

# ARRAIGO

Information for foreigners in an irregular administrative situation on how to obtain a temporary residence permit through the exceptional circumstances of *arraigo* statuts

## Types and requirements

### Work arraigo

You can apply if you have been in Spain for at least two continuous years and you can confirm you have held a working relationship for more than six months. Adults need to meet the following conditions:

- 1 Not be a citizen of the EU, the European Economic Area or Switzerland, or be a family member of citizens of the countries to which the Union citizenship regime applies.
- 2 Not have a criminal record in Spain or in the previous countries of residence for acts regarded as crimes in Spain, in the last 5 years
- 3 Not be prohibited from entering Spain and not be subject to rejection in the region of countries with which Spain

has entered into an agreement in this regard.

- 4 Not be within the period of no return to Spain because you have undertaken to return to your country of origin voluntarily.
- 5 Not have been out of Spain for more than 90 days in the last two years.
- 6 Be capable of demonstrating that you have worked for at least a minimum of six months, without the need for this to have been on a continuous basis.



In collaboration with



## Family arraigo

- Documentation proving the family tie and nationality. Valid documents:
  - If you are the mother or father of a minor of Spanish nationality, you need to present the minor's birth certificate
  - If you are the child of a Spanish mother or father, you need to present your birth certificate or the birth certificate of your Spanish mother or father by birth

## Procedure to be followed

### Who can submit the application?

The foreigner in person or, in the case of a minor or incapable person, their legal representative. It can also be submitted with a personal digital certificate or that of a representative, who will be required to communicate with the Administration electronically.

### Where should the application be submitted?

To the immigration office in the province in which the foreigner is residing.

### Is the application for a residence permit paid for?

Yes, you have 10 days in which to pay the temporary residence fee for exceptional circumstances (form 790, code 052, item 2.5)

### How long does the Administration have to decide on the matter?

Your case will be dealt with within 3 months of the day following the day on which the process is registered.

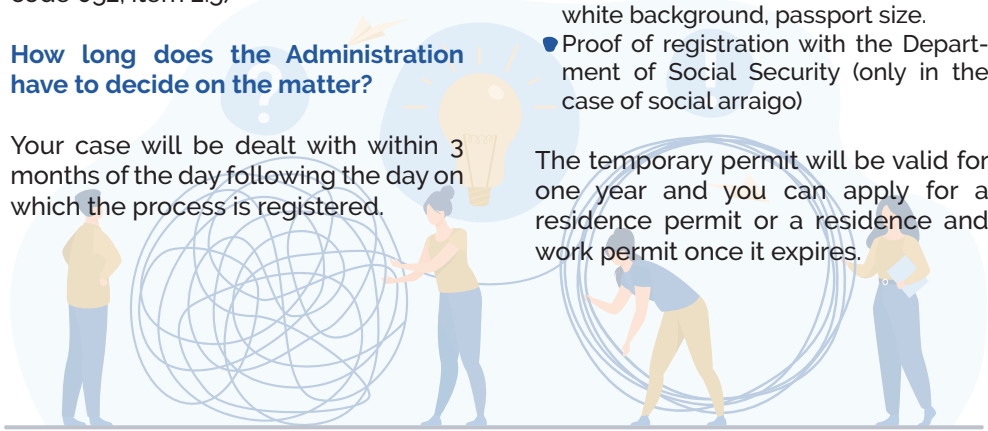
Within a month of the notification of the granting of a temporary residence permit due to exceptional circumstances or, where applicable, of the date on which it comes into force, the foreigner must apply for a foreign national identity card (TIE) in person.

The granting of a residence permit includes authorisation to work in Spain.

At the time of fingerprint processing, the applicant will be required to show their passport or travel document or registration card to prove their identity, and will provide:

- Application for a foreign nationals identity card, on an official form (EX-17)
- Proof of payment of the fee for the card.
- Three recent colour photographs, on a white background, passport size.
- Proof of registration with the Department of Social Security (only in the case of social arraigo)

The temporary permit will be valid for one year and you can apply for a residence permit or a residence and work permit once it expires.



## Social arraigo

You will be eligible for residence under this category if you have been in Spain for at least three continuous years, you have an employment agreement and you submit a social integration report, or if you have family ties with other resident foreigners. In this case you will need:

- 1 To meet requirements numbers 1, 2, 3 and 4 for work arraigo.
- 2 Not to have been out of Spain for more than 120 days in the last three years.
- 3 To have relatives (spouse or registered common-law partner, first-degree and direct-line ascendants or descendants) with other resident foreigners or Spaniards, or to submit a report proving your social integration issued by the Autonomous Community (or the City Council if the Autonomous Community has authorised it) in the region of your habitual residence. In the event the report has not been issued within 30 days, a circumstance that must be duly justified by the interested party, this requirement may be justified by any means of proof valid pursuant to the law.
- 4 To have an employment agreement for a term of no less than one year. The company or employer must be registered with the Department of Social Security and be up to date with the payment of their tax obligations and Social Security contributions. In general, the employment agreement must be full-time.

## Family arraigo

If you are the child of a Spanish mother or father or you are the mother or father of a minor of Spanish nationality, you can obtain a residence permit under family arraigo, provided that:

- 1 You meet requirements numbers 1, 2, 3 and 4 for work and social arraigo.
- 2 You are the mother or father of a minor of Spanish nationality (the parent must have custody of the minor, live with him/her or fulfill their obligations as father and/or mother) or be the son/daughter of a Spanish mother and/or father.

## Nota importante

Documents from other countries:

- Must be translated into Spanish or the joint official language of the region in which the application is made by a sworn translator approved by the pertinent Ministry.
  - Must be apostilled or legalized.
- Copies of documents must be provided, showing the originals when submitting the application.

## DOCUMENTATION TO BE SUBMITTED

There is a series of standard documents you need to submit regardless of the category of arraigo, namely:

- 1 An official application form (EX-10) in duplicate, duly completed and signed by the foreigner.
- 2 A complete copy of your passport, travel document or registration card valid for at least four more months.
- 3 A certificate of no criminal record issued by the Authorities of the country or countries in which you have resided in the last five years prior to entering Spain.

### Work arraigo

- Documentation with proof of a continuous presence in Spain for a minimum period of two years. The documentation provided must contain the applicant's identification data, and preferably it should have been issued and/or registered by a Spanish Public Administration. Valid documents:
  - Certificate of registration.
  - Documents related to a hospitalisation, medical appointment with the public health system...
  - Municipal, regional or state documentation
- Documentation attesting to the existence of labour relations that may be:
  - A judicial resolution or act of conciliation in court that recognises it
  - An administrative resolution confirming the infraction of the Labour and Social Security Inspection that accredits it.
  - Or, by any means of proof that is valid pursuant to the law.
- As of 2021, the requirements of the test have been relaxed and new means have been admitted, thanks to several rulings handed down by the Supreme Court.
  - To prove your employment relationship, you will be allowed to submit a record of employment or any means of proof accepted by law.
  - If you have worked and have been registered with the Social Security system for 6 months, you can apply for work arraigo in the event you lose your residence permit, for whatever reason, provided the requirements are met.

### Social arraigo

- Documentation with proof of a continuous stay in Spain for a minimum period of three years. The documentation provided must contain the applicant's identification data, and preferably it should have been issued and/or registered by a Spanish Public Administration. Valid documents:
  - Certificate of registration.
  - Documents related to a hospitalisation, medical appointment with the public health system...
  - Municipal, regional or state documentation
- Documentation proving that you have foreign (accredited) or Spanish family ties. Valid documentation:
  - Marriage certificate / Certificate of registration of couples / Birth certificate
- Documentation with evidence of means of living (employment agreement signed by the employer and the worker or family savings)

