RESIDENCE VISA FOR FAMILY MEMBERS OF SPANISH NATIONALITY

Visa for family members of Spanish nationals who wish to travel to Spain for residence purposes, i.e., to stay for a period of more than 90 days. These visas are processed on a preferential basis and free of charge.

I. FAMILY MEMBERS WHO MAY APPLY FOR THIS VISA:

1. The spouse over eighteen years of age, provided that no agreement or declaration of nullity of the marriage bond or divorce has been entered into, and that the marriage was not entered into in fraud of law. In no case may more than one spouse access this authorization, regardless of whether the foreigner's personal law permits this type of marriage. As for the case of a Spanish resident who is married in second or subsequent marriages, only the new spouse and their family members listed in this article may access this authorization if they prove that the dissolution of their previous marriages took place following a procedure that establishes the status of the previous spouse and their family members with respect to the common residence, any pensions for the spouse, and any dependent minor or adult children.
2. An unmarried foreign partner older than 18 years who maintains a relationship of affection analogous to a marital relationship with a person of Spanish nationality and is registered in a public registry established for these purposes in a Member State of the European Union or in a State party to the Agreement on the European Economic Area or in Switzerland, provided that the relationship has not been entered into in fraud of law and that said registration has not been cancelled, which must be sufficiently accredited.
3. An unmarried foreign partner over the age of eighteen who maintains a duly proven stable relationship with a Spanish national. In any case, a duly proven stable relationship will be understood to be one that sufficiently demonstrates a cohabitation relationship similar to a marital relationship, inside or outside Spain, of at least twelve continuous months. The prior cohabitation period will not be required if the couple has common children, provided that the relationship is maintained.
4. Their children, or those of their spouse, registered partner, or stable partner, provided that the latter also resides or will reside in Spain, under the age of twenty-six, or over that age who are in their care, or who have a disability for which they require support to exercise their legal capacity. In all of the above cases, provided that they live or intend to live with them and are not married or have formed their own family unit.
5. Direct first-degree ascendants in a direct line and those of their spouse, or registered partner 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 in the following cases: 1º. when they prove that they are living at their own expense and lack family support at origin, 2º. when there are humanitarian reasons..
6. The father, mother, or guardian of a minor of Spanish nationality, provided that the applicant is responsible for the minor and lives with them or is up to date with their obligations regarding them. This relationship must have been established in accordance with Spanish law.
7. A single relative, up to the second degree, who provides or will provide the care required by a person of Spanish nationality who has been recognized as having any of the degrees of

dependency provided for in Article 26 of Law 39/2006, of December 14, on the Promotion of Personal Autonomy and Care for Persons in Situations of Dependency.

8. Sons and daughters whose father or mother is or was Spanish by origin.
9. Other members of their family not included in the previous sections, who can reliably prove, at the time of the application, that they are in their care.

II. REQUIRED DOCUMENTS:

1. **National visa application form**, attached with a passport-type photo
2. **Passport** valid for at least one year. It must contain at least 2 blank pages and have not been issued for more than 10 years. An A4 photocopy of all passport pages containing information (visas, stamps, etc.) must be provided.
3. **If the applicant is not a Vietnamese citizen**, he/she must provide documentation proving his/her residence in Vietnam (temporary or permanent residence card)
4. **Copy of the National ID Card or passport of the** Spanish citizen.
5. If applicable, a **responsible declaration** by the Spanish citizen stating that he/she does not reside in Spain with any another spouse or partner.
6. If the **Spanish national is in Spain** and has applied for a residence permit for their family member: the original and a copy of the foreign family member's **initial residence permit** issued by the competent authority.
7. **If both the Spanish national and their family member are abroad**: completed and signed application form for residence permit, indicating in all cases the address in Spain (form EX24), together with documentation proving the existence of the situation that allows the application for residence permit**:**

   7.1. Spouses:

   7.1.1. Marriage certificate.

   7.1.2. Moreover, in the case of a Spanish resident who is remarried or subsequently married, it must be proven that the dissolution of the previous marriages took place following a procedure that establishes the status of the previous spouse and their family members in relation to the common residence, any pensions for the spouse and any dependent minor or adult children.

   7.2. Officialy registered partners:

   7.2.1. **Certification issued by a public partners' register office** of a Member State of the European Union or in a State party to the Agreement on the European Economic Area or in Switzerland, as long as this registration is not cancelled, which has to be duly proved.

   7.2.2. Moreover, if the applicant has been married or had a registered partner before: **divorce decree** or **certification of cancellation of the respective official partners' registry**

   7.3. Non-registered de-*facto* partner: Documents proving a marital **cohabitation,** which should be of at least one continuous year or of period of times less than a year but whose total is superior to a year of marital cohabitation. This marital cohabitation can also be less than a year when there are extraordinary circumstances causing the interruption of the cohabitation such as a work transfer, war conflicts, illnesses or other force-majeure reasons or when it can be deduced, out of the whole picture of their

circumstances, that both partners hold a stable relationship. Moreover, whenever there are common descendants, it is only necessary to prove a stable period of cohabitation, together with the presentation of their children's birth certificates (with clear indication of the names of the parents) and of their documents of identity.

There are many ways to prove marital cohabitation of non-married or registered partners: co-holders of bank accounts or of real estates or of mortgages or of rent contracts, etc., as well as **interviews**, if deemed necessary.

7.4. Direct descendants:

- 7.4.1. Applicant's birth certificate.
- 7.4.2. In the case of **minors of age**: written letter of consent of the parent not accompanying the applicant, authorizing him/her to reside in Spain with the other parent.
- 7.4.3. Furthermore, if the applicant is **over 26 years of age**:
  - 7.4.3.1. Proof of the situation of financial dependence or of having a disability for which they need support to exercise their legal capacity.
  - 7.4.3.2. Proof of not having been married or not having formed their own family unit. If they are married or have formed their own family unit, it must be proven that all members of their family unit are dependent on the person with Spanish nationality
- 7.4.4. When the applicant is a descendant of the spouse or partner of the person with Spanish nationality, it is necessary to present the following documents:
  - 7.4.4.1. Their marriage or proof of partnership status (see sections 7.1, 7.2, and 7.3)
  - 7.4.4.2. Proof of not being divorced, married, or separated, nor having their civil partnership registration been cancelled.
  - 7.4.4.3. A letter from the Spanish citizen requesting a residence visa for their spouse's offspring.

7.5. Direct ascendants:

- 7.5.1. **Birth certificate** of the descending Spanish citizen or of his/her spouse/partner, respectively.
- 7.5.2. If the applicant is the ascendant of the spouse/partner of the Spanish citizen, it is necessary to **additionally prove** their marriage or partnership (see points 7.1, 7.2 and 7.3), **as well as** the proof of neither being currently divorced nor separated from each other, nor being married to nor living with a third person.
- 7.5.3. **In all cases,** it is **also** necessary to present documents proving the **financial dependence** of the Spanish citizen or reasons of humanitarian nature

7.6. Father, mother, or guardian of a minor with Spanish nationality: birth certificate of the minor with Spanish nationality.

7.7. Family member who will provide care for a dependent Spanish national: documents proving that the applicant is a second-degree relative by blood or marriage, and a resolution recognizing the dependency status of the Spanish national, issued by the corresponding body.

7.8. Sons and daughters whose father or mother was Spanish by origin: birth certificate of the applicant and of their Spanish father or mother.

7.9. Other family members who are in the care of the Spanish national: documentation proving the family relationship with the Spanish national and their dependence.

8. **Those over 18 years of age** must present a **criminal record certificate** issued by the authorities of the country in which they have resided **during the last 5 years**, in which there must be no convictions for crimes provided for in Spanish law**. If you have resided in several countries, you must present the corresponding certificates issued by each of them**. For the purposes of determining the countries whose criminal record certificates must be presented, a declaration on the countries of residence of the visa applicant for the last 5 years must be provided.
9. **Medical certificate**, in which it is specified literally that the interested party does not suffer from any of the diseases that may have serious public health repercussions in accordance with the provisions of the International Health Regulations of 2005. Certificates that do not contain said literal mention will not be admitted ;

IMPORTANT NOTES:

PHOTOCOPIES: It is necessary to present a photocopy of each original document. The photocopies will be made after the translations have been certified and/or the documents legalized.

LEGALIZATION AND TRANSLATION: Any public document issued by non-Spanish authorities must be previously legalized/Apostilled (https://www.exteriores.gob.es/Embajadas/hanoi/vi/ServiciosConsulares/Paginas/Consular/LEGALIZATION-(ENGLISH).aspx). Documents written in a language other than Spanish must be accompanied by their translation into this language, carried out by a notary or office whose translations are admitted by official bodies, which must be equally legalized and presented just in front of the copy of the original.

LEGITIMATE SUBJECT: Applicants must personally lodge their visa applications. Applications for children under 18 shall be lodged by their legal representatives.

DEADLINE FOR VISA APPLICATION: If the Spanish national is in Spain and has applied for a residence permit for their family member, the visa must be requested within one month from the day following the date on which the favorable resolution of the residence permit is notified.

WHERE TO LODGE THE VISA APPLICATION: kindly visit the following link: https://www.exteriores.gob.es/Embajadas/hanoi/vi/ServiciosConsulares/Paginas/Consular/LUGAR-PRESENTACI%C3%93N-VISADO-%28EN%29.aspx

APPOINTMENT SYSTEM: Applicants must **book for an appointment** via the appointment system of BLS International Co. Ltd (https://vietnam.blsspainvisa.com/vietnamise/index.php)

APPLICATION RECEIPT: The applicant will be given a receipt of the application with a code allowing verification of the processing status of the application through the following link: https://sutramiteconsular.maec.es/Home.aspx

REQUIREMENT OF ADDITIONAL DOCUMENTS AND/OR INTERVIEW. At any time during the processing of the file, this Embassy may require the presentation of additional documents to those already presented and/or the personal appearance of the applicant for an interview if deemed necessary.

TIME FOR VISA APPLICATION PROCESSING AND RESOLUTION: The legal period for reaching a decision is 15 days from the date of the visa application if presented together with the favorable residence permit, or from the date of reception by the Consular Office of the result of the favorable residence permit.

COLLECTION OF PASSPORTS AND DOCUMENTS: Applicants must directly receive visa results (except for minors).

VISA REFUSAL: If applicable, the visa denial will always be notified in writing, stating the reasons for the decision taken.

APPLICATION FOR RECONSIDERATION / APPEAL: In the event of a refusal to grant a residence permit for reasons of study in Spain or a refusal to issue a visa, the applicant can file an application for reconsideration before the Spanish Embassy within one month from the date of receipt of the notice from the Spanish Embassy. The applicant may also file an appeal before the High Court of Madrid within two months from the date of receipt of the notice of the refusal of the visa or of the dismissal of the application for reconsideration.

VALIDITY OF THE VISA: The visa will have a validity of 365 day. The visa holder must apply for a Foreigner's Identity Card within 1 month from the date of entry into Spain, at the Office of Foreigners (Oficina de Extranjería) or the Police Department corresponding to the province that grants their residence permit.

GENERAL INFORMATION ON NATIONAL VISAS (download of national visa application form, fees, procedures, etc): kindly visit this link.