

## LONG-TERM VISAS FOR FAMILY REUNIFICATION IN SPAIN FOR SPANISH NATIONALS UNDER THE EU REGIME

### DOCUMENTATION TO BE PRESENTED EN ESPAÑA DE NACIONALES ESPAÑOLES

#### General considerations

Any Spaniard residing or intending to reside in Spain will have the right to reunite their family members in Spain under the EU regime, regardless of where and when the relationship with them is established, if the family members do not hold the nationality of an EU/Schengen State, and as long as this relationship is maintained and they will effectively accompany, join, or join them in Spain (except for children of Spaniards by origin—or Spaniards by origin who have lost and subsequently regained 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 join the reunifying Spanish citizen).

The family reunification visa under EU law for nationals of Spanish citizens must be requested by ALL family members whose reunification is being requested, including those whose nationality is not subject to a visa (Annex II, EU Regulation 2018/1860 of November 14).

For the mentioned purposes, Spanish nationals may reunite in Spain:

-their **spouse**, provided they are over 18 years of age, there has been no agreement or declaration of nullity of the marriage or divorce, and the marriage was not entered into in fraud of law. Under no circumstances may more than one spouse be granted this authorization, regardless of whether the foreigner's personal law permits this type of marriage. The sponsor who is remarried in a second or subsequent marriage may only reunite with the new spouse if they can prove that the dissolution of their previous marriages took place following a legal procedure. Alternatively, a foreign person over 18 years of age, who is not married, **and who maintains a relationship analogous to a conjugal relationship with the sponsor**. For these purposes, a relationship analogous to a conjugal relationship will be considered to exist when said relationship is registered in a public registry established for such purposes and said registration has not been canceled, or, in the case of an unregistered couple, the existence of a stable relationship is proven by any means of evidence admissible by law (in any case, a duly proven stable relationship is understood to be one that sufficiently proves a relationship analogous to a conjugal relationship of at least twelve continuous months; the period of prior cohabitation will not be required if the couple has children together, provided that the relationship is maintained). Marriage, registered partnership, and a duly proven unregistered stable relationship will be incompatible for family reunification purposes.

-**children who for any reason do not hold Spanish nationality, or those of their spouse, registered partner, or stable partner**, provided that the latter also resides or will reside in Spain, are **under 26 years** of age at the time of applying for a residence permit, are **over 26 years of age who have a disability for which they require support to exercise their legal capacity**, or are **over 26 years of age if they are dependent on them**, and in any case, provided that they live or intend to live with the Spanish citizen sponsoring the reunification and are not married or have formed their own family unit. In the case of children of the spouse or registered or stable partner and are under 18 years of age, they may access a residence permit provided that the foreign parent exercises exclusive parental authority or custody 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 adoption resolution meets the necessary requirements to be effective in Spain in accordance with national and international regulations.

-**children** of Spanish nationals by origin (or Spanish nationals by origin who have lost and subsequently regained their Spanish nationality) **who, for any reason, do not hold Spanish nationality, without any of the limitations set forth in the previous paragraph**.

-**persons legally represented by the Spanish citizen sponsoring the family** (for example, through the establishment of a guardianship or a kafala), when they are under 18 years of age at the time of the application for a residence permit, or over that age who have a disability that requires support or who are objectively unable to

provide for their own needs due to their health status, provided that the legal act from which the representative powers arise is not contrary to the principles of the Spanish legal system.

- **a single relative of the Spanish citizen sponsoring the family, other than those indicated, up to the second degree, who provides or will provide the care required** by the latter, provided that they have 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 Persons in Situations of Dependency.

- **the parents of the Spanish citizen sponsoring the family who, for any reason, do not hold Spanish nationality**, and those of their spouse or registered or stable partner (provided that there has been no agreement or declaration of nullity of the marriage bond, or divorce, or the registration of the couple has been cancelled), provided that they prove that they are living with the support of the Spanish citizen sponsoring the family and lack family support in their country of origin, or alternatively when there are proven humanitarian reasons.

- **other members of their family not included in the previous sections**, provided that they can reliably prove, at the time of the application, that they are under their care.

For their part, any **Spanish minor** residing or intending to reside in Spain shall have the right to reunite with their father, mother, or guardian in Spain under the EU regime, who, for any reason, does not hold Spanish nationality, provided that the latter is responsible for the Spanish minor and lives with them, or is up to date with their obligations towards them, and in any case, the legal relationship between them has been established in accordance with Spanish law (unless the father, mother, or guardian already resides in Spain, in which case they must directly arrange for their residence based on family ties in Spain, in accordance with the provisions of Article 125.1.e) of Royal Decree 1155/2024 of November 19).

On the other hand, visas will not be processed for applications for residency in Spain for family reunification of grandchildren when one of the parents de facto transfers or delegates parental authority to the Spanish grandparent, as 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 reunifying family member to reunite all of their eligible descendants. In fact, applications may be submitted for all or part of the family unit at the same time or successively. However, it should be noted that for applicants falling under the first scenario (the Spanish citizen reunifying the family member is in Spain and the family member to be reunited 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 notification of the favorable resolution.

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

Applications for EU residence visas may be submitted either in person (those for minors must be submitted by their parents or guardians) or through a duly accredited representative. Applications may not be submitted electronically under any circumstances. Only applications submitted by those who actually and permanently reside in the corresponding consular district will be accepted for processing. If they are nationals of third countries, they must also be legally resident and/or stay with return authorization (not tourists).

The Consular Office may establish an appointment system for receiving applications for this type of visa. Granting an appointment for submitting a visa application does not automatically imply authorization for the application.

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

In the case of incomplete applications or if any document submitted does not meet the legally required requirements, the applicant will be required to rectify them.

The issuance of a family reunification visa for a Spanish citizen requires prior authorization from the corresponding Immigration Office in Spain. The deadline for issuing a visa is 75 days.

If the visa is approved, the visa must be collected within one month of its authorization. The visa must be collected either in person (those for minors must be presented by their parents or guardians) or through a duly accredited representative. After this period has elapsed without collecting it, this Consular Office will issue a resolution to dismiss it due to waiver. It cannot be collected at any Consular Office other than the one that processed the application.

This visa is free of charge.

The visa holder has a maximum of three months to enter Spain and must, in all cases, travel to Spain and present to the border authorities the same travel document used to process their visa, which includes the visa.

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

Once authorized to enter Spain by the border authorities, the visa holder must ensure that their passport is stamped by them. If entering Spain from a Schengen State and therefore without crossing external borders, they must, within a maximum of three business days, go to a police station or an Immigration Office to sign an entry declaration.

The interested party (or their representative in the case of minors) will have a maximum period of one month, counting from the day following the date of the entry stamp or from the date of signing the entry declaration, to apply for a Registration Certificate for a Family Member of a European Union Citizen from the corresponding Immigration Office.

Foreigners reunited in Spain by a Spanish citizen will have the right to work without any additional administrative procedures, as long as they maintain the conditions under which they were reunited and as long as they are over the minimum employment age. This authorization entitles them to work as employees or self-employed, anywhere in Spain, in any occupation or sector of activity, regardless of their national employment status.

The death of the Spanish citizen reuniting them will not affect the right of residence of those holding the authorization, provided they resided in Spain prior to the death of the holder of the right.

The cessation of the effective residence in Spain of the Spanish citizen reuniting them will not entail the loss of the residence authorization of their children or of the parent who has effective custody of them, regardless of their nationality, provided that said children reside in Spain and are enrolled in an educational institution until the completion of their studies.

In the event of annulment of the marriage or divorce, or cancellation of the registration as a registered partnership, of the Spanish citizen reunifying with the foreign national, the latter must notify the competent authorities of this circumstance within 6 months of the event. To retain their right of residence, they must prove at least one of the following: the marriage or registered or stable partnership has lasted at least 3 years until the start of the judicial proceedings for annulment of the marriage, divorce, or cancellation of the registration as a registered partnership, of which at least one of the years must have been spent in Spain; the award by mutual agreement or court decision of custody of the children of the Spanish national to the foreign ex-spouse or registered or stable partner; or a court ruling or mutual agreement between the parties determining visitation rights for the minor son or daughter of the foreign ex-spouse or registered or stable partner, when said minor resides in Spain and said ruling or agreement is in force.

If the visa is denied, a decision will be issued, always in writing, which will include information on the legal basis for the denial, the available appeals, and the bodies to which they must be filed.

<sup>1</sup>Please note, however, that there are specific 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 foster care.

### Documentation to be submitted

#### **First scenario: the Spanish citizen sponsoring the family is in Spain, and the family member to be reunited is in their country of origin or residence.**

All applicants must always present:

1. Original passport or travel document.
2. National visa application form (1 copy).
3. 1 photograph.
4. Photocopy of the passport or National Identity Document of the Spanish citizen sponsoring the family, always valid.
5. Copy of the favourable resolution for the residence permit, issued by the Government Delegation/Sub delegation corresponding to the province where the family member resides. This resolution will be issued by the aforementioned body after the appropriate processing of an application for residence permit under the EU regime, which must first have been submitted by the Spanish citizen sponsoring the family member.
6. A negative certificate proving that the applicant does 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.
7. Only for applicants of legal age, a negative certificate of criminal record for offenses established under Spanish law, issued by the country or countries in which the applicant has resided in the last 5 years.

Documentation relating to the Spanish citizen seeking reunification if the applicant requests reunification with a spouse or unmarried foreigner with whom the applicant maintains a relationship similar to a conjugal relationship. The applicant must also present:

8. If the applicant has been previously married, a final divorce decree or ruling.
9. A document signed by the applicant responsibly declaring that no other spouse or partner resides with the applicant in Spain.

The spouse of the Spanish citizen seeking reunification must also present:

10. Certificate of the existence of a marital bond.
11. If previously married, final divorce decree or judgment.

The person with whom the Spanish citizen reunifying the couple maintains a relationship similar to a marital relationship must also present, alternatively:

- 12a. If said relationship is registered in a public registry established for these purposes and has not been terminated, a certificate of registration.
- 12b. If said relationship is not registered in a public registry established for these purposes, any means of evidence that sufficiently demonstrates a relationship similar to a marital relationship of at least twelve continuous months, or less if the couple has children together, provided the emotional bond is maintained.
13. If previously married, final divorce decree or judgment.

Children of the Spanish citizen sponsoring the family reunion and/or their spouse, registered partner, or stable partner, who for any reason do not hold Spanish nationality, are under 26 years of age or over 26 years of age with disabilities, must also present:

14. Birth certificate issued by the corresponding foreign Civil Registry.
15. In the case of children belonging solely to the spouse or registered or stable partner, supporting documents proving sole parental authority, having been granted sole custody, being effectively in their care, and having authorized the transfer of the minor's residence to Spain by a judicial authority or with the consent of the other parent. In the case of joint custody, a document from the other custodian granting their consent for the minor to reside in Spain; if the custodian has died, a literal certificate of death registration issued by the corresponding Civil Registry.
16. In the case of adopted children, a copy of the resolution granting the adoption, which must also meet the necessary legal requirements to be effective in Spain in accordance with national and international regulations.
17. In the case of disabled children over 26 years of age, a copy of the court ruling declaring incapacity, with express mention of the person or persons to whom parental authority is vested, either exclusively or jointly.

Children of Spanish nationals (or Spanish nationals who have lost and subsequently regained their Spanish nationality) who, for any reason, do not hold Spanish nationality, must also present:

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

Those represented by the foreigner who is regrouping and is under 18 years of age, or over that age if they are disabled, must also present:

19. A copy of the legal document from which the foreigner who is regrouping has the powers of representation regarding the minor or incapacitated person represented arises, which must not be contrary to the principles of the Spanish legal system. In the case of kafala, consult the regulations.

The only relative of the Spanish citizen sponsoring the family, other than those indicated, up to the second degree, who is not dependent on the Spanish citizen sponsoring the family but who provides or will provide the care required by the Spanish citizen, must also present:

20. In all cases, official documentation establishing kinship with the Spanish citizen sponsoring the family.

21. Document certifying that the Spanish citizen sponsoring the family has any of the levels of dependency contemplated in Article 26 of Law 39/2006 of December 14, on the Promotion of Personal Autonomy and Care for Persons in Situations of Dependency.

The parents of the Spanish citizen seeking reunification who, for any reason, do not hold Spanish nationality, and the parents of their spouse or registered or stable partner, provided that no agreement or declaration of annulment of the marriage bond has been reached, or a divorce has been filed, or the couple's registration has been cancelled, and other family members not included in the previous sections, must also present:

22. In all cases, official documentation establishing kinship with the Spanish citizen seeking reunification.

23. Documents proving that they are supported by the family member seeking reunification and, where applicable, that they lack family support in their country of origin; alternatively, documentary evidence of the humanitarian reasons given for requesting reunification (only in the case of parents).

In all of the above cases, in addition to all the previous documentation, the applicant must present:

24. Document proving the applicant's actual and permanent residence in this consular district (rental contract for a home, utility or telephone bills, proof of enrollment in an educational institution provided that classes are compulsory in person, etc.).

25. If the applicant is a third-country national, official document proving their legal residence and/or stay with authorization to return (visa, foreign resident identity document, etc.). Driver's licenses issued by local authorities, certificates of registration, and rental contracts for a home, utility or telephone bills will not be accepted.

**Second scenario: The Spanish citizen sponsoring the family and the family member to be reunited are outside the country.**

All the documentation mentioned in the first scenario must be submitted, except for number 5, and in any case:

26. Application form EX24, completed by the Spanish citizen sponsoring the family.

In the case of family reunification of the father, mother, or guardian of a Spanish minor who, for any reason, does not hold Spanish nationality, this document must be inquired about at this Consular Office.

### General rules on the documentation to be submitted

The application form for temporary residence authorization for family members of Spanish nationals (EX-24) 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-espanola-1>

The passport or travel document must be recognized by Spain, must be valid for at least 3 months after the visa expiration date (6 months in total), have at least 2 blank pages, and must allow return to the country of issue.

The visa application form must be completed in all sections and signed by the applicant or, in the case of a minor, by both parents or guardians. Applications with unsigned forms will be deemed inadmissible. The address or postal address (which must always be within the consular district), telephone number, and an email address for communication purposes must be clearly stated. This form is free of charge.

The photograph must meet the technical requirements of ICAO Document 9303 (close-up of the head and shoulders, taken frontally, with eyes open, against a plain, light background, without glare, dark glasses, hats, or clothing obscuring the face, which must be visible from the hairline to the chin, taken within the six months prior to the visa application).

Civil Registry certificates and other documents issued by Spanish and foreign official bodies, and the notarial deed, must not be older than three (3) months, and in exceptional cases, six (6) months. All other documentation must be as recent as possible.

Criminal record certificates must be submitted in their simplest version (without fingerprints).

Certificates from foreign civil registries must be apostilled or, where appropriate, legalized (except for a current bilateral or multilateral agreement<sup>4</sup>), as well as translated into Spanish (documentation in English or French<sup>5</sup> is accepted). This consular office reserves the right to also request that all other official documentation be apostilled/legalized and, where appropriate, translated into Spanish. The obligation to provide the apostilled/legalized documents and their translation into Spanish falls on the interested party, who must bear the cost of these procedures.

The EX24 form mentioned in requirement 26 can be downloaded from the following link:

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

**All documents must be submitted in original and in copy. Submitted documentation will not be returned (unless specifically and substantiated).**

<sup>2</sup> The application and documentation must be submitted in person at this Consulate General during business hours, Monday to Friday, from 9 a.m. to 1 p.m. Appointments are required at [cog.melbourne.visappt@maec.es](mailto:cog.melbourne.visappt@maec.es)

<sup>3</sup> The updated list of member states of the Hague Convention of 5.10.1961, which abolishes the requirement for legalization of foreign public documents (Apostille Convention), can be consulted at the following link: <https://www.hcch.net/es/instruments/conventions/status-table/?cid=41>

<sup>4</sup> Consult the list of current Conventions at this Consular Office.

<sup>5</sup> For documents drawn up in other languages, please consult this Consular Office

**THIS CONSULAR OFFICE RESERVES THE RIGHT TO REQUEST ADDITIONAL DOCUMENTATION OR CARRY OUT NECESSARY CHECKS IF IT DEEMS IT NECESSARY TO RESOLVE THE CASE. DOCUMENTATION PROVIDED THAT HAS NOT BEEN EXPRESSLY REQUESTED WILL NOT BE TAKEN INTO ACCOUNT WHEN RESOLVING THE CASE.**

**COMPLIANCE WITH THESE INSTRUCTIONS IS STRONGLY ENCOURAGED, AND INTERESTED PARTIES ARE KINDLY REQUESTED TO SUBMIT ALL REQUIRED DOCUMENTATION AT THE SAME TIME TO AVOID DELAYS IN VISA PROCESSING.**

**THIS CONSULAR OFFICE DOES NOT OFFER PHOTOCOPYING SERVICES TO THE PUBLIC.**