



ALIEN LAW IN SPAIN (in force since 23/01/2001):

- Rights
- Freedoms
- Social integration
- Working permit conditions
- Quotas
- Infringements
- Sanctions
- Expulsion



ALIEN

A person without Spanish nationality

REQUIREMENTS TO ENTER THE COUNTRY:

- Having a valid identity document, different according to the agreement with each country**
- Demonstrating a valid reason and sufficient conditions for the staying**
- Not having been previously deported from Spain**



RIGHTS AND FREEDOMS OF ALIENS

- **Freedom of movement**
- **Right to choose their place of residence**
- **Right to perform remunerated activities**
- **Access to social security**
- **Right to health care**
- **Right to assembly and association**
- **Right to aid for housing or medical assistance as a Spanish citizen**
- **Right to vote in municipal elections (resident aliens)**
- **Right to education, medical assistance, guardianship, child protection services (minor aliens)**
- **Right to family privacy**
- **Right to family regrouping**
- **Legislative protection**
- **Right to lodge an appeal against administrative acts**
- **Right to free judicial assistance**
- **Duty to pay taxes as a Spanish citizen**



TYPES OF ALIENS WITH LEGAL STATUS **IN SPAIN**

- **Visitor status: no more than 90 days**
- **Temporary residence: 90 days up to 5 years**
- **Permanent residence: the person has the right to live and work in Spain under the same conditions as a Spanish citizen**
- **Students**
- **Stateless or refugees**



WORKING PERMIT

Administrative authorisation to work

Main characteristics:

- In case that to work in a special field, a title is required, the aliens should have their titles validated
- If an employer wants to employ an alien without working permit, he/she must ask for an authorization to the Ministry of Work and Social Affairs
- To start their own business, aliens must have a special administrative authorisation
- It is issued according to the national labour market situation
- It has a 5 years duration and it can be limited to a certain geographic area or to a certain sector or activity
- It can be renewed if the contract is renewed or in case of a new job offer



EXCEPTIONS TO THE WORKING PERMIT:

- **Technicians or scientists invited or employed by the State, the Autonomous Regions or by Local Entities**
- **Alien teachers invited or employed by a Spanish University**
- **Alien directives or teachers working in a cultural or academic centre depending on a foreign country and officially recognised by the Spanish State**
- **Militaries or civil officials carrying out their activities on the Spanish territory**
- **Reporters, journalists or other professionals of the communication means sector, authorised by the State**
- **Artists coming to Spain for concerts or non continuous performances**
- **Scientists and researchers carrying out a research in Spain, authorised by the State**
- **Ministers, members of a religious order coming to Spain for a religious purpose**
- **Representatives of internationally recognised trade unions, who carry out trade union activities in Spain**
- **Aliens with Spanish origin who lost their Spanish nationality**



SEASONAL WORKERS

- **The Government will regulate the working permit of seasonal worker, regularising their entering and leaving from the country according to the features of the seasonal work or campaign**
- **The working permit will be issued only if a decent and healthy accommodation is guaranteed to the seasonal workers**



RESIDENCE PERMIT

Staying on the Spanish territory for more than 90 days

Temporary residence:

- **Duration: minimum 90 days – maximum 5 years**
- **Long and complex administrative procedure, ending with the issue on a visa**
- **Possible cases:**
 - **Without carrying out any profit-making activity: the alien must require the residence permit to the Spanish administration abroad, showing that he/she has the necessary means to live in Spain**
 - **Family regrouping: the alien who wants to regroup his/her family must require it to the Spanish administration and show that he/she has the sufficient means to maintain the family members**
 - **To carry out a time unlimited activity as employee: initially the employer should ask for it to the Spanish administration.**
 - **To carry out a limited activity as employee**
 - **To carry out an activity as self-employed: the alien must require the permit to the national consulate and demonstrate that he/she has the means to invert and that the new activity will guarantee him/her a living**

PERMANENT RESIDENCE

- The alien can live in Spain indefinitely and work under the same condition as a Spanish citizen
- Aliens having legally and continuously lived in Spain for 5 years

- Possible cases:
 - Resident aliens having the right to receive a retirement or disability pension by the Spanish Social Security
 - Aliens who were born in Spain and have legally lived in Spain for the three years before becoming 18
 - Aliens who have been in ward of a Spanish public entity for 5 years before they become 18
 - Aliens with Spanish origin who lost their nationality
 - Refugees recognised by Spain and living on the Spanish territory
 - Aliens who contributed to the economic, scientific or cultural development of Spain or to the protection of Spain abroad



STUDENTS

They come to Spain only to:

- Attend a course**
- Extend their qualification**
- Carry out non paid research or training activities**

The public or private centres where they study must be officially recognised.

The students could not carry out any profit-making activity



ACTIONS TAKEN TO CONTROL THE ENTRANCE OF ILLEGAL IMMIGRANTS

- Border control, especially along the Straights of Gibraltar**
- Establishment of the immigration quota policy**
- Implementation of the visa policy**
- Signing of agreements for the repatriation of immigrants**
- Reformation of the asylum and refugee regulations**