



Residency in exceptional cases

The residence permits in exceptional cases may be granted to foreigners who are illegally in Spain and who for his particular situation, are protected by the Immigration Law (Title V): integration, international protection, humanitarian reasons, collaboration with authorities or national security reasons, etcetera.

One of the most known procedures in Residence Permit for Exceptional Cases is Integration (Arrelament) that could be Labor, Social or Familiar. For each one, there are different requirements but in any case, it is important to prove continuous residence in Spain.

Below you will find some of the most frequently asked questions about Integration (Arrelament), although it is always advisable to ask for counsel in person at SAIER. Here, you will find specialized technicians to solve particular questions and handle cases.

Type of questions we handle:

Work-Related Integration 3

 Which is the difference between Work-Related Integration and Social Settlement? 3

 To apply for Work-Related Integration is necessary to report the employer? 3

 How can I demonstrate a laboral relationship if there is not a contract? 3

 Labor Inspector went to my work place but I was not there at that time. What can I do?.. 3

 How long time should I live in Spain to apply for a for Work-Related Integration permit? . 3

 How do I accredit residence in Spain if I have not registered? 3

 What kind of residence permit do I obtain if apply for Work-Related Integration?..... 4

 If I have been working for less than 6 months without a contract, could I request Work-Related Integration?..... 4

Social Settlement 4

 To apply for a Social Settlement is it necessary to have a contract? 4

 What requirements must meet the company that wants to hire me?..... 4

 If I'm going to be hired by a particular person, what are the requirements to accomplish?5

 What kind of documents are they going to ask for a Social Settlement? 5

 To speak and to write in Spanish is enough to apply for a Social Settlement? 5

 How can I handle the Social Settlement Report?..... 5

 If I get the job offer before completing three years in Spain, do I have to go to my country to get a work visa? 5





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How long is valid the Social Settlement Report? 5

What can I do if I already have the documentation but I can't get an appointment to request Social Settlement? 5

If I have been an asylum seeker and have been denied, can I apply for Social Settlement or Work-Related Integration?..... 5

How long is valid my origin country documentation? 5

If the company that has offered me the job has debts with Treasury or Social Security, could I submit a different job offer? 6

What kind of permission do I get with Social Settlement? 6

Social Settlement by Family Ties 6

What is Social Settlement by Family Ties? 6

What kind of documents should I present to do this procedure? 6

Do they ask to demonstrate a minimum time of residence in Spain? 6





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NOTE: The following information does not replace the advice personalized in SAIER offices. This is a general orientation on frequent questions, but always it is advisable to request personal advice in SAIER.

Work-Related Integration

Which is the difference between Work-Related Integration and Social Settlement?

Both are within the concept of exceptional circumstances. Work-Related Integration seeks to encourage the submerged economy to come afloat. With Social Settlement is sought to regularize the administrative situation of people who have been in Spain for at least three years.

To apply for Work-Related Integration is necessary to report the employer?

Yes, it is. It is necessary to report through government's Labor Inspection Service or by Judicial inquiry that you have worked without a contract for at least 6 months. The complaint is made anonymously. A lot of people are scared, but it's worse that the Labor Inspection comes suddenly and gets you working without permission. In that case they do open an expulsion order.

If you cooperate by making the complaint, the Labor Inspector will not open an expulsion order. On the contrary, an act of infringement is going to be drawn up stating that you are collaborate with justice and, through this collaboration, you would benefit from a work and residence permit.

How can I demonstrate a laboral relationship if there is not a contract?

With documentary and testimonial evidence such as photos, videos, signature on a delivery note, signing a bill, etcetera.

Labor Inspector went to my work place but I was not there at that time. What can I do?

If the Labor Inspection complaint fails, you can file the complaint with a judge. You can file a complaint for dismissal or claiming payment due.

How long time should I live in Spain to apply for a for Work-Related Integration permit?

You must prove a continuous residence of two years in Spain. In these years there may be a maximum of three months abroad

How do I accredit residence in Spain if I have not registered?

Some municipal councils asking for population registry but the Immigration Law talks about "any legally admissible evidence", i.e. monthly or quarterly transportation cards (which require you identification), a purchase and use of mobile, invoices, etc.



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Definitely the population registry is a solid proof, but if there is a period of time that does not can be credited, may be complemented with another type of evidence admissible in law.

We advise to get a consular registration because this is also a prove of permanence in Spain.

What kind of residence permit do I obtain if apply for Work-Related Integration?

When the employment relationship is demonstrated, during a period of 6 months, and if you have lived in Spain for two years, you will obtain a Residence and Work permit for one year. This permit allows you to work for others or for your own account without geographical limitation or activity. In addition, this permit gives a retroactive recognition of the time worked (valid for Social Security).

If I have been working for less than 6 months without a contract, could I request Work-Related Integration?

Yes, you can ask for a Labour Settlement. You can be granted a residence permit, without work authorization, because you are collaborating with the Administration and denouncing submerged economy.

Social Settlement

To apply for a Social Settlement is it necessary to have a contract?

No, you need a job offer or a pre-contract. Other admissible terms are “proposal” or “statement”. In order to regularize the administrative situation by social Settlement, you will need a one year work proposal. This pre-contract may come from a company or from a natural person.

It is also possible to apply for Social Settlement if you justify that you are studying and living with your parents.

If you demonstrate family ties with another foreigner with Residence Permit, you can also request Social Settlement.

Find out about all requirements and aks for advice on your particular situation with SAIER specialists.

What requirements must meet the company that wants to hire me?

Company must be up to date with payments to the national Treasury and the Social Security; submit a Labor History (provided by National Social Security Institute) and guarantee the last quaterly payment.

Even if these conditions are fulfilled, if there are part-time employees they must become full-time employees before making a job offer to an extra-community person.

If the company is newly established and have not spent a year to know the billing, it could not do a pre-contract, because it would have to review the benefits.





If I'm going to be hired by a particular person, what are the requirements to accomplish?

The employer must demonstrate financial solvency to make the hiring. The employer will also show co-habiting certificate, because he or she must have enough resources to support the people who live at home.

What kind of documents are they going to ask for a Social Settlement?

You should show your passport, any legally admissible evidence that you have lived for three continuous years in Spain, a criminal record of your origin country and the Social Settlement Report. Remember: at SAIER offices you will find analysis for your particular situation.

To speak and to write in Spanish is enough to apply for a Social Settlement?

Not. In Catalunya there are two official languages and, therefore, they ask for a basic Catalan knowledge to demonstrate integration.

How can I handle the Social Settlement Report?

Catalonia Government (Generalitat) issues the Social Settlement Report for foreign citizens, but you should request it first in your OAC (Citizen Help and Information Office).

If I get the job offer before completing three years in Spain, do I have to go to my country to get a work visa?

If you are already about to complete three years of residence in Spain, is better to stay here. Go abroad to look a labour visa is more complicated because Spain has a high unemployment rate and gives preference to highly qualified foreign workers. Unless you are from Peru or Chile, who have special agreements and are exempt from fulfilling in Catalogue Difficult Covering Occupations. The best is to wait until three years of continuous residence in Spain to ask for Social Settlement.

How long is valid the Social Settlement Report?

For three months.

What can I do if I already have the documentation but I can't get an appointment to request Social Settlement?

You can print the screenshot that no appointment to verify that the delay was not your fault.

If I have been an asylum seeker and have been denied, can I apply for Social Settlement or Work-Related Integration?

Yes of course. Would be incompatible both applications open at the same time; but if the asylum dossier has been closed and you meet the time required to ask Social Settlement (Arrelament), you can request it.

How long is valid my origin country documentation?

Spanish Government validates a document for the same time it has been granted in origin country. If the document does not include a maximum period of validity, Spanish Authorities grants a grace period of 6 months.





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If the company that has offered me the job has debts with Treasury or Social Security, could I submit a different job offer?

No. If Government disregards procedure for the company debts or lack solvency of particular person, the same case cannot be kept open until another contract is obtained. If there is a substantial change that modifies the dossier, it is closed and you must start again. It means to obtain again a Social Settlement Report for foreign citizens and request for criminal records in your origin country, if they were expired.

The employer must know that Government will verify if taxes are been paid. So, it's important to check it before starting the procedure.

What kind of permission do I get with Social Settlement?

If Social Settlement has been processed with a work contract, you will receive a Residence and Work permit for one year, employed by others, without geographical limitations. If you do not submit a work contract to obtain Social Settlement, you must be informed and advised in SAIER.

Social Settlement by Family Ties

What is Social Settlement by Family Ties?

It is a procedure that grants Residence and Work Permit to work for own account or employed by others. It is for e non-EU citizens in irregular situation, who have Spanish children.

It can also be requested by children of Spanish.

What kind of documents should I present to do this procedure?

Government will ask you for passport, criminal record in your country, DNI of the descendant with Spanish nationality, a family book and a literal of child's birth. They can also apply for a passport or DNI of the Spanish ascendant.

Make sure you have all documentation and meet the requirements before applying for Family Settlement. At SAIER you will receive the complete advice.

Do they ask to demonstrate a minimum time of residence in Spain?

No. This procedure is not subject to any kind of permanence. Recall that for the Social Settlement are asked 3 years of residence in Spain, and for Work-Related Integration, 2 years of continuous residence in Spain.

