

Migration Policies in Spain 2017-2019

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IMISEM

EVERY IMMIGRANT IS AN EMIGRANT
How Migration Policies Shape
the Paths to Integration

IMISEM CASE REPORT
Migration Policies in

Spain

2017-2019

Coordinated by:


Luicy Pedroza
Pau Palop-García
So Young Chang

January 2022

G I G A

German  Institute for Global and Area Studies
Leibniz-Institut für Globale und Regionale Studien

Imprint

The IMISEM CASE REPORTS are Open Access publications licensed under the CC BY 4.0  available for download free of charge at our Project Website: www.imisem.info as well as in the Social Science Open Access Repository, which will also host the IMISEM Dataset.

“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

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About IMISEM

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” * two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

The IMISEM case sample

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *polities* that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

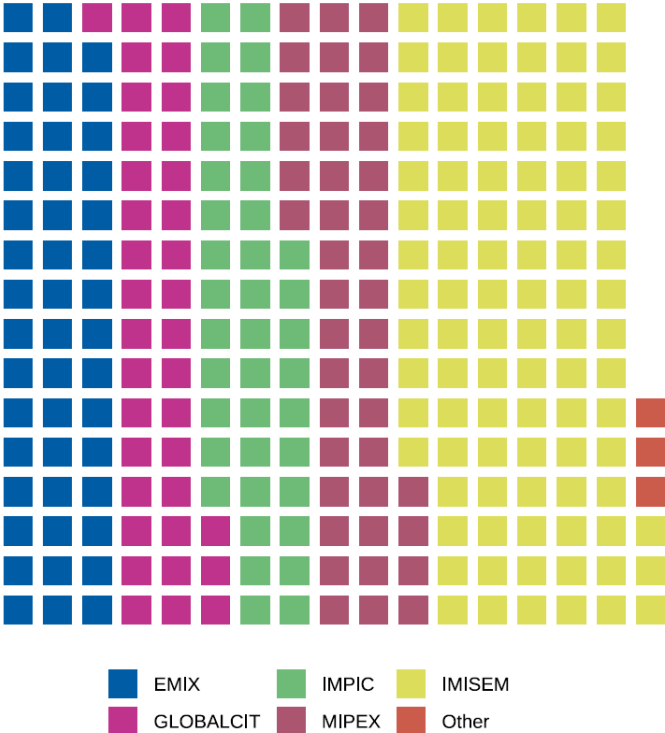
About the IMISEM Questionnaire

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.

Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

Answer: this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

Code: this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

Explanation: this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

Sources: this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

Varieties of Standard English

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

Contact

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: lpedroza@colmex.mx or find us through our ORCID numbers:

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1. Emigration policies

1.1. General

EMIGRATION_1: The attempt to leave the country is punishable by law.

Answer: No

Code: 1

Explanation: The right to exit the country is protected by the Spanish Constitution (Art. 19 Spanish Constitution).

Sources: Constitución Española [Spanish Constitution]. 1978. Art. 19.

EMIGRATION_2: Exit fees.

Prospective emigrants need to pay a fee before emigrating.

Answer: No

Code: 1

Explanation: Neither fees nor deposit.

Sources: Ley 40/2006 [Law 40/2006]. 2006.

Amount of the fee in country of origin currency:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Amount of the fee in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Prospective emigrants need to make a deposit before emigrating:

Answer: No

Code: 1

Explanation: Neither fees nor deposit.

Sources: Ley 40/2006 [Law 40/2006]. 2006.

Amount of the deposit in the currency of the country of origin:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Amount of the deposit in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_3: Citizens can only stay abroad for a given maximum of days.

Citizens can only stay abroad for a given maximum of days

Answer: No

Code: 1

Explanation: No provision for maximum days.

Sources: Ley 40/2006 [Law 40/2006]. 2006.

Maximum number of days that citizens can stay abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

1.2. Documentation

1.2.1. Passport

EMIGRATION_4: Cost of ordinary passport.

Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):

Answer: 30

Code: 30

Explanation: 30 €.

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Pasaporte [Passport]". Accessed date not available.
<http://www.exteriores.gob.es/Consulados/PARIS/es/ServiciosConsulares/SCParis/Documentaci%C3%B3n/Paginas/PasaporteParis.aspx>.

Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):

Answer: 35.34

Code: 35.34

Explanation: 30 € (35,34 USD).

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Pasaporte [Passport]". Accessed date not available.
<http://www.exteriores.gob.es/Consulados/PARIS/es/ServiciosConsulares/SCParis/Documentaci%C3%B3n/Paginas/PasaporteParis.aspx>.

EMIGRATION_5: Maximum length of procedure to process passport.

Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):

Answer: Yes

Code: 1

Explanation: 3 weeks (aprox.).

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Pasaporte [Passport]". Accessed date not available.
<http://www.exteriores.gob.es/Consulados/PARIS/es/ServiciosConsulares/SCParis/Documentaci%C3%B3n/Paginas/PasaporteParis.aspx>.

Maximum length of procedure to process passport (in days):

Answer: 21

Code: 21

Explanation: 3 weeks (aprox.).

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Pasaporte [Passport]". Accessed date not available.
<http://www.exteriores.gob.es/Consulados/PARIS/es/ServiciosConsulares/SCParis/Documentaci%C3%B3n/Paginas/PasaporteParis.aspx>.

Maximum length of procedure to process passport (by categories):

Answer: From 0 to 2 months

Code: 1

Explanation: 3 weeks (aprox.).

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Pasaporte [Passport]". Accessed date not available.
<http://www.exteriores.gob.es/Consulados/PARIS/es/ServiciosConsulares/SCParis/Documentaci%C3%B3n/Paginas/PasaporteParis.aspx>.

EMIGRATION_6. Renewal of passport from abroad is possible:

Answer: Yes

Code: 1

Explanation: Renewal from abroad is possible. Applicant must be registered as resident abroad. The passport must be requested in person in the consular offices, which are competent to issue passports in coordination with the Ministry of Interior.

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Pasaporte [Passport]". Accessed date not available.
<http://www.exteriores.gob.es/Consulados/PARIS/es/ServiciosConsulares/SCParis/Documentaci%C3%B3n/Paginas/PasaporteParis.aspx>. / Ministerio de Interior. "Procedimiento de expedición [Expedition Process]". Accessed May 9, 2018. <http://www.interior.gob.es/web/servicios-al-ciudadano/procedimiento-de-expedicion>.

1.2.2. Other requirements

EMIGRATION_7. Local police certificate is necessary to emigrate:

Answer: No

Code: 1

Explanation: Local certificate issued by the police is not necessary to emigrate.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

EMIGRATION_8. Superior/employer's permission is necessary to emigrate:

Answer: No

Code: 1

Explanation: No permission necessary.

Sources: Ley 40/2006, de 14 de diciembre, del Estatuto de la ciudadanía española en el exterior [Law 40/2006 of the Statute of Spanish Citizenship Abroad]. 2006. Boletín Oficial del Estado, Num. 299, p. 44156. / Constitución Española [Spanish Constitution]. 1978. Boletín Oficial del Estado, Num. 311, p. 29313.

EMIGRATION_9. Proof of income is necessary to emigrate:

Answer: No

Code: 1

Explanation: No proof of income necessary.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

EMIGRATION_10. Registration abroad is mandatory.

Answer: No

Code: 1

Explanation: Registration in the Registry of Spaniards Abroad (Registro de Matrícula Consular) is voluntary. However, for accessing some benefits (e.g. renew passport from abroad), registration is a requisite.

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Registro de matrícula consular [Consular Registration Record]".
<http://www.exteriores.gob.es/Portal/es/ServiciosAlCiudadano/SiEstasEnElExtranjero/Paginas/TuConsuladoPuedeAyudarte.aspx>.

1.3. Quotas and restrictions

EMIGRATION_11. Quotas to emigrate based on ethnicity.

Quotas to emigrate based on ethnicity exist in the country:

Answer: No

Code: 1

Explanation: No provision for quotas in the regulations of emigration.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

Quota to emigrate for 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_12: Quotas to emigrate based on income.

Quotas to emigrate based on income exist in the country:

Answer: No

Code: 1

Explanation: No provision for quotas in the regulations of emigration.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

Quota to emigrate for 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_13. Those who are liable for military conscription are allowed to emigrate:

Answer: Not applicable (no military conscription in country of study)

Code: Not applicable

Explanation: No military service in Spain.

Sources: Not applicable

EMIGRATION_14: Banned countries for emigration.

There are countries that are banned as destination for emigrants:

Answer: No

Code: 1

Explanation: No list of banned destinations.

Sources: Ley 40/2006 [Law 40/2006]. 2006.

List of countries banned for citizens in 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of countries banned for citizens in 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_15. Higher education graduates must pay an education tax (or compensation) to be able to emigrate:

Answer: No

Code: 1

Explanation: No education tax.

Sources: Ley 40/2006 [Law 40/2006]. 2006.

EMIGRATION_16. Recipients of state scholarship are banned from emigrating:

Answer: No

Code: 1

Explanation: No ban for scholarship recipients.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

EMIGRATION_17: Ban for specific civil professional groups.

There is an emigration ban for specific professional group(s):

Answer: No

Code: 1

Explanation: No ban for distinct civil professional groups.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

There is a ban for medical doctors:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

There is a ban for other professions:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_18. The ban can be overcome by a letter signed by a supervisor:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_19. The ban can be overcome by a letter signed by an official authority.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

1.4. Policy incentives

EMIGRATION_20. Existence during 2017 of campaigns to encourage emigration:

Answer: No

Code: 0

Explanation: No information campaigns to encourage emigration in 2017-2019.

Sources: No provision in regulations of emigration. Also, no information in the website of main migration institutions.

EMIGRATION_21. Existence during 2017 of campaigns to discourage emigration:

Answer: No

Code: 0

Explanation: No information campaigns to discourage emigration in 2017-2019.

Sources: No provision in regulations of emigration. Also, no information in the website of main migration institutions.

EMIGRATION_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):

Answer: No

Code: 0

Explanation: No license system to recognize and authorize emigration brokers. No provision in regulations.

Sources: Ley 40/2006 [Law 40/2006], 2006. / Constitución Española [Spanish Constitution], 1978.

EMIGRATION_23: Emigration lump sum.

State of origin pays a lump sum incentive to citizens willing to emigrate:

Answer: No

Code: 0

Explanation: No lump sum incentive.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

Register the amount of the sum in country currency:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Register the amount of the sum in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.

Answer: No

Code: 0

Explanation: No such possibility. If a recipient of unemployment benefits moves abroad, the access to the benefit is generally suspended.

Sources: Real Decreto Legislativo 8/2015 [Royal Legislative Decree 8/2015]. 2015.

1.5. Penalties

EMIGRATION_25: Loss of private property.

Risk of losing real state in case of emigration:

Answer: No

Code: 1

Explanation: No such provision in main regulations of emigration.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

Risk of losing bank accounts in case of emigration:

Answer: No

Code: 1

Explanation: No such provision in main regulations of emigration.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

EMIGRATION_26: Re-entry ban.

Existence of a re-entry ban after residence abroad for nationals by naturalization:

Answer: No

Code: 1

Explanation: No re-entry ban for any of the categories.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

Re-entry ban applies after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of a re-entry ban after residence abroad for nationals by birth:

Answer: No

Code: 1

Explanation: No re-entry ban for any of the categories.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:

Answer: No

Code: 1

Explanation: No reentry ban for any of the categories.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Constitución Española [Spanish Constitution]. 1978.

1.6. Administration

EMIGRATION_28. Existence of institution/agency with competencies for exit and/or emigration:

Existence of institution/agency with competencies for exit and/or emigration:

Answer: Yes

Code: 1

Explanation: The Secretary of Immigration and Emigration (Secretaría de Inmigración y Emigración), placed within the Ministry of Employment and Social Security (Ministerio de Empleo y Seguridad Social) is in charge of developing government policy on immigration, integration of immigrants, and emigration policy (Royal Decree 424/2016). The name of the Secretary changed in 2018 to “Secretary of Migrations” (Secretaría de Migraciones)” (Royal Decree 355/2018).

Sources: Real Decreto 355/2018 [Royal Decree 355/2018]. 2018. / Real Decreto 424/2016 [Royal Decree 424/2016]. 2016.

Name of the institution with competencies for exit and/or emigration in original language:

Answer: Secretaría de Inmigración y Emigración

Name of the institution with competencies for exit and/or emigration in English:

Answer: The Secretary of Immigration and Emigration

Place in the administrative hierarchy:

Answer: 2nd Rank in the public administration

Code: 0.75

Explanation: The Secretary of Immigration and Emigration (Secretaría de Inmigración y Emigración), located within the Ministry of Employment and Social Security (Ministerio de Empleo y Seguridad Social) is in charge of developing government policy on immigration, integration of immigrants, and emigration policy (Royal Decree 424/2016). The name of the Secretary changed in 2018 to “Secretary of Migrations” (Secretaría de Migraciones)” (Royal Decree 355/2018).

Sources: Real Decreto 355/2018 [Royal Decree 355/2018]. 2018. / Real Decreto 424/2016 [Royal Decree 424/2016]. 2016.

2. Emigrant policies

2.1. Policies of representation

2.1.1. Electoral rights

EMIGRANT_1. Voting is mandatory for citizens residing abroad:

Answer: No

Code: 0

Explanation: Voting in Spain is not mandatory (Art. 5 Organic Law 5/1985).

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985.

Does the country have presidential elections?

Answer: No, the country has a parliamentary system

Code: 2

Does the country have a bicameral system (e.g. composed of a lower house and an upper house, or an originating chamber and a reviewer chamber)?

Answer: Yes

Code: 1

Presidential elections

EMIGRANT_2. Can non-resident citizens vote in national presidential elections from abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legislative elections

Lower house (National Elections)

EMIGRANT_4. Can non-resident citizens vote in national legislative elections (lower house) from abroad?

Answer: Generally enfranchise

Code: 1

Explanation: Yes, all non-resident citizens can vote (this includes the possibility of running for homeland districts).

Sources: Constitución Española [Spanish Constitution]. 1978. Art. 68.5. / Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 2 and 3. / Ley 40/2006 [Law 40/2006]. 2006. Art. 4.

EMIGRANT_5. Can non-resident citizens stand as candidates in national legislative elections (lower house) from abroad?

Answer: Generally enfranchise

Code: 1

Explanation: Yes, all non-resident citizens can stand as candidates (this includes the possibility of running for homeland districts)

Sources: Constitución Española [Spanish Constitution]. 1978. Art. 68.5. / Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 2 and 3. / Ley 40/2006 [Law 40/2006]. 2006. Art. 4.

Upper house (National Elections)

EMIGRANT_6. Can non-resident citizens vote in national legislative elections (upper house) from abroad?

Answer: Generally enfranchise

Code: 1

Explanation: Yes, all non-resident citizens can vote.

Sources: Constitución Española [Spanish Constitution]. 1978. Art. 69. / Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 2 and 3. / Ley 40/2006 [Law 40/2006]. 2006. Art. 4.

EMIGRANT_7. Can non-resident citizens stand as candidates in national legislative elections (upper house) from abroad?

Answer: Generally enfranchise

Code: 1

Explanation: Yes, all non-resident citizens can stand as candidates.

Sources: Constitución Española [Spanish Constitution]. 1978. Art. 69. / Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 2 and 3. / Ley 40/2006 [Law 40/2006]. 2006. Art. 4. .

Registration

EMIGRANT_8. Registration in the electoral roll for non-resident citizens:

Answer: Active registration, frequent renewal (for every election)

Code: 0

Explanation: Automatic registration, but active application for ballot papers before each election. Spaniards abroad are included in the registry of residents abroad (if they have previously informed the consular authorities, which is not mandatory). However, before each election, they must register to activate their right to vote. Thus, de facto, registration can be considered active.

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 65.

Remote voting

EMIGRANT_9. Voting methods from abroad:

Voting methods available to cast votes from abroad - Electronic voting:

Answer: No

Code: 0

Explanation: Methods: embassies and consulates and postal voting.

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 65.

Voting methods available to cast votes from abroad - Proxy voting:

Answer: No

Code: 0

Explanation: Methods: embassies and consulates and postal voting.

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 65.

Voting methods available to cast votes from abroad - Postal voting:

Answer: Yes

Code: 1

Explanation: Methods: embassies and consulates and postal voting.

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 65.

Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:

Answer: Yes

Code: 1

Explanation: Methods: embassies and consulates and postal voting.

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 65.

Voting methods available to cast votes from abroad - Ad hoc polling stations:

Answer: No

Code: 0

Explanation: Methods: embassies and consulates and postal voting.

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 65.

Special representation

EMIGRANT_10: Emigrant special representation.

Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's lower house?

Answer: No

Code: 0

Explanation: No. Separate counting and general biographical (province of previous residence or parent previous residence).

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985.

Number of special seats reserved for non-resident candidates in the lower house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special emigrant districts in the lower house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's upper house?

Answer: No

Code: 0

Explanation: No. Separate counting and general biographical (province of previous residence or parent previous residence).

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985.

Number of special seats reserved for non-resident candidates in the upper house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special emigrant districts in the upper house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Remote voting implementation

EMIGRANT_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):

Answer: yes

Code:

Explanation: External voting has been implemented.

Sources: Not applicable

EMIGRANT_12. In case external voting has not been implemented after its adoption, what are the main reasons?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.1.2. Regulation of political competition abroad

Party offices in the state of reception

EMIGRANT_13. Offices of political parties are legally allowed abroad:

Answer: No specific regulation of offices abroad

Code: 0.5

Explanation: De facto, external political party offices are allowed (no provisions in the Spanish Constitution, the Electoral Law or the Law that regulates political parties).

Sources: Constitución Española [Spanish Constitution]. 1978. / Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. / Ley Orgánica 6/2002 [Organic Law 6/2002]. 2002.

EMIGRANT_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:

Answer: Yes

Code: 1

Explanation: The People's Party (Partido Popular) has a representative of emigrants in its executive and "representation" in 31 countries (Germany, Belgium, France, Italy, UK...). The Socialist Party (Partido Socialista Obrero Español) has a Secretary of Emigration and has organized groups in several countries (including Germany, Belgium, France, UK, Netherlands...). Members of PODEMOS that reside abroad constitute a formal territory, with the same representation at the federal level as the members of other Spanish regions. It has organized groups in several countries (including UK, Germany, France and Belgium).

Sources: Partido Popular. "Página de sedes en el exterior [Foreign Locations Page]". Accessed September 24, 2018. <http://www.pp.es/conocenos/sedes-en-el-exterior>. / PSOE. "PSOE en el mundo [PSOE in the world]". Accessed September 24, 2018. <http://web.psoe.es/ambito/mundo/news/index.do>. / PODEMOS. "Podemos exterior [Podemos Exterior]". Accessed September 24, 2018. <https://exterior.podemos.info/participacion/>.

EMIGRANT_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).

Answer: Germany Belgium France Italy UK Netherlands

Code: Germany Belgium France Italy UK Netherlands

Explanation: The People's Party (Partido Popular) has a representative of emigrants in its executive and "representation" in 31 countries (Germany, Belgium, France, Italy, UK...). The Socialist Party (Partido Socialista Obrero Español) has a Secretary of Emigration and has organized groups in several countries (including Germany, Belgium, France, UK, Netherlands...). Members of PODEMOS that reside abroad constitute a formal territory, with the same representation at the federal level as the members of other Spanish regions. It has organized groups in several countries (including UK, Germany, France and Belgium).

Sources: Partido Popular. "Página de sedes en el exterior [Foreign Locations Page]". Accessed September 24, 2018. <http://www.pp.es/conocenos/sedes-en-el-exterior>. / PSOE. "PSOE en el mundo [PSOE in the world]". Accessed September 24, 2018. <http://web.psoe.es/ambito/mundo/news/index.do>. / PODEMOS. "Podemos exterior [Podemos Exterior]". Accessed September 24, 2018. <https://exterior.podemos.info/participacion/>.

EMIGRANT_16. Could external party offices receive public funding from state of origin?

Answer: No specific regulation

Code: 0.5

Explanation: There is not targeted funding for external party offices. However, parties can decide to transfer part of their budget to external offices. The general regulations for party funding apply.

Sources: Ley Orgánica 6/2002 [Organic Law 6/2002]. 2002. / Ley Orgánica 8/2007 [Organic Law 8/2007]. 2007.

Political campaigns

EMIGRANT_17. Electoral campaigns abroad for home elections are legally regulated:

Answer: No specific regulation of campaigns abroad

Code: 0.5

Explanation: Campaigns allowed with no specific restrictions (as compared with campaigns in national territory). No special provisions for campaigns abroad.

Sources: Ley Orgánica 6/2002 [Organic Law 6/2002]. 2002. / Ley Orgánica 8/2007 [Organic Law 8/2007]. 2007.

EMIGRANT_18. Actual existence of campaigns abroad for home elections:

Answer: Yes

Code: 1

Explanation: Yes. All major parties campaign abroad, especially in Europe and Latin America.

EMIGRANT_19. Existence of public funding for electoral campaigns in state of residence:

Answer: No mention to public funding for campaigns abroad in main electoral regulations

Code: 0.5

Explanation: There is no targeted funding for campaigning abroad. However, political parties can decide to spend part of their campaign funding in activities carried out abroad. General regulations apply.

Sources: Ley Orgánica 6/2002 [Organic Law 6/2002]. 2002. / Ley Orgánica 8/2007 [Organic Law 8/2007]. 2007.

Membership in political parties

EMIGRANT_20. Emigrant membership to home country political parties:

Answer: Not regulated

Code: 0.25

Explanation: No provision for restricting emigrant membership to political parties.

Sources: Ley Orgánica 6/2002 [Organic Law 6/2002]. 2002.

2.1.3. Consultative bodies

2.1.4. Consultative bodies at the national level

EMIGRANT_21. Existence of a consultative body on emigrant issues:

Answer: Yes

Code: 1

Explanation: Yes, the General Council of Spanish Citizens Abroad (Consejo General de la Ciudadanía Española en el Exterior).

Sources: Ley 40/2006 [Law 40/2006]. 2006. Art. 10.

EMIGRANT_22. The consultation is structural or ad hoc:

Answer: Structural

Code: 1

Explanation: Consultation is structural. They meet yearly (Art. 16.2 Royal Decree 230/2008).

Sources: Real Decreto 230/2008 [Royal Decree 230/2008]. 2008. Art. 16.2.

EMIGRANT_23. Composition of the consultative body:

Answer: 0.75

Code: 0.75

Explanation: The Council is composed by the President, two Vice-presidents, the Secretary and the councilmen/woman. The first four are members of the government, and the councilmen/women (up to 43) are emigrants representing the Councils of Spanish Residents Abroad (see next section).

Sources: Real Decreto 230/2008 [Royal Decree 230/2008]. 2008. Art. 4-11.

EMIGRANT_24. Who chairs the consultative body?

Answer: Member of the government

Code: 0.25

Explanation: The Council is chaired by the president which is appointed by the Ministry of Employment and then ratified by the plenary.

Sources: Real Decreto 230/2008 [Royal Decree 230/2008]. 2008. Art. 4.

EMIGRANT_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: Yes

Code: 1

Explanation: The body can make its own proposals and recommendations on issues that relate to emigrants. This is regulated at the law and the secondary regulations.

Sources: Real Decreto 230/2008 [Royal Decree 230/2008]. 2008. Art. 1. / Ley 40/2006 [Law 40/2006]. 2006. Art. 11.

EMIGRANT_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: No

Code: 0

Explanation: No direct right to response, but the law establishes that all the organs of the General State Administration must collaborate with the Council in the exercise of their functions, and within the scope of their respective competences (Art. 2.3 Royal Decree 230/2008).

Sources: Real Decreto 230/2008 [Royal Decree 230/2008]. 2008. Art. 2.3.

EMIGRANT_27. Selection criteria to ensure representativeness

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: No

Code: 0

Explanation: No gender criteria.

Sources: Real Decreto 230/2008 [Royal Decree 230/2008]. 2008. Art. 11.

Existence of selection criteria to ensure a geographically-balanced consultative body:

Answer: 1

Code: 1

Explanation: The council members are elected to represent all cities where a Council of Spanish Residents Abroad exist.

Sources: Real Decreto 230/2008 [Royal Decree 230/2008]. 2008. Art. 11.

Consultative bodies at the consular level

EMIGRANT_28. Existence of a consultative body of emigrants at the consular level.

Answer: Yes

Code: 1

Explanation: Yes, the Councils of Spanish Residents Abroad (Consejos de Residentes Españoles en el Extranjero, CRE).

Sources: Ley 40/2006 [Law 40/2006]. 2006. Art. 12.

EMIGRANT_29. The consultation is structural or ad hoc:

Answer: Structural

Code: 1

Explanation: The consultation is structural. The councils must meet at least once every four months (Art. 23 Order AEC/2172/2010).

Sources: Orden AEC/2172/2010 [Order AEC/2172/2010]. 2010. Art. 23.

EMIGRANT_30. Composition of the consultative body:

Answer: Only emigrants

Code: 1

Explanation: Emigrants that reside in the consular demarcation (Art. 5 Royal Decree 1960/2009).

Sources: Real Decreto 1960/2009 [Royal Decree 1960/2009]. 2010. Art. 5.

EMIGRANT_31. Who chairs the consultative body?

Answer: Emigrant appointed by the emigrant community

Code: 1

Explanation: The president is one of the council members (thus, an emigrant). It is elected by majority (Art. 6 Royal Decree 1960/2009).

Sources: Real Decreto 1960/2009 [Royal Decree 1960/2009]. 2010. Art. 6.

EMIGRANT_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: Yes

Code: 1

Explanation: Yes, the councils can make their own recommendations (Art. 4 Royal Decree 1960/2009).

Sources: Real Decreto 1960/2009 [Royal Decree 1960/2009]. 2010. Art. 4.

EMIGRANT_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: No

Code: 0

Explanation: No provision guaranteeing the response from the national or consular authorities.

Sources: Real Decreto 1960/2009 [Royal Decree 1960/2009]. 2010. / Orden AEC/2172/2010 [Order AEC/2172/2010]. 2010.

EMIGRANT_34. Selection criteria to ensure representativeness

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: No

Code: 0

Explanation: No provision.

Sources: Real Decreto 1960/2009 [Royal Decree 1960/2009]. 2010. / Orden AEC/2172/2010 [Order AEC/2172/2010]. 2010.

Existence of selection criteria to ensure a geographically-balanced consultative body:

Answer: No

Code: 0

Explanation: No provision.

Sources: Real Decreto 1960/2009 [Royal Decree 1960/2009]. 2010. / Orden AEC/2172/2010 [Order AEC/2172/2010]. 2010.

2.1.5. Funding of emigrant associations

EMIGRANT_35. Existence of consular support (in kind or financial) to independent emigrant associations

Answer: Yes

Code: 1

Explanation: Yes. The program is developed by the Secretary of Immigration and Emigration. The support consist in the payment of some of the costs of the associations (including, for instance, human resources, materials and travel). To access the benefit, associations must be officially register and have more than 50 members.

Sources: Orden ESS/1613/2012 [Order ESS/1613/2012]. 2012.

2.2. Economic Policies

2.2.1. Remittances

EMIGRANT_36. Government program/strategy to attract remittances from emigrants.

Existence of a government program to attract remittances from emigrants:

Answer: No

Code: 0

Explanation: No program for attracting remittances from emigrants.

Sources: Ley 40/2006 [Law 40/2006]. 2006.

Measures to improve banking channels for remittances:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of fee controls for remittances:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.2.2. Investment

EMIGRANT_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):

Answer: No

Code: 0

Explanation: No program to attract investments from emigrants.

Sources: Ley 40/2006 [Law 40/2006]. 2006.

2.2.3. Brain circulation networks

EMIGRANT_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?

Answer: No

Code: 0

Explanation: No brain-circulation networks.

Sources: Ley 40/2006 [Law 40/2006]. 2006.

2.2.4. Return policies

EMIGRANT_39. Recognition of academic and professional qualifications acquired in the state of residence:

Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:

Answer: Yes

Code: 1

Explanation: Spain does have a system to recognize academic qualifications obtained abroad. The application must be addressed to the Ministry of Education and Professional Training (Ministerio de Educación y Formación Profesional). Applications can be done online at any time (no specific calls). Applications must be decided within six months.

Sources: Real Decreto 967/2014 [Royal Decree 967/2014]. 2014.

Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:

Answer: 6 months or less

Code: 1

Explanation: Applications must be decided on within six months.

Sources: Real Decreto 967/2014 [Royal Decree 967/2014]. 2014.

EMIGRANT_40. Communication campaigns aiming to convince emigrants to return to home country:

Answer: No

Code: 0

Explanation: No specific campaigns founded. However, as mandated by the Spanish Constitution, the State action towards emigrants must be focused on return. Specifically, the Spanish Constitution establishes that the state "... shall pay particular attention to safeguarding the economic and social rights of Spanish workers abroad and shall direct its policy towards their return" (Spanish Constitution 1978, Art. 42)

Sources: Constitución Española [Spanish Constitution]. 1978. Art. 42.

EMIGRANT_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:

Answer: No

Code: 0

Explanation: No brain-gain policies directed to highly qualified migrants.

Sources: Ley 40/2006 [Law 40/2006]. 2006.

EMIGRANT_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:

Answer: Yes

Code: 1

Explanation: Spain counts with a limited return scheme that includes subsidiary provision to aid returnees in situation of extraordinary necessity. The application must be done within nine months after return to Spain. The scheme does not cover the costs of travel or relocation.

Sources: Real Decreto 1493/2007 [Royal Decree 1493/2007]. 2007.

2.3. Social Policies

2.3.1. Retirement benefits

EMIGRANT_43. Retirement benefits after emigration (i.e. pensions):

Answer: Yes

Code: 1

Explanation: Spaniards abroad can access Spanish pensions through two main routes: The general route, regulated by the General Social Security. This pension scheme does not require residence in Spain. Pensioners that access a pension through this route and decide to move abroad must send the office in charge of managing pensions in Spain a life certificate issued by their consulate on a yearly basis. Additionally, Spain grants a right to pension to nationals abroad that have reached the age of 65 and find themselves in a situation of need. To be eligible, beneficiaries must proof of being in a situation of need (i.e. lack of economic resources and being ineligible for benefits in the country where they reside) (Law 40/2006 and Royal Decree 8/2008, Art. 3).

Sources: Ley 40/2006 [Law 40/2006]. 2006. Art. 3.

2.3.2. Health care benefits

EMIGRANT_44. Health care benefits.

Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):

Answer: No

Code: 0

Explanation: As a general rule, Spain does not extend health coverage abroad. There are two exceptions. One is in the context of the European Union (not covered in this study). The other is for emigrants that have reached the age of 65 or are incapacitated to work. In these cases, Spain grants health benefits if they are not covered by health benefits offered by the host countries in which they reside (Royal Decree 8/2008, Art. 21).

Sources: Ley 40/2006 [Law 40/2006]. 2006. Art. 21.

Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:

Answer: Yes

Code: 1

Explanation: Emigrants can access health coverage in Spain when visiting, but only if they are not covered by other health scheme (provided by their country of residence) (Royal Decree 8/2008, Art. 26.2).

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Real Decreto 8/2008 [Royal Decree 8/2008]. 2008. Art. 26.2.

Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:

Answer: No

Code: 0

Explanation: No such provision found.

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Real Decreto 8/2008 [Royal Decree 8/2008]. 2008.

2.3.3. Education

EMIGRANT_45. Education programs for emigrants.

Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Ley 40/2006 [Law 40/2006]. 2006.

State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):

Answer: Yes

Code: 1

Explanation: Spain has a network of education centers abroad that offer primary and secondary studies following the Spanish educative curriculum (Royal Decree 1027/1993, Art. 2; Pasetti 2018).

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Orden EDU/3122/2010 [Order EDU/3122/2010]. 2010. / Real Decreto 1027/1993 [Royal Decree 1027/1993]. 1993. Art. 2. / European University Institute. "Living in the Past, Leaving in the Present: Emigration and Diaspora Policies in Spain". Accessed May 9, 2018. <http://cadmus.eui.eu//handle/1814/47488>.

State of origin offers language courses to emigrants to learn the language of the state of reception:

Answer: Yes

Code: 1

Explanation: The Classes of Spanish Language and Culture (Aulas de Lengua y Cultura Españolas) is a program that aims to help the children of Spanish emigrants to learn Spanish and Spanish culture. The curriculum develops over 10 years, from ages 7-8 to ages 16-17. The Ministry of Education is in charge of deciding in which cities the courses will be offered (Law 40/2006; Order EDU/3122/2010; Royal Decree 1027/1993).

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Orden EDU/3122/2010 [Order EDU/3122/2010]. 2010. / Real Decreto 1027/1993 [Royal Decree 1027/1993]. 1993. / European University Institute. "Living in the Past, Leaving in the Present: Emigration and Diaspora Policies in Spain". Accessed May 9, 2018. <http://cadmus.eui.eu//handle/1814/47488>.

2.4. Cultural policies

2.4.1. Visits to country of origin

EMIGRANT_46. State of origin organizes visits to the origin country for emigrants on a regular basis:

Answer: No

Code: 0

Explanation: Spain does not organize emigrant visits.

Sources: Ley 40/2006 [Law 40/2006]. 2006.

2.4.2. Language courses for emigrants

EMIGRANT_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):

Answer: Yes

Code: 1

Explanation: The Classes of Spanish Language and Culture (Aulas de Lengua y Cultura Españolas) is a program that aims to help the children of Spanish emigrants to learn Spanish and Spanish culture. The curriculum develops over 10 years, from ages 7-8 to ages 16-17. The Ministry of Education is in charge of deciding in which cities the courses will be offered (Law 40/2006; Order EDU/3122/2010; Royal Decree 1027/1993).

Sources: Ley 40/2006 [Law 40/2006]. 2006. / Orden EDU/3122/2010 [Order EDU/3122/2010]. 2010. / Real Decreto 1027/1993 [Royal Decree 1027/1993]. 1993.

2.5. Obligations

2.5.1. Military service

EMIGRANT_48. Emigrants have the obligation to comply with military service:

Answer: No existence of military service

Code: Not applicable

Explanation: No mandatory military service in Spain.

Sources: Not applicable

2.5.2. Social service

EMIGRANT_49. Emigrants have the obligation to comply with social service:

Answer: No existence of social service

Code: Not applicable

Explanation: No mandatory social service in Spain.

Sources: Not applicable

2.5.3. Taxes

EMIGRANT_50. Obligation to pay taxes in state of origin

Emigrant must pay income taxes in state of origin:

Answer: No

Code: 0

Explanation: No specific taxes. Emigrants that have their fiscal residency abroad do not have to pay taxes in Spain.

Sources: Ley 35/2006 [Law 35/2006]. 2006. Art. 4.1.

There are special taxes for emigrants:

Answer: No

Code: 0

Explanation: No specific taxes. Emigrants that have their fiscal residency abroad do not have to pay taxes in Spain.

Sources: Ley 35/2006 [Law 35/2006]. 2006. Art. 4.1.

2.6. Administration

2.6.1. Home country administration

EMIGRANT_51. Existence of a home country administration agency/body for emigrants in state of origin.

Existence of institution/agency with competencies for emigrant policies:

Answer: Yes

Code: 1

Explanation: The Secretary of Immigration and Emigration (Secretaría de Inmigración y Emigración), located within the Ministry of Employment and Social Security (Ministerio de Empleo y Seguridad Social) is in charge of developing government policy on immigration, integration of immigrants, and emigration policy (Royal Decree 424/2016). The name of the Secretary changed in 2018 to “Secretary of Migrations” (Secretaría de Migraciones)” (Royal Decree 355/2018).

Sources: Real Decreto 355/2018 [Royal Decree 355/2018]. 2018. / Real Decreto 424/2016 [Royal Decree 424/2016]. 2016.

Name of the institution with competencies for emigrant policies in original language:

Answer: Secretaría de Migraciones

Name of the institution with competencies for emigrant policies in English:

Answer: Secretary of Migrations

EMIGRANT_52. Place in the administrative hierarchy:

Answer: 2nd Rank in the public administration

Code: 0.75

Explanation: Dependent on the Ministry of Employment and Social Security. Second step in the hierarchy.

Sources: Real Decreto 424/2016 [Royal Decree 424/2016]. 2016.

2.6.2. Consular network

EMIGRANT_53: Number of consulates.

Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):

Answer: 179

Code: 179

Explanation: 179 consular missions distributed in 96 countries (including consular sections in Spanish embassies).

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Embajadas y consulados [Embassies and Consulates]". Accessed May 9, 2018.

<http://www.exteriores.gob.es/Portal/es/ServiciosAlCiudadano/Paginas/EmbajadasConsulados.aspx>.

Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):

Answer: 96

Code: 96

Explanation: 179 consular missions distributed in 96 countries (including consular sections in Spanish embassies).

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Embajadas y consulados [Embassies and Consulates]". Accessed May 9, 2018.

<http://www.exteriores.gob.es/Portal/es/ServiciosAlCiudadano/Paginas/EmbajadasConsulados.aspx>.

2.6.3. New consular functions

EMIGRANT_54: Extensions to the consular network services.

Existence of mobile consulates:

Answer: No

Code: 0

Explanation: No mobile consulates.

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Horarios [Schedules]". Accessed September 25, 2018.
<http://www.exteriores.gob.es/Consulados/ORAN/es/Consulado/Paginas/Horarios.aspx>. / Additionally, to answer this question, the consular websites of main consulates have been consulted.

Consulates open on weekends on a regular basis (e.g. once monthly):

Answer: Yes

Code: 1

Explanation: Yes, weekend hours are available depending on the consulate.

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Horarios [Schedules]". Accessed September 25, 2018.
<http://www.exteriores.gob.es/Consulados/ORAN/es/Consulado/Paginas/Horarios.aspx>. / Additionally, to answer this question, the consular websites of main consulates have been consulted.

Consulates offer some services online:

Answer: No

Code: 0

Explanation: Citizens can e-mail to ask for information (depending on consulates).

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Horarios [Schedules]". Accessed September 25, 2018.
<http://www.exteriores.gob.es/Consulados/ORAN/es/Consulado/Paginas/Horarios.aspx>. / Additionally, to answer this question, the consular websites of main consulates have been consulted.

EMIGRANT_55: Adoption of new consular functions.

Consulates offer financial consultancy:

Answer: No

Code: 0

Explanation: No financial consultancy.

Sources: To answer this question, the consular websites of main consulates have been consulted.

Consulates offer psychological consultancy:

Answer: No

Code: 0

Explanation: No psychological consultancy.

Sources: To answer this question, the consular websites of main consulates have been consulted.

Consulates offer health services:

Answer: No

Code: 0

Explanation: No health services.

Sources: To answer this question, the consular websites of main consulates have been consulted.

2.6.4. Special offices

EMIGRANT_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):

Answer: No

Code: 0

Explanation: No evidence of special offices found.

Sources: Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Organigrama [Organizational chart]". Access date not available.
<http://www.exteriores.gob.es/Portal/es/Ministerio/FuncionesEstructura/Organigrama/Paginas/Inicio.aspx>.

3. Emigrant citizenship and nationality policies

CITNAT: Does the country make a distinction between citizenship and nationality?

Answer: No, it uses the terms 'nationality' and 'citizenship' indistinctly

Code: 0

Explanation: No distinction between citizenship and nationality. The Spain legal framework uses generally the term "nationality".

Sources: Constitución Española [Spanish Constitution]. 1978. Art. 11 and 12. / Código Civil [Civil Code]. 1889 (2018).

3.1. Emigrant nationality

3.1.1. Dual nationality for emigrants

EMINAT_1. Deprivation of nationality for having acquired a foreign nationality.

Loss of nationality for acquisition of foreign citizenship (nationals by birth):

Answer: Procedure for loss is withdrawal

Code: 0.25

Explanation: Generally yes, but if the person submits a declaration of interest to retain citizenship within three years, he/she is allowed to keep the Spanish nationality. Citizens of Latin American countries, Andorra, the Philippines, Equatorial Guinea or Portugal are exempt from having to submit a declaration and are allowed to maintain both nationalities. Provision does not apply in time of war (Art. 24 Civil Code).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 24.

Nationality can be withdrawn only if person resides abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Nationality can be withdrawn only if person was born abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Loss of nationality can be prevented:

Answer: Yes

Code: 1

Explanation: Generally yes, but if the person submits a declaration of interest to retain citizenship within three years, he/she is allowed to keep the Spanish nationality. Citizens of Latin American countries, Andorra, the Philippines, Equatorial Guinea or Portugal are exempt from having to submit a declaration and are allowed to maintain both nationalities. Provision does not apply in time of war (Art. 24 Civil Code).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 24.

3.1.2. Dual nationality only for some countries of residence

EMINAT_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.

Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:

Answer: No

Code: 1

Explanation: Dual nationality is tolerated in all cases. However, if a Spaniard by birth acquires the nationality of a country different than a Latin American country or Andorra, the Philippines, Equatorial Guinea and Portugal; they must declare before the Civil Registry within three years their intention to keep the Spanish nationality in order to avoid its loss (Art. 24 Civil Code).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 24.

Which countries:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

3.1.3. Loss of nationality after residence abroad

EMINAT_3: Loss of nationality after residence abroad.

Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:

Answer: Procedure for loss is withdrawal

Code: 0.25

Explanation: No, no deprivation of nationality to citizens by birth who emigrated because of residence abroad. However, as article 24.3 of the Civil Code establishes: "Those born and residing abroad who hold Spanish nationality because they are the child of a Spanish father or mother, also born abroad, when the laws of the country of residence attribute them the nationality of that country, will lose, in every case, their Spanish nationality if they do not declare their will to retain it before the officer in charge of the Civil Registry within three years of their attaining majority or emancipation".

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 24.3.

Nationality can be withdrawn only if person resides abroad for 20 years or more:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Nationality can be withdrawn only if person has another citizenship:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:

Answer: No provision

Code: 1

Explanation: No deprivation of nationality from citizens by birth who emigrated because of residence abroad. However, as article 24.3 of the Civil Code establishes: "Those born and residing abroad who hold Spanish nationality because they are the child of a Spanish father or mother, also born abroad, when the laws of the country of residence attribute them the nationality of that country, will lose, in every case, their Spanish nationality if they do not declare their will to retain it before the officer in charge of the Civil Registry within three years of their attaining majority or emancipation".

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 24.3.

3.1.4. Jus sanguinis for emigrants

EMINAT_4: Transfer of nationality to children born abroad.

Country of origin permit parents to confer their nationality on their children who are born abroad:

Answer: Yes

Code: 1

Explanation: Yes. Article 17.1 of the Civil Code states that Spanish by birth are "those born to a Spanish father or mother". No generation limit.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 17.1.

Transfer of nationality is applicable to:

Answer: No limit

Code: 0

Explanation: Yes. Article 17.1 of the Civil Code states that Spanish by birth are "those born to a Spanish father or mother". No generation limit.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 17.1.

3.1.5. Jus sanguinis across generations

EMINAT_5: Transfer of nationality to children born abroad from former citizens.

Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens

Answer: Yes

Code: 1

Explanation: Yes, but only if person is born in Spain. Article 20.1. of the Civil Code states that those persons whose father or mother were Spanish by birth and were born in Spain can opt to the Spanish nationality.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 20.1.

Transfer of nationality is applicable to:

Answer: Only first generation

Code: 0.5

Explanation: Yes, but only if person is born in Spain. Article 20.1. of the Civil Code states that those persons whose father or mother were Spanish by birth and were born in Spain can opt to the Spanish nationality.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 20.1.

3.1.6. Renunciation of nationality is possible

EMINAT_6: Voluntary renunciation of nationality abroad is possible.

Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:

Answer: Renunciation is possible

Code: 1

Explanation: Yes. Article 24.2 of the Civil Code establishes that "Spaniards who expressly renounce Spanish nationality will lose it, if they have another nationality and habitually reside abroad." Also, this provision will not be applied if Spain is at war (Art. 24.4).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 24.2 and 24.4.

Renunciation abroad is only possible if person has another nationality:

Answer: Yes, person renouncing has to show prove of another nationality

Code: 1

Explanation: Yes. Article 24.2 of the Civil Code establishes that "Spaniards who expressly renounce Spanish nationality will lose it, if they have another nationality and habitually reside abroad." Also, this provision will not be applied if Spain is at war (Art. 24.4).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 24.2 and 24.4.

Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:

Answer: No

Code: 0

Explanation: Article 24.2 of the Civil Code establishes that “Spaniards who expressly renounce Spanish nationality will lose it, if they have another nationality and habitually reside abroad.” Also, this provision will not be applied if Spain is at war (Art. 24.4).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 24.2. and 24.4.

3.1.7. Reacquisition of nationality

EMINAT_7. Country of origin provides for reacquisition of nationality for former nationals:

Answer: Yes

Code: 1

Explanation: Based on the article 26 of the Civil Code, reacquisition of Spanish nationality is possible. The requirements are: (1) being a legal resident in Spain, (2) declaring before the officer of the Civil Register the desire to recover Spanish nationality and (3) register their recovery in the Civil Registry.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 26.

3.2. Emigrant citizenship

3.2.1. Citizenship restrictions for dual nationals

EMICIT_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):

Answer: No restrictions

Code: 1

Explanation: No provision in this regard found.

Sources: Código Civil [Civil Code]. 1889 (2018).

3.2.2. Different citizenship for emigrants

EMICIT_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?

Answer: No

Code: 0

Explanation: No differences.

Sources: Código Civil [Civil Code]. 1889 (2018).

3.2.3. Loss or suspension of citizen rights after residence abroad

EMICIT_3: Country deprives their national citizens by birth who emigrated of their citizen rights.

Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?

Answer: No

Code: 0

Explanation: No deprivation of citizenship rights.

Sources: Código Civil [Civil Code]. 1889 (2018).

Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) *If it is not specified in the regulation, it is coded as restrictions not conditional to return:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4. Immigration policies

4.1. General

4.1.1. Number of entry tracks

IMMIGRATION_1. How many visa types does the country have?

Answer: 20

Code: 20

Explanation: 20 visa types organized under 8 categories.

Sources: Ley 14/2013 [Law 14/2013 of 27]. 2013. / Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Visados de larga duración [Long Term Visas]". Access date not available. <http://www.exteriores.gob.es/Portal/es/ServiciosAlCiudadano/InformacionParaExtranjeros/Paginas/VisadosDeLargaDuracion.aspx>.

IMMIGRATION_2: Categorical organization of visas

Are the visas organized by overarching categories?

Answer: Yes

Code: 1

Explanation: 20 visa types organized under 8 categories.

1. Work and resident visas (introduced by the Law on Support of the Entrepreneurship and its Internationalization, September, 27th 2013):

- Residence visa for capital investors
- Residence visa for buyers of real estate in Spain
- Residence visa for entrepreneurs and entrepreneurial activity
- Residence visa for highly skilled professionals
- Residence visa for training or research
- Residence visa by intra-firm transfer
- Residence visa for family members who will join or accompany the main applicant of any of the above mentioned visas

2. Student visas:

- Residence visa for students
- Temporal residence visa for relatives of student visa holders (partner or children)

3. Research

- Residence visa for researchers doing research in the context of an agreement with a research institution

4. Non-lucrative residence:

- Temporal non-lucrative residence visa
- Temporal non-lucrative residence visa for relatives of non-lucrative visa holders (partner or children)

5. Lucrative residence:

- Residence and work visa for employed persons
- Residence and work visa for self-employed

6. Visa with the exception of work permit

7. Family reunification:

- Visa for family reunification under the general regime

- Visa for family reunification under the Community regime for nationalities requiring a visa
 - Family reunification under the Community regime without visa
8. Visa for tourism and business (Schengen).

Sources: Ley 14/2013 [Law 14/2013 of 27]. 2013. / Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Visados de larga duración [Long Term Visas]". Access date not available. <http://www.exteriores.gob.es/Portal/es/ServiciosAlCiudadano/InformacionParaExtranjeros/Paginas/VisadosDeLargaDuracion.aspx>.

How many categories?

Answer: 8

Code: 8

Explanation: 20 visa types organized under 8 categories.

1. Work and resident visas (introduced by the Law on Support of the Entrepreneurship and its Internationalization, September, 27th 2013):

- Residence visa for capital investors
- Residence visa for buyers of real estate in Spain
- Residence visa for entrepreneurs and entrepreneurial activity
- Residence visa for highly skilled professionals
- Residence visa for training or research
- Residence visa by intra-firm transfer
- Residence visa for family members who will join or accompany the main applicant of any of the above mentioned visas

2. Student visas:

- Residence visa for students
- Temporal residence visa for relatives of student visa holders (partner or children)

3. Research

- Residence visa for researchers doing research in the context of an agreement with a research institution

4. Non-lucrative residence:

- Temporal non-lucrative residence visa
- Temporal non-lucrative residence visa for relatives of non-lucrative visa holders (partner or children)

5. Lucrative residence:

- Residence and work visa for employed persons
- Residence and work visa for self-employed

6. Visa with the exception of work permit

7. Family reunification:

- Visa for family reunification under the general regime
- Visa for family reunification under the Community regime for nationalities requiring a visa
- Family reunification under the Community regime without visa

8. Visa for tourism and business (Schengen)

Sources: Ley 14/2013 [Law 14/2013 of 27]. 2013. / Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Ministerio de Asuntos Exteriores, Unión Europea y Cooperación. "Visados de larga duración [Long Term Visas]". Access date not available. <http://www.exteriores.gob.es/Portal/es/ServiciosAlCiudadano/InformacionParaExtranjeros/Paginas/VisadosDeLargaDuracion.aspx>.

4.1.2. Biometric information

IMMIGRATION_3: Collection of biometric information.

Does the state collect biometric information from all citizens for example for passports?

Answer: Yes

Code: 1

Explanation: Fingerprints and photo.

Sources: Ministerio del Interior "Procedimiento de expedición [Issue Process]". Access date not available. [http://www.interior.gob.es/web/servicios-al-ciudadano/procedimiento-de-expedicion.](http://www.interior.gob.es/web/servicios-al-ciudadano/procedimiento-de-expedicion/) / Ministerio del Interior. "Cruce de fronteras [Border Crossing]". Access date not available. [http://www.interior.gob.es/web/servicios-al-ciudadano/extranjeria/acuerdo-de-schengen/cruce-de-fronteras.](http://www.interior.gob.es/web/servicios-al-ciudadano/extranjeria/acuerdo-de-schengen/cruce-de-fronteras)

Does the state collect biometric information from immigrants for example for passports?

Answer: Yes

Code: 1

Explanation: Fingerprints and photo.

Sources: Ministerio del Interior. "Procedimiento de expedición [Issue Process]". Access date not available. [http://www.interior.gob.es/web/servicios-al-ciudadano/procedimiento-de-expedicion.](http://www.interior.gob.es/web/servicios-al-ciudadano/procedimiento-de-expedicion/) / Ministerio del Interior. "Cruce de fronteras [Border Crossing]". Access date not available. [http://www.interior.gob.es/web/servicios-al-ciudadano/extranjeria/acuerdo-de-schengen/cruce-de-fronteras.](http://www.interior.gob.es/web/servicios-al-ciudadano/extranjeria/acuerdo-de-schengen/cruce-de-fronteras)

4.1.3. Visa waivers

IMMIGRATION_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spaetaussiedler or Jewish immigrants in Germany)?

Answer: No

Code: 0

Explanation: The only visa waivers are for temporary residents (90 days in a period of 180 days) (Art. 1.2. Regulation (CE) N° 539/2001). These waivers are regulated by Schengen agreement. List: Albania, Andorra, Antigua and Barbuda, Argentina, A.R.Y.M. (Ant. Rep. Yugoslava Macedonia), Australia, Bahamas, Barbados, Bosnia Herzegovina, Brasil, Brunei Darussalam, Canada, Chile, Colombia, South Corea, Costa Rica, Dominica, El Salvador, Emiratos Arabes Unidos, United States, Georgia, Granada, Guatemala, Honduras, Israel, Japan, Kiribati, Malasia, Marshall Islands, Mauricio, Mexico, Micronesia, Moldova, Moncao, Montenegro, Nauru, Panama, Paraguay, Peru, Salomon Islands, Samoa, Peru, San marino, Saint Vincent and Granadina, Saint Lucia, Sasta sede, Serbia, Seychelles, Singapour, East Timor, Tonga, Trinidad and Tobago, Tuvalu, Ucrania, Uruguay, Vanuatu, Venezuela.

Sources: Reglamento (CE) Nº 539/2001 [Regulation (CE) 539/2001]. 2001. Art. 1.2. / Ministerio de Relaciones Exteriores y Cooperación. “Lista de países cuyos nacionales están sometidos a la obligación de visado para cruzar las fronteras exteriores [List of Countries Whose Nationals Are Subject to Visa Requirement for Crossing External Borders]”. Accessed April 18, 2018. <http://www.exteriores.gob.es/Portal/es/ServiciosAlCiudadano/InformacionParaExtranjeros/Documents/listapaisesvisado.pdf>.

4.2. Documentation

IMMIGRATION_5: Issue of legal compulsory identification documents.

Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?

Answer: Yes

Code: 1

Explanation: Art. 4 of Organic Law 4/2000 and Art. 4 of Organic Law 2/2009 establish that immigrants with a visa have the right and duty to keep [conservar] an ID issued by the Spanish authorities and their state of origin. The regulation of the Organic Law also establishes that immigrants are obliged to show their documents if required by authorities (Art. 205 Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 4. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 205.

Are they required to carry them at all times?

Answer: No

Code: 0

Explanation: Art. 4 of Organic Law 4/2000 and Art. 4 of Organic Law 2/2009 establish that immigrants with a visa have the right and duty to keep [conservar] an ID issued by the Spanish authorities and their state of origin. The regulation of the Organic Law also establishes that immigrants are obliged to show their documents if required by authorities (Art. 205 Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 4. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 205.

4.3. Quotas and restrictions

4.3.1. General quota

IMMIGRATION_6: General quota for immigration.

Is there a general quota (numerical limit) for immigration?

Answer: No

Code: 1

Explanation: No quotas.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.3.2. Specific quotas

IMMIGRATION_7: Quota for high-skilled migrants.

Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?

Answer: No

Code: 1

Explanation: No quotas.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_8: Quota for low-skilled migrants.

Is there a quota (numerical limit) on the number of low-skilled migrants that are allowed to enter the country?

Answer: No

Code: 1

Explanation: No quotas.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_9: Quota for refugees.

Is there a quota (numerical limit) on the number of refugees?

Answer: No

Code: 1

Explanation: No quotas.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_10: Quota for co-ethnics.

Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?

Answer: Not applicable (no co-ethnic proxy)

Code: Not applicable

Explanation: No quotas

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.3.3. List of excluded persons

IMMIGRATION_11: Categories of excluded persons.

Are there categories of excluded persons from immigration?

Answer: Yes

Code: 0

Explanation: The only excluded persons are those that were deported previously while the prohibition of entry is in force (Art. 26.1. Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 26.1.

List of categories of excluded persons:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

4.3.4. List of excluded countries

IMMIGRATION_12: Countries excluded.

Is there a list of countries whose nationals are banned for immigration in this country?

Answer: No

Code: 1

Explanation: No bans for specific countries.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

List of countries excluded:

Answer: Not applicable

Code: Not applicable

Explanation: No bans for specific countries.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

4.4. Policy incentives

4.4.1. Recognized brokers

IMMIGRATION_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):

Answer: No

Code: 0

Explanation: No provision of license system. There are brokers, generally law firms that are specialized in facilitating immigration to Spain. However, they do not need specific licenses (beyond the accreditation as lawyers).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_14. State offers pecuniary incentives to citizens willing to immigrate:

Answer: No

Code: 0

Explanation: No provision for pecuniary incentives to citizens willing to immigrate.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

4.5. Immigration control and penalties

4.5.1. Irregular residence

IMMIGRATION_15: Illegal residence.

Is illegal residence in the country considered a criminal offense?

Answer: No

Code: 1

Explanation: Irregular residence is an administrative offense (considered a serious infringement – there are minor infringements, serious infringements and very serious infringements in the regulations).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Is illegal residence considered an administrative offense?

Answer: Yes

Code: 0

Explanation: Irregular residence is an administrative offense (considered a serious infringement – there are minor infringements, serious infringements and very serious infringements in the regulations). Art. 53.1.a. Organic Law 4/2000 (modified by Organic Law 2/2009): "Son infracciones graves: encontrarse irregularmente en territorio español, por no haber obtenido la prórroga de estancia, carecer de autorización de residencia o tener caducada más de tres meses la mencionada autorización, y siempre que el interesado no hubiere solicitado la renovación de la misma en el plazo previsto reglamentariamente" [Serious infringements are: being in Spanish territory irregularly, for not having obtained the extension of stay, lacking a residence permit or having the aforementioned permit expired for more than three months, and provided that the interested party has not requested the renewal of the same within the period provided for in the regulations].

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 53.1.a.

4.5.2. Forged documents

IMMIGRATION_16: Penalties for immigrants with forged documents.

Are there penalties for immigrants for forged documents?

Answer: Yes

Code: 0

Explanation: The immigration law does not refer specifically to the forging of authorizations. Thus, general law applies. In this case, the Spanish penal code. Art. 392 of the Penal Code establishes that individuals that forge public and official documents will be sanctioned with imprisonment (from six months to three years) and fine (from six to twelve months). Immigration law establishes that migrants that have been convicted with penalties higher than one year of imprisonment, can be expelled from the territory (Art. 57.2. Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 57.2. / Ley Orgánica 10/1995 [Organic Law 10/1995]. 1995. Art. 392.

Penalty is expulsion:

Answer: No

Code: 1

Explanation: The penalty is imprisonment and a fine.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Ley Orgánica 10/1995 [Organic Law 10/1995]. 1995.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: The immigration law does not refer specifically to the forging of authorizations. Thus, general law applies. In this case, the Spanish penal code. Art. 392 of the Penal Code establishes that individuals that forge public and official documents will be sanctioned with imprisonment (from six months to three years) and fined. Immigration law establishes that migrants that have been convicted with penalties higher than one year of imprisonment, can be expelled from the territory (Art. 57.2. Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 57.2. / Ley Orgánica 10/1995 [Organic Law 10/1995]. 1995. Art. 392.

Penalty is detention:

Answer: No

Code: 1

Explanation: The penalty is imprisonment and a fine.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Ley Orgánica 10/1995 [Organic Law 10/1995]. 1995.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: The immigration law does not refer specifically to the forging of authorizations. Thus, general law applies. In this case, the Spanish penal code. Art. 392 of the Penal Code establishes that individuals that forge public and official documents will be sanctioned with imprisonment (from six months to three years) and fined. Immigration law establishes that migrants that have been convicted with penalties higher than one year of imprisonment, can be expelled from the territory (Art. 57.2. Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 57.2. / Ley Orgánica 10/1995 [Organic Law 10/1995]. 1995. Art. 392.

IMMIGRATION_17: Penalties for immigrants with expired documents.**Are there penalties for immigrants with expired documents?**

Answer: Yes

Code: 0

Explanation: Immigrants with expired authorizations of residence can be either fined or expelled (in extreme cases).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Penalty is expulsion:

Answer: Yes

Code: 2

Explanation: Immigrants with expired authorizations of residence can be either fined or expelled (in extreme cases) (1) Immigrants with an expired authorization need to renew it. If they do not start the process of renewal, the incurred in a minor infringement (if the authorization was expired for less than three months, Art. 52.1.b. Organic Law 4/2000) or a serious infringement (if the authorization was expired for more than three months, Art. 53.1.a). Minor infringements are fined with up to 500€ (Art. 55a Organic Law 4/2000). Serious infringements receive a fine between 501 to 1000 € (art. 55b Organic Law 4/2000). (2) Expulsion: Article 571. of Organic Law 4/2000 regulates the expulsions of Spanish territory. In the first paragraph, establishes that serious infringements (such as those included in the art. 53.1.a) can end up in the expulsion of the person from the Spanish territory. The sanction must be proportional and the combination of a fine with expulsion is not possible.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 52.1.b, 53.1.a and 571.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: Immigrants with expired authorizations of residence can be either fined or expelled (in extreme cases) (1) Immigrants with an expired authorization need to renew it. If they do not start the process of renewal, they incurred in a minor infringement (if the authorization was expired for less than three months, Art. 52.1.b. Organic Law 4/2000) or a serious infringement (if the authorization was expired for more than three months, Art. 53.1.a). Minor infringements are fined with up to 500€ (Art. 55a Organic Law 4/2000). Serious infringements receive a fine between 501 to 1000 € (art. 55b Organic Law 4/2000). (2) Expulsion: Article 571. of Organic Law 4/2000 regulates the expulsions of Spanish territory. In the first paragraph, establishes that serious infringements (such as those included in the art. 53.1.a) can end up in the expulsion of the person from the Spanish territory. The sanction must be proportional and the combination of a fine with expulsion is not possible.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 52.1.b, 53.1.a and 571.

Penalty is detention:

Answer: No

Code: No

Explanation: Immigrants with expired authorizations of residence can be either fined or expelled (in extreme cases).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Penalty is imprisonment:

Answer: No

Code: 1

Explanation: Immigrants with expired authorizations of residence can be either fined or expelled (in extreme cases).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

4.5.3. Aiding undocumented migrants

IMMIGRATION_18: Penalties for aiding undocumented migrants.

Are there penalties for aiding undocumented migrants?

Answer: Yes

Code: 0

Explanation: Based on the immigration law, aiding the entry of irregular migrants is a “very serious offence” (“infracción muy grave”) (Art. 54b Organic Law 4/2000). However, this is only so if it is done with the intention of profiting. The sanction is a fine (Art. 55 Organic Law 4/2000).

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 54.b and 55.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: Based on the immigration law, aiding the entry of irregular migrants is a “very serious offence” (“infracción muy grave”) (Art. 54b Organic Law 4/2000). However, this is only so if it is done with the intention of profiting. The sanction is a fine (Art. 55 Organic Law 4/2000).

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 54.b and 55.

Penalty is imprisonment:

Answer: No

Code: 1

Explanation: The sanction is a fine.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

4.5.4. Employment obligations

IMMIGRATION_19: Penalties for employers who hire migrant workers without a legal work permit.

Are there sanctions for employers hiring migrant workers without a legal work permit?

Answer: Yes

Code: 0

Explanation: Yes. Minor infringement: hiring workers whose residence authorization do not allow them to work in such occupation or geographic territory (Art. 52.e. Organic Law 4/2000). Fine for minor infringement: up to 500€ (Art. 55.1.a Organic Law 4/2000). Very serious infringement: hiring foreign worker without live and work permit (Art. 54.1.d Organic Law 4/2000). Fine for very serious infringement: from 10.001 € to 100.000€ (Art. 55.1.c Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 52.e, 55.1.a and 55.1.c.

Sanction is a fine:

Answer: Yes

Code: 2

Explanation: Minor infringement: hiring workers whose residence authorization do not allow them to work in such occupation or geographic territory (Art. 52.e. Organic Law 4/2000). Fine for minor infringement: up to 500€ (Art. 55.1.a Organic Law 4/2000). Very serious infringement: hiring foreign worker without live and work permit (Art. 54.1.d Organic Law 4/2000). Fine for very serious infringement: from 10.001 € to 100.000€ (Art. 55.1.c Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 52.e, 55.1.a and 55.1.c.

Penalty is imprisonment:

Answer: No

Code: 1

Explanation: The sanction is a fine.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

4.5.5. Landlord obligations

IMMIGRATION_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.

Are there penalties for landlords who rent shelter to migrants without a regular migrant status?

Answer: No

Code: 1

Explanation: No punishment found in the Immigration law 4/2000.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Penalty is a fine:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Penalty is imprisonment:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.5.6. Airline penalties

IMMIGRATION_21: Penalties for airlines carrying immigrants without documentation.

Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?

Answer: Yes

Code: 0

Explanation: Art. 54.2 of the Organic Law 4/2000 establishes that carriers must check the validity of the travel documentations. Failing to do so is a “very serious offence” (“infracción muy grave”) and its sanction is a fine.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 54.2.

Sanction is a fine:

Answer: Yes

Code: 2

Explanation: Art. 54.2 of the Organic Law 4/2000 establishes that carriers must check the validity of the travel documentations. Failing to do so is a “very serious offence” (“infracción muy grave”) and its sanction is a fine.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 54.2.

Penalty is more than a fine:

Answer: No

Code: 1

Explanation: The sanction is a fine.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

4.6. Amnesty programs

IMMIGRATION_22: Existence of amnesty program.

In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?

Answer: Yes

Code: 1

Explanation: In 2005, the government initiated a “normalization process” that allowed the regularization of the migratory status of all immigrants that could prove residence and having a labor contract (Disposición Transitoria Tercera Royal Decree 2393/2004, 30 de diciembre).

Sources: Real Decreto 2393/2004 [Royal Decree 2393/2004]. 2004.

The amnesty program is/was:

Answer: Exceptional (once in the timeframe analyzed)

Code: 1

Explanation: In 2005, the government initiated a “normalization process” that allowed the regularization of the migratory status of all immigrants that could prove residence and having a labor contract (Disposición Transitoria Tercera Royal Decree 2393/2004, 30 de diciembre).

Sources: Real Decreto 2393/2004 [Royal Decree 2393/2004]. 2004.

Being employed is/was a condition to qualify for the amnesty program:

Answer: Yes

Code: 1

Explanation: In 2005, the government initiated a “normalization process” that allowed the regularization of the migratory status of all immigrants that could prove residence and having a labor contract (Disposición Transitoria Tercera Royal Decree 2393/2004, 30 de diciembre).

Sources: Real Decreto 2393/2004 [Royal Decree 2393/2004]. 2004.

A given duration of stay is/was a condition to qualify for the amnesty program:

Answer: Yes

Code: 1

Explanation: In 2005, the government initiated a “normalization process” that allowed the regularization of the migratory status of all immigrants that could prove residence and having a labor contract (Disposición Transitoria Tercera Royal Decree 2393/2004, 30 de diciembre).

Sources: Real Decreto 2393/2004 [Royal Decree 2393/2004]. 2004.

Having a certain nationality is/was a condition to qualify for the amnesty program:

Answer: No

Code: 0

Explanation: There were no nationality requirements.

Sources: Real Decreto 2393/2004 [Royal Decree 2393/2004]. 2004.

Does a case by case regularization for irregular immigrants existed?

Answer: Yes

Code: 1

Explanation: Por “arraigo social” (Art. 31.3 Organic Law 4/2011): Prove of residence of more than 3 years; Job offer for longer than a year. Por “arraigo laboral” (Art. 31.1 Organic Law 4/2011): Prove of residence of at least 2 years; Be able to prove a labor relationship of at least six months of duration. Por “arraigo familiar” (Art. 31.3 Organic Law 4/2011): Being a parent of a children with Spanish nationality; Being the son/daughter of father/mother with Spanish nationality by birth.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 31.1 and 31.3.

Being employed is a condition to qualify for the case by case regularization program:

Answer: Yes

Code: 1

Explanation: Por “arraigo social” (Art. 31.3 Organic Law 4/2011): Prove of residence of more than 3 years; Job offer for longer than a year. Por “arraigo laboral” (Art. 31.1 Organic Law 4/2011): Prove of residence of at least 2 years; Be able to prove a labor relationship of at least six months of duration. Por “arraigo familiar” (Art. 31.3 Organic Law 4/2011): Being a parent of a children with Spanish nationality; Being the son/daughter of father/mother with Spanish nationality by birth.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 31.1 and 31.3.

A given duration of stay is a condition to qualify for the case by case regularization program:

Answer: Yes

Code: 1

Explanation: Por "arraigo social" (Art. 31.3 Organic Law 4/2011): Prove of residence of more than 3 years; Job offer for longer than a year. Por "arraigo laboral" (Art. 31.1 Organic Law 4/2011): Prove of residence of at least 2 years; Be able to prove a labor relationship of at least six months of duration. Por "arraigo familiar" (Art. 31.3 Organic Law 4/2011): Being a parent of a children with Spanish nationality; Being the son/daughter of father/mother with Spanish nationality by birth.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 31.1 and 31.3.

Having a certain nationality is a condition to qualify for the case by case regularization program:

Answer: No

Code: 0

Explanation: Por "arraigo social" (Art. 31.3 Organic Law 4/2011): Prove of residence of more than 3 years; Job offer for longer than a year. Por "arraigo laboral" (Art. 31.1 Organic Law 4/2011): Prove of residence of at least 2 years; Be able to prove a labor relationship of at least six months of duration. Por "arraigo familiar" (Art. 31.3 Organic Law 4/2011): Being a parent of a children with Spanish nationality; Being the son/daughter of father/mother with Spanish nationality by birth.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 31.1 and 31.3.

Is regularization through marriage possible:

Answer: No

Code: 0

Explanation: Regularization through marriage is not possible.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 31.1 and 31.3.

IMMIGRATION_23. The amnesty defines the types of irregular migrants as:

Answer: Amnesty refers only to "foreign workers" in an irregular situation.

Code: Amnesty refers only to "foreign workers" in an irregular situation.

Explanation: Not applicable

Sources: Real Decreto 2393/2004 [Royal Decree 2393/2004]. 2004.

4.7. Administration

IMMIGRATION_24_1: Administration in charge of immigration regulation.

Which institution is in charge of immigration regulation (in original language)?

Answer: Secretaría de Estado de Migraciones, Dirección General de Espanoles en el Exterior y de Asuntos Consulares, Dirección General de Relaciones Internacionales y Extranjería

Code: Secretaría de Estado de Migraciones, Dirección General de Espanoles en el Exterior y de Asuntos Consulares, Dirección General de Relaciones Internacionales y Extranjería

Explanation: National level has the exclusive competence on immigration, nationality, emigration, and asylum (Art. 149.2 of Spanish Constitution). At the executive branch of government, there are several units in charge of immigration issues: General Secretary of Immigration and Emigration from the Ministry of Employment and Social Security. [SC: Secretaría de Estado de Migraciones]. General Directorate for Spaniards abroad and Consular and Migratory Affairs (Dirección General de Espanoles en el Exterior y de Asuntos Consulares) dependent from the Subsecretary of External Affairs and Cooperation (Subsecretaría de Asuntos Exteriores y de Cooperación) from the Ministry of Foreign Affairs and Cooperation. General Directorate for International Relations and Immigration (Dirección General de Relaciones Internacionales y Extranjería) from the Ministry of Interior.

Sources: Constitución Española [Spanish Constitution]. 1978. Art. 149.2.

Which institution is in charge of immigration regulation (in English language)?

Answer: General Secretary of Immigration and Emigration, General Directorate for Spaniards abroad and Consular and Migratory Affairs, General Directorate for International Relations and Immigration

IMMIGRATION_24_2: Administration in charge of implementing immigration policies.

Which institution is in charge of the implementation of immigration policies (in original language)?

Answer: Secretaría de Estado de Migraciones, Dirección General de Espanoles en el Exterior y de Asuntos Consulares, Dirección General de Relaciones Internacionales y Extranjería

Code: Secretaría de Estado de Migraciones, Dirección General de Espanoles en el Exterior y de Asuntos Consulares, Dirección General de Relaciones Internacionales y Extranjería

Explanation: National level has the exclusive competence on immigration, nationality, emigration, and asylum (Art. 149.2 of Spanish Constitution). At the executive branch of government, there are several units in charge of immigration issues: General Secretary of Immigration and Emigration from the Ministry of Employment and Social Security. [SC: Secretaría de Estado de Migraciones]. General Directorate for Spaniards abroad and Consular and Migratory Affairs (Dirección General de Espanoles en el Exterior y de Asuntos Consulares) dependent from the Subsecretary of External Affairs and Cooperation (Subsecretaría de Asuntos Exteriores y de Cooperación) from the Ministry of Foreign Affairs and Cooperation. General Directorate for International Relations and Immigration (Dirección General de Relaciones Internacionales y Extranjería) from the Ministry of Interior.

Sources: Constitución Española [Spanish Constitution]. 1978. Art. 149.2.

Which institution is in charge of immigration regulation (in English language)?

Answer: General Secretary of Immigration and Emigration, General Directorate for Spaniards abroad and Consular and Migratory Affairs, General Directorate for International Relations and Immigration

IMMIGRATION_24_3: Administration in charge of border control.

Which institution is in charge of border control (in original language)?

Answer: Dirección General de Relaciones Internacionales y Extranjería

Code: Dirección General de Relaciones Internacionales y Extranjería

Explanation: General Directorate for International Relations and Immigration (Dirección General de Relaciones Internacionales y Extranjería) from the Ministry of Interior.

Sources: Constitución Española [Spanish Constitution]. 1978. Art. 149.2.

Which institution is in charge of border control (in English language)?

Answer: General Directorate for International Relations and Immigration

IMMIGRATION_24_4: Administration in charge of detentions.

Which institution is in charge of detentions (in original language)?

Answer: Dirección General de Relaciones Internacionales y Extranjería

Code: Dirección General de Relaciones Internacionales y Extranjería

Explanation: General Directorate for International Relations and Immigration (Dirección General de Relaciones Internacionales y Extranjería) from the Ministry of Interior.

Sources: Constitución Española [Spanish Constitution]. 1978. Art. 149.2.

Which institution is in charge of detentions (in English language)?

Answer: General Directorate for International Relations and Immigration

4.8. Proxy: Labor migration (high- and low-skilled)

IMMIGRATION_25: Visas applied to labor migration.

Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?

Answer: Yes

Code: 1

Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?

Answer: No

Code: 0

4.8.1. Domestic workers

Is there a visa scheme (entry track) for domestic workers?

Answer: Yes

Code: 1

Explanation: Domestic workers have to apply for a “temporal residency and employment” visa, an entry track design to grant a visa that includes the right to residency and the right to work in a specific job for a period of time between 90 days and 5 years (Art. 62 Royal Decree 557/2011 and Art. 25 Organic Law 4/2000 modified by Organic Law 2/2009). The process to grant this visa is twofold. First, authorization. Before the visa can be requested, the employer and the future employee must have an authorization. As a general rule, the authorization is limited to a geographical province and an occupation. Beyond usual requisites (see Art. 64 Royal Decree 557/2011 and Art. 38 Organic Law 4/2000 modified by Organic Law 2/2009), the process requires that the “situation of employment in Spain allows to hire the foreign worker” (Art. 64.3.a Royal Decree 557/2011 and Art. 38 Organic Law 4/2000 modified by Organic Law 2/2009). In practical terms, this means that this authorization will be only given if the job to cover by the potential foreign worker is listed under the occupations of difficult coverage (ocupaciones de difícil cobertura) or if the employer can prove that it was not possible to find someone suitable for the job post in the internal employment market (process regulated in Art. 65 Royal Decree 557/2011 and Art. 25 Organic Law 4/2000 modified by Organic Law 2/2009). Domestic workers are not included in the list of occupations of difficult coverage. This means, that in practical terms, they are generally excluded of work and residence permits. This does not apply for countries with which Spain has an agreement (currently, only Peru and Chile) or for children of immigrants with a residence permit in Spain. Second- Visa: Once the authorization is obtained by employer, he/she has to apply for the visa (Art. 67 and Art. 70 Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 25 and 38. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 62, 64, 65, 67 and 70.

IMMIGRATION_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?

Answer: No

Code: 1

Explanation: No provision for sponsorship.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?

Answer: Yes, required

Code: 0.25

Explanation: Job offer is required (Art. 36 and 38 Organic Law 4/2000 modified by Organic Law 2/2009)

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. Art. 36 and 38. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 36 and 38.

IMMIGRATION_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?

Answer: Yes

Code: 0.5

Explanation: Yes. National labor market test is mandatory (exception if there is a bilateral agreement, the case with Peru and Chile) (38 Organic Law 4/2000 modified by Organic Law 2/2009).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. Art. 38. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 64-70.

IMMIGRATION_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in explanation).

Answer: No

Code: 1

Explanation: No restrictions based on nationality found. However, it seems that only nationals of Peru and Chile would be able to access this track, since it is highly unlikely that the prospective domestic workers would pass the national labor test.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_30: Restrictions based on age.

Are there age limits for migrant domestic workers in order to be admitted to the country?

Answer: No

Code: 1

Explanation: Age limits not found (Art. 38 Organic Law 4/2000 modified by Organic Law 2/2009).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. Art. 38. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 64-70.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_31. Is having a certain gender a requisite to be admitted to the country under the domestic worker entry track?

Answer: No

Code: 1

Explanation: No discrimination based on gender in the regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRATION_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?

Answer: No

Code: 1

Explanation: No discrimination based on marital status in the regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRATION_33. Do migrant domestic workers need to prove the ability to support themselves?

Answer: No

Code: 1

Explanation: No proof of self-sustainability. However, the job offer must meet the standards of the Spanish job market (e.g. minimum wage). (Art. 38 Organic Law 4/2000 modified by Organic Law 2/2009 and Art. 64.3 Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. Art. 38. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 64.3.

IMMIGRATION_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?

Answer: Neither beneficial, nor required

Code: 1

Explanation: No mention in regulations to language skills.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRATION_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: 268.04

Code: 268.04

Explanation: For the visa: 60 € (paid by migrant). For the authorization: 197,84 €, paid by employer ("tasa 062", applicable from 29 June 2017. In 2017 was 190,12) if the salary of paid to the migrant will be inferior to 2 minimum salaries (if it is superior, 380,27 €). 10,20 € paid by migrant. Added up, the total cost is 268.04€.

Sources: Orden PRE/1803/2011 [Order PRE/1803/2011]. 2011.

IMMIGRATION_36. How long is the domestic work permit valid for? Indicate the period in months.

Answer: 12

Code: 12

Explanation: 1 year (Art. 63.5 Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 63.5.

IMMIGRATION_37. Is it possible to renew the work permit granted under the domestic worker entry track?

Answer: Yes

Code: 1

Explanation: Yes. Renewal is possible for up to 2 years. Leaving the country is not necessary (Art. 71 and 72 Royal Decree 577/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 71 and 72.

IMMIGRATION_38: Possibility of changing jobs.

Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?

Answer: Yes

Code: 1

Explanation: Yes, but within the same profession (Art. 38.5 Organic Law 4/2000). The Art. 38.5 of Organic Law 4/2000 establishes that the authorization to work is limited to the territory and occupation/profession for it is issued. Thus, a change of employer is possible if the change is produced within the same territory and profession.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 38.5.

Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?

Answer: No

Code: No

Explanation: The Art. 38.5 of Organic Law 4/2000 establishes that the authorization to work is limited to the territory and occupation/profession for it is issued.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 38.5.

Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?

Answer: No

Code: 0

Explanation: Generally no. The Art. 38.5 of Organic Law 4/2000 establishes that the authorization to work is limited to the territory and occupation/profession for it is issued.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 38.5.

IMMIGRATION_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?

Answer: No

Code: 0

Explanation: However, unemployment can undermine the renewal of the authorization (Art. 71 Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 71.

IMMIGRATION_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?

Answer: Yes

Code: 1

Explanation: Yes, working conditions must be equal or better of those of native workers.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_41. Is a minimum level of education required to apply to the domestic entry track?

Answer: No

Code: 1

Explanation: No requisite of minimum level of education.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_42. Is a test of good health required for migrant domestic worker?

Answer: Yes

Code: 0

Explanation: Yes, applicants cannot have any sickness that can pose a threat to public health (Art. 70 Real Decreto 557/2011). In practical terms, a medical certificate is mandatory.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 70.

4.8.2. Agricultural workers

Is there a visa scheme (entry track) for agricultural workers?

Answer: Yes

Code: 1

Explanation: Temporary agricultural workers must apply to the residence and seasonal work visa (Art. 25.e Organic Law 4/2000 modified by Organic Law 2/2009). The process is twofold: First-Authorization. The potential employer must register an application in the Office for Migration (Oficina de Extranjería). The employer must prove that the positions could not be covered by the internal job

market (there is an exception if the prospective worker has already worked as a temporary worker in the previous two years). Second- The employee must apply for the visa in the consular mission.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. Art. 25.e. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRATION_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?

Answer: No

Code: 1

Explanation: No provision for sponsorship.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?

Answer: Yes, required

Code: 0.25

Explanation: Job offer is required (Art. 36, 38 and 39 Organic Law 4/2000 modified by Organic Law 2/2009).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 36, 38 and 39.

IMMIGRATION_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?

Answer: Yes

Code: 0.5

Explanation: National labor market test is mandatory (exception if the prospective employee was a temporal worker the two years before the application) (38-39 Organic Law 4/2000 modified by Organic Law 2/2009).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. Art. 38 and 39. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRATION_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).

Answer: No

Code: 1

Explanation: No restrictions based on nationality found. However, countries with which Spain has migratory agreement will have preference (Art. 42.3 Organic Law 4/2000 modified by Organic Law 2/2009).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. Art. 42.3. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_47: Restrictions based on age.

Are age limits for migrant agricultural workers in order to be admitted to the country?

Answer: No

Code: 1

Explanation: Age limits not found (Art. 38 and 39 Organic Law 4/2000 modified by Organic Law 2/2009).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. Art. 38 and 39. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_48. Is having a certain gender a requisite to be admitted to the country under this entry track?

Answer: No

Code: 1

Explanation: No discrimination based on gender in the regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRATION_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?

Answer: No

Code: 1

Explanation: No discrimination based on marital status in the regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRATION_50. Do migrant agricultural workers need to prove the ability to support themselves?

Answer: No

Code: 1

Explanation: No proof of self-sustainability. However, the job offer must meet the standards of the Spanish job market and employer must provide a suitable accommodation for the employee (Art. 38 and 42.2 Organic Law 4/2000 modified by Organic Law 2/2009 and Art. 64 Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. Art. 38 and 42.2. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 64.

IMMIGRATION_51. Is knowledge of the host country's language considered beneficial or required for the decision on immigrating as an agricultural worker?

Answer: Neither beneficial, nor required

Code: 1

Explanation: No mention in regulations to language skills.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRATION_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: 76,81

Code: 76,81

Explanation: Visa: 60 € (paid by migrant). For the authorization: 10,61 €, paid by employer ("tasa 062", applicable from 29 June 2017).

Sources: Orden PRE/1803/2011 [Order PRE/1803/2011]. 2011.

IMMIGRATION_53. How long is the work permit valid for? Indicate the period in months.

Answer: 9

Code: 9

Explanation: A maximum of 9 months within the period of 12 months (Art. 98.3 Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 98.3.

IMMIGRATION_54. Is it possible to renew the work permit granted under the agricultural worker entry track?

Answer: Yes

Code: 1

Explanation: Yes. But generally only up to 12 months including the time of the previous authorization (e.g. if the previous authorization was for 3 months, the renewal can be granted only up to 9 months). If a renewal for more than 12 is necessary it must be justified and would be granted in exceptional cases ("con carácter excepcional"). (Art. 102 Royal Decree 577/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 102.

IMMIGRATION_55: Possibility of changing jobs.

Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?

Answer: No

Code: 0

Explanation: No (Art. 97 to 101 of Royal Decree 557/2011). Arts. 97 to 101 of the Royal Decree 557/2011 regulate the resident permit of agricultural workers hired for seasonal work. It establishes that the residence permit is linked with a given job offer and, thus, is not possible to switch employers, location or profession.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 97-101.

Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?

Answer: No

Code: 0

Explanation: No (Art. 97 to 101 of Royal Decree 557/2011). Arts. 97 to 101 of the Royal Decree 557/2011 regulate the resident permit of agricultural workers hired for seasonal work. It establishes that the residence permit is linked with a given job offer and, thus, is not possible to switch employers, location or profession.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 97-101.

Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?

Answer: No

Code: 0

Explanation: No (Art. 97 to 101 of Royal Decree 557/2011). Arts. 97 to 101 of the Royal Decree 557/2011 regulate the resident permit of agricultural workers hired for seasonal work. It establishes that the residence permit is linked with a given job offer and, thus, is not possible to switch employers, location or profession.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 97-101.

IMMIGRATION_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?

Answer: Yes, unspecified

Code: 6

Explanation: Yes (Art. 101 Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 101.

IMMIGRATION_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?

Answer: Yes

Code: 1

Explanation: Yes, working conditions must be equal or better of those of native workers. Additionally, employers must guarantee a proper accommodation in Spain.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_58. Is a minimum level of education required to apply to the agricultural worker entry track?

Answer: No

Code: 1

Explanation: No requisite minimum level of education.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_59. Is a test of good health required for migrant agricultural workers?

Answer: Yes

Code: 0

Explanation: Yes, applicants cannot have any sickness that can pose a threat to public health (Art. 101 Real Decreto 557/2011). In practical terms, a medical certificate is mandatory.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 101.

4.8.3. Medical doctors

Is there a visa scheme (entry track) for medical doctors?

Answer: Yes

Code: 1

Explanation: Labor migration from highly skilled migrants is possible through applying to the EU Blue Card. The process is twofold. 1- Prospective employees must have first an authorization to work in Spain. To obtain the authorization they must have a university degree of at least three years (or prove 5 years of experience at a professional level) and a job offer (Art. 38er Organic Law 4/2000). The authorization can be rejected on the grounds of the situation of the internal employment market (Art. 38er. 3 38er Organic Law 4/2000). Medical doctors must follow this entry track. 2- Application for the visa. Once the authorization has been approved, the prospective migrant must apply for the visa.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 38.

IMMIGRATION_60. Do migrants trying to enter the country under the medical doctor entry track, needed to be sponsored by an individual or group?

Answer: No

Code: 1

Explanation: No provision for sponsorship.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?

Answer: Yes, required

Code: 0.25

Explanation: Job offer is required (Art. 36, 38 and 38 Organic Law 4/2000 modified by Organic Law 2/2009).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 36 and 38.

IMMIGRATION_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove that no native worker could do the job)?

Answer: No

Code: 1

Explanation: Generally no. However, there is still a provision in the law that would allow to conduct a labor market test in special circumstances (Art. 38 Organic Law 4/2000 modified by Organic Law 2/2009).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 38. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRATION_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).

Answer: No

Code: 1

Explanation: No restrictions based on nationality found.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_64: Restrictions based on age.

Are there age limits for migrant medical doctors to be admitted to the country?

Answer: No

Code: 1

Explanation: Age limits not found (Art. 38 and Art. 38 ter Organic Law 4/2000 modified by Organic Law 2/2009).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 38. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_65. Is having a certain gender a requisite to be admitted to the country under the medical doctor entry track?

Answer: No

Code: 1

Explanation: No discrimination based on gender in the regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRATION_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?

Answer: No

Code: 1

Explanation: No discrimination based on marital status in the regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRATION_67. Do migrant medical doctors need to prove the ability to support themselves?

Answer: No

Code: 1

Explanation: No proof of self-sustainability. However, the job offer must meet the standards of the Spanish job market for the specific employment category (Art. 38 and 38 Organic Law 4/2000 modified by Organic Law 2/2009 and Art. 87.2 Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. Art. 38. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 87.2.

IMMIGRATION_68. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?

Answer: Neither beneficial, nor required

Code: 1

Explanation: No mention in regulations to language skills.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRATION_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: 76.37

Code: 76.37

Explanation: For the visa: 60 € (paid by migrant). For the authorization: 197,84 €, paid by employer ("tasa 062", applicable from 29 June 2017.) if the salary of paid to the migrant will be inferior to 2 minimum salaries (if it is superior, 380,27 €). 10,20 € paid by migrant.

Sources: Orden PRE/1803/2011 [Order PRE/1803/2011]. 2011.

IMMIGRATION_70. How long is the medical doctor work permit valid for? Indicate the period in months.

Answer: 12

Code: 12

Explanation: 1 year (Art. 86.2 Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 86.2.

IMMIGRATION_71. Is it possible to renew the work permit granted under the medical doctor entry track?

Answer: Yes

Code: 1

Explanation: Yes, renewal is possible for up to 2 years. Leaving the country is not necessary (Art. 93.2 Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 93.2.

IMMIGRATION_72: Possibility of changing jobs.

Is it possible for a migrant medical doctor to switch employers?

Answer: Yes

Code: 1

Explanation: Yes, but within the same profession (Art. 38.5 Organic Law 4/2000). The Art. 38.5 of Organic Law 4/2000 establishes that the authorization to work is limited to the territory and occupation/profession for it is issued. Thus, a change of employer is possible if the change is produced within the same territory and profession.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 38.5.

Is it possible for a migrant medical doctor to switch professional sectors?

Answer: No

Code: 0

Explanation: The Art. 38.5 of Organic Law 4/2000 establishes that the authorization to work is limited to the territory and occupation/profession for it is issued.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 38.5.

Is it possible for a migrant medical doctor to switch locations?

Answer: No

Code: 0

Explanation: Generally no. The Art. 38.5 of Organic Law 4/2000 establishes that the authorization to work is limited to the territory and occupation/profession for it is issued.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 38.5.

IMMIGRATION_73. Does loss of employment result in the withdrawal of a migrant worker's resident permit under the medical doctor track?

Answer: No

Code: 0

Explanation: No. However, unemployment can undermine the renewal of the authorization (Art. 93 Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 93.

IMMIGRATION_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?

Answer: Yes

Code: 1

Explanation: Yes, working conditions must be equal or better than those of native workers.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_75. Is a minimum level of education required to apply to the medical doctor entry track?

Answer: Yes

Code: 0

Explanation: Yes, requisite of having a university degree of at least three years and have the capacitation to take on the job (in this case, medical degree).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRATION_76. Is a test of good health required for migrant medical doctors?

Answer: No

Code: 0

Explanation: No. No such requirement in regulations (Organic Law 4/2000, modified by Organic Law 2/2009 and Royal Decree 577/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

4.9. Proxy: Refugees

4.9.1. Existence of track

IMMIGRATION_77. Does the country grant refugee status?

Answer: Yes

Code: 1

Explanation: Yes. Regulated by Law 12/2009.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

IMMIGRATION_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?

Answer: Yes

Code: 0

Explanation: Yes. The petition of asylum can be rejected if applicant comes from a third country classified as safe (Art. 20.1.d of the Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 20.1.d.

IMMIGRATION_79: Safe countries of origin.

Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?

Answer: No

Code: 1

Explanation: No. No provisions for safe third countries found in the main regulations.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

How many countries?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.9.2. Restrictions

IMMIGRATION_80: Refugee status restricted for certain nationalities.

Is refugee status restricted to certain nationalities?

Answer: No

Code: 1

Explanation: No restrictions found in main regulations.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Which nationalities?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_81: Restrictions based on age.

Are there age limits for potential refugees to be admitted to the country?

Answer: No

Code: 1

Explanation: No. However, minors and non-accompanied minors are granted special protection (Art. 47 and 48 of Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 47 and 48.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?

Answer: Yes

Code: 0.5

Explanation: Minors and non-accompanied minors are granted special protection (Art. 47 and 48 of Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 47 and 48.

Below which age?

Answer: Younger than 25 years

Code: 5

Explanation: Minors and non-accompanied minors are granted special protection (Art. 47 and 48 of Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 47 and 48.

IMMIGRATION_82. Is having a certain gender a requisite to be granted refugee status?

Answer: No

Code: 0

Explanation: No gender requirement found in main regulations.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

IMMIGRATION_83. Is having a certain marital status a requisite to be granted refugee status?

Answer: No

Code: 0

Explanation: No. No certain marital status requirement to granting refugee status.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

4.9.3. Place of application

IMMIGRATION_84: Place of application

Can asylum seekers file an application for asylum from outside the destination country's territory?

Answer: No

Code: 0

Explanation: No, although embassies can facilitate the transportation to Spain of prospective applicants (Art. 38 Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 38.

Can asylum seekers file an application for asylum at the border/ports of entry of country's territory?

Answer: Yes

Code: 1

Explanation: Yes (Art. 21 Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Can asylum seekers file an application for asylum on the destination country's territory?

Answer: Yes

Code: 1

Explanation: Yes (Art. 16 Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 16.

4.9.4. Permit validity

IMMIGRATION_85. How long is the initial residence permit for recognized refugees valid for?

Answer: Permanent

Code: 1

Explanation: Permanent. Refugees have access to long term residence (Art. 32.3 Organic Law 4/2000).

Sources: Ley 12/2009 [Law 12/2009]. 2009. 32.3.

IMMIGRATION_86: Permit renewal.

Is it possible to renew a temporary residence permit?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is it possible to apply for a permanent resident permit for recognized refugees?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?

Answer: Yes

Code: 0

Explanation: Yes (Art. 42.1.g of Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 42.1.g.

4.9.5. Maximum timeframe for application resolution

IMMIGRATION_88: Timeframe for resolution.

Is there a maximum of days to process the application of asylum seekers?

Answer: Yes

Code: 1

Explanation: The general timeframe for the resolution of the application is 6 months (Art. 24.c Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 24.c.

What is the maximum of days?

Answer: 180

Code: 180

Explanation: The general timeframe for the resolution of the application is 6 months (Art. 24.c Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 24.c.

4.9.6. Possibility to change migratory status

IMMIGRATION_89. If an application on refugee status is rejected, does the applicant have the right to appeal?

Answer: Yes

Code: 1

Explanation: Yes (Art. 29 of Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 29.

IMMIGRATION_90. Is it possible for recognized refugees to change their migratory status?

Answer: No

Code: 0

Explanation: It is not possible. However, it is not necessary for refugees to change their migratory status in order to be able to work since refugees in Spain have the right to work.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

4.9.7. Detention

IMMIGRATION_91: Detention

Are asylum seekers detained while their claims are being processed?

Answer: No

Code: 4

Explanation: It is not detention, but they are placed in “centros de acogida” if they do not have the economic or social resources to sustain by themselves (Art. 22 Law 12/2009 and Ministerial Order 13 January 1989). They can stay there for a period of six months. CAR: Centros de acogida de refugiados (managed directly by Ministry of Interior). Centers managed by ONGs. Centers for temporary stays (only in Ceuta and Melilla).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 22. / Orden de 13 de enero de 1989 sobre centros de acogida a refugiados [Order of January 13, 1989 on Centers for the Reception of Refugees]. 1989.

Are asylum seekers detained after their claims are processed?

Answer: No

Code: 2

Explanation: No, refugees are expected to be autonomous after a process of integration that last up to 18 months.

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 22. / Orden de 13 de enero de 1989 sobre centros de acogida a refugiados [Order of January 13, 1989 on Centers for the Reception of Refugees]. 1989.

4.9.8. Status after rejection

IMMIGRATION_92. What is the status of asylum seekers whose applications are rejected?

Answer: Issued a temporary certificate and possibility of applying to other visa

Code: 3

Explanation: If application is rejected, the general immigration law is applied. This means that they can be expelled from Spanish territory. However, if they can apply for temporary residence if they meet the requirements (Art. 37 Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 37.

IMMIGRATION_93. Do asylum seekers have the possibility to work during the process of application?

Answer: Yes

Code: 1

Explanation: Yes (Art. 32 of Law 12/2009 and Art. 15.1. Royal Decree 203/1995).

Sources: Real Decreto 203/1995 [Royal Decree 203/1995]. 1995. Art. 32.

4.9.9. Translation and interpretation

IMMIGRATION_94. Does the state provide official translation or interpretation for the process of asylum seekers?

Answer: Yes

Code: 1

Explanation: Yes. They have the right to judicial assistance and interpretation (Art. 18 Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 18.

4.10. Proxy: Co-ethnics

4.10.1. General

IMMIGRATION_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).

Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?

Answer: No

Code: 0

Explanation: No co-ethnic proxy found.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009.

IMMIGRATION_96. Register the name of the group(s).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.2. Reasons for co-ethnicity

IMMIGRATION_97. Reasons for co-ethnicity.

Shared language:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Shared religion:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Shared ancestry:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Citizen of former colony:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

III treatment by country in the past:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Self-declaration: avowal to be of country's ethnicity:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Other:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_98. May converts apply?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.3. Language test

IMMIGRATION_100. What is the required level of language skills?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.4. Place of residence

IMMIGRATION_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.5. Place of application

IMMIGRATION_102. Place of application.

Can applicants file an application from outside the territory of the host country?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can applicants file an application on host country's territory?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.6. Date of birth

IMMIGRATION_103. Do applicants need to be born before or after a certain date to be eligible?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.7. Permit validity

IMMIGRATION_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_105. Permit renewal.

Is it possible to renew a temporary residence permit for co-ethnics?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is it possible to apply for a permanent resident permit for co-ethnics?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

5. Immigrant policies

5.1. Permanent residence

5.1.1. Eligibility

IMMIGRANT_1: General existence of a permanent residence scheme.

Answer: Yes

Code: 1

Explanation: Yes (Art. 32 Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 32. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRANT_2: Existence of a permanent residence scheme for different proxies. Do asylum seekers have access to permanent residence?

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Do refugees have access to permanent residence?

Answer: Yes

Code: 1

Explanation: Yes (Art. 32.3 bis Law 4/2000).

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 32.2.

Do co-ethnics have access to permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have access to permanent residence?

Answer: Yes

Code: 1

Explanation: Yes (Art. 32.2 Law 4/2000)

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 32.2.

Do agricultural workers have access to permanent residence?

Answer: No

Code: 0

Explanation: No provision in Law 4/2000.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Do medical doctors have access to permanent residence?

Answer: Yes

Code: 1

Explanation: Yes (Art. 32.2 Law 4/2000)

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 32.2.

IMMIGRANT_3: Required time of habitual residence.

How many months of habitual residence are required from asylum seekers for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from refugees for accessing permanent residence?

Answer: 0

Code: 0

Explanation: Immediate with the recognition of refugee status (Art. 361.c Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 361.

How many months of habitual residence are required from co-ethnics for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from domestic workers for accessing permanent residence?

Answer: 60

Code: 60

Explanation: 5 years (Art. 32.2 Law 4/2000).

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 32.2.

How many months of habitual residence are required from agricultural workers for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from medical doctors for accessing permanent residence?

Answer: 60

Code: 60

Explanation: 5 years (Art. 32.2 Law 4/2000).

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 32.2.

IMMIGRANT_4: Periods of absence allowed.

Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Refugees can apply for permanent residence immediately upon refugee recognition.

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 10

Code: 10

Explanation: Up to 6 consecutive months with a total of 10 months of absence in the 5 years (Art. 32.5.c Law 4/2000 and Art. 148.1 Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 32.5.c. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 148.1.

Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 18

Code: 18

Explanation: Up to 12 consecutive months with a maximum of 18 months of absence in the 5 years and only if residence in another UE member state, if not 6 consecutive months with a maximum of 10 (Art. 32.5.c Law 4/2000 Art. 148.2 Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 32.5.c. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 148.2.

IMMIGRANT_5. Result of a regularization process.

The regularization process leads to:

Answer: temporal residence permit

Code: 0.25

Explanation: Temporary residence. Irregular migrants can apply a temporal residence permit if they prove to be rooted (residencia temporal por arraigo social o laboral) in the country. In this case, they have to prove to be in Spain during at least 3 years, have a job offer for the duration of 1 year, show prove of good conduct and not having criminal records (Art. 31.3 Law 4/2000 and 62-66, 123, 130 Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 31.3. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 62-66, 123 and 130.

IMMIGRANT_6: Language test.

Is there a language requirement for asylum seekers to access permanent residence?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for refugees to access permanent residence?

Answer: no requirement

Code: 1

Explanation: No such requirement.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Is there a language requirement for co-ethnics to access permanent residence?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for domestic workers to access permanent residence?

Answer: no requirement

Code: 1

Explanation: No such requirement.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Is there a language requirement for co-ethnics to access permanent residence?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for medical doctors to access permanent residence?

Answer: no requirement

Code: 1

Explanation: No such requirement.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRANT_7: Economic resources.

Is there an economic resources requirement for applying to permanent residence for asylum seekers?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for refugees?

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: None. There is no economic requirement in the regulations of the long-term residence (Organic Law 4/2000, Organic Law 2/2009 and Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

Is there an economic resources requirement for applying to permanent residence for co-ethnics?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for domestic workers?

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: None. There is no economic requirement in the regulations of the long-term residence (Organic Law 4/2000, Organic Law 2/2009 and Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

Is there an economic resources requirement for applying to permanent residence for agricultural workers?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for medical doctors?

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: None. There is no economic requirement in the regulations of the long-term residence (Organic Law 4/2000, Organic Law 2/2009 and Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

IMMIGRANT_8: Cost of application.

What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?

Answer: 21.44

Code: 21.44

Explanation: Yes, as of Dec 2018 is 21,44 €.

Sources: Gobierno de España. "Tasa 052 [Rate 052]". Access date not available. <https://sede.administracionespublicas.gob.es/pagina/index/directorio/tasa052>. / Ministerio de Inclusión, Seguridad Social y Migraciones. "Residencia de larga duración [Long-term Residence]". Access date not available. <https://www.citationmachine.net/apa6/cite-a-website/confirm>.

What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?

Answer: 23.56

Code: 23.56

Explanation: Yes, as of December 2018 was 21,44 €.

Sources: Gobierno de España. "Tasa 052 [Rate 052]". Access date not available. <https://sede.administracionespublicas.gob.es/pagina/index/directorio/tasa052>. / Ministerio de Inclusión, Seguridad Social y Migraciones. "Residencia de larga duración [Long-term Residence]". Access date not available. <https://www.citationmachine.net/apa6/cite-a-website/confirm>.

IMMIGRANT_9: Employer sponsorship.

Do asylum seekers have to be sponsored by an employer?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do refugees have to be sponsored by an employer?

Answer: no, sponsorship is not required

Code: 1

Explanation: No such requirement.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

Do co-ethnics have to be sponsored by an employer?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic have to be sponsored by an employer?

Answer: no, sponsorship is not required

Code: 1

Explanation: No such requirement.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

Do agricultural workers have to be sponsored by an employer?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do medical doctors have to be sponsored by an employer?

Answer: no, sponsorship is not required

Code: 1

Explanation: No such requirement.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

5.1.2. Security of status

IMMIGRANT_10: Maximum length of application procedure.

Maximum length of application procedure for asylum seekers in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for asylum seekers:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for refugees in months:

Answer: 3

Code: 3

Explanation: 3 months (Art. 149.4 and 153.4 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 149.4 and 153.4.

Maximum length of application procedure for refugees:

Answer: less than six months

Code: 1

Explanation: 3 months (Art. 149.4 and 153.4 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 149.4 and 153.4.

Maximum length of application procedure for co-ethnics in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for co-ethnics:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for domestic workers in months:

Answer: 3

Code: 3

Explanation: 3 months (Art. 149.4 and 153.4 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 149.4 and 153.4.

Maximum length of application procedure for domestic workers:

Answer: less than six months

Code: 1

Explanation: 3 months (Art. 149.4 and 153.4 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 149.4 and 153.4.

Maximum length of application procedure for agricultural workers in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for agricultural workers:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for medical doctors in months:

Answer: 3

Code: 3

Explanation: 3 months (Art. 149.4 and 153.4 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 149.4 and 153.4.

Maximum length of application procedure for medical doctors:

Answer: less than six months

Code: 1

Explanation: 3 months (Art. 149.4 and 153.4 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 149.4 and 153.4.

IMMIGRANT_11: Grounds for rejection.

Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:

Answer: no

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

IMMIGRANT_12: Legal guarantees.

Rejection of applications must be reasoned:

Answer: yes

Code: 1

Explanation: Yes, as per Art. 245 Royal Decree 557/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 245.

Rejected applicants have the right to appeal:

Answer: yes

Code: 1

Explanation: Yes, as per Art. 223 Royal Decree 557/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 223.

IMMIGRANT_13: Expulsion is precluded for victims of violence or crime.

Expulsion is precluded for immigrants of all categories who are victims of violence or crime:

Answer: yes

Code: 1

Explanation: Victims of domestic violence (violencia de género) cannot be sanctioned or deported due to their migratory status (Art. 31 bis Organic Law 4/2000).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 31.

5.2. Policies of representation

IMMIGRANT_14: Regulation of electoral rights.

Subnational electoral rights can be regulated at the subnational level:

Answer: no

Code: 0

Explanation: Suffrage is regulated at the federal level by the Constitution and the Organic Law 5/1985, of 19 June, on the General Electoral System.

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985.

5.2.1. Electoral rights

IMMIGRANT_15: Voting eligibility for non-citizens.

Does the country have presidential elections?

Answer: no, the country has a parliamentary system

Code: 2

Does the country have a bicameral system (composed of a lower house and an upper house)?

Answer: yes

Code: 1

Can non-citizen residents vote in national presidential elections?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can non-citizen residents vote in national legislative elections (lower house)?

Answer: generally disenfranchised

Code: 0

Explanation: Third-country nationals (TCNs) cannot vote in national or regional elections (Title I Organic Law 5/1985). However, TCN from some countries can vote in local elections on the basis of reciprocity agreements (citizens of Norway, Bolivia, Cape Verde, Chile, Colombia, Ecuador, Iceland, New Zealand, Paraguay and Peru) (Art. 166 Organic Law 5/1985 and CER 2017 Globalcit).

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 166.

Can non-citizen residents vote in national legislative elections (upper house)?

Answer: generally disenfranchised

Code: 0

Explanation: TCNs cannot vote in national or regional elections (Title I Organic Law 5/1985). However, TCN from some countries can vote in local elections on the basis of reciprocity agreements (citizens of Norway, Bolivia, Cape Verde, Chile, Colombia, Ecuador, Iceland, New Zealand, Paraguay and Peru) (Art. 166 Organic Law 5/1985 and CER 2017 Globalcit).

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 166.

IMMIGRANT_16: Residence duration-based requirements for active electoral rights.

Previous residence required for being eligible to vote in presidential elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to vote in lower house elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to vote in upper house elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_17: Registration in the electoral roll for non-citizen residents.

Registration in the electoral roll for non-citizen residents:

Answer: not applicable (non-citizen residents cannot vote)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_18: Passive electoral rights for non-citizen residents.

Can non-citizen residents stand as candidates in national presidential elections?

Answer: not applicable (no presidential elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can non-citizen residents stand as candidates in national legislative elections (lower house)?

Answer: generally disenfranchised

Code: 0

Explanation: TCNs / non-citizens are disenfranchised at both national and subnational levels (Title I and article 167 of Organic Law 5/1985). *

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 167.

Can non-citizen residents stand as candidates in national legislative elections (upper house)?

Answer generally disenfranchised

Code: 0

Explanation: TCNs / non-citizens are disenfranchised at both national and subnational levels (Title I and article 167 of Organic Law 5/1985). *Only EU members can run as candidate for local elections.

Sources: Ley Orgánica 5/1985 [Organic Law 5/1985]. 1985. Art. 167.

IMMIGRANT_19: Residence duration-based restrictions for passive electoral rights.

Previous residence required for being eligible to stand as candidate in presidential elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to stand as candidate in lower house elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

5.2.2. Regulation of participation in parties

IMMIGRANT_20: Emigrant membership to home country political parties.

Non-citizen resident membership to state or reception political parties:

Answer: legally allowed and same status for citizens and non-citizen residents

Code: 1

Explanation: No restrictions on party membership based on nationality.

Sources: Ley Orgánica 6/2002 [Organic Law 6/2002]. 2002.

5.2.3. Consultative bodies

IMMIGRANT_21: Existence of a consultative body of immigrants acting at the national level.

Existence of a consultative body on immigrant issues:

Answer: yes

Code: 1

Explanation: Yes, the “Foro para la Integración Social de los Inmigrantes (Forum for the Social Integration of Immigrants)”.

Sources: Real Decreto 3/2006 [Royal Decree 3/2006]. 2006.

IMMIGRANT_22: Structural or ad hoc consultation.

The consultation is:

Answer: structural

Code: 1

Explanation: Consultation is structural. At least, it has to meet twice per year (more meetings can be called by the president) (Art. 14 Royal Decree 3/2006).

Sources: Real Decreto 3/2006 [Royal Decree 3/2006]. 2006. Art. 14.

IMMIGRANT_23: Composition of the consultative body.

Composition of the consultative body:

Answer: mixed (immigrants and representatives of the government and other institutions)

Code: 0.75

Explanation: The body is composed by a president, two vice-presidents, a secretary and 30 vocals (Art. 4 Royal Decree 3/2006): 10 representing public administrations, 10 representing immigrants and refugees, 10 representing civil organizations The vocals from immigrant and their civil organizations are appointed by the Ministry of Labor based on the applications submitted in an open call (Art. 9 Royal Decree 3/2006).

Sources: Real Decreto 3/2006 [Royal Decree 3/2006]. 2006. Art. 4 and 9.

IMMIGRANT_24: Leadership of the consultative body.

Who chairs the consultative body?

Answer: immigrant appointed by the government

Code: 0.75

Explanation: Chaired by someone with “clear prestige regarding topics of immigration” and appointed by national authority (Art. 5 Royal Decree 3/2006). As of 2019, the president is Joaquín Arango, Professor of Sociology at the Complutense University of Madrid.

Sources: Real Decreto 3/2006 [Royal Decree 3/2006]. 2006. Art. 5.

IMMIGRANT_25: Right of initiative to make its own reports or recommendations.

The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: yes

Code: 1

Explanation: Yes, as per Art. 3 Royal Decree 3/2006.

Sources: Real Decreto 3/2006 [Royal Decree 3/2006]. 2006. Art. 3.

IMMIGRANT_26: Right to get a response from the government to recommendation.

Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: yes

Code: 1

Explanation: Yes, as per Art. 3.3 Royal Decree 3/2006.

Sources: Real Decreto 3/2006 [Royal Decree 3/2006]. 2006. Art. 3.3.

IMMIGRANT_27: Selection criteria to ensure representativeness.

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: no

Code: 0

Explanation: Ley de Igualdad (Equality Law) establishes that “The public authorities shall endeavour to observe the principle of balanced presence of women and men in the appointments and designations of positions of responsibility to which they are entitled” (Art. 16 Organic Law 3/2007). But no clearer criteria can be found in the regulations of the forum.

Sources: Real Decreto 3/2006 [Royal Decree 3/2006]. 2006. Art. 16.

Existence of selection criteria to ensure a geographic-balanced consultative body:

Answer: no

Code: 0

Explanation: No such provision.

Sources: Ley Orgánica 3/2007 [Organic Law 3/2007]. 2007.

5.3. Economic policies

5.3.1. Access to labor market

IMMIGRANT_28: Migrant access to labor market.

Can asylum seekers access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Yes, but under certain conditions. Asylum seekers are authorized to work after six months of submitting their application if the application has not been resolved due to a cause that its not imputable to the applicant (Disposición Vigésimo primera Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

Can refugees access the labor market?

Answer: yes, equal access

Code: 1

Explanation: Yes, equal access (Art. 33.1. Royal Decree 203/1995 and Art. 36.1c Law).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 36.1c. / Real Decreto 203/1995 [Royal Decree 203/1995]. 1995. 33.1.

Can co-ethnics access the labor market?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access the labor market?

Answer: yes, but under certain conditions

Code: 0

Explanation: No. On the one hand, article 10 of Organic Law 4/2000 establishes that resident immigrants have the right to develop an economic activity. However, this right is limited by the regulations of the temporal resident permit, which establishes that applicants must have a job offer and that the authorization to work is temporarily and geographically restricted (Art. 38.5 Organic Law 4/2000). After a year, these limitations are lifted (Art. 38.7 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10, 38.5 and 38.7.

Can agricultural workers access the labor market?

Answer: no

Code: 0

Explanation: No. This is restricted by the nature of the circular migration of the visa granted to agricultural workers (Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Can medical doctors access the labor market?

Answer: yes, but under certain conditions

Code: 0

Explanation: At least initially, migrant medical doctors are first bound to a work contract (Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Can permanent residents access the labor market?

Answer: yes, equal access

Code: 1

Explanation: Yes. Long-term residents can reside and work in Spain in the same conditions as nationals (Art. 32.1. Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 32.1.

IMMIGRANT_29: Migrant access to self-employment.

Can asylum seekers access self-employment?

Answer: no

Code: 0

Explanation: No. Art. 15.2 of Royal Decree 203/1995 establishes that asylum seekers can be authorized to work by the competent administration. This happens after six months of day in which the asylum application was issued (Disposición Vigésimo primera Royal Decree 557/2011). This ability to work does not include self-employment.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. / Real Decreto 203/1995 [Royal Decree 203/1995]. 1995. Art. 15.2.

Can refugees access self-employment?

Answer: yes, equal access

Code: 1

Explanation: Yes, equal access (Art. 33.1. Royal Decree 203/1995).

Sources: Real Decreto 203/1995 [Royal Decree 203/1995]. 1995. Art. 33.1.

Can co-ethnics access self-employment?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access self-employment?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Yes. They have access but under certain conditions (Art. 200 and 201 Royal Decree 557/2011). The combination of a residence and work visa and self-employed is possible. Migrants can change from a residence visa to a visa for self-employment or from a visa for temporal work to a combination of visa for self-employment and temporal work if both activities are compatible. The start of self-employment has to be previously authorized by the administration.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 200 and 201.

Can agricultural workers access self-employment?

Answer: no

Code: 0

Explanation: No. This is restricted by the nature of the circular migration of the visa granted to agricultural workers.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Can medical doctors access self-employment?

Answer: yes, equal access

Code: 1

Explanation: Yes. They have access but under certain conditions (Art. 200 and 201 Royal Decree 557/2011). The combination of a residence and work visa and self-employed is possible. Migrants can change from a residence visa to a visa for self-employment or from a visa for temporal work to a combination of visa for self-employment and temporal work if both activities are compatible. The start of self-employment has to be previously authorized by the administration.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 200 and 201.

Can permanent residents access self-employment?

Answer: yes, equal access

Code: 1

Explanation: Yes. Long-term residents can reside and work in Spain in the same conditions as nationals (Art. 32.1. Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 32.1.

IMMIGRANT_30: Migrant access to civil service.

Can asylum seekers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: The Immigration Act (Organic Law 4/2000) establishes that immigrants will have access to public employment in the terms regulated by the Law that regulates public employment in Spain, currently Royal Legislative Decree 5/2015) (Art. 10.2. Organic Law 4/2000). Royal Legislative Decree 5/2015 establishes nationality as a criteria for accessing civil service (with status of "funcionario"), but allows immigrants with a legal status to access as staff by the public administration in the same conditions as Spaniards (Art. 57.4 Royal Legislative Decree 5/2015). *Generally, Spanish law distinguishes between civil service ("funcionarios") and staff ("personal laboral"). The former must

pass a public exam and have a guaranteed perpetual position within Spanish civil service. The later access the administration by different channels and its contracts are regulated by the general labor law.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can refugees access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: The Immigration Act (Organic Law 4/2000) establishes that immigrants will have access to public employment in the terms regulated by the Law that regulates public employment in Spain, currently Royal Legislative Decree 5/2015) (Art. 10.2. Organic Law 4/2000). Royal Legislative Decree 5/2015 establishes nationality as a criteria for accessing civil service (with status of “funcionario”), but allows immigrants with a legal status to access as staff by the public administration in the same conditions as Spaniards (Art. 57.4 Royal Legislative Decree 5/2015). *Generally, Spanish law distinguishes between civil service (“funcionarios”) and staff (“personal laboral”). The former must pass a public exam and have a guaranteed perpetual position within Spanish civil service. The later access the administration by different channels and its contracts are regulated by the general labor law.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can co-ethnics access employment in schools (primary and secondary)?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: The Immigration Act (Organic Law 4/2000) establishes that immigrants will have access to public employment in the terms regulated by the Law that regulates public employment in Spain, currently Royal Legislative Decree 5/2015) (Art. 10.2. Organic Law 4/2000). Royal Legislative Decree 5/2015 establishes nationality as a criteria for accessing civil service (with status of “funcionario”), but allows immigrants with a legal status to access as staff by the public administration in the same conditions as Spaniards (Art. 57.4 Royal Legislative Decree 5/2015). *Generally, Spanish law distinguishes between civil service (“funcionarios”) and staff (“personal laboral”). The former must pass a public exam and have a guaranteed perpetual position within Spanish civil service. The later access the administration by different channels and its contracts are regulated by the general labor law.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can agricultural workers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: The Immigration Act (Organic Law 4/2000) establishes that immigrants will have access to public employment in the terms regulated by the Law that regulates public employment in Spain, currently Royal Legislative Decree 5/2015) (Art. 10.2. Organic Law 4/2000). Royal Legislative Decree 5/2015 establishes nationality as a criteria for accessing civil service (with status of "funcionario"), but allows immigrants with a legal status to access as staff by the public administration in the same conditions as Spaniards (Art. 57.4 Royal Legislative Decree 5/2015). *Generally, Spanish law distinguishes between civil service ("funcionarios") and staff ("personal laboral"). The former must pass a public exam and have a guaranteed perpetual position within Spanish civil service. The later access the administration by different channels and its contracts are regulated by the general labor law.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can medical doctors access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: The Immigration Act (Organic Law 4/2000) establishes that immigrants will have access to public employment in the terms regulated by the Law that regulates public employment in Spain, currently Royal Legislative Decree 5/2015) (Art. 10.2. Organic Law 4/2000). Royal Legislative Decree 5/2015 establishes nationality as a criteria for accessing civil service (with status of "funcionario"), but allows immigrants with a legal status to access as staff by the public administration in the same conditions as Spaniards (Art. 57.4 Royal Legislative Decree 5/2015). *Generally, Spanish law distinguishes between civil service ("funcionarios") and staff ("personal laboral"). The former must pass a public exam and have a guaranteed perpetual position within Spanish civil service. The later access the administration by different channels and its contracts are regulated by the general labor law.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can permanent residents access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: The Immigration Act (Organic Law 4/2000) establishes that immigrants will have access to public employment in the terms regulated by the Law that regulates public employment in Spain, currently Royal Legislative Decree 5/2015) (Art. 10.2. Organic Law 4/2000). Royal Legislative Decree 5/2015 establishes nationality as a criteria for accessing civil service (with status of "funcionario"), but allows immigrants with a legal status to access as staff by the public administration in the same

conditions as Spaniards (Art. 57.4 Royal Legislative Decree 5/2015). *Generally, Spanish law distinguishes between civil service (“funcionarios”) and staff (“personal laboral”). The former must pass a public exam and have a guaranteed perpetual position within Spanish civil service. The later access the administration by different channels and its contracts are regulated by the general labor law.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can asylum seekers access employment in public administration?

Answer: no

Code: 0

Explanation: The Immigration Act (Organic Law 4/2000) establishes that immigrants will have access to public employment in the terms regulated by the Law that regulates public employment in Spain, currently Royal Legislative Decree 5/2015) (Art. 10.2. Organic Law 4/2000). Royal Legislative Decree 5/2015 establishes nationality as a criteria for accessing civil service (with status of “funcionario”), but allows immigrants with a legal status to access as staff by the public administration in the same conditions as Spaniards (Art. 57.4 Royal Legislative Decree 5/2015). *Generally, Spanish law distinguishes between civil service (“funcionarios”) and staff (“personal laboral”). The former must pass a public exam and have a guaranteed perpetual position within Spanish civil service. The later access the administration by different channels and its contracts are regulated by the general labor law.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can refugees access employment in public administration?

Answer: no

Code: 0

Explanation: The Immigration Act (Organic Law 4/2000) establishes that immigrants will have access to public employment in the terms regulated by the Law that regulates public employment in Spain, currently Royal Legislative Decree 5/2015) (Art. 10.2. Organic Law 4/2000). Royal Legislative Decree 5/2015 establishes nationality as a criteria for accessing civil service (with status of “funcionario”), but allows immigrants with a legal status to access as staff by the public administration in the same conditions as Spaniards (Art. 57.4 Royal Legislative Decree 5/2015). *Generally, Spanish law distinguishes between civil service (“funcionarios”) and staff (“personal laboral”). The former must pass a public exam and have a guaranteed perpetual position within Spanish civil service. The later access the administration by different channels and its contracts are regulated by the general labor law.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can co-ethnics access employment in public administration?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access employment in public administration?

Answer: no

Code: 0

Explanation: The Immigration Act (Organic Law 4/2000) establishes that immigrants will have access to public employment in the terms regulated by the Law that regulates public employment in Spain, currently Royal Legislative Decree 5/2015) (Art. 10.2. Organic Law 4/2000). Royal Legislative Decree 5/2015 establishes nationality as a criteria for accessing civil service (with status of "funcionario"), but allows immigrants with a legal status to access as staff by the public administration in the same conditions as Spaniards (Art. 57.4 Royal Legislative Decree 5/2015). *Generally, Spanish law distinguishes between civil service ("funcionarios") and staff ("personal laboral"). The former must pass a public exam and have a guaranteed perpetual position within Spanish civil service. The later access the administration by different channels and its contracts are regulated by the general labor law.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can agricultural workers access employment in public administration?

Answer: no

Code: 0

Explanation: The Immigration Act (Organic Law 4/2000) establishes that immigrants will have access to public employment in the terms regulated by the Law that regulates public employment in Spain, currently Royal Legislative Decree 5/2015) (Art. 10.2. Organic Law 4/2000). Royal Legislative Decree 5/2015 establishes nationality as a criteria for accessing civil service (with status of "funcionario"), but allows immigrants with a legal status to access as staff by the public administration in the same conditions as Spaniards (Art. 57.4 Royal Legislative Decree 5/2015). *Generally, Spanish law distinguishes between civil service ("funcionarios") and staff ("personal laboral"). The former must pass a public exam and have a guaranteed perpetual position within Spanish civil service. The later access the administration by different channels and its contracts are regulated by the general labor law.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can medical doctors access employment in public administration?

Answer: no

Code: 0

Explanation: The Immigration Act (Organic Law 4/2000) establishes that immigrants will have access to public employment in the terms regulated by the Law that regulates public employment in Spain, currently Royal Legislative Decree 5/2015) (Art. 10.2. Organic Law 4/2000). Royal Legislative Decree

5/2015 establishes nationality as a criteria for accessing civil service (with status of “funcionario”), but allows immigrants with a legal status to access as staff by the public administration in the same conditions as Spaniards (Art. 57.4 Royal Legislative Decree 5/2015). *Generally, Spanish law distinguishes between civil service (“funcionarios”) and staff (“personal laboral”). The former must pass a public exam and have a guaranteed perpetual position within Spanish civil service. The later access the administration by different channels and its contracts are regulated by the general labor law. .

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can permanent residents access employment in public administration?

Answer: no

Code: 0

Explanation: The Immigration Act (Organic Law 4/2000) establishes that immigrants will have access to public employment in the terms regulated by the Law that regulates public employment in Spain, currently Royal Legislative Decree 5/2015) (Art. 10.2. Organic Law 4/2000). Royal Legislative Decree 5/2015 establishes nationality as a criteria for accessing civil service (with status of “funcionario”), but allows immigrants with a legal status to access as staff by the public administration in the same conditions as Spaniards (Art. 57.4 Royal Legislative Decree 5/2015). *Generally, Spanish law distinguishes between civil service (“funcionarios”) and staff (“personal laboral”). The former must pass a public exam and have a guaranteed perpetual position within Spanish civil service. The later access the administration by different channels and its contracts are regulated by the general labor law.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can asylum seekers access employment in the police?

Answer: no

Code: 0

Explanation: No access possible (based on regulations for National Police, Royal Decree 614/1995).

Sources: Real Decreto 614/1995 [Royal Decree 614/1995]. 1995. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can refugees access employment in the police?

Answer: no

Code: 0

Explanation: No access possible (based on regulations for National Police, Royal Decree 614/1995).

Sources: Real Decreto 614/1995 [Royal Decree 614/1995]. 1995. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can co-ethnics access employment in the police?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access employment in the police?

Answer: no

Code: 0

Explanation: No access possible (based on regulations for National Police, Royal Decree 614/1995).

Sources: Real Decreto 614/1995 [Royal Decree 614/1995]. 1995. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can agricultural workers access employment in the police?

Answer: no

Code: 0

Explanation: Police: No access possible (based on regulations for National Police, Royal Decree 614/1995).

Sources: Real Decreto 614/1995 [Royal Decree 614/1995]. 1995. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can medical doctors access employment in the police?

Answer: no

Code: 0

Explanation: No access possible (based on regulations for National Police, Royal Decree 614/1995).

Sources: Real Decreto 614/1995 [Royal Decree 614/1995]. 1995. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can permanent residents access employment in the police?

Answer: no

Code: 0

Explanation: No access possible (based on regulations for National Police, Royal Decree 614/1995).

Sources: Real Decreto 614/1995 [Royal Decree 614/1995]. 1995. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Quotas for preferential hiring of asylum seekers exist:

Answer: no

Code: 0

Explanation: Quotas for preferential hiring do not exist.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Quotas for preferential hiring of refugees exist:

Answer: no

Code: 0

Explanation: Quotas for preferential hiring do not exist.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Quotas for preferential hiring of co-ethnics exist:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Quotas for preferential hiring of domestic workers exist:

Answer: no

Code: 0

Explanation: Quotas for preferential hiring do not exist.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Quotas for preferential hiring of agricultural workers exist:

Answer: no

Code: 0

Explanation: Quotas for preferential hiring do not exist.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Quotas for preferential hiring of medical doctors:

Answer: no

Code: 0

Explanation: Quotas for preferential hiring do not exist.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Quotas for preferential hiring of permanent residents:

Answer: no

Code: 0

Explanation: Quotas for preferential hiring do not exist.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 10.2. / Real Decreto 5/2015 [Royal Decree 5/2015]. 2015. Art. 57.4.

Can asylum seekers access employment in the armed forces?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Access for immigrants with legal residency (temporal or long term) that are nationals of Argentina, Bolivia, Costa Rica, Colombia, Chile, Ecuador, El Salvador, Guatemala, Guinea Ecuatorial, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay, Venezuela.

Sources: Fuerzas Armadas Españolas. "Cómo Ingresar [How to Access]". Access date not available. <http://www.reclutamiento.defensa.gob.es/como-ingresar/tropa-marineria/ingresar/normativa-extranjeros/>.

Can refugees access employment in the armed forces?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Access for immigrants with legal residency (temporal or long term) that are nationals of Argentina, Bolivia, Costa Rica, Colombia, Chile, Ecuador, El Salvador, Guatemala, Guinea Ecuatorial, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay, Venezuela.

Sources: Fuerzas Armadas Españolas. "Cómo Ingresar [How to Access]". Access date not available. <http://www.reclutamiento.defensa.gob.es/como-ingresar/tropa-marineria/ingresar/normativa-extranjeros/>.

Can co-ethnics access employment in the armed forces?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access employment in the armed forces?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Access for immigrants with legal residency (temporal or long term) that are nationals of Argentina, Bolivia, Costa Rica, Colombia, Chile, Ecuador, El Salvador, Guatemala, Guinea Ecuatorial, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay, Venezuela.

Sources: Fuerzas Armadas Españolas. "Cómo Ingresar [How to Access]". Access date not available. <http://www.reclutamiento.defensa.gob.es/como-ingresar/tropa-marineria/ingresar/normativa-extranjeros/>.

Can agricultural workers access employment in the armed forces?

Answer: no

Code: 0

Explanation: Access for immigrants with legal residency (temporal or long term) that are nationals of Argentina, Bolivia, Costa Rica, Colombia, Chile, Ecuador, El Salvador, Guatemala, Guinea Ecuatorial, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay, Venezuela.

Sources: Fuerzas Armadas Españolas. "Cómo Ingresar [How to Access]". Access date not available. <http://www.reclutamiento.defensa.gob.es/como-ingresar/tropa-marineria/ingresar/normativa-extranjeros/>.

Can medical doctors access employment in the armed forces?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Access for immigrants with legal residency (temporal or long term) that are nationals of Argentina, Bolivia, Costa Rica, Colombia, Chile, Ecuador, El Salvador, Guatemala, Guinea Ecuatorial, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay, Venezuela.

Sources: Fuerzas Armadas Españolas. "Cómo Ingresar [How to Access]". Access date not available. <http://www.reclutamiento.defensa.gob.es/como-ingresar/tropa-marineria/ingresar/normativa-extranjeros/>.

Can permanent residents access employment in the armed forces?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Access for immigrants with legal residency (temporal or long term) that are nationals of Argentina, Bolivia, Costa Rica, Colombia, Chile, Ecuador, El Salvador, Guatemala, Guinea Ecuatorial, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay, Venezuela.

Sources: Fuerzas Armadas Españolas. "Cómo Ingresar [How to Access]". Access date not available. <http://www.reclutamiento.defensa.gob.es/como-ingresar/tropa-marineria/ingresar/normativa-extranjeros/>.

5.3.2. Access to support

IMMIGRANT_31: Public employment services.

Can asylum seekers access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals if immigrant has a legal residence status and authorization to work in Spain: "Resident foreigners have the right to access Social Security benefits and services under the same conditions as Spaniards" (Art. 14 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14. / Orden TAS/3698/2006 [Order TAS/3698/2006]. 2006.

Can refugees access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Yes. Art. 36.1e Law 12/2009 establishes that refugees have access to public employment services in equal conditions as nationals.

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 36.1e.

Can co-ethnics access public employment services?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals if immigrant has a legal residence status and authorization to work in Spain: "Resident foreigners have the right to access Social Security benefits and services under the same conditions as Spaniards" (Art. 14 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14. / Orden TAS/3698/2006 [Order TAS/3698/2006]. 2006.

Can agricultural workers access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals if immigrant has a legal residence status and authorization to work in Spain: "Resident foreigners have the right to access Social Security benefits and services under the same conditions as Spaniards" (Art. 14 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14. / Orden TAS/3698/2006 [Order TAS/3698/2006]. 2006.

Can medical doctors access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals if immigrant has a legal residence status and authorization to work in Spain: "Resident foreigners have the right to access Social Security benefits and services under the same conditions as Spaniards" (Art. 14 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14. / Orden TAS/3698/2006 [Order TAS/3698/2006]. 2006.

Can permanent residents access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals if immigrant has a legal residence status and authorization to work in Spain: "Resident foreigners have the right to access Social Security benefits and services under the same conditions as Spaniards" (Art. 14 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14. / Orden TAS/3698/2006 [Order TAS/3698/2006]. 2006.

IMMIGRANT_32: Recognition of qualifications.

Recognition of qualifications acquired abroad by asylum seekers:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. Spain does have a system to recognize academic qualifications obtained abroad. The application must be addressed to the Ministry of Education and Professional Training (Ministerio de Educación y Formación Profesional). Applications can be done online at any time (no specific calls). Applications must be decided within six months.

Sources: Real Decreto 967/2014 [Royal Decree 967/2014]. 2014.

Recognition of qualifications acquired abroad by refugees:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. Spain does have a system to recognize academic qualifications obtained abroad. The application must be addressed to the Ministry of Education and Professional Training (Ministerio de Educación y Formación Profesional). Applications can be done online at any time (no specific calls). Applications must be decided within six months. Moreover, Art. 36.1f of Law 12/2009 recognizes to refugees the right to access the services of the recognition of titles.

Sources: Real Decreto 967/2014 [Royal Decree 967/2014]. 2014. / Ley 12/2009 [Law 12/2009]. 2009.

Recognition of qualifications acquired abroad by co-ethnics:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Recognition of qualifications acquired abroad by domestic workers:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. Spain does have a system to recognize academic qualifications obtained abroad. The application must be addressed to the Ministry of Education and Professional Training (Ministerio de Educación y Formación Profesional). Applications can be done online at any time (no specific calls). Applications must be decided within six months.

Sources: Real Decreto 967/2014 [Royal Decree 967/2014]. 2014.

Recognition of qualifications acquired abroad by agricultural workers:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. Spain does have a system to recognize academic qualifications obtained abroad. The application must be addressed to the Ministry of Education and Professional Training (Ministerio de Educación y Formación Profesional). Applications can be done online at any time (no specific calls). Applications must be decided within six months.

Sources: Real Decreto 967/2014 [Royal Decree 967/2014]. 2014.

Recognition of qualifications acquired abroad by medical doctors:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. Spain does have a system to recognize academic qualifications obtained abroad. The application must be addressed to the Ministry of Education and Professional Training (Ministerio de Educación y Formación Profesional). Applications can be done online at any time (no specific calls). Applications must be decided within six months.

Sources: Real Decreto 967/2014 [Royal Decree 967/2014]. 2014.

Recognition of qualifications acquired abroad by permanent residents:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. Spain does have a system to recognize academic qualifications obtained abroad. The application must be addressed to the Ministry of Education and Professional Training (Ministerio de Educación y Formación Profesional). Applications can be done online at any time (no specific calls). Applications must be decided within six months.

Sources: Real Decreto 967/2014 [Royal Decree 967/2014]. 2014.

5.3.3. Worker's rights

IMMIGRANT_33: Membership in trade unions.

Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. Art. 11 of Organic Law 4/2000 establishes that all immigrant have the right to participate in trade unions in the same conditions as nationals (Art. 11 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 11.

Can refugees be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. Art. 11 of Organic Law 4/2000 establishes that all immigrant have the right to participate in trade unions in the same conditions as nationals (Art. 11 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 11.

Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. Art. 11 of Organic Law 4/2000 establishes that all immigrant have the right to participate in trade unions in the same conditions as nationals (Art. 11 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 11.

Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. Art. 11 of Organic Law 4/2000 establishes that all immigrants have the right to participate in trade unions in the same conditions as nationals (Art. 11 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 11.

Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. Art. 11 of Organic Law 4/2000 establishes that all immigrants have the right to participate in trade unions in the same conditions as nationals (Art. 11 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 11.

Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. Art. 11 of Organic Law 4/2000 establishes that all immigrants have the right to participate in trade unions in the same conditions as nationals (Art. 11 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 11.

IMMIGRANT_34: Job transferability.

Can asylum seekers change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Not applicable

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

Can refugees change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: Yes, equal access to the labor market as nationals (Art. 33.1. Royal Decree 203/1995).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 33.1.

Can co-ethnics change their employer without risking their immigration status?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but only if it falls under the scope of the authorization to work previously given (Art. 38.6. Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 38.6.

Can agricultural workers change their employer without risking their immigration status?

Answer: No

Code: 0

Explanation: This is restricted by the nature of the circular migration of the visa granted to agricultural workers.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Can medical doctors change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but only if it falls under the scope of the authorization to work previously given (Art. 38 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 38.

Can permanent residents change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: Long-term residents can reside and work in Spain in the same conditions as nationals (Art. 32.1. Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 32.1.

IMMIGRANT_35: Right to redress.

Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?

Answer: No

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Do refugees have the right to redress if the terms of their employment contracts have been violated?

Answer: No

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the right to redress if the terms of their employment contracts have been violated?

Answer: No

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?

Answer: No

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Do medical doctors have the right to redress if the terms of their employment contracts have been violated?

Answer: No

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Do permanent residents have the right to redress if the terms of their employment contracts have been violated?

Answer: No

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

5.3.4. Property rights

IMMIGRANT_36: Property rights.

Can asylum seekers acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. Art. 3 of the Law 4/2000 establishes that foreigners have all the rights and freedoms recognized in Title I of the Spanish Constitution. Art. 33 of the Title I of the Spanish Constitution recognizes the right to private property.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 3. / Constitución Española [Spanish Constitution]. 1978. Art. 33.

Can refugees acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. Art. 3 of the Law 4/2000 establishes that foreigners have all the rights and freedoms recognized in Title I of the Spanish Constitution. Art. 33 of the Title I of the Spanish Constitution recognizes the right to private property.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 3. / Constitución Española [Spanish Constitution]. 1978. Art. 33.

Can co-ethnics acquire property in the state of reception?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. Art. 3 of the Law 4/2000 establishes that foreigners have all the rights and freedoms recognized in Title I of the Spanish Constitution. Art. 33 of the Title I of the Spanish Constitution recognizes the right to private property.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 3. / Constitución Española [Spanish Constitution]. 1978. Art. 33.

Can agricultural workers acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. Art. 3 of the Law 4/2000 establishes that foreigners have all the rights and freedoms recognized in Title I of the Spanish Constitution. Art. 33 of the Title I of the Spanish Constitution recognizes the right to private property.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 3. / Constitución Española [Spanish Constitution]. 1978. Art. 33.

Can medical doctors acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. Art. 3 of the Law 4/2000 establishes that foreigners have all the rights and freedoms recognized in Title I of the Spanish Constitution. Art. 33 of the Title I of the Spanish Constitution recognizes the right to private property.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 3. / Constitución Española [Spanish Constitution]. 1978. Art. 33.

Can permanent residents acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. Art. 3 of the Law 4/2000 establishes that foreigners have all the rights and freedoms recognized in Title I of the Spanish Constitution. Art. 33 of the Title I of the Spanish Constitution recognizes the right to private property.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 3. / Constitución Española [Spanish Constitution]. 1978. Art. 33.

5.4. Social policies

5.4.1. Family reunification

Can asylum seekers bring their families to their country of residence?

Answer: no

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Can refugees bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Refugees can access family reunification.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Can co-ethnics bring their families to their country of residence?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Domestic workers can access family reunification.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

Can agricultural workers bring their families to their country of residence?

Answer: no

Code: 0

Explanation: Agricultural migrants commit to return to their state of origin after the contract has been finalized (Art. 99 Royal Decree 557/2011).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 99.

Can medical doctors bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Medical doctors can access family reunification.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

Can permanent residents bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Permanent residents can access family reunification.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011.

Eligibility

IMMIGRANT_37: Resident requirement for ordinary legal residents.

Residence requirement for ordinary legal residents (asylum seekers). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (refugees). In months:

Answer: 0

Code: 0

Explanation: No residence requirement (Art. 39-41 Law 12/2009)

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 39-41.

Residence requirement for ordinary legal residents (refugees):

Answer: no residence requirement

Code: 1

Explanation: No residence requirement (Art. 39-41 Law 12/2009)

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 39-41.

Residence requirement for ordinary legal residents (co-ethnics). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (co-ethnics):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (domestic workers). In months:

Answer: 12

Code: 12

Explanation: Family reunification is regulated by Organic Law 4/2000. Immigrants can apply for family reunification when they have obtained a renewal of their initial residence permit (which means, after 1 year) (Art. 18 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 18.

Residence requirement for ordinary legal residents (domestic workers):

Answer: less or equal to a year

Code: 0.5

Explanation: Family reunification is regulated by Organic Law 4/2000. Immigrants can apply for family reunification when they have obtained a renewal of their initial residence permit (which means, after 1 year) (Art. 18 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 18.

Residence requirement for ordinary legal residents (agricultural workers). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (medical doctors). In months:

Answer: 0

Code: 0

Explanation: Family reunification is regulated by Organic Law 4/2000. Immigrants can apply for family reunification when they process their initial residence permit (which means, no residence requirement) (Art. 18.1 (second paragraph) Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 18.1.

Residence requirement for ordinary legal residents (medical doctors):

Answer: no residence requirement

Code: 1

Explanation: Family reunification is regulated by Organic Law 4/2000. Immigrants can apply for family reunification when they process their initial residence permit (which means, no residence requirement) (Art. 18.1 (second paragraph) Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 18.1.

Residence requirement for ordinary legal residents (permanent residents). In months:

Answer: 0

Code: 0

Explanation: Family reunification is regulated by Organic Law 4/2000. Permanent residents can apply for family reunification as soon as they have obtained their long-term resident status (Art. 18 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 18.

Residence requirement for ordinary legal residents (permanent residents):

Answer: no residence requirement

Code: 1

Explanation: Family reunification is regulated by Organic Law 4/2000. Permanent residents can apply for family reunification as soon as they have obtained their long-term resident status (Art. 18 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 18.

IMMIGRANT_38: Family members considered for reunification.

Family member eligible for reunification (asylum seekers): Spouse.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (asylum seekers): Children.

Answer: not applicable

Code: Not applicable

Explanation:

Sources:

Family member eligible for reunification (asylum seekers): Parents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (asylum seekers): Grandparents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (refugees): Spouse.

Answer: yes

Code: 1

Explanation: Based on the Art. 40-41 of Law 4/2009: o Spouse: yes.

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 40-41.

Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.

Answer: yes

Code: 1

Explanation: Refugees can bring their partners (civil union or long-term relationship).

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 40-41.

Family member eligible for reunification (refugees): Children.

Answer: yes

Code: 1

Explanation: Refugees can bring their children.

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 40-41.

Family member eligible for reunification (refugees): Parents.

Answer: yes

Code: 1

Explanation: Refugees can bring their parents if those are dependents.

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 40-41.

Family member eligible for reunification (refugees): Grandparents.

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 40-41.

Family member eligible for reunification (co-ethnics): Spouse.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (co-ethnics): Children.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (co-ethnics): Parents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (co-ethnics): Grandparents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (domestic workers): Spouse.

Answer: yes

Code: 1

Explanation: Based on the Art. 17 of Organic Law 4/2000, domestic workers can bring their spouses.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.

Answer: yes

Code: 1

Explanation: Based on the Art. 17 of Organic Law 4/2000 domestic workers can bring their partners.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.4.

Family member eligible for reunification (domestic workers): Children.

Answer: yes

Code: 1

Explanation: Based on the Art. 17 of Organic Law 4/2000, domestic workers can bring their children.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (domestic workers): Parents.

Answer: no

Code: 0

Explanation: Based on the Art. 17 of Organic Law 4/2000, domestic workers cannot bring their parents.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (domestic workers): Grandparents.

Answer: no

Code: 0

Explanation: Based on the Art. 17 of Organic Law 4/2000, domestic workers cannot bring their grandparents.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (agricultural workers): Spouse.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Children.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Parents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Grandparents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (medical doctors): Spouse.

Answer: yes

Code: 1

Explanation: Based on the Art. 17 of Organic Law 4/2000, medical doctors can bring their spouses.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.

Answer: yes

Code: 1

Explanation: Based on the Art. 17 of Organic Law 4/2000, medical doctors can bring their partners.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (medical doctors): Children.

Answer: yes

Code: 1

Explanation: Based on the Art. 17 of Organic Law 4/2000, medical doctors can bring their children.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (medical doctors): Parents.

Answer: no

Code: 0

Explanation: Based on the Art. 17 of Organic Law 4/2000, medical doctors cannot bring their parents.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (medical doctors): Grandparents.

Answer: no

Code: 0

Explanation: Based on the Art. 17 of Organic Law 4/2000, medical doctors cannot bring their grandparents.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (permanent residents): Spouse.

Answer: yes

Code: 1

Explanation: Based on the Art. 17 of Organic Law 4/2000, permanent residents can bring their spouses.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.

Answer: yes

Code: 1

Explanation: Based on the Art. 17 of Organic Law 4/2000, permanent residents can bring their partners.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (permanent residents): Children.

Answer: yes

Code: 1

Explanation: Based on the Art. 17 of Organic Law 4/2000, permanent residents can bring their children.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (permanent residents): Parents.

Answer: yes

Code: 1

Explanation: Based on the Art. 17 of Organic Law 4/2000, permanent residents can bring their parents.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Family member eligible for reunification (permanent residents): Grandparents.

Answer: no

Code: 0

Explanation: Based on the Art. 17 of Organic Law 4/2000, permanent residents cannot bring their grandparents.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 17.

Security of status

IMMIGRANT_39: Length of application procedure.

Length of application procedure in months (asylum seekers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (asylum seekers).

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (refugees).

Answer: 3

Code: 3

Explanation: Less or equal six months defined by law. Art. 56.7 of Royal Decree 557/2009 establishes that applications of family reunification would have a preferential treatment. As a general rule, the Organic Law 4/2000 establishes that the period maximum length of application procedure must be 3 months (silence is interpreted as negative) (First Additional disposition, first paragraph Organic Law 4/2000). The internal regulations of the Ministry establish that the length of the process is 45 days (silence interpreted as negative).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 56.7. / Portal de Inmigración. "Autorización de residencia temporal por reagrupación familiar [Authorization for Temporary Residence by Family Reunification]". Access date not available. <http://extranjeros.mitramiss.gob.es/es/InformacionInteres/InformacionProcedimientos/Ciudadanosnocomunitarios/hoja012/index.html>.

Length of application procedure (refugees).

Answer: less or equal six months defined by law

Code: 1

Explanation: Less or equal six months defined by law. Art. 56.7 of Royal Decree 557/2009 establishes that applications of family reunification would have a preferential treatment. As a general rule, the Organic Law 4/2000 establishes that the period maximum length of application procedure must be 3 months (silence is interpreted as negative) (First Additional disposition, first paragraph Organic Law 4/2000). The internal regulations of the Ministry establish that the length of the process is 45 days (silence interpreted as negative).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 56.7. / Portal de Inmigración. "Autorización de residencia temporal por reagrupación familiar [Authorization for Temporary Residence by Family Reunification]". Access date not available. <http://extranjeros.mitramiss.gob.es/es/InformacionInteres/InformacionProcedimientos/Ciudadanosnocomunitarios/hoja012/index.html>.

Length of application procedure in months (co-ethnics).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (co-ethnics).

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (domestic workers).

Answer: 3

Code: 3

Explanation: Less or equal six months defined by law. Art. 56.7 of Royal Decree 557/2009 establishes that applications of family reunification would have a preferential treatment. As a general rule, the Organic Law 4/2000 establishes that the period maximum length of application procedure must be 3 months (silence is interpreted as negative) (First Additional disposition, first paragraph Organic Law 4/2000). The internal regulations of the Ministry, establish that the length of the process is 45 days (silence interpreted as negative).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 56.7. / Portal de Inmigración. "Autorización de residencia temporal por reagrupación familiar [Authorization for Temporary Residence by Family Reunification]". Access date not available. <http://extranjeros.mitramiss.gob.es/es/InformacionInteres/InformacionProcedimientos/Ciudadanosnocomunitarios/hoja012/index.html>.

Length of application procedure (domestic workers).

Answer: less or equal six months defined by law

Code: 1

Explanation: Less or equal six months defined by law. Art. 56.7 of Royal Decree 557/2009 establishes that applications of family reunification would have a preferential treatment. As a general rule, the Organic Law 4/2000 establishes that the period maximum length of application procedure must be 3 months (silence is interpreted as negative) (First Additional disposition, first paragraph Organic Law 4/2000). The internal regulations of the Ministry, establish that the length of the process is 45 days (silence interpreted as negative).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 56.7. / Portal de Inmigración. "Autorización de residencia temporal por reagrupación familiar [Authorization for Temporary Residence by Family Reunification]". Access date not available. <http://extranjeros.mitramiss.gob.es/es/InformacionInteres/InformacionProcedimientos/Ciudadanosnocomunitarios/hoja012/index.html>.

Length of application procedure in months (agricultural workers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (agricultural workers).

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (medical doctors).

Answer: 3

Code: 3

Explanation: Less or equal six months defined by law. Art. 56.7 of Royal Decree 557/2009 establishes that applications of family reunification would have a preferential treatment. As a general rule, the Organic Law 4/2000 establishes that the period maximum length of application procedure must be 3 months (silence is interpreted as negative) (First Additional disposition, first paragraph Organic Law 4/2000). The internal regulations of the Ministry establish that the length of the process is 45 days (silence interpreted as negative).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 56.7. / Portal de Inmigración. "Autorización de residencia temporal por reagrupación familiar [Authorization for Temporary Residence by Family Reunification]". Access date not available. <http://extranjeros.mitramiss.gob.es/es/InformacionInteres/InformacionProcedimientos/Ciudadanosnocomunitarios/hoja012/index.html>.

Length of application procedure (medical doctors).

Answer: less or equal six months defined by law

Code: 1

Explanation: Less or equal six months defined by law. Art. 56.7 of Royal Decree 557/2009 establishes that applications of family reunification would have a preferential treatment. As a general rule, the Organic Law 4/2000 establishes that the period maximum length of application procedure must be 3 months (silence is interpreted as negative) (First Additional disposition, first paragraph Organic Law 4/2000). The internal regulations of the Ministry establish that the length of the process is 45 days (silence interpreted as negative).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 56.7. / Portal de

Inmigración. “Autorización de residencia temporal por reagrupación familiar [Authorization for Temporary Residence by Family Reunification]”. Access date not available.
<http://extranjeros.mitramiss.gob.es/es/InformacionInteres/InformacionProcedimientos/Ciudadanosnocomunitarios/hoja012/index.html>.

Length of application procedure in months (permanent residents).

Answer: 3

Code: 3

Explanation: Less or equal six months defined by law. Art. 56.7 of Royal Decree 557/2009 establishes that applications of family reunification would have a preferential treatment. As a general rule, the Organic Law 4/2000 establishes that the period maximum length of application procedure must be 3 months (silence is interpreted as negative) (First Additional disposition, first paragraph Organic Law 4/2000). The internal regulations of the Ministry establish that the length of the process is 45 days (silence interpreted as negative).

Sources: Not applicable

Length of application procedure (permanent residents).

Answer: less or equal six months defined by law

Code: 1

Explanation: Less or equal six months defined by law. Art. 56.7 of Royal Decree 557/2009 establishes that applications of family reunification would have a preferential treatment. As a general rule, the Organic Law 4/2000 establishes that the period maximum length of application procedure must be 3 months (silence is interpreted as negative) (First Additional disposition, first paragraph Organic Law 4/2000). The internal regulations of the Ministry establish that the length of the process is 45 days (silence interpreted as negative).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 56.7. / Portal de Inmigración. “Autorización de residencia temporal por reagrupación familiar [Authorization for Temporary Residence by Family Reunification]”. Access date not available.
<http://extranjeros.mitramiss.gob.es/es/InformacionInteres/InformacionProcedimientos/Ciudadanosnocomunitarios/hoja012/index.html>.

IMMIGRANT_40: Duration of permit.

Duration of validity of permit (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (refugees):

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Duration of validity of permit (co-ethnics):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (domestic workers):

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit and renewable (Art. 61.11 Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 61.11.

Duration of validity of permit (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (medical doctors):

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit and renewable (Art. 61.11 Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 61.11.

Duration of validity of permit (permanent residents):

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit and renewable (Art. 61.11 Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 61.11.

IMMIGRANT_41: Grounds for rejection, withdrawing or refusing to renew status.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (refugees):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 9 Law 12/2009.

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 9.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):

Answer: yes

Code: 1

Explanation: Yes.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Break-up of family relationship is a ground for rejecting family reunification application (refugees):

Answer: yes

Code: 1

Explanation: Yes.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 61 Royal Decree 557/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 61.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 61 Royal Decree 557/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 61.

Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 61 Royal Decree 557/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 61.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 61 Royal Decree 557/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 61.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 61 Royal Decree 557/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 61.

Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 61 Royal Decree 557/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 61.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 61 Royal Decree 557/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 61.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 61 Royal Decree 557/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 61.

Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 61 Royal Decree 557/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 61.

IMMIGRANT_42: Special circumstances.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):

Answer: no

Code: 0

Explanation: No provision in main regulations regarding any of the options.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):

Answer: no

Code: 0

Explanation: No provision in main regulations regarding any of the options.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):

Answer: no

Code: 0

Explanation: No provision in main regulations regarding any of the options.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):

Answer: no

Code: 0

Explanation: No provision in main regulations regarding any of the options.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):

Answer: no

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):

Answer: no

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009.

Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 62.7 Royal Decree 577/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 62.7.

Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 19.2 Law 4/2000.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 19.2.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):

Answer: no

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):

Answer: no

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009.

Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 62.7 Royal Decree 577/2011.

Sources: Real Decreto 577/2011 [Royal Decree 577/2011]. 2011. Art. 62.7.

Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 19.2 Law 4/2000.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 19.2.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):

Answer: no

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):

Answer: no

Code: 0

Explanation: No such provision in main regulations.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009.

Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 62.7 Royal Decree 577/2011.

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 62.7.

Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 19.2 Law 4/2000.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 19.2.

IMMIGRANT_43: Legal guarantees and redress in case of refusal or withdrawal.

Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 29 12/2009.

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 29.

Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 29 12/2009.

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 29.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 29 12/2009.

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 29.

Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 19-21 Organic Law 4/2000.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 19-21.

Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 19-21 Organic Law 4/2000.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 19-21.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 19-21 Organic Law 4/2000.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 19-21.

Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 19-21 Organic Law 4/2000.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 19-21.

Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 19-21 Organic Law 4/2000.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 19-21.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 19-21 Organic Law 4/2000.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 19-21.

Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 19-21 Organic Law 4/2000.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 19-21.

Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 19-21 Organic Law 4/2000.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 19-21.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):

Answer: yes

Code: 1

Explanation: Yes, as per Art. 19-21 Organic Law 4/2000.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 19-21.

IMMIGRANT_44: Right to autonomous permit.

Right to autonomous residence permit for partners and children at age of majority (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (refugees):

Answer: right after reunification

Code: 1

Explanation: Yes, family members reunited have the “full” refugee status. The only difference is that they have it “by extension”, but once they are recognized as refugees their status does not depend on the status of the sponsor (Art. Law 12/2009).

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Right to autonomous residence permit for partners and children at age of majority (co-ethnics):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (domestic workers):

Answer: right after reunification

Code: 1

Explanation: Right after reunification, but under certain conditions, as soon as partner can prove having sufficient financial resources or when children reach the age of 18 (Art. 59 Royal Decree 577/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 59.

Right to autonomous residence permit for partners and children at age of majority (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (medical doctors):

Answer: right after reunification

Code: 1

Explanation: Right after reunification, but under certain conditions, as soon as partner can prove having sufficient financial resources or when children reach the age of 18 (Art. 59 Royal Decree 577/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 59.

Right to autonomous residence permit for partners and children at age of majority (permanent residents):

Answer: right after reunification

Code: 1

Explanation: Right after reunification, but under certain conditions, as soon as partner can prove having sufficient financial resources or when children reach the age of 18 (Art. 59 Royal Decree 577/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 59.

5.4.2. Education

IMMIGRANT_45: Access to education.

Children of asylum seekers have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals (Art. 9 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 9.

Children of refugees have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals (Art. 9 Organic Law 4/2000). Additionally, right is included in Art. 36.1f of Law 12/2009.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 9. / Ley 12/2009 [Law 12/2009]. 2009. Art. 36.1f.

Children of co-ethnics have access to compulsory education:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Children of domestic workers have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals (Art. 9 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 9.

Children of agricultural workers have access to compulsory education:

Answer: not applicable

Code: Not applicable

Explanation: No family reunification for agricultural workers.

Sources: Not applicable

Children of medical doctors have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals (Art. 9 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 9.

Children of permanent residents have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals (Art. 9 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 9.

IMMIGRANT_46: Access to higher education.

Asylum seekers and their children have access to higher education:

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals (Art. 9 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 9.

Refugees have access to higher education:

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals (Art. 9 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 9.

Co-ethnics have access to higher education:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Domestic workers have access to higher education:

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals (Art. 9 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 9.

Agricultural workers have access to higher education:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Medical doctors have access to higher education:

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals (Art. 9 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 9.

Permanent residents have access to higher education:

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals (Art. 9 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 9.

IMMIGRANT_47: Support for language instruction.

Provision of education support in language(s) of instruction for migrant pupils:

Answer: yes

Code: 1

Explanation: Art. 79 Law 2/2006 of Education establishes that Spanish administrations must develop specific programs for children with “serious language deficiencies”. The article also establishes that these specific programs must be conducted in parallel with the ordinary curriculum.

Sources: Ley Orgánica 2/2006 [Organic Law 2/2006]. 2006. Art. 79.

IMMIGRANT_48: Intercultural education.

Intercultural education is included in pre-service training in order to qualify as a teacher:

Answer: no

Code: 0

Explanation: No provisions found in general Education Law.

Sources: Ley Orgánica 2/2006 [Organic Law 2/2006]. 2006.

IMMIGRANT_49: Integration in teachers' syllabus.

Migration and integration are obligatory topics in professional development training:

Answer: no

Code: 0

Explanation: No provision found in general Education Law.

Sources: Ley Orgánica 2/2006 [Organic Law 2/2006]. 2006.

5.4.3. Health care

IMMIGRANT_50: Conditions for inclusion in the health care system

Conditions for inclusion of asylum seekers in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. Art. 12 of Organic Law 4/2000 (modified by Royal Decree – Law 16/2012) establishes that foreigners have the right to health care in the conditions established by the general health care regulations. Law 14/1986 is the main regulation of the Spanish Health Care System. In its Art. 1.1 establishes that all Spanish citizens and non-citizen residents have the right to health care. Art. 1.2 additionally establishes that non-resident non-citizens also have the right to health care.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 12. / Ley 14/1986 [Law 14/1986]. 1986. 1.1 and 1.2.

Conditions for inclusion of refugees in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. Art. 12 of Organic Law 4/2000 (modified by Royal Decree – Law 16/2012) establishes that foreigners have the right to health care in the conditions established by the general health care regulations. Law 14/1986 is the main regulation of the Spanish Health Care System. In its Art. 1.1 establishes that all Spanish citizens and non-citizen residents have the right to health care. Art. 1.2 additionally establishes that non-resident non-citizens also have the right to health care.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 12. / Ley 14/1986 [Law 14/1986]. 1986. 1.1 and 1.2.

Conditions for inclusion of co-ethnics in the health care system:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Conditions for inclusion of domestic workers in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. Art. 12 of Organic Law 4/2000 (modified by Royal Decree – Law 16/2012) establishes that foreigners have the right to health care in the conditions established by the general health care regulations. Law 14/1986 is the main regulation of the Spanish Health Care System. In its Art. 1.1 establishes that all Spanish citizens and non-citizen residents have the right to health care. Art. 1.2 additionally establishes that non-resident non-citizens also have the right to health care.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 12. / Ley 14/1986 [Law 14/1986]. 1986. 1.1 and 1.2.

Conditions for inclusion of agricultural workers in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. Art. 12 of Organic Law 4/2000 (modified by Royal Decree – Law 16/2012) establishes that foreigners have the right to health care in the conditions established by the general health care regulations. Law 14/1986 is the main regulation of the Spanish Health Care System. In its Art. 1.1 establishes that all Spanish citizens and non-citizen residents have the right to health care. Art. 1.2 additionally establishes that non-resident non-citizens also have the right to health care.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 12. / Ley 14/1986 [Law 14/1986]. 1986. 1.1 and 1.2.

Conditions for inclusion of medical doctors in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. Art. 12 of Organic Law 4/2000 (modified by Royal Decree – Law 16/2012) establishes that foreigners have the right to health care in the conditions established by the general health care regulations. Law 14/1986 is the main regulation of the Spanish Health Care System. In its Art. 1.1 establishes that all Spanish citizens and non-citizen residents have the right to health care. Art. 1.2 additionally establishes that non-resident non-citizens also have the right to health care.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 12. / Ley 14/1986 [Law 14/1986]. 1986. 1.1 and 1.2.

Conditions for inclusion of permanent residents in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. Art. 12 of Organic Law 4/2000 (modified by Royal Decree – Law 16/2012) establishes that foreigners have the right to health care in the conditions established by the general health care regulations. Law 14/1986 is the main regulation of the Spanish Health Care System. In its Art. 1.1 establishes that all Spanish citizens and non-citizen residents have the right to health care. Art. 1.2 additionally establishes that non-resident non-citizens also have the right to health care.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 12. / Ley 14/1986 [Law 14/1986]. 1986. 1.1 and 1.2.

IMMIGRANT_51: Coverage of health care services.

Health care coverage for asylum seekers.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals. Art. 12 of Organic Law 4/2000 (modified by Royal Decree – Law 16/2012) establishes that foreigners have the right to health care in the conditions established by the general health care regulations. Law 14/1986 is the main regulation of the Spanish Health Care System. In its Art. 1.1 establishes that all Spanish citizens and non-citizen residents have the right to health care. Art. 1.2 additionally establishes that non-resident non-citizens also have the right to health care.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 12. / Ley 14/1986 [Law 14/1986]. 1986. 1.1 and 1.2.

Health care coverage for refugees.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals. Art. 12 of Organic Law 4/2000 (modified by Royal Decree – Law 16/2012) establishes that foreigners have the right to health care in the conditions established by the general health care regulations. Law 14/1986 is the main regulation of the Spanish Health Care System. In its Art. 1.1 establishes that all Spanish citizens and non-citizen residents have the right to health care. Art. 1.2 additionally establishes that non-resident non-citizens also have the right to health care.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 12. / Ley 14/1986 [Law 14/1986]. 1986. 1.1 and 1.2.

Health care coverage for co-ethnics.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Health care coverage for domestic workers.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals. Art. 12 of Organic Law 4/2000 (modified by Royal Decree – Law 16/2012) establishes that foreigners have the right to health care in the conditions established by the general health care regulations. Law 14/1986 is the main regulation of the Spanish Health Care System. In its Art. 1.1 establishes that all Spanish citizens and non-citizen residents have the right to health care. Art. 1.2 additionally establishes that non-resident non-citizens also have the right to health care.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 12. / Ley 14/1986 [Law 14/1986]. 1986. 1.1 and 1.2.

Health care coverage for agricultural workers.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals. Art. 12 of Organic Law 4/2000 (modified by Royal Decree – Law 16/2012) establishes that foreigners have the right to health care in the conditions established by the general health care regulations. Law 14/1986 is the main regulation of the Spanish Health Care System. In its Art. 1.1 establishes that all Spanish citizens and non-citizen residents have the right to health care. Art. 1.2 additionally establishes that non-resident non-citizens also have the right to health care.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 12. / Ley 14/1986 [Law 14/1986]. 1986. 1.1 and 1.2.

Health care coverage for medical doctors.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals. Art. 12 of Organic Law 4/2000 (modified by Royal Decree – Law 16/2012) establishes that foreigners have the right to health care in the conditions established by the general health care regulations. Law 14/1986 is the main regulation of the Spanish Health Care System. In its Art. 1.1 establishes that all Spanish citizens and non-citizen residents have the right to health care. Art. 1.2 additionally establishes that non-resident non-citizens also have the right to health care.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 12. / Ley 14/1986 [Law 14/1986]. 1986. 1.1 and 1.2.

Health care coverage for permanent residents.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals. Art. 12 of Organic Law 4/2000 (modified by Royal Decree – Law 16/2012) establishes that foreigners have the right to health care in the conditions established by the general health care regulations. Law 14/1986 is the main regulation of the Spanish Health Care System. In its Art. 1.1 establishes that all Spanish citizens and non-citizen residents have the right to health care. Art. 1.2 additionally establishes that non-resident non-citizens also have the right to health care.

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 12. / Ley 14/1986 [Law 14/1986]. 1986. 1.1 and 1.2.

5.4.4. Unemployment benefits

IMMIGRANT_52: Unemployment benefits.

Access of asylum seekers to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (Art. 14. Organic Law 4/2004).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14.

Access of refugees to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (Art. 14. Organic Law 4/2004).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14.

Access of co-ethnics to unemployment benefits as compared to citizen residents:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Access of domestic workers to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (Art. 14. Organic Law 4/2004).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14.

Access of agricultural workers to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (Art. 14. Organic Law 4/2004).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14.

Access of medical doctors to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (Art. 14. Organic Law 4/2004).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14.

Access of permanent residents to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (Art. 14. Organic Law 4/2004).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14.

5.4.5. Retirement benefits

IMMIGRANT_53: Retirement benefits.

Access of asylum seekers to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (Art. 14. Organic Law 4/2004).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14.

Access of refugees to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (Art. 14. Organic Law 4/2004).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14.

Access of co-ethnics to retirement benefits as compared to citizen residents:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Access of domestic workers to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (Art. 14. Organic Law 4/2004).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14.

Access of agricultural workers to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (Art. 14. Organic Law 4/2004).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14.

Access of medical doctors to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (Art. 14. Organic Law 4/2004).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14.

Access of permanent residents to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (Art. 14. Organic Law 4/2004).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 14.

5.5. Cultural policies

IMMIGRANT_54: Funding for bilingual education.

Is there public funding for bilingual education in the language of majoritarian migrant groups?

Answer: no

Code: 0

Explanation: No provisions found in main national regulations (Immigration Act or Education Act).

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Ley Orgánica 2/2006 [Organic Law 2/2006]. 2006.

IMMIGRANT_55: Funding for media on main migrant group's language.

Is there public funding for media in the language of the main migrant group?

Answer: no

Code: 0

Explanation: No provisions found in main national regulations (Immigration Act or Education Act).

Sources: Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Ley Orgánica 2/2006 [Organic Law 2/2006]. 2006.

5.6. Mobility policies

5.6.1. Identity documents

IMMIGRANT_56: Confiscation of identification documents.

Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?

Answer: no

Code: 0

Explanation: During the application process, authorities in charge of the evaluation of the application confiscate the travel documents of asylum seekers and provide them with an identity card ("tarjeta roja") which serves as an identification, but not as travel document (Art. 4.3 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 4.3.

Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: yes

Code: 1

Explanation: They have the right to not to have his/her identity documents confiscated (Art. 4.3 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 4.3.

Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: yes

Code: 1

Explanation: They have the right to not to have his/her identity documents confiscated (Art. 4.3 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 4.3.

Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: yes

Code: 1

Explanation: They have the right to not to have his/her identity documents confiscated (Art. 4.3 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 4.3.

Do medical doctors have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: yes

Code: 1

Explanation: They have the right to not to have his/her identity documents confiscated (Art. 4.3 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 4.3.

Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: yes

Code: 1

Explanation: They have the right to not to have his/her identity documents confiscated (Art. 4.3 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 4.3.

5.6.2. Freedom of movement

IMMIGRANT_57: Freedom of movement within country.

Do asylum seekers have the right to move freely within the country?

Answer: no

Code: 0

Explanation: Asylum seekers are assigned a place of residence. If an applicant wants to change its place of residence, he/she needs to ask for an authorization to the competent authorities. Failing to ask for this authorization is a ground for rejecting the application (Art. 22 and Art. 33.1.a Law 12/2009).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Ley 12/2009 [Law 12/2009]. 2009. Art. 22 and 33.1.

Do refugees have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: Yes, they enjoy the right to move freely within the country (Art. 5 Organic Law 4/2000 and Art. 36.1.h Law 12/2009).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 5. / Ley 12/2009 [Law 12/2009]. 2009. Art. 36.1.h.

Do co-ethnics have the right to move freely within the country?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the right to move freely within the country?

Answer: restrictions may apply for a specific time or for a specific region

Code: 0.5

Explanation: Yes, with restrictions. They enjoy the right to move freely within the country (Art. 5 Organic Law 4/2000). However, this proxy cannot work in all Spanish regions since their authorization to work is confined to a region (in other words, they can move across the country, but not work everywhere).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 5.

Do agricultural workers have the right to move freely within the country?

Answer: no

Code: 0

Explanation: No. They enjoy the right to move freely within the country (Art. 5 Organic Law 4/2000). However, this does not cover a change of residence since agricultural seasonal workers must reside in the location offered by the employer (Art. 99.3a of Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 99.3a. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 5.

Do medical doctors have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: Yes, they enjoy the right to move freely within the country (Art. 5 Organic Law 4/2000). However, this proxy cannot work in all Spanish regions since their authorization to work is confined to a region (in other words, they can move across the country, but not work everywhere).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Do permanent residents have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: Yes, they enjoy the right to move freely within the country (Art. 5 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 5.

IMMIGRANT_58: Freedom to move outside the country.

Do asylum seekers have the right to leave the country?

Answer: no

Code: 0

Explanation: Asylum seekers are assigned a place of residence. If an applicant wants to change its place of residence, he/she needs to ask for an authorization to the competent authorities. Failing to ask for this authorization is a ground for rejecting the application (Art. 22 and Art. 33.1.a Law 12/2009).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. / Ley 12/2009 [Law 12/2009]. 2009. Art. 22 and 33.1.a.

Number of months of absence allowed per year (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do refugees have the right to leave the country?

Answer: yes

Code: 1

Explanation: Refugees are granted travel documents and can exit the country (Art. 36.1d Law 12/2009). No provision regarding periods of absence in main regulations.

Sources: Ley 12/2009 [Law 12/2009]. 2009. Art. 36.1.d.

Number of months of absence allowed per year (refugees):

Answer: Not applicable

Code: Not applicable

Explanation: No provision regarding periods of absence in main regulations.

Sources: Ley 12/2009 [Law 12/2009]. 2009.

Do co-ethnics have the right to leave the country?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of months of absence allowed per year (co-ethnics):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the right to leave the country?

Answer: yes

Code: 1

Explanation: Domestic workers enjoy freedom to exit the Spanish territory (Art. 28 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 28.

Number of months of absence allowed per year (domestic workers):

Answer: Not applicable

Code: No provision on periods of absence.

Explanation: Domestic workers enjoy freedom to exit the Spanish territory (Art. 28 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 28.

Do agricultural workers have the right to leave the country?

Answer: no

Code: 0

Explanation: Agricultural seasonal workers must reside in the location offered by the employer (Art. 99.3a of Royal Decree 557/2011).

Sources: Real Decreto 557/2011 [Royal Decree 557/2011]. 2011. Art. 99.3a. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Number of months of absence allowed per year (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do medical doctors have the right to leave the country?

Answer: yes

Code: 1

Explanation: Medical doctors enjoy freedom to exit the Spanish territory (Art. 28 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 28.

Number of months of absence allowed per year (medical doctors):

Answer: Not applicable

Code: Not applicable

Explanation: No provision on periods of absence.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

Do permanent residents have the right to leave the country?

Answer: yes

Code: 1

Explanation: This proxy enjoy freedom to exit the Spanish territory (Art. 28 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 28.

Number of months of absence allowed per year (permanent residents):

Answer: Not applicable

Code: Not applicable

Explanation: No provision on period of absence.

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000.

5.6.3. Obligations

5.6.4. Military service

IMMIGRANT_59: Military service.

Do asylum seekers have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do refugees have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do co-ethnics have the obligation to comply with military service?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do agricultural workers have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do medical doctors have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do permanent residents have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

5.6.5. Social service

IMMIGRANT_60: Social service.

Do asylum seekers have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do refugees have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do co-ethnics have the obligation to comply with social service?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do agricultural workers have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do medical doctors have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do permanent residents have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

5.6.6. Taxes

IMMIGRANT_61: Income taxes.

Do asylum seekers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes, same conditions as for Spanish nationals apply (Art.15 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 15.

Do refugees have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes, same conditions as for Spanish nationals apply (Art.15 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 15.

Do co-ethnics have to pay income taxes in state of reception?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes, same conditions as for Spanish nationals apply (Art.15 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 15.

Do agricultural workers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes, same conditions as for Spanish nationals apply (Art.15 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 15.

Do medical doctors have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes, same conditions as for Spanish nationals apply (Art.15 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 15.

Do permanent residents have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes, same conditions as for Spanish nationals apply (Art.15 Organic Law 4/2000).

Sources: Ley Orgánica 2/2009 [Organic Law 2/2009]. 2009. / Ley Orgánica 4/2000 [Organic Law 4/2000]. 2000. Art. 15.

5.7. Administration

IMMIGRANT_62: Existence of immigrant integration agency in state of reception.

Existence of institution/agency with competencies for immigrant policies:

Answer: no

Code: 0

Explanation: There is not a standalone immigrant integration agency. The Directorate General of Immigration, dependent on the Ministry of Labor and Social Security is the only office dedicated to define policy and manage immigrant issues.

Sources: Ministerio de Trabajo, Migraciones y Seguridad Social. "Dirección General de Integración y Atención Humanitaria [General Directorate for Integration and Humanitarian Assistance]". Access date not available.

<https://www.inclusion.gob.es/es/organizacion/organigrama/migraciones/contenido/OM99.htm>.

Name of the institution with competencies for immigrant policies in original language:

Answer: Not applicable

Name of the institution with competencies for immigrant policies in English:

Answer: Not applicable

Access to antidiscrimination body.

Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):

Answer: Yes

Code: 1

Explanation: Foreign persons, regardless of their documentary situation in Spain or their age, address themselves to the Ombudsman when considering that the actions of the Spanish administration have violated their rights.

Sources: Defensor del Pueblo. "Extranjeros [Foreigners]". Access date not available.
<https://www.defensordelpueblo.es/grupo-social/extranjeros>.

6. Immigrant citizenship and nationality

6.1. Immigrant nationality

6.1.1. Immigrant dual nationality

IMNAT_1: Renunciation of previous nationality.

Does the country require applicants to naturalization by residence to renounce their previous nationality?

Answer: Yes

Code: 0

Explanation: Yes, with some exceptions. Generally, for the validity of the acquisition of Spanish nationality by option, naturalization certificate or residence, the person has to declare that he or she renounces his or her previous nationalities (Art. 23.b Civil Code). However, this provision does not apply if the person is a national of the countries covered in paragraph 1 of article 24 (Latin American countries, Andorra, the Philippines, Equatorial Guinea, and Portugal).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 23.b.

Citizenship can be withdrawn only if person resides outside the country:

Answer: No

Code: 0

Explanation: No such provision. Art. 25 of Civil Code establishes that naturalized citizens will lose the Spanish nationality if they engaged in falseness, concealment or fraud during the process (Art. 25 Civil Code).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 25.

Are there exceptions?

Answer: For some countries officially

Code: 1

Explanation: Generally, for the validity of the acquisition of Spanish nationality by option, naturalization certificate or residence, the person has to declare that he or she renounces his or her previous nationalities (Art. 23.b Civil Code). However, this provision does not apply if the person is a national of the countries covered in paragraph 1 of article 24 (Latin American countries, Andorra, the Philippines, Equatorial Guinea, and Portugal).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 23.b.

IMNAT_1_1: Sanctions.

Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?

Answer: Yes

Code: 1

Explanation: Yes. Art. 25 of Civil Code establishes that naturalized citizens will lose the Spanish nationality if they engaged in falseness, concealment or fraud during the process (Art. 25 Civil Code).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 25.

6.1.2. Emigrant dual nationality for immigrants who naturalized

IMNAT_2: Emigrant dual nationality for naturalized immigrants.

Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?

Answer: No provision

Code: 1

Explanation: No. The article 25 of the Civil Code only prescribes the loss of nationality if the national by naturalization uses exclusively the nationality they had renounced (in order to acquire the Spanish nationality) within three years after acquisition (Art. 25.a Civil Code).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 25.

6.1.3. Loss of nationality after residence abroad for naturalized immigrants

IMNAT_3: Loss after residence abroad for naturalized immigrants

For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad

Answer: No provision

Code: 1

Explanation: No such provision in the Spanish Civil Code.

Sources: Código Civil [Civil Code]. 1889 (2018).

After how many years abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.1.4. Unrestrictive jus soli

IMNAT_4: Unrestrictive jus soli.

Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Código Civil [Civil Code]. 1889 (2018).

6.1.5. Qualified jus soli

IMNAT_5: Qualified jus soli.

Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?

Answer: Yes

Code: 1

Explanation: Yes. Article 17 of the Civil Code establishes that Spanish by birth are „those born in Spain to foreign parents if at least one of them was also born in Spain“.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 17.

6.1.6. Standard naturalization procedure for immigrants due to residence

IMNAT_6: Ordinary naturalization.

Does the country provide for standard naturalization procedure for immigrants due to residence in it?

Answer: Yes, provision for standard naturalization based on residence

Code: 1

Explanation: The conditions are regulated by articles 22 and 23 of the Civil Code. Generally, in order to naturalize based on residence, residency should have lasted for 10 years. However, it can be reduced to 5 years for refugees; 2 years for nationals by birth from Latin American countries, Andorra, the Philippines, Equatorial Guinea, Portugal or Sephardim; and 1 year for special cases (such as for those born in Spanish territory) (Art. 22 Civil Code). Additionally, general conditions for naturalization apply to naturalization by residence: (1) swearing or promising fidelity to the King and obedience to the Constitution, (2) declaring renunciation of previous nationality and (3) inscribing the acquisition in the Spanish Civil Registry (Art. 23 Civil Code). Person has been resident in Spain for 10 years immediately prior to the application. Other conditions: good conduct, adequate social integration, oath of loyalty to the King and obedience to the constitution and the laws, renunciation of another citizenship (except for citizens of Latin American countries, Andorra, Philippines, Equatorial Guinea or Portugal) and inscription in the Civil Registry. Denial of citizenship must be based on reasons of public order and national interest.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22 and 23. / GLOBALCIT (2017). Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute. Available at: <http://globalcit.eu/acquisition-citizenship/>.

Number of years of residence required for naturalization:

Answer: 10

Code: 10

Explanation: The conditions are regulated by articles 22 and 23 of the Civil Code. Generally, in order to naturalize based on residence, residency should have lasted for 10 years. However, it can be reduced to 5 years for refugees; 2 years for nationals by birth from Latin American countries, Andorra, the Philippines, Equatorial Guinea, Portugal or Sephardim; and 1 year for special cases (such as for those born in Spanish territory) (Art. 22 Civil Code). Additionally, general conditions for naturalization apply to naturalization by residence: (1) swearing or promising fidelity to the King and obedience to the Constitution, (2) declaring renunciation of previous nationality and (3) inscribing the acquisition in the Spanish Civil Registry (Art. 23 Civil Code). Person has been resident in Spain for 10 years immediately prior to the application. Other conditions: good conduct, adequate social integration, oath of loyalty to the King and obedience to the constitution and the laws, renunciation of another citizenship (except for citizens of Latin American countries, Andorra, Philippines, Equatorial Guinea or Portugal) and inscription in the Civil Registry. Denial of citizenship must be based on reasons of public order and national interest.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22 and 23. / GLOBALCIT (2017). Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute. Available at: <http://globalcit.eu/acquisition-citizenship/>.

Number of continuous years of residence required for naturalization:

Answer: 10

Code: 10

Explanation: The conditions are regulated by articles 22 and 23 of the Civil Code. Generally, in order to naturalize based on residence, residency should have lasted for 10 years. However, it can be reduced to 5 years for refugees; 2 years for nationals by birth from Latin American countries, Andorra, the Philippines, Equatorial Guinea, Portugal or Sephardim; and 1 year for special cases (such as for those born in Spanish territory) (Art. 22 Civil Code). Additionally, general conditions for naturalization apply to naturalization by residence: (1) swearing or promising fidelity to the King and obedience to the Constitution, (2) declaring renunciation of previous nationality and (3) inscribing the acquisition in the Spanish Civil Registry (Art. 23 Civil Code). Person has been resident in Spain for 10 years immediately prior to the application. Other conditions: good conduct, adequate social integration, oath of loyalty to the King and obedience to the constitution and the laws, renunciation of another citizenship (except for citizens of Latin American countries, Andorra, Philippines, Equatorial Guinea or Portugal) and inscription in the Civil Registry. Denial of citizenship must be based on reasons of public order and national interest.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22 and 23. / GLOBALCIT (2017). Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute. Available at: <http://globalcit.eu/acquisition-citizenship/>.

Permanent residence status is required for naturalization:

Answer: No

Code: 0

Explanation: The conditions are regulated by articles 22 and 23 of the Civil Code. Generally, in order to naturalize based on residence, residency should have lasted for 10 years. However, it can be reduced to 5 years for refugees; 2 years for nationals by birth from Latin American countries, Andorra, the Philippines, Equatorial Guinea, Portugal or Sephardim; and 1 year for special cases (such as for those born in Spanish territory) (Art. 22 Civil Code). Additionally, general conditions for naturalization apply to naturalization by residence: (1) swearing or promising fidelity to the King and obedience to the Constitution, (2) declaring renunciation of previous nationality and (3) inscribing the acquisition in the Spanish Civil Registry (Art. 23 Civil Code). Person has been resident in Spain for 10 years immediately prior to the application. Other conditions: good conduct, adequate social integration, oath of loyalty to the King and obedience to the constitution and the laws, renunciation of another citizenship (except for citizens of Latin American countries, Andorra, Philippines, Equatorial Guinea or Portugal) and inscription in the Civil Registry. Denial of citizenship must be based on reasons of public order and national interest.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22 and 23. / GLOBALCIT (2017). Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute. Available at: <http://globalcit.eu/acquisition-citizenship/>.

Renunciation of previous nationality is required:

Answer: General renunciation except for some countries

Code: 0.35

Explanation: Generally, for the validity of the acquisition of Spanish nationality by option, naturalization certificate or residence, the person has to declare that he or she renounces his or her previous nationalities (Art. 23.b Civil Code). However, this provision does not apply if the person is a national of the countries covered in paragraph 1 of article 24 (Latin American countries, Andorra, the Philippines, Equatorial Guinea, and Portugal).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 23.b and 24.

Language condition for naturalization:

Answer: No language condition in the law

Code: 0

Explanation: The conditions are regulated by articles 22 and 23 of the Civil Code. Generally, in order to naturalize based on residence, residency should have lasted for 10 years. However, it can be reduced to 5 years for refugees; 2 years for nationals by birth from Latin American countries, Andorra, the Philippines, Equatorial Guinea, Portugal or Sephardim; and 1 year for special cases (such as for those born in Spanish territory) (Art. 22 Civil Code). Additionally, general conditions for naturalization apply to naturalization by residence: (1) swearing or promising fidelity to the King and obedience to the Constitution, (2) declaring renunciation of previous nationality and (3) inscribing the acquisition in the Spanish Civil Registry (Art. 23 Civil Code). Person has been resident in Spain for 10 years immediately prior to the application. Other conditions: good conduct, adequate social integration, oath of loyalty to the King and obedience to the constitution and the laws, renunciation of another citizenship (except for citizens of Latin American countries, Andorra, Philippines, Equatorial Guinea or Portugal) and inscription in the Civil Registry. Denial of citizenship must be based on reasons of public order and national interest.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22 and 23. / GLOBALCIT (2017). Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute. Available at: <http://globalcit.eu/acquisition-citizenship/>.

Civil knowledge is a requisite for naturalization:

Answer: Language general cultural integration/assimilation condition, also if assessed informally during an interview

Code: 0.25

Explanation: The conditions are regulated by articles 22 and 23 of the Civil Code. Generally, in order to naturalize based on residence, residency should have lasted for 10 years. However, it can be reduced to 5 years for refugees; 2 years for nationals by birth from Latin American countries, Andorra, the Philippines, Equatorial Guinea, Portugal or Sephardim; and 1 year for special cases (such as for those born in Spanish territory) (Art. 22 Civil Code). Additionally, general conditions for naturalization apply to naturalization by residence: (1) swearing or promising fidelity to the King and obedience to the Constitution, (2) declaring renunciation of previous nationality and (3) inscribing the acquisition in the Spanish Civil Registry (Art. 23 Civil Code). Person has been resident in Spain for 10 years immediately prior to the application. Other conditions: good conduct, adequate social integration, oath of loyalty to the King and obedience to the constitution and the laws, renunciation of another citizenship (except for citizens of Latin American countries, Andorra, Philippines, Equatorial Guinea or Portugal) and inscription in the Civil Registry. Denial of citizenship must be based on reasons of public order and national interest.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22 and 23. / GLOBALCIT (2017). Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute. Available at: <http://globalcit.eu/acquisition-citizenship/>.

Clean criminal record is a requisite:

Answer: Specific good character clause applying only to naturalization applicants OR no crimes carrying sentences of less than 1 years

Code: 0.75

Explanation: The conditions are regulated by articles 22 and 23 of the Civil Code. Generally, in order to naturalize based on residence, residency should have lasted for 10 years. However, it can be reduced to 5 years for refugees; 2 years for nationals by birth from Latin American countries, Andorra, the Philippines, Equatorial Guinea, Portugal or Sephardim; and 1 year for special cases (such as for those born in Spanish territory) (Art. 22 Civil Code). Additionally, general conditions for naturalization apply to naturalization by residence: (1) swearing or promising fidelity to the King and obedience to the Constitution, (2) declaring renunciation of previous nationality and (3) inscribing the acquisition in the Spanish Civil Registry (Art. 23 Civil Code). Person has been resident in Spain for 10 years immediately prior to the application. Other conditions: good conduct, adequate social integration, oath of loyalty to the King and obedience to the constitution and the laws, renunciation of another citizenship (except for citizens of Latin American countries, Andorra, Philippines, Equatorial Guinea or Portugal) and inscription in the Civil Registry. Denial of citizenship must be based on reasons of public order and national interest.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22 and 23. / GLOBALCIT (2017). Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute. Available at: <http://globalcit.eu/acquisition-citizenship/>.

Economic resources as requisite for naturalization:

Answer: No requirement on income, employment, or welfare dependency

Code: 0

Explanation: The conditions are regulated by articles 22 and 23 of the Civil Code. Generally, in order to naturalize based on residence, residency should have lasted for 10 years. However, it can be reduced to 5 years for refugees; 2 years for nationals by birth from Latin American countries, Andorra, the Philippines, Equatorial Guinea, Portugal or Sephardim; and 1 year for special cases (such as for those born in Spanish territory) (Art. 22 Civil Code). Additionally, general conditions for naturalization apply to naturalization by residence: (1) swearing or promising fidelity to the King and obedience to the Constitution, (2) declaring renunciation of previous nationality and (3) inscribing the acquisition in the Spanish Civil Registry (Art. 23 Civil Code). Person has been resident in Spain for 10 years immediately prior to the application. Other conditions: good conduct, adequate social integration, oath of loyalty to the King and obedience to the constitution and the laws, renunciation of another citizenship (except for citizens of Latin American countries, Andorra, Philippines, Equatorial Guinea or Portugal) and inscription in the Civil Registry. Denial of citizenship must be based on reasons of public order and national interest.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22 and 23. / GLOBALCIT (2017). Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute. Available at: <http://globalcit.eu/acquisition-citizenship/>.

6.1.7. Socialization based acquisition of citizenship

IMNAT_7: Naturalization by socialization.

Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?

Answer: No provision

Code: 0

Explanation: No provision in the Spanish Civil Code.

Sources: Código Civil [Civil Code]. 1889 (2018).

6.1.8. Special procedure for immigrants with very long residence in country

IMNAT_8: Long residence.

Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22.

6.1.9. Preferential naturalization for immigrants from specific countries

IMNAT_9: Preferential naturalization by country.

Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific country?

Answer: Yes

Code: 1

Explanation: The conditions are regulated by articles 22 and 23 of the Civil Code. Generally, in order to naturalize based on residence, residency should have lasted for 10 years. However, it can be reduced to 5 years for refugees; 2 years for nationals by birth from Latin American countries, Andorra, the Philippines, Equatorial Guinea, Portugal or Sephardim; and 1 year for special cases (such as for those born in Spanish territory) (Art. 22 Civil Code).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22 and 23.

6.1.10. Cultural affinity/Ethnic ties

IMNAT_10: Preferential naturalization due to cultural or ethnic ties.

Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?

Answer: Yes

Code: 1

Explanation: Yes. For Sephardic Jews. The conditions are regulated by articles 22 and 23 of the Civil Code. Generally, in order to naturalize based on residence, residency should have lasted for 10 years. However, it can be reduced to 5 years for refugees; 2 years for nationals by birth from Latin American countries, Andorra, the Philippines, Equatorial Guinea, Portugal or Sephardim; and 1 year for special cases (such as for those born in Spanish territory) (Art. 22 Civil Code).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22 and 23.

6.1.11. Spousal transfer

IMNAT_11: Spousal transfer.

Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?

Answer: Yes

Code: 1

Explanation: The acquisition is still based on residence. However, by virtue of being married to a Spanish national, the residence requisite is reduced to 1 year (instead of 10) (Art. 22.2.d Civil Code). Additionally, general conditions for naturalization apply to naturalization by residence: (1) swearing or promising fidelity to the King and obedience to the Constitution, (2) declaring renunciation of previous nationality and (3) inscribing the acquisition in the Spanish Civil Registry (Art. 23 Civil Code).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22.2.d and 23.

6.1.12. Filial transfer

IMNAT_12: Filial transfer.

Does the country provide for acquisition of nationality by the child of a person who is already a national citizen?

Answer: Yes

Code: 1

Explanation: The article 20 of the Civil Code establishes that those persons that are or have been under the parental authority of a Spanish national can opt for Spanish nationality (Art. 20.1.a).

Moreover, the article 22.2.c establishes that those who were or are under the tutelage of a Spanish national for two years can naturalize after one year of residence (Art. 22.2.b).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 20 and 22.

6.1.13. Special naturalization for refugees

IMNAT_13: Refugees.

Does the country facilitate the acquisition of nationality by a refugee in its territory?

Answer: Yes

Code: 1

Explanation: The conditions are regulated by articles 22 and 23 of the Civil Code. Generally, in order to naturalize based on residence, residency should have lasted for 10 years. However, it can be reduced to 5 years for refugees; 2 years for nationals by birth from Latin American countries, Andorra, the Philippines, Equatorial Guinea, Portugal or Sephardim; and 1 year for special cases (such as for those born in Spanish territory) (Art. 22 Civil Code).

Sources: Código Civil [Civil Code]. 1889 (2018). Art. 22 and 23.

6.1.14. Naturalization for special achievements/talents

IMNAT_14: Special talents.

Does the country provide for the acquisition of nationality by a person in account of special achievements/talents?

Answer: No

Code: 0

Explanation: No provision in Spanish Civil Code.

Sources: Código Civil [Civil Code]. 1889 (2018).

6.1.15. Naturalization due to investment/financial assets

IMNAT_15: Special talents.

Does the country provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?

Answer: No

Code: 0

Explanation: No provision in Spanish Civil Code.

Sources: Código Civil [Civil Code]. 1889 (2018).

6.1.16. Transfer to other relatives

IMNAT_16: Transfer to other relatives.

Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?

Answer: No

Code: 0

Explanation: No provision in Spanish Civil Code.

Sources: Código Civil [Civil Code]. 1889 (2018).

6.1.17. Nationality for the stateless

IMNAT_17: Stateless.

Does the country facilitate the naturalization of a stateless person in its territory?

Answer: No

Code: 0

Explanation: No provision in Spanish Civil Code.

Sources: Código Civil [Civil Code]. 1889 (2018).

6.1.18. Nationality for regularized immigrants

IMNAT_18: Regularization.

Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?

Answer: No differentiation

Code: 0.5

Explanation: No provision in Spanish Civil Code.

Sources: Código Civil [Civil Code]. 1889 (2018).

6.1.19. Naturalization possible even if applicant had irregular status before

IMNAT_19: Irregular status.

Does the country provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?

Answer: No

Code: 0

Explanation: Only years of “legal residence” are considered in the naturalization procedures.

Sources: Ministerio de Justicia. “Nacionalidad por residencia [Nationality by residence]”. Access date not available. <http://www.mjusticia.gob.es/cs/Satellite/Portal/es/ciudadanos/tramites->.

6.2. Immigrant citizenship

6.2.1. Restrictions on citizenship for naturalized immigrants

IMCIT_1: Restrictions for naturalized immigrants.

Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?

Answer: No

Code: 0

Explanation: No restrictions to naturalized citizens found.

Sources: Código Civil [Civil Code]. 1889 (2018).

For how long are the restrictions applied?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to electoral rights?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to public office posts?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Other type of restrictions

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized

IMCIT_2. Loss or suspension of citizenship.

Does the country deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?

Answer: No

Code: 0

Explanation: No provision for deprivation of citizenship rights for naturalized citizens abroad.

Sources: Código Civil [Civil Code]. 1889 (2018).

Are these rights recovered upon return?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals

IMCIT_3: Restrictions for naturalized immigrants who are dual nationals.

Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?

Answer: No

Code: 0

Explanation: No provision on restrictions of rights to naturalized immigrants who are dual nationals.

Sources: Código Civil [Civil Code]. 1889 (2018).

How long do the restrictions apply?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to electoral rights?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to public office post?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Other type of restrictions (beyond electoral and public office posts).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable