



# FREQUENTLY ASKED QUESTIONS ABOUT OTHER RESIDENCY PERMITS THROUGH IMMIGRATION

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Foreign people willing to live in Spain must legalise their administrative situation in the country and that can be done through different channels established in the Immigration Law (or through the Asylum Law in the case of people seeking international protection).

On July 26th, 2022 was published the Royal Decree 629/2022, which modified the Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, after its Organic Law 2/2009 reform, approved by Royal Decree 557/2011, April 20.

Below you will find basic updated information on the different permits approved by law that are not part of the residency permits due to exceptional circumstances (detailed in another document). However, if you live in the city of Barcelona and still have doubts, we encourage you to ask for an appointment with SAIER in order to clarify your possible doubts during a personalised advice service.

## Content Index

Study permit.....	2
1. Can I work in Spain with a study permit? .....	2
2. How many hours will I be allowed to work? .....	2
3. What happens if I want to stay and work in Spain after I have finished my studies? .....	2
Family reunification process .....	2
4. How can I apply for the Family Reunification process? .....	2
5. What criteria need to be met for the reunification of minors and family members under humanitarian circumstances?.....	3
6. How can a residency and work permit be acquired without depending on the spouse or reunified partner? .....	3
7. What happens when I have to renew my reunification family card? .....	3
Residency and Work .....	4
8. What do I need to renew a residency and work permit?.....	4
9. When shall I have to renew my residency permit? .....	4
10. How long is this type of permit valid for? .....	4
Self-employed residency and work permit .....	5



11.	What is needed to have in order to get this permit? .....	5
12.	How to renew it?.....	5
	Hiring in the origin follows a list of job qualifications not easy to fulfil .....	5
13.	How does this type of hiring work? .....	5
14.	How will I be able to know if my profession is among the job positions stated in this list? .....	5

## Study permit

### 1. Can I work in Spain with a study permit?

Yes, in some cases. Those people with a study permit who wish to get a higher education, government-run course for a job occupation or are willing to get a qualification certificate, technical aptitude or professional expertise necessary for their professional career are authorised to work as an employee or as a self-employed person.

### 2. How many hours will I be allowed to work?

You will be allowed to work for up to 30 hours a week, maximum, as long as it does not interfere with your course study for which your study permit is meant to.

### 3. What happens if I want to stay and work in Spain after I have finished my studies?

If you get a job offer with the Minimum Wage pay, you can change your initial residency and work permit.

## Family reunification process

### 4. How can I apply for the Family Reunification process?

The Family Reunification process is carried out when the person who is supposed to be reunited is in their country of origin. As a general rule, only first-degree relatives can be reunited. The resident person who wishes to reunify a family member must be living legally in the country for one year and be in possession of a NIE for at least another year or more. If the person who wants to unify is a Spanish national, that's to say, a DNI (the ID Card), the procedure is not Reunification, it is Family Arraigo or Residency Card for an EU citizen family member (in this case, the person who will be reunited must be in the Spanish territory).



To apply for the Family Reunification Process, it is necessary to have a Housing Report which, in Barcelona, is requested at the Oficina de Atención a la Ciudadanía (Citizen Service Office) (OAC), in the district where you live in.

You will also have to prove that you have enough financial economic resources to maintain the people who are intended to be reunified.

We encourage you to seek advice from the SAIER office. Alternatively, you can also contact the Family Reunification Accompaniment Programme in order to obtain guidance on the process. This Program also offers guidance and support for children's activities and the youth arriving in Barcelona outside the school term.

## **5. What criteria need to be met for the reunification of minors and family members under humanitarian circumstances?**

With the new law in force, the financial economic resources were reduced and made more flexible for certain family members. In this sense, there are new economic reference values. The law change also helps the minors who were not born in the Spanish State and who already live with their parents.

To reunite under aged children or people represented by the reunifying person, minors or people with disabilities, other indicators are applicable, apart from the IPREM, on a subsidiary basis. The figures are the following ones:

- Reunifying a person's income - from a stable source equal to or more than the Minimum wage, which stands at €1,082 per month x 14 pays, for 2023).
- 150% of the Indicador Público de Renta de Efectos Múltiples (IPREM) per sponsor and dependent family member and 50% more IPREM for each additional family member. (IPREM 2023: €600/monthly)
- The reunifying person should prove 110% of the Minimum Living Wage (IMV) for his or her maintenance and that of the minor they intend to reunify. For each additional minor you will have to prove 10% IMV and up to a maximum of 150%.

In 2024, the Minimum Wage (SMI) can be changed..

## **6. How can a residency and work permit be acquired without depending on the spouse or reunified partner?**

With the new law change, the reference to a specific duration of the contract is eliminated. You now can apply for an independent residency and work permit: Through one or more contracts with a monthly pay salary equal or greater than the SMI wage.

## **7. What happens when I have to renew my reunification family card?**

The renewal of your family reunification card will have the same validity time as that of the reunifying person and will enable you to work as an employee or a self-employed person.



## Residency and Work

### 8. What do I need to renew a residency and work permit?

Para renovar este permiso, es necesario que cumplas uno de los siguientes requisitos:

- To renew this permit, you must meet one of the following requirements:
- Continue with your initial job activity.
- Have paid your taxes for a minimum of 3 months per year, as long as you meet one of the following criteria:
  - Have an employment contract with a new employer and be registered with Social Security.
  - Have a new job contract (with a solvent employer)
  - Prove that the employment relationship that gave you your permit to work was interrupted by reasons beyond your control and that you are registered in the SOC as a jobseeker.
- Be getting paid unemployment or a social benefit.
- Have paid your taxes for a minimum of 9 months in a period of 12 months, or 18 months in a period of 24 months, provided that:
  - your last employment relationship ended for reasons beyond your control.
  - Be actively looking for a job (registered with the SOC)
- Have a spouse or a same-sex marriage partner who meets the economic requirements provided for by the Family Reunification process.
- Having terminated the employment contract or suspended the employment relationship as a result of being a victim of gender violence..

### 9. When shall I have to renew my residency permit?

You have up to 60 days prior to its expiry and a maximum of 90 days after your residency permit has expired.

### 10. How long is this type of permit valid for?

The renewed initial work permits are valid for 4 years and will entitle you to work as an employee or a self-employed person.

Permits for exceptional circumstances are not initial permits.

In this case, after one year it will have to be changed for an initial residency and work permit which will last for 2 years (this first procedure is an alteration, not a renewal). On the next renewal date, the person will get a 4-year permit to work as an employee and self-employed.



## Self-employed residency and work permit

### 11. What is needed to have in order to get this permit?

You just have to demonstrate that you have the right investment available in order to carry out the planned project.

### 12. How to renew it?

When you have to renew it, you will be granted a four-year permit to work as a self-employed person or employee.

## Hiring in the origin follows a list of job qualifications not easy to fulfil

### 13. How does this type of hiring work?

The new law wants to reach out to those job positions that are not easy to fulfil. If a job position is included in this list, the employing business will be allowed to process an initial residency and work permit for a foreign person, as long as this person is in their country of origin.

### 14. How will I be able to know if my profession is among the job positions stated in this list?

Compiling the list of job positions that are not easy to fulfil for those positions in the economic sectors detailed by a Government agreement with the Delegate Commission for Economic Affairs will be included at the proposal of the Ministry of Inclusion, Social Security and Migration.

The time for processing the offer with the labour authorities is also reduced, which becomes 8 days. In addition, the labour office certificate has to be issued in 3 days' time, instead of the previous 5 days.

Multi-annual permits (circular migration) are planned and will allow people to work 9 months a year, for 4 years. Applicable at any sector who is in need of working staff.

At the end of the four-year period, it is allowed to be extended for another 4 years. You can also request, within six months of completion, a residency and work permit for two years, extendable for another two more years, which will allow you to work for yourself or as an employee.