSING OF THEIR VISA.

THIS CONSULAR OFFICE DOES NOT PROVIDE PHOTOCOPY SERVICES FOR THE PUBLIC.

³The updated list of member states of the Hague Convention of 5 October 1961, abolishing the requirement of legalization for foreign public documents (the "Apostille" Convention), can be found at the following link: <https://www.hcch.net/es/instruments/conventions/status-table/?cid=41>

⁴Consult the list of current agreements at this consular office.

⁵For documents written in other languages, please consult this Consular Office.