

3. ENTRY AND RESIDENCE CRITERIA FOR THIRD-COUNTRY NATIONALS

According to the Spanish Organic Law on the Rights and Freedoms of Foreigners in Spain and their Social Integration, and notwithstanding the relevant provisions of special laws and the International Agreements of which Spain is a signatory, a foreigner is a subject who does not hold Spanish nationality. This Organic Law does not apply, though, to those who hold the nationality of an EU Member State and to those who are covered by community status, all of whom are the subject of the EU law. Nevertheless, this Organic Law shall apply to any extent in which its application would result in a more favourable treatment.

All citizens from any other countries require an entry visa. Application for this entry visa has to be made at the Spanish Embassy or Consulate in the applicant's home country. The entry visa is to be applied for and issued at the Diplomatic Representation or Spanish Consular Office corresponding to where the foreigner will be residing. The visa, once validly issued in the passport or travel documents and in force, entitles the bearer to remain in Spain under the conditions in which it has been issued, notwithstanding the obligation to obtain, if such were the case, the Foreigner Identity Card.

3.1 VISA

General Visa Regime

Citizens of the countries listed below do not need a visa for stays of no more than 90 days per six months without engaging in a working activity, but they do need one for longer stays:

ANDORRA	CROATIA	MALAYSIA	REPUBLIC OF LITHUANIA
ARGENTINA	CZECH REPUBLIC	MEXICO	REPUBLIC OF SLOVENIA
AUSTRALIA	EL SALVADOR	MONACO	ROMANIA
BOLIVIA	ESTONIA	NEW ZEALAND	SAN MARINO
BRAZIL	GUATEMALA	NICARAGUA	SINGAPOUR
BRUNEI	HONDURAS	PANAMA	SLOVAK REPUBLIC
BULGARIA	HONKG-KONG / MACAO	PARAGUAY	STATE OF THE VATICAN CITY
CANADA	HUNGARY	POLAND	URUGUAY
CHILE	ISRAEL	REPUBLIC OF KOREA	USA
COSTA RICA	JAPAN	REPUBLIC OF LATVIA	VENEZUELA

More detailed information can be found on the web pages of the Spanish Ministry of External Affairs and Cooperation (www.mae.es), the Secretary of State for Immigration and Emigration (<http://extranjeros.mtas.es/es/>) and the Ministry of Internal Affairs (www.mir.es).

In order to clarify specific doubts the Ministry for Internal Affairs has made the following telephone number available: + 34 900 15 00 00. In Santander there is also a Foreigner Office:

OFICINA DE EXTRANJEROS EN SANTANDER

C/ Vargas, 53
39071 Santander (Cantabria)
Phone: + 34 942 99 93 95 (Atención al público)
+ 34 942 99 93 99 (Cita previa)
Fax: + 34 942 99 93 89
Opening hours: from 9 am to 2 pm

Student Visa Regime

Students who want to carry out research or training work on a non-salaried basis, or complete or extend their studies in officially recognised Spanish education or science centres (public or private), need a student visa, which can be applied for at the Diplomatic Representation or Spanish Consular Office in the applicant's home country.

The student visa allows foreigners to stay in Spain and take part in courses and study programmes, or undertake training or research activities for the entire length of their duration. The student or researcher's immediate family members (spouse and children under the age of 18, or children under parental authority or guardianship) can also apply for a Spanish residence visa without the researcher or student having to prove a period of prior residence. If the researcher or student and their accompanying family members intend to stay in Spain for a period longer than 6 months, they must apply for the corresponding "Foreign Student Visa", an identifying document that proves their legal situation in Spain.

Foreign student visa holders (not their family members) may be authorised to engage in salaried professional activities if the employer presents the corresponding employment application; the statutory requirements are met; and the professional activities are compatible with the study programme, signing a part-time or full-time contract for a period of no more than 3 months.

3.2 WORK PERMIT

Third-country nationals aged over 16 years who wish to engage in a lucrative labour or professional activity in Spain must have the corresponding **work permit**.

3.3 RESIDENCE PERMITS

In order to legally reside in Spain, third-country nationals must be in possession of a certificate of stay or residence permit. There are two types of residence permits: the temporary residence permit (to stay in Spain for more than 90 days but less than 5 years) and the permanent residence permit (to settle in Spain indefinitely and work under the same conditions as Spanish nationals).

Temporary Residence Permits

Foreigners who wish to reside in Spain without engaging in a remunerated activity must apply for the corresponding visa in order to obtain a temporary residence permit. They must therefore prove, among other requirements, that they have sufficient means of subsistence and livelihood (for themselves and the family members living with them) for the entire length of time they intend to stay in Spain.

Foreigners who are staying in Spain may also be granted a temporary residence permit in a limited set of exceptional cases (close personal ties, international protection, humanitarian factors and government collaboration).

Foreigners who wish to reside and work in Spain must apply for a temporary residence permit and a work permit for self-employment or paid employment.

Family Members

The foreign national's immediate family members (spouse and, in some cases, minor children, or disabled children for whom they are the legal guardian, and parents) also have the right to reside in Spain after being granted a temporary residence permit for the purpose of family reunification. The length of the residence

permit is equal to that of the third-country national who applied for family reunification. Family reunification can be applied for after having legally resided in Spain for a one-year period and already having applied for a second year of residence in the country.

Duration, Renewal and Termination

Temporary residence permits and temporary residence and work permits have an initial duration of one year, and are renewable for additional two-year terms, as long as the circumstances of the application have remained unchanged from the previous application.

It is possible in some cases to change a student visa into a residence and work permit, without having to apply for a new visa.

The temporary residence permit expires (among other factors) when the foreign resident can no longer provide sufficient financial resources, means of livelihood, health care assistance or suitable accommodation, and when, apart from rare exceptions, the resident has resided outside Spain for a period of more than six months in one year.

Permanent Residence Permit

Foreign nationals may apply for a Permanent Residence Permit after 5 years of legal and uninterrupted residence in Spain.

Before travelling to Spain, you can check out the following web pages for more information:

European Union:

- www.europa.eu.int
- http://europa.eu.int/public-services/spain/citizens/residency/permits_es.htm

Ministry of Internal Affairs:

- www.mir.es

Ministry of External Affairs and Cooperation:

- www.mae.es

The web page of the Secretary of State for Immigration and Emigration includes a list of the Foreigner Offices in the different Spanish provinces:

http://www.igsap.map.es/sqpro/extranjeros/oficinas_extranjeros.htm

For more detailed information you can call the Spanish Consulate in your home country. From within Spain phone calls to the Ministry of Internal Affairs are free: call 900 15 00 00. From abroad the following number must be called: + 34 915 37 24 23.

3.4 HEALTH REQUIREMENTS

When so deemed by the Ministry of Internal Affairs, in accordance with the Ministries for Health and Consumer Affairs and for Work and Social Affairs, all persons that wish to enter Spanish territory must present, at the point of entry to the country, **a health certificate issued in the originating country** by the medical services designated by the Diplomatic Representation or Spanish Consular Office, or undergo a medical examination by the Spanish Department of Health service, on arrival at the border, so as to be able to prove that they are not suffering from any of the quarantinable diseases that appear in the International

Health Regulations, or in any international agreements on this matter of which Spain is a signatory, notwithstanding what is established by European Union regulations.

3.5 PROOF OF ECONOMIC MEANS

The public officials responsible for carrying out entry checks on people have the right to demand that any foreigner about to enter Spanish territory prove that he/she possesses sufficient economic resources or economic means of living for his / her maintenance during the period of time he / she is in Spain, and also to be able either to travel to another country or to return home.

A foreigner must prove that these economic resources are available to him / her by actually showing them, if they hold them in cash, or by presenting certified cheques, traveller's cheques, fund transfers, credit cards or bank certificate, or by documents validating that they will be able to legally obtain the said means.

The public officials responsible for entry checks have the right to allow a person to enter the country, **but for a shorter period of time that is in proportion to the amount of resources** that are available to them, informing the person in question, by writing it in their passport or other equivalent document, of the deadline for departure from Spanish territory.

Foreigners must prove that they have, at the very least, **the resources that are indicated as follows:**

- For their maintenance, during their stay in Spain, the economic resources or means of living, to the amount stipulated by Ministerial Order, as a result of the proposition made by the Ministries for External Affairs and Cooperation, for Internal Affairs and for Work and Social Affairs, taking into account the number of days that they intend to stay in Spain and the number of people travelling together; this amount may be revised annually, if so required, by Internal Affairs Ministerial Order, as a result of the evolution in the Consumer Price Index.
- Ticket or tickets to return home or to travel to a third country; these tickets must be made out in the traveller's name, be non transferable and closed, and indicate the means of transport to be used.