VISA POLICY AS MIGRATION CHANNEL IN SPAIN

SPAIN

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To that end, the EMN has a network of National Contact Points (NCPs).

In Spain, the NCP is composed of experts from four ministries (Ministry of Employment and Social Security, Ministry of the Interior, Ministry of Foreign Affairs and Cooperation and Ministry of Justice) and the General Prosecutor’s Office. It is coordinated by the Permanent Observatory for Immigration, a collegial body attached to the Ministry of Employment and Social Security. The NCP also collaborates with independent experts for the elaboration of EMN studies and reports.

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Visa Policy as Migration Channel in Spain

Spain

This National Report analyses the link between visa policy and immigration management and control. It considers the effects of visa policy in migration management for the purposes of both facilitating legal migration and preventing irregular migration.

This Report has been developed by the Spanish National Contact Point of the European Migration Network.

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Executive summary

This study provides a general overview of long-stay (type D) visas from a legal and political standpoint. It is divided into six sections: the legal and political framework; practical, procedural and organisational aspects; cooperation with third countries; effects of European Union policies and regulations; and lastly, statistical data.

First, we will analyse the purpose of visas within the general framework of Spanish migration policy. We will then turn to a more in-depth analysis of the legal framework and specify the different types of visas. By doing so, we will analyse the relationship between visa policy and legislation, and migration policy and legislation, with particular emphasis on matters relating to the prevention of irregular migration and the facilitation of legal migration. In addition, we will present the latest legislative changes in the Spanish legal framework referring to the incorporation of the EU acquis (through reform of the Aliens Act and creation of a new Implementing Regulation) and describe a series of points which have not been harmonised by the EU, such as invitations, authorisations for return and the motivation of decisions.

Among other practical and organisational aspects, we highlight some particulars of the procedure from applying for the visa to the exit of the territory, including review of the application, entry and stay in Spain. In particular, we will list the documents required in each phase of the process, in addition to the entities responsible for reviewing and processing them (consular offices and diplomatic missions). Throughout the description, we stress the fact that the visa plays an important role in the general process of obtaining the residence permits associated with that visa. We also describe the procedural aspects that allow legal immigration (such as steps that facilitate the process for students, researchers and highly qualified workers, and the collective management of hiring in the countries...
of origin) and which prevent irregular immigration (for example, signing a pledge to return that favours circular migration, or establishing registration with Social Security as an absolute requirement for foreign workers wishing to formalise their legal residence).

We will refer specifically to the relevant effects that both EU policy and legislation have had on the Spanish national framework. To this end, we will highlight the recent legislative changes and the progressive implementation of the Visa Information System and the Schengen Information System, in addition to the reinforcement of border controls and training provided to personnel assigned to such tasks.

1  Introduction: Purpose and Methodology

The main purpose of this study is to analyse the link between visa policy and immigration management and control. It must therefore serve as a means of informing policymakers and analysts about the effects of visa policy in migration management for the purposes of both facilitating legal migration and preventing irregular migration. The study will enable us to place national practices in context and provide an overall vision of policy in this area throughout the EU. It is to provide evidence regarding the effectiveness of different strategies for using visa policy in migration management and highlight best practices. Lastly, it will analyse the effects of European Union policy and legislation on the development of national policies and practices.

The specific aims of the study are to:

1. Describe Spanish policy and the legal framework for national visas intended for managing migration and preventing irregular immigration. We intend to provide a comprehensive overview of the practical implementation of national visa policy and legislation for national or long-stay visas by analysing the following:

   a) the three main stages of the visa procedure: application, examination and entry, stay and exit;

   b) the different categories of entry purposes (research, employment, education, etc.);

   c) the link between issuing visas and issuing residence permits;

   d) the prevention of irregular migration as related to visa issue procedures.
2. Provide information on the practical implementation of the EU immigration acquis, which obliges Member States to grant third-country nationals admitted under those schemes every facility for obtaining the requisite visas.

3. Explore the effects of EU policy and legislation on national policy, procedures and practices.

4. Present and analyse other available statistical data on the issuing of visas on a national level.

5. Draw conclusions on the extent to which there is a nexus between visa policy and the management of migration.

Consistent with the remit of the European Migration Network (EMN) and with previous studies, this report will focus on third-country nationals (Directive 2004/38/EC applies to EU citizens and their family members).

Likewise, considering that there are different types of visa, the main focus of the study will be long-stay visas (also called Type D within the European Union). These visas are effective for periods longer than three months, and they are almost entirely regulated by national authority.

1.1. Methodology

This National Report was prepared by the EMN’s National Point of Contact, composed of a panel of experts from four ministries (Ministry of Labour and Social Security, the Ministry of the Interior, the Ministry of Foreign Affairs and Cooperation and the Ministry of Justice) and from the National Prosecutor’s Office. This effort was coordinated by the Permanent Observatory for Immigration.

Preparation of this study as a whole required the use of a number of different legal texts based on Organic Law 4/2000 of 11 January, on the rights and freedoms of aliens

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1 On the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.


2 Citizens of the EU and Iceland, Liechtenstein, Norway and Switzerland are entitled to visa-free travel within the EU, and their family members who are not Member State citizens can benefit from flexible visa, entry and residence procedures.

3 Previously known as the Ministry of Labour and Immigration (See RD 1823/2011 of 21 December, on the restructuring of ministerial departments).
in Spain and their social integration, according to the wording in Organic Laws 8/2000 of 22 December, 11/2003 of 29 September, 14/2003 of 20 November, 2/2009 of 11 December, 10/2011 of 27 July and Royal Decree 557/2011 of 20 April, which ratified the Implementing Regulation of Organic Law 4/2000, on the rights and freedoms of foreign nationals in Spain and their social integration, as amended by Organic Law 2/2009. Specific regulations applying to citizens of other countries in the European Union or the European Economic Area are set out in Royal Decree 240/2007 on the right of these citizens to enter, move freely and reside in Spain. At the European level, a number of different legal instruments are cited throughout the text.

We made use of the internal procedure manuals belonging to the Ministry of Foreign Affairs and Cooperation and the Ministry of the Interior. In addition, we used journalistic publications and press releases from news agencies in order to make the study as up-to-date as possible.

1.2. Definitions

Insofar as it was possible, terms used in this study correspond to the definitions given by the EMN Asylum and Migration Glossary. Details providing context for the term within the national framework have been added where needed. A brief list of the most commonly-used terms is included below.

**Refusal of entry**

In the EU context, refusal of entry of a third-country national at the external EU border occurs because the national does not fulfil all of the entry conditions laid down in Article 5(1) of the Schengen Borders Code and does not belong the categories of persons referred to in Article 5(4), or of persons enjoying the Community right to free movement who poses a threat to public order, public health or public security.

In the national context, this occurs when entry is refused to a person who does not fulfil all of the entry conditions laid down in applicable legislation (Article 25 of Organic Law 4/2000 and Article 4 of the Implementing Regulation).

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**Illegal entry**

This is defined as the entry of a third-country national into an EU Member State by who does not satisfy Article 5 of Schengen Borders Code.

In the Spanish legal framework, entry conditions are set forth in Article 25 of the Aliens Act and implemented in Chapter II of the Regulation.

**Legal entry**

Entry of a third-country national into an EU Member State for a stay not exceeding three months per six-month period, which satisfies Article 5 of Schengen Borders Code.

In Spain, this type of entry takes place through an official border crossing point when the person meets requirements for a long or short stay.

**IPREM**

The public income index IPREM (Indicador Público de Renta de Efectos Múltiples) is the index that serves as a reference for calculating income obtained outside of what is strictly the labour market. For example, it is used for scholarship and housing assistance applications, to establish fiscal thresholds to calculate and provide access to social benefits, etc. In 2012, the index remained at €532.51 per month, as established by the Spanish Finance Law for 2011, and this amount has been frozen since 2010. The index is less than the national minimum wage (SMI in Spanish), which was €633.30 per month during the same time period.

For purposes of alien affairs, this index is used to measure economic requirements in order to issue certain types of visas and residence permits.

**Offices of Alien Affairs**

These offices provide different government services having to do with alien affairs and immigration on the regional administration level in order to lend efficiency and coordination to administrative proceedings. They are generally located in capital cities of provinces, but branch offices can also be found in different districts of capital cities and in other provincial cities in order to facilitate administrative proceedings for those involved.
**Entry ban**

An administrative or judicial decision or act preventing entry into and stay in the territory of the Member States for a specified period, accompanying a Return Decision.

**Residence permit**

Any authorisation issued by the authorities of a Member State allowing a third-country national to stay legally in its territory, in accordance with the provisions of Article 1(2)(a) of Council Regulation (EC) No. 1030/2002 of 13 June 2002, laying down a uniform format for residence permits for third-country nationals.

In this study and in the case of Spain, the correct legal term, as per Organic Law 4/2000 on the rights and freedoms of aliens in Spain and their social integration is «autorización de residencia» (residence permit).

**Sponsor**

Third-country national residing lawfully in a Member State and applying or whose family members apply for family reunification to be joined with him/her.

**Absence of response**

Absence of decision and notification by an administrative body with regard to an application, claim or dispute filed by an individual. The Administration should always provide an express decision. However, Law 30/1992 on the Legal Regime Applicable to the Public Authorities and the Common Administrative Procedure states that for procedures initiated by the interested party, when the time limit expires and no express decision has been received, the interested party or parties may assume the decision to be favourable on grounds of absence of response, except where this is contradicted by a legal instrument with the status of a law and justified by overriding reasons of general interest, or by a provision of EU law.

However, in accordance with that stated as a general rule in the first additional provision of Organic Law 4/2000 and in the 13th additional provision of the Regulations developing that Law, absence of response will be understood to be negative in the case of visa applications. This means that upon expiry of the time limit the visa will be considered refused if the authority has made no response.
Schengen Information System (SIS)

A joint (EU plus Member States) information system that enables the relevant authorities in each Member State, by means of an automated search procedure, to have access to alerts on persons and property for the purposes of border checks and other police and customs checks carried out within the country in accordance with national law and, for some specific categories of alerts (Article 96), for the purposes of issuing visas, residence permits and the administration of legislation on aliens in the context of the application of the provisions of the Schengen Convention relating to the movement of persons. The Agreement refers to Contracting Parties, which include non-EU states that must also exchange data if they share borders.

Visa Information System (VIS)

The Visa Information System (VIS) is a system for the exchange visa data between Member States, which enables authorised national authorities to enter and update visa data and consult these data electronically.

It was created by Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS), and consists of a Central Visa Information System (CS-VIS), an interface in each Member State or National Interface (NI-VIS) which provides the connection to the relevant central national authorities of the respective Member State, and the communication infrastructure between the Central Visa Information System and the National Interfaces.

Its purpose is to implement a common visa policy, foster consular cooperation and enable queries among central visa authorities in order to:

- facilitate the visa application process;
- prevent individuals from obtaining visas of convenience;
- facilitate fraud prevention;
- facilitate checks at external border crossing-points and within national territory;
- aid in the identification of any person who does not currently comply with conditions for entry, stay or residence in national territory;
facilitate application of the Dublin II Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;

contribute to preventing threats against the internal security of EU countries.

**EU Blue Card**

The authorisation bearing the term «EU Blue Card» entitling its holder to reside and work in the territory of a Member State under the terms of Council Directive 2009/50/EC (Highly qualified Employment).

In accordance with Spanish legislation, this card is issued to highly qualified professionals, that is, foreign workers who engage in a professional activity that requires higher education qualifications or, exceptionally, a minimum of five years of experience that can be considered comparable to such qualifications and which is relevant to the activity for which the permit is issued.

**Foreign citizen identity card**

This document (TIE in Spanish) identifies third country nationals and provides proof of their legal situation in Spain. Foreign nationals have the right and the obligation to apply for this document when they possess a residence permit valid for a period of six months or longer, and they must apply within one month from having entered Spanish territory or one month from the issue date of the permit.

**Visa**

The authorisation or decision of a Member State required for transit or entry for an intended stay in that Member State or in several Member States. The nature of the visa shall be determined in accordance with the following definitions:

— Airport transit visa – Type A: authorisation or decision allowing a third-country national specifically subject to this requirement to pass through the transit zone of an airport, without gaining access to the national territory of the Member State concerned, during a stopover or a transfer between two sections of an international flight.
— Short-stay visa – Type C: the authorisation or decision of a Member State required for entry for an intended stay in that State or in several Member States for a period whose total duration does not exceed three months in a six month period. With the entry into force of the Visa Code on 5 April 2010, type B transit visas are no longer included in an independent category, and have been merged with short-stay visas.

— Long-stay visa – Type D: the authorisation or decision of a Member State required for entry for an intended stay in that Member State of more than three months.

Under Spanish legislation, the types of visas are listed in Article 25 bis of Organic Law 4/2000 on the rights and freedoms of aliens in Spain and their social integration. They are as follows: transit visa, short-stay visa, residence visa, residence and work visa, seasonal residence and work visa, study visa and research visa.

2 Policy and legal framework for the granting of visas in Spain

2.1. National policy and legislative framework

2.1.1. National policy

Visas are conceived as effective migration management instruments that serve to direct immigration through legal channels while providing the accompanying rights and guarantees, and to prevent or limit irregular immigration. From this point of view, visa policy is seen as a key component in the framing of migration policy.

Likewise, the purpose of visas is to promote a migration policy which:

• meets the needs of the domestic labour market,

• is mindful of the mobility of students, non-remunerated trainees, volunteers, etc.,

• and lastly, is in accordance with international and European Union law.

The visa policy, like all public policies, is intended to serve a series of purposes determined by the law, including immigration policy laws. Seen from an immigration policy perspective, a visa is just another instrument used in migration management. This means that we
cannot make general or a priori statements about the role of the visa in promoting legal immigration and preventing irregular migration; its role is always determined by the specific applicability of the visa as an instrument intended to bring about an effective migration policy. And by its very definition, effective migration policy is one that directs migration through legal channels and prevents or limits irregular immigration.

Within this general framework, the visa carries out three basic functions. Firstly, it is an instrument that serves as proof that its bearer meets a series of requirements established by law in order to enter and stay in Spain and the European Union. To this end, it provides a framework of public and legal security for migration management authorities and the interested party alike. Secondly, by the same stroke, it prevents or limits irregular migration flows and risks to public health and safety to a certain extent. This is because the visa and therefore entry by an individual may be refused when the individual does not meet the established requirements. Thirdly, in some cases, it provides for fast-track processing so that the interested party may engage in his/her intended activity upon the date of entry in Spain. Nonetheless, other steps such as obtaining a foreign citizen identity card may be required at a later date.

In line with the general idea described above, the concrete role played by a visa in each procedure is determined by the goal of achieving the most effective migration management. To this end, the checks that are carried out during processing of a visa application depend on the greater ability of consulates to verify compliance with certain requirements established by law. For example, under the Spanish system, when an immigrant applies for family reunification, the processes of verifying that the immigrant’s housing and monetary means are sufficient, and subsequently issuing the residence permit for family reunification, will be done in Spanish national territory. However, verifying the family relationships between those people applying for reunification falls on the consulates, as their personnel possess a greater knowledge of the authenticity of the documents submitted for this purpose. A further section will provide a more in-depth analysis of the role played by visas in each of the different procedures for granting a residence or temporary residence permit in Spain.

2.1.2. Legislative framework

In this section, we will analyse the legal framework for visas, while clearly indicating that Spanish legislation is in line with the requirements of the different EU directives addressing such matters, as will be discussed in a later section.

The legal framework for visas within Spanish law is regulated by Organic Law 4/2000 on the rights and freedoms of aliens in Spain and their social integration (hereinafter the
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«LOEX») and its implementing Regulation ratified by Royal Decree 557/2011 (hereinafter the «RLOEX»), which entered into force on 30 June 2011. Likewise, we should mention Royal Decree 240/2007 regarding the entry, free movement and residence in Spain of citizens of EU Member States and other States parties to the Agreement on the European Economic Area.

However, it must be pointed out that the authority to regulate short-stay visas and airport transit visas is above the national level, as stated by European Union Law, and particularly Regulation (EC) No. 767/2008 of the European Parliament and of the Council concerning the Visa Information System and the exchange of data between Member States on short-stay visas (VIS Regulation), and Regulation (EC) No. 810/2009 of the European Parliament and of the Council establishing a Community Code on Visas (Visa Code).

As stated by Articles 25.2 and 25 bis in the LOEX, a visa is a general requirement for entry in Spain. Long-stay visas authorise the bearer to enter Spain and reside for more than 90 days per six-month period, while retaining the same legal status conferred by the visa, or to engage in work, including employment during a shorter time frame. Nevertheless, obtaining residence and work permits may also be required. This mechanism allows a visa’s effective period (as per Article 209 in the RLOEX) to be extended until the appropriate foreign citizen identity card has been obtained or the visa is no longer valid. The visa’s effective period will be equal to the valid period of the bearer’s residence or temporary residence permit when obtaining a foreign citizen identity card is not required.

2.1.2.1. Types of visas

Article 25 bis of the LOEX establishes the different types of long-stay visas according to the type of residence or temporary residence permit associated with it. The RLOEX provides a detailed list of the requirements for each type of visa. On this subject, we should point out that granting of a visa, which the interested party must apply for at the diplomatic mission or consular office corresponding to his/her place of residence, will generally also require prior receipt of a Spanish residence and/or work permit. This permit may be applied for within national territory or in a consulate, depending on the type of visa in question.

The following types of long-stay visa are mentioned in the legal texts cited above:

1. Residence visa.
2. Residence and work visa.
3. Seasonal residence and work visa.
4. Study visa.
5. Research visa.

1. **Residence visa**

This visa authorises the bearer to reside in Spain without working or engaging in professional activity. The new regulation specifically lists the economic and other requirements that the foreign national must fulfil. In accordance with Articles 46, 47 and 48 of the RLOEX, the requirements for obtaining such a visa are as follows:

- Not being in Spain illegally.
- Having no criminal record in Spain, or the country of origin or another country in which the individual has resided during the last five years.
- Having sufficient economic resources, as per the established amounts, to guarantee or his/her own support and that of the individual’s family, where applicable, while residing in Spain with no need to seek work.
- Not suffering any diseases listed in the International Health Regulations of 2005.
- Holding a public or private health insurance policy from an insurer authorised for operations in Spain.
- Not being bound by an effective pledge not to return to Spain that was entered into voluntarily.

The visa issue procedure has been modified in such a way as to clarify the responsibilities of the different bodies involved in the process. Upon issue, a visa includes the initial residence permit, and the valid period of the permit begins on the date when the individual enters Spain. A temporary residence permit will have a valid period of one year.

Lastly, we should mention two special cases within this type of visa:

a) **Temporary residence with a work permit exemption**

The Spanish legal framework establishes a list of situations in which foreign nationals are not obliged to obtain a work permit in order to engage in a lucrative, employment or
professional activity (Articles 40 of the LOEX and 117 of the RLOEX). They may therefore request a residence visa directly.

Foreign nationals who will be engaging in one of the activities specifically established by law (for example, technicians, researchers or scientists invited by Public Authorities or other bodies; professors invited by Spanish universities; foreign press correspondents; civilian or military representatives of foreign governments who will be engaging in activities by virtue of cooperative agreements; artists who come to Spain for specific performances that do not imply a continued activity, etc.) and for a longer period than 90 days, must apply for a residence visa in the consular office corresponding to his/her place of residence accompanying all the required documents. The consular office must then verify the exception and issue the visa as per the procedure applicable to residence visas.

b) Family reunification

A residence visa authorises certain family members of the bearer of a residence permit to exercise their right to family reunification and enter and reside in Spain. As set forth in the LOEX following the reform contained in Organic Law 2/2009, the RLOEX includes the relations of affectivity analogous to that of marriage among those having the right to family reunification.

This type of visa will be issued within two months of having notified the sponsor that family reunification has been authorised. The family member entering for purposes of reunification must apply in person for the visa in the diplomatic mission or consular office corresponding to his/her place of residence, except in duly justified cases.

Requirements for obtaining this visa, set forth in Article 57 of the RLOEX, are as follows:

- Providing proof of family relationship or a relation of affectivity analogous to that of marriage; where applicable, proof of age and legal dependence.

- Having no criminal record in Spain, or the country of origin or another country in which the individual has resided during the last five years.

- Not suffering any diseases listed in the International Health Regulations of 2005.

We highlight the fact that a residence permit granted for family reunification allows the bearer to work with no need of further administrative procedures.
2. **Residence and work visa**

This type of visa covers different situations, depending on the type of employment or professional activity for which it was authorised and granted, as explained below.

**a) Temporary residence and work as employee**

This visa authorises the bearer to enter and reside in Spain for a maximum of three months, during which time he/she may begin the employment or professional activity for which the visa was expressly granted.

Requirements for obtaining such a visa, listed in Article 70 of the RLOEX, are as follows:

- Holding an initial permit for temporary residence and work as employee.
- Having no criminal record in Spain, or the country of origin or another country in which the individual has resided during the last five years.
- Not suffering any diseases listed in the International Health Regulations of 2005.
- Having signed an employment contract that was submitted in order to receive the initial temporary residence and work permit.

Within a period of one month after notification that the permit was granted, the worker must apply for the visa in person in the diplomatic mission or consular office corresponding to his/her place of residence.

**b) Temporary residence and work for highly qualified professionals with an EU Blue Card**

These visas are granted to foreign workers authorised to carry out a professional activity that requires higher education qualifications or, exceptionally, a minimum of five years of experience that can be considered comparable to such qualifications and which is relevant to the activity for which the permit is issued.

Within one month of the employer’s receiving notification, the worker must apply in person for the residence and work visa in the consular office or diplomatic mission corresponding to his/her place of residence (with the same requirements as those stated in Article 70 of the RLOEX). The special feature of this procedure is that the decision will
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be made known within 15 days of presenting the application (the general time frame is one month).

c) Temporary residence and work for self-employment

The interested party must deliver the visa application in person to the diplomatic mission or consular office corresponding to his/her place of residence. As is the case with other visas, a series of requirements must be met:

- Holding an initial temporary residence and work permit for self-employment.
- Having no criminal record in Spain, or the country of origin or another country in which the individual has resided during the last five years.
- Not suffering any diseases listed in the International Health Regulations of 2005.

The main difference between this visa and others is that the non-resident foreign worker wishing to reside and be self-employed in Spain must personally submit an application for a temporary residence and self-employment permit to the Spanish consular office corresponding to his/her place of residence (in other cases, the permit is requested by the future employer within Spanish territory).

d) Temporary residence and work in the framework of an intra-corporate transfer of services

The foreign worker who is moved to a workplace located in Spain and is expressly employed by a company registered in a non-EU, non-European Economic Area country and who fulfils a series of specific conditions established by law will fall under the general procedure set forth in Article 70 of the RLOEX for the granting of a residence and work visa.

e) Visa for foreign nationals whose professional activity is related to matters of economic, social or employment-related interest, or whose purpose is to engage in research, R&D or teaching, and which requires a high degree of qualification, or who perform artistic activities of particular cultural interest

Expediting processing also exists for visa applications filed by this type of professional (foreign managerial or highly qualified personnel in certain situations; highly qualified
technicians and scientists; foreign professors hired by Spanish universities; artists or performing groups with a high level of international prestige, etc.); in these cases, the decision will be made and the individual notified within 10 working days of delivering the application (Articles 178, 179, 180 and 181 of the RLOEX).

3. **Seasonal residence and work visa**

This category recognises situations of seasonal work or campaigns. Those foreign workers with a granted residence and work permit for seasonal work must apply for this type of visa. Visas granted so that the applicant may take part in seasonal work or campaigns include a residence and work permit and specify that it is temporary. These visas will be valid for the period authorised in the residence and work permit, with the maximum limit of up to nine months within a 12-month period.

If the seasonal residence and work permit has been processed conforming as the common procedure established in the RELOEX (Article 100), the visa will be processed according to Article 101 referring to Article 70 (RELOEX). If the seasonal residence and work permit has been processed through the collective management of hiring in the countries of origin, as established in the Article 18 of the Ministerial Order, the visa must be issued by the consular authority in a maximum of five days, although this time span may be extended to 15 days under exceptional circumstances.

It should be noted that in both cases there is a specific requirement during the visa processing: the applicant produces a signed pledge promising to return to the country of origin at the end of the period of employment. Failure to provide this document will result in the visa being refused.

4. **Study visas**

These visas authorise bearers to live in Spain in order to attend classes and engage in study, research or training activities, pupil exchanges, unremunerated training or volunteer services. A new feature of this visa is express authorisation of self-employment activity and the procedure has been worded more simply. The procedure also favours mobility by foreign students within the EU, since this visa is not required for foreign students who wish to complete part of their studies in Spain and who have already been granted entry for purposes of study by another EU Member State.

As set forth in Article 38 of the RLOEX, the requirements to obtain the visa are as follows:
- Guaranteeing access to the economic resources necessary in order to cover the cost of the stay and return to the country of origin.

- Having been admitted as a student or researcher, through a pupil exchange programme, for non-remunerated training or volunteer service.

- Having a public or private health insurance policy valid for the duration of the stay in Spain.

- Having parental/guardian authorisation to travel, for applicants who are minor children.

- When the stay will be longer than six months: not suffering from any of the diseases listed in the International Health Regulations of 2005; for adults, having no criminal record in Spain, or the country of origin, or the country in which the individual has resided during the last five years.

Article 43 of the RLOEX establishes a specific regime for specialist-level studies in the healthcare field. Foreign nationals in possession of a Spanish licentiate or bachelor’s degree (or a foreign diploma recognised or certified in Spain) in medicine, pharmacy, nursing, or any of the other university degrees authorising the graduate to participate in the yearly competitive exams providing access to medical specialty programmes, and who are accepted, may undertake the work activities included in residency programmes intended to train specialists in health sciences. No additional work permit will be required. The consular office corresponding to the student’s place of residence may issue the study visa upon verifying that the applicant has been admitted to a medical specialty programme.

5. Temporary residence and work permit for research

This visa allows a foreign national to stay in Spain to undertake research projects within the framework of a reception agreement signed by a research entity.

As per Article 80.2 of the RLOEX, requirements for this type of visa are those listed for temporary residence and work as employee in Article 70 of the abovementioned Regulation.

To conclude, it must be pointed out that the law designates a special case, the jobseeker visa (Articles 39 in the LOEX and 175, 176 and 177 in the RLOEX). Granting of this type of visa requires the submission of a letter of notification of undertaking medical specialty activity in Appendix 1.
visa authorises the bearer to move freely in Spanish territory in order to seek employment during a three-month period. The Ministerial Order ratifying collective management of hiring in the countries of origin may set aside a number of jobseeker visas for the sons, daughters and grandchildren of Spaniards by birth (such cases are not affected by the evaluation of the domestic employment situation). The aforementioned Ministerial Order is also empowered to set aside a number of visas for jobseekers limited to specific occupations and parts of the country in which it is hard to fill certain vacancies when the peculiarities of the job market result in vacancies being filled more effectively by recourse to this system.

### 2.2. Agreements with third countries

Spain has not entered into any agreements with third countries for the facilitation or exemption of national long-stay or Type D visas.

That being said, on 2 February 2010 the *Boletín Oficial del Estado* published the agreement between Spain and Canada regarding mobility programmes for young people, which was signed in Ottawa on 10 March 2009. Its purpose is to facilitate administrative procedures for individuals aged between 18 and 35 years wishing to enter and reside in the other country in order to acquire professional experience in their areas of expertise or build on their post-secondary education by engaging in work experiences or perfecting their knowledge of that country’s languages, culture and society, according to that stated in Article 1 of that agreement. On 8 October 2010, the Ministry of Labour and Immigration handed down a ruling (DGI/SGRJ/02/2010) on the implementation of the Agreement between Spain and Canada.

The Agreement between Spain and New Zealand regarding the working holidays programme, signed on 23 June 2009, entered into force on 21 April 2010. Article 1 states that the purpose of the Agreement is for the two Parties to establish a working holidays programme for young people from both countries.

At present, the following *EU visa facilitation agreements* are in force: Albania, Bosnia and Herzegovina, Macedonia, Moldavia, Montenegro, Serbia, Ukraine (in force since 1 January 2008); Georgia (in force since 1 March 2011); and the Agreement between the European Community and the Russian Federation of 25 May 2006 on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation (which entered into force on 1 June 2007).

Spain has signed a number of agreements with third countries for the *suppression of visas in diplomatic and service passports*:...
• Albania (in force since 31 May 2007)
• Algeria (in force since 31 January 2008)
• Argentina (in force since 9 July 1960)
• Bolivia (in force since 31 December 2010)
• Bosnia and Herzegovina (in force since 31 March 2006)
• Brazil (in force since 21 October 1960)
• Bulgaria (in force since 31 August 1997)
• Colombia (in force since 1 July 1961)
• China (applied on a provisional basis since 8 March 1991)
• Ecuador (in force since 28 February 2005)
• Guatemala (in force since 17 October 1969)
• Holy See (in force since 10 March 1979)
• Kazakhstan (in force since 31 August 2010)
• Kuwait (in force since 4 November 2011)
• Macedonia (in force since 31 January 2005)
• Mauritania (in force since 9 November 2011)
• Mexico (in force since 31 December 1990)
• Montenegro (in force since 30 June 2006)
• Morocco (in force since 11 March 1998)
• Panama (in force since 9 December 1965)
• Paraguay (in force since 3 January 1974)
• Peru (in force since 30 June 2001)
• Philippines (in force since 1 August 1962)
• Senegal (in force since 31 July 2010)
2.3. Recent changes to visa policy and legislation within context of a common EU dimension

This section examines a series of changes relative to visa legislation and regulations, as regards the following: general rules and the Visa Information System; the incorporation of European legislation in those rules, and particularly the code applying to certain groups as established in ad hoc Directives; as well as areas regulated nationally and not harmonised on an EU level (invitations, authorisations for return and reasons for the refusal of visas).

2.3.1. Changes to national visa policy and legislation brought about by European Union legislation

With regard to general code, we should highlight ratification of the Implementing Regulation for Organic Law 4/2000 on the rights and freedoms of aliens in Spain and their social integration (RLOEX), which has already been mentioned and which has been in force since 30 June 2011.

Referring more specifically to the provisions in the RLOEX regarding visas, we find the following:

— Title II of the RLOEX on the subject of airport transits includes the modifications deriving from implementation of European Union law, and specifically, the Visa Code. Therefore, both the requirement regime for airport transit visas and the procedure and conditions for granting an airport transit visa refer directly to European Union law. The Regulation also expressly states that individuals will be notified of refusal of a visa by means of the standard document as specified by European Union regulations.
Chapter I of Title III of the Aliens Act Implementing Regulation also refers to European law en bloc where it states that «requirements for temporary residence visas will be those established by European Union law, or in the case of bearers of diplomatic, official or service passports, those established by international agreements signed by Spain», and where it indicates that «the procedure and conditions for issuing uniform visas with limited territorial validity will be regulated by the stipulations of European Union law». This legal technique of referring to EU law en bloc is a direct consequence of the entry into force of the Visa Code, even though its effect may well be same as that of previously applicable legislation, when the strategy was to reproduce European Union regulations (especially the Common Consular Instruction) in internal domestic regulations. This change in approach is linked at every turn to the increasingly exhaustive regulation in this area by European Union law. This makes it recommendable to refer to such law as a whole, so as to facilitate implementation of any future modifications to that law, or to adopt harmonised regulations in areas that have not yet been harmonised. Title III, more specifically, develops the legal regime established by the LOEX which transposes the Directive on the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service. In Chapter II it regulates the temporary residence permit for studies, student mobility, unremunerated training or voluntary service, while simplifying the procedure, establishing the option of residence extension due to studies and extending the option of self-employment to the bearer of such a permit.

Title VI of the RLOEX focuses on the implementation of regulations on long-term residency and also mentions long-term EU residency in Chapters II and III and Section 2 of Chapter IV. Articles 155 and 156 have a special bearing on visas. They regulate freedom of movement conditions for long-term residents and their family members, respectively. Section 1 of Article 155 states that «all aliens holding a long-term EU residence permit issued by another European Union member state may apply to live in Spain with no need to apply for a visa».

With regard to specific regulations on the implementation of European Union provisions having to do with the Visa Information System (VIS), we should point out that it was necessary to designate a competent National Authority to permit access to data regarding EU short-stay visas, as set forth in Article 28 of the VIS Regulation, as a consequence of the entry into force of two provisions: Regulation (EC) No. 767/2008 of the European Parliament and of the Council, of 9 July 2008, concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation), and Decision 2008/633/JHA of the Council of 23 June 2008, concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member
States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences.

According to the abovementioned article, the National VIS Authority was created by Ministerial Order AEC/240/2011 of 4 January, which provided for the personal data file for the National Visa Information System and the National Visa Information System Authority.

The Spanish National VIS Authority is the Director General for Spanish Citizenship Abroad and Consular and Migration Affairs, and is also based at the same General Directorate. The National Authority is responsible for the following:

— Preliminary designation (followed by authorisation) of those Competent Authorities who, under the VIS Regulation, will have access to VIS.

— Selection of the Designated Authorities who, as per Council Decision 2008/633/JHA, being responsible for prevention, detection and investigation of terrorist offences and other serious criminal offences, will have access to the VIS.

— Designation of central access points through which VIS access will be provided.

— Verification that the abovementioned Authorities are able to connect to the National Interface, located in the Ministry of Foreign Affairs and Cooperation, which guarantees communication with the central VIS database in Strasbourg.

— Supervision of the VIS as per articles 35 of the VIS Regulation and 11 of Council Decision 2008/633/JHA, which establishes Member States’ self-monitoring obligations with regard to the VIS as a whole, except for matters of personal data protection, which is entrusted to the Spanish Agency for Data Protection.

2.3.2. Incorporation of specific European legislation (Directives 2009/50/EC, 2005/71/EC and 2004/114/EC) on the harmonised conditions of admission for the third-country national falling under their scope

Within the national legal framework, as stated previously, the LOEX has incorporated and the RLOEX has implemented those European Union Directives on the subject of immigration which had not yet been fully transposed. Specifically, the law cited above transposed nine Directives, including Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research; Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of
highly qualified employment; and Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.

This incorporation process has gone beyond the minimums established by the above directives in the material aspects and procedures for visas, and also includes more favourable conditions for the indicated groups. It also provides family reunification benefits for researchers and EU Blue Card holders, especially in the case of mobility between Member States.

Transposition of **Directive 2005/71/EC** was carried out by LOEX Article 38 bis, entitled «Special regime for researchers». Sections 7 and 8 of that Article list the visa requirements for this regime:

«7. All foreign nationals admitted as researchers by another European Union Member State who apply to carry out part of their research activities in Spain during a period of more than three months may request a residence and work permit and obtain it if he/she meets the legal requirements. No visa will be required, but a new reception agreement may be necessary.

8. Once the reception agreement has ended, or in the event that it is dissolved due to certain legally stipulated reasons beyond the researcher's control, the researcher and any reunified family members, where applicable, will be eligible for residence and work permits with no need of a new visa».

The conditions of this regime are set forth in Articles 73 to 84 of the RLOEX. With regard to the specifics concerning visas, Article 81 states that a research visa may not have a duration of more than six months.

As stated above, **Directive 2009/50/EC** regulates conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. LOEX Article 38 ter., entitled «residence and work permits for highly qualified professionals» transposes this Directive; Section 4 reads as follows: «A foreign national bearing an EU blue card who has resided during at least 18 months in another European Union Member State may receive a work permit in Spain as a highly qualified professional. The foreign national may submit the application in Spain within one month of entering, or in the Member State in which he/she has residence».

The RLOEX in turn provides a more in-depth exploration of the legal dispositions. Title IV, Chapter V focuses on temporary residence and work permits for highly qualified professionals bearing an EU Blue Card in Articles 85 through 96. On this subject, it should be mentioned
that Article 91 establishes a very short time frame —15 days— for the visa resolution and notification, in order to comply with the Directive’s requirement of promoting facilitated, fast-track procedures to encourage entry by these professionals.

Regarding the objective of preserving family unity, Paragraph 2 in LOEX Article 18.1 equates family reunification for long-term residents with those falling into the above mentioned categories by stating the following: «Long-term residents, workers with an EU Blue Card and those within the special regime for researchers may apply for and be granted family reunification concurrently with the sponsor’s application for residence. If an applicant has been granted residence by another European Union Member State, the application may be presented in Spain or in the individual’s Member State of residence if the applicant’s family was formed in that country.»

**Directive 2004/114/EC** on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service was incorporated through Article 33 in the LOEX (Regime for admission for the purposes of studies, pupil exchange, unremunerated training or voluntary service) and later implemented by Article 44 in the RLOEX, which states «all foreign students who have been admitted for purposes of completing studies in another European Union Member States may apply for and complete part of their studies in Spain with no need of an additional visa. The foreign student may be accompanied by family members under the terms established by Article 41 of this Regulation» (meaning that the same regime applies to these students as to students holding a study visa or residence permit for study purposes in Spain).

### 2.3.3. Aspects of the procedure that are not harmonised under the EU Common Visa Policy

Spain’s method or approach for regulating procedural aspects which were not harmonised by the European Union’s Common Visa Policy, such as the content of invitations, reasons for the refusal of appeals or of visas and the system for appealing refusals, was to provide regulation for concrete matters within the national Aliens Act. Further application of general Spanish law on administrative procedures is extended for matters not set out in the Aliens Act, the Implementing Regulation, European Union regulations or in any other provisions set forth in compliance with international agreements signed by Spain.

This technique stems from interpretation of the two specific regulations listed below.

initiated by third-country nationals before diplomatic missions and consular offices will be subject to specific regulation, in accordance with the international agreements signed by Spain and, for visas, the Schengen Convention and the provisions implementing it; the present law will apply as a complementary instrument».

— Additional Provision 2, Section 2 of the Aliens Act Implementing Regulations: «In accordance with that stated in Additional Disposition 11 of Law 30/1992 of 26 November, the visa procedure will be governed by specific regulations listed in Article 27 of Organic Law 4/2000 of 11 January, whose provisions are implemented by this Implementing Regulation; by European Union regulations; and by all other provisions laid forth in compliance with other international agreements signed by Spain, with Law 30/1992 of 26 November also applying as a complementary instrument».

— Additional Provision 2, Section 1 in the Aliens Act Implementing Regulation, which refers specifically to the need for motivating reasons for refusals to issue permits: «Procedures that are not set forth by this Regulation will be governed by Law 30/1992 of 26 November and the provisions which implement it, particularly in matters having to do with the need to provide motivating reasons for refusing permits».

The following section lists the procedures established by the Spanish legal framework for invitations, authorisations for return, motivating reasons for refusing a visa application and appeal processes:

A) INVITATIONS

The purpose of a letter of invitation is to regulate the terms and requirements which an individual, whether a Spanish citizen, a citizen of a European Union Member State, a person granted Community status, or a third-country national legally residing in Spain, must meet in order to invite a foreign national to enter Spain and thereby assume responsibility for that foreign national’s housing costs during his or her stay.

An official form letter of invitation\(^6\) is available, and a foreign national intending to enter Spain may be required to display it at the border crossing point. Foreign nationals requiring an entry visa may submit it to a Spanish consulate to complement their visa application.

It is important to stress that the invitation cannot replace the foreign national’s proof of meeting all other requirements for entry, as it only satisfies the requirement referring to that person’s lodging.

\(^6\) See application form requesting issue of a letter of invitation in Appendix 2.
Apart from the LOEX and RLOEX (which implements the legal provisions for invitations in Article 8 and lists the documents used as proof of the stated reason for entry), Ministerial Order PRE/1283/2007 of 10 May is the instrument which establishes the terms and requirements for an individual providing an invitation to a foreign national who intends to enter Spanish territory for reasons of tourism or private business.

We highlight that national regulations are compatible with that stated in the Schengen Borders Code in Article 5, Appendix I on entry conditions for third-country nationals, and specifically, providing justification of the purpose and conditions of the intended stay, and with the Practical Handbook for Border Guards (Schengen Handbook).

The procedure is initiated by the petition or request of the interested party, who presents the application at a police station. The police are the ones authorised to handle this procedure and issue the invitation.

The application must contain the following information:

1. Host’s first name, last name(s), place and date of birth, nationality, Spanish identity card or passport number for Spanish citizens, passport, foreign citizen identity card or foreign citizen identity number for non-citizens and complete physical address.

2. Express statement of the host’s wish to invite and house the invitee, whether in his/her main residence indicated in the first section, or in a secondary residence, in which case that physical address will be listed.

The host will provide documentation proving that the lodging is available (title of the property, rental contract or other, in accordance with current civil code).

3. Relationship or connection to the invitee.

4. Invitee’s first name, last name(s), date of birth, nationality, physical address of residence or domicile and passport number. In exceptional cases for purposes of facilitating paperwork, the invitation may refer to multiple persons; the application must provide the data listed above for each person, and provide proof of sufficient housing facilities for all.

5. Period during which the invitee intends to stay, specifying (approximately) the first and the last day of the period.

6. Before signing, the host must affirm that the information contained within is true and correct.
7. In the application, the host must state that he/she is aware of the legal warnings posted by the Ministerial Order with regard to the processing and issue of a letter of invitation, including the criminal offences in the event of issuing a fraudulent application as established in the penal code and also the administrative sanctions as set out in the Aliens Act, and aware that the applicant’s and invitee’s data will be kept and handled in official databases.

Once the application has been received, a case investigator will be appointed to undertake the actions he/she considers necessary in order to verify the statements in the invitation and ensure that the documents provided by the applicant show that the lodging facilities are available and that the relationship between the host and the invitee is consistently explained. In this capacity, the investigator may hold a personal interview with the host. Failure to appear, except in the case of force majeure, will result in the host being considered to have withdrawn the application.

Once the application has been processed, the competent authority will notify the interested party of its decision. If the application is approved, this notification will contain a reminder to pick up the official form letter of invitation and pay the corresponding fee, which must be completed within one month of receiving the notification. The applicant must present receipt of payment in order to collect the invitation. Refusal must be reasoned, and the notification of refusal will explain the appeals procedure, name the competent administrative or judicial body and indicate the time frame in which to appeal. The invitation will have the status of an official document with all rights pertaining thereto.

Each invitation will be marked with a sequential number on the reverse side to aid in the management of this process. Likewise, for statistical purposes, the following data will be recorded:

- lists of invitations,
- lists of invitees per host,
- lists of hosts per invitee,
- statistics for invitations,
- invitee statistics,
- host statistics.

In addition, the stage of processing will be indicated for each invitee’s file.
B) AUTHORIZATIONS FOR RETURN

The Article 25 in the LOEX states that as an exception to the entry conditions for third-country nationals, a visa will not be required when the individual is in possession of a foreign citizen identity card or, exceptionally, an authorisation for return.

The RLOEX provides further details regarding the processing of authorisations for return. It stipulates that this authorisation will be issued to a foreign national whose residence or short-term stay permit is being renewed or extended. An authorisation of return allows the individual to leave and re-enter Spain, as long as the applicant can show proof of having begun the procedures to renew or extend the permit allowing him/her to remain in Spain within the legal time frame established to that effect.

Likewise, the bearer of a valid foreign citizen identity card may request an authorisation for return in the event of theft, loss or destruction of that card by providing proof of having applied for a duplicate card.

An authorisation of return will be valid for no more than 90 days following expiry of the residence or short-term stay permit if it is requested prior to said expiry. If an authorisation of return is requested after the residence or entry permit expires, the authorisation will be valid for no more than 90 days after it is issued.

Spanish legislation contains provisions for possible emergency situations which would require an individual to travel. In such situations, the process is fast-tracked. In these cases, provided that the foreign national is able to demonstrate that the travel is being undertaken due to an exceptional or emergency situation, an authorisation of return valid for a maximum of 90 days from issue may be granted, provided that the initial application for a residence or entry permit was approved and the foreign citizen identity card is being processed.

Lastly, we list the authorities responsible for issuing authorisations of return:

- The competent Government Delegate or Deputy Delegate.

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7 See form for authorisation of return in Appendix 3.
8 In Spain, Government Delegates are representatives of the central government within the different Autonomous Communities. Deputy Government Delegates in Spanish provinces report to the Delegates. They are charged with conducting and supervising State administrative services. Their functions extend to areas listed in Article 149.2 of the Spanish Constitution: citizenship, immigration, emigration, foreign affairs and right to asylum.
• Commissioner General of Foreign Affairs and Borders.
• National Police Force’s police commissioners and chiefs of border crossing points.

C) MOTIVATION FOR REFUSING A VISA AND POSSIBILITY OF APPEAL

Refusals of visas for purposes of family reunification or work as employee must be accompanied by specific reasons. To this end, Section 7 of Additional Provision 10 in the RLOEX states that refusal of these types of visas must be reasoned, and the applicant must be informed of the relevant facts and circumstances and, where applicable, of testimony received and the documents and reports that resulted in refusal of the visa according to applicable regulations.

Notification about decisions must faithfully include the content of the decision, the legal stipulations upon which it is based and mention of any appeal that may be made, the body to which the decision may be appealed and the time frame in which to do so. At the same time, it is important to indicate that if the consular office or diplomatic mission fails to adopt a decision regarding a visa application, it will be understood as refused, that is, absence of response in these cases indicates refusal.

With regard to the appeal process, refusal of a visa concludes administrative proceedings. The following appeal processes can be launched:

• An optional internal administrative appeal before the same consular office, filed within one month.

• An appeal for judicial review before the High Court of Madrid, filed within two months.

The Authorities are required to hand down an express resolution for all procedures and notify the interested party (Article 42.1 of Law 30/1992 of the Legal Regime for Public Authorities and the Common Administrative Procedure).

2.4. Recent changes to Visa Policy and Legislation relating to national visas

As stated previously, the Spanish legal framework for alien affairs was reformed by the entry into force of the Aliens Act Implementing Regulation in June 2011 (RLOEX) and the redrafting of the Aliens Act (LOEX) in 2009. Changes to the law include the addition
of Article 25 bis which lists new types of visas (seasonal residence and work visa, study visa, research visa). One of the main new features in the relevant legislation is the link between the residence and work permit included in the visa and registration with Social Security during the three months following issue of the visa. By this mechanism, the visa serves a dual purpose: firstly, it allows the individual to enter, and secondly, it provides a work and residence permit valid until receipt of the foreign citizen identity card (which must be requested within one month of entering Spain when the applicant will be staying for more than six months, and is incompatible with seasonal work visas).

In turn, the new Implementing Regulation completes the process of transposing EU legislation on immigration and constitutes a model based on legal, labour-market oriented immigration by:

- Establishing a fast-track process to attract researchers and highly qualified professionals (Articles 85 and following).
- Promoting researcher immigration to Spain (Articles 73 and following).

Visa regulations have also been made more meticulous, transparent and objective by means of the changes below:

- Improved legal security in procedures which describe the difference between the requirements and the documents to be presented. Additional Provision 14 clarifies that decisions handed down on alien affairs conclude the administrative proceedings, except for refusal of entry and expulsion decisions.

- Simplified consulate administrative procedures: Additional Provision 10 provides for a more timely notification procedure with additional guarantees. Throughout all stages, it eliminates the submission of duplicate documents, therefore also eliminating checking them twice.

- Use of new technologies: Additional Provision 4 provides for notification by electronic means. In addition, the online query service\(^9\) lets applicants know the stage of processing for files having to do with the following visas: transit, long-stay visas applied for at Spanish consular offices, long-stay visas applied for in Spain and short-stay visas. Information obtained through this system holds no official value; this is merely a complement to the information service made available in person or by telephone in the consular office in which the visa or passport application was received.

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\(^9\) Secure website belonging to the Ministry of Foreign Affairs and Cooperation: [https://sede.maec.gob.es/es/MenuPpal/informacion/sinregistro/Paginas/consulta2.aspx](https://sede.maec.gob.es/es/MenuPpal/informacion/sinregistro/Paginas/consulta2.aspx)
• Establishment of a shorter period in which to receive notification of visa decisions: one month, except in the cases of residence visas (three months maximum) and family reunification visas (two months) as per Additional Disposition 12.

3 Practical implementation and organisation

3.1. General procedure followed in the Stages of the Visa Procedure

This chapter lists general aspects of the administrative procedure common to most long-stay or Type D visas according to applicable legislation. Definition of the three phases described here (application, examination, entry/stay/exit) is given according to the new Aliens Act Implementing Regulation, ratified by Royal Decree 557/2011 (Additional Disposition 10 on the general procedure and specific stipulations found throughout the regulatory text).

3.1.1. Application stage

As a general rule, foreign nationals who wish to enter Spanish territory must be in possession of the appropriate valid and unexpired visa, either in their passports/travel documents or, where applicable, in a separate document.

However, bearers of the following documents do not require a visa in order to enter Spain: foreign citizen identity card, foreign student identity card, diplomatic credentials, authorisation of return, or a frontier worker’s card if the worker is crossing the border from his/her own country of origin. All of the above documents must be issued by Spanish authorities and be currently in force at the time when entry is requested.  

As mentioned before, the visa is a mechanism within the general procedure for issuing the accompanying residence and/or work permit. Therefore, as a general rule, the interested party must apply for a residence and/or work permit prior to applying for the visa.

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10 It should be noted that we are referring to long-stay visas. There is a longer list of exceptions for short-stay visas (for stays of up to three months within a six-month period), as is stipulated by both European law (Regulation (EC) No. 539/2001 of the Council of 15 March 2001, listing the third countries whose citizens must be in possession of visas when crossing the external borders and those whose citizens are exempt from that requirement) and within Spain’s national legal framework (Article 7 of the RLOEX).
In the case of residence and work visas (as employee, for research purposes, for highly qualified professionals or within the framework of an intra-corporate transfer of services), the future employer will be the one to apply for the residence and work permit. The authority responsible for processing the file will save the decision to the corresponding computer application so that all authorities involved (such as the Ministry of Foreign Affairs and Cooperation and the Spanish diplomatic mission or consular office for the worker’s place of residence) will be able to access the decision in real time. In the case of residence and self-employment visas, the foreign worker will be the one to submit the application for a residence and self-employment permit to the Spanish consular office corresponding to his/her place of residence.

Family reunification residence permits must be applied for by the sponsor residing in Spain, who must request the family reunification residence permit for the family member(s) at the Aliens Affairs Office\(^\text{11}\) corresponding to his/her place of residence. The Aliens Affairs Office will process the application, and if permission is granted, the interested party will be notified and the decision forwarded to the Ministry of Foreign Affairs and Cooperation and the Spanish embassy or consulate corresponding to the residence of the family members entering by way of reunification.

However, there is an exception to the normal procedure for third-country nationals wishing to reside in Spain without working. These individuals must first submit the appropriate visa application (and not the residence permit application) to the Spanish embassy or consulate in their country of residence. The embassy or consulate will then send the application for the corresponding residence permit to both the Ministry of Foreign Affairs and Cooperation and to the Government Delegation or Sub-delegation of the Regional Authority in which the applicant wishes to reside. Within the space of one month, the Government Delegation or Sub-delegation will issue or refuse the residence permit and notify the abovementioned Ministry and the corresponding embassy or consulate of the decision. If the application is approved, the embassy or consulate will then issue the residence visa.

**Submitting the visa application:**

The visa application must be submitted to the diplomatic mission or consular office corresponding to the applicant’s place of residence. Under exceptional and duly justified conditions, the visa application can also be submitted to any other diplomatic mission or consular office of Spain.

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\(^{11}\) Aliens Affairs Offices report to Spain’s regional authorities. The website for the Ministry of the Treasury and Public Administrations includes a list of these offices in Spain: [http://www.seap.minhap.gob.es/servicios/extranjeria/extranjeria_ddg.html](http://www.seap.minhap.gob.es/servicios/extranjeria/extranjeria_ddg.html)
circumstances, the application may be submitted to a consulate other than the one corresponding to the applicant’s place of residence. However, the Ministry of Foreign Affairs and Cooperation will require prior notification. Upon submitting the visa application, the applicant must pay the established fee (in most cases, 60 euros). The fee is non-refundable in the event that the visa is refused. The full list of requirements may be obtained from the diplomatic mission or consular office that will issue the visa; they may vary according to the type of visa being requested.

The time frames in which to submit the visa application vary according to visa type. They are specified as follows:

— For family reunification visas and visas processed through collective management of hiring in the countries of origin as established in the Ministerial Order, the application must be received within two months of being notified that the permit has been approved.

— Applications for residence visas for work, including those for researchers and highly qualified professionals must be submitted within one month of the employer’s receiving notice that the permit has been approved.

As a general rule, the application must be submitted in person. Exceptionally, the diplomatic mission or consular office may accept submission of an application by a legally appointed representative when there is a justified reason that prevents the applicant from travelling, such as the distance to the mission or consular office, transport difficulties making the journey particularly complicated, or proof of an illness or physical condition making such travel particularly difficult. Long-stay visas may therefore be requested by a duly accredited legal representative if the individual does not live in the same city as the diplomatic mission or consular office and provides proof of obstacles to travel. This also applies for family reunification visas for minors and collective hiring procedures for workers in countries with which Spain has entered into an international agreement.

Documents to submit in a visa application:

a) Standard application form, filled in and signed.\textsuperscript{12}

b) Valid, unexpired travel document with specific duration requirements. The following criteria hold for long-stay visas, depending on visa type:

\textsuperscript{12} See Appendix 4 for the visa application form.
• Family reunification and work as employee, researchers, EU Blue Card, seasonal or campaign work of a specified duration and self-employment: the travel document must not expire for a minimum of four months.

• Studies: the travel document must be valid during the entire length of the stay.

• Residence and residence with a work permit exemption: one year.

c) All other requirements will depend on the motive, duration, and conditions of the stay. The documents listed below are usually required:

— For adults, a criminal background check certificate or equivalent, issued by the authorities of the country of origin or any other countries in which the individual has resided in the preceding five years. The certificate must demonstrate absence of convictions for offences considered as such under Spanish law (the document is not required for study visas with a duration of less than six months).

— A medical certificate accrediting that the individual does not suffer any of the diseases listed in the International Health Regulations of 2005 as requiring quarantine. This certificate must be issued by the medical authorities designated by the Spanish diplomatic mission or consular office.

More specifically, depending on the visa in question, the documents listed below will be required:

1. In the case of residence visas, requirements will include documents proving possession of sufficient economic resources to cover the living expenses of the applicant, and his/her family where applicable, for the duration of the stay in Spain.

The RLOEX states that the applicant must be in possession of economic resources for the duration of the stay, or provide proof of periodic receipt of income, sufficient for the applicant (and family, where applicable) in the amounts listed below. These are minimum amounts, calculated at the time of applying for the visa or renewing the residence permit.

a) To cover cost of living expenses for the duration of the stay in Spain, the applicant must have or receive a monthly amount of 400% of the public income index IPREM\(^\text{13}\) in euros or its legal equivalent in a foreign currency.

\(^{13}\) See definition in Section 1.2.
b) To cover cost of living expenses of dependent family members during their stay in Spain, the applicant must have or receive the monthly amount of 100% of the public income index IPREM in euros or its legal equivalent in foreign currency. This must be demonstrated in addition to the quantity indicated in a) above.

In both cases, the total amount of economic resources must cover the calculated monthly amounts for the entire duration of the requested stay.

The Implementing Regulation also states that the availability of sufficient economic resources may be demonstrated by any proof admissible by law, including the submission of property titles, certified checks or credit cards. Credit cards must be accompanied by a bank certificate indicating the credit limit of that card. If the individual’s economic resources come from stocks or shares in Spanish companies, joint ventures or foreign companies whose registered address is in Spain, the applicant will provide a certificate from the company stating that he/she does not work for those companies in any capacity, in addition to a sworn personal declaration to that effect.

These visas also require taking out a public or private medical insurance policy with an insurance agency authorised to operate in Spain.

2. When applying for temporary residence and work, a contract must also be included. For visa applications for temporary residence and self-employment, the non-resident foreign national must personally submit an official copy of the application for a residence and self-employment permit to the Spanish consular office corresponding to his/her place of residence, as a general rule. In all other cases, residence and work permits are applied for in Spain by the future employer.

3. Foreign nationals wishing to exercise the right of family reunification must personally apply for a temporary residence permit for all family members he/she wishes to bring to Spain. Upon application for the visa, the immigrating family member must provide proof of the family relationship or the relation of affectivity analogous to that of marriage, and where applicable, proof of age or legal dependence.

4. The specific requirement in the case of visas for residence and work as an employee for activities taking place during a set time frame is that the applicant produce a signed statement of his/her commitment to return to the country of origin at the end of the period of employment.

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14 See in Appendix 5 the sworn declaration by a spouse or partner for purposes of family reunification.
15 See Appendix 6 for the pledge to return document.
5. Study visa applications must be presented in person, using the official form, to the diplomatic mission or consular office corresponding to the foreign national’s place of residence. The application must be accompanied by the following documents:

- criminal record certificate and medical certificate, for stays longer than six months.
- authorisation by parents or guardians in the case of minor children.

In addition to these general requirements, it is necessary to fulfil a series of specific requirements which will be examined by the Aliens Affairs Office. To this end, the applicant will provide proof of admission to the educational centre or proof of participation in the study, work experience or volunteer programme (for this last case, the applicant must submit a copy of the civil liability insurance policy taken out by the institution to cover the activities of volunteers).

The applicant must provide proof of access to the economic resources necessary in order to cover the cost of the stay and return to the country of origin for both him/herself, and any family members, where applicable, as per the following terms:

a) For living expenses, the amount equivalent to 100% of the IPREM per month, unless the applicant provides proof of having already paid lodging fees for the entire duration of the stay.

b) If the student will be participating in a pupil exchange programme for a secondary education or Baccalaureate programme in an officially recognised educational or science centre, proof that the exchange programme reserves provisions to fund students abroad shall be submitted rather than proof of access to the amount specified above.

c) For students supporting dependent family members during their stay in Spain: a monthly amount equivalent to 75% of the IPREM for the first family member and 50% of the IPREM for all additional persons who will constitute the family unit in Spain, unless the applicant provides valid proof of having already paid lodging fees for the entire duration of the stay.

The guaranteed amount for living expenses will not include funds that have been or will be used to cover the cost of the studies, the exchange programme or the work experience programme.

Lastly, applicants must hold a public or private medical insurance policy with an insurance agency authorised to operate in Spain.
6. Issue of long-stay visas that authorise temporary residence with a work permit exemption will require additional documentation demonstrating that the applicant meets every one of the legal conditions listed in Article 117 of the RLOEX.

### 3.1.2. Visa application processing and examination stage

The first eventuality to be considered at a processing and examination centre is dismissal of the application, which is regulated by Additional Disposition 4 of the LOEX.

In the case of long-stay visas, grounds for dismissal of an application are as follows:

- lack of locus standi on the part of the applicant or insufficient credentials on the part of the representative;
- submission of the application outside of the legally established time period;
- submission of an application that has already been refused, in the case that the circumstances behind its refusal have not changed;
- there has being an open expulsion procedure, or a judicial or administrative removal order, for the applicant;
- when the applicant is forbidden to enter Spain;
- when there is evidently no basis for the application;
- when the application applies to foreign nationals already in Spain illegally;
- when the application is not made in person and this is required by law.

Once the visa application has been admitted for processing, the passport will be returned with a stamp indicating that the visa application was received. A stamped and recorded copy of the application and a receipt for the visa fee will be returned to the applicant, and this will serve as acknowledgement of the receipt of the application.

During the procedures, the diplomatic mission or consular office may hold inquiries and interviews and issue notifications. Summons and inquiries may be made by telephone, fax, or personally at the applicant’s address. If no response is received within 10 days, the application will be considered withdrawn and the applicant notified. Notifications will be sent in writing to the provided home address, and where applicable, will also be included on the diplomatic mission or consular office notice board during a ten-day period.
The diplomatic mission or consular office must check all of the requirements, and to that end, they may need other reports in addition to the listed mandatory documents.

In cases in which it is justified, the applicant may be required to appear and/or be interviewed for purposes of verifying his/her identity, the validity of the personal documents provided and economic, academic and professional circumstances, etc. The applicant must appear within 15 days, and failure to do so will result in withdrawal of the application. The interview must be held in the presence of at least two representatives of the Spanish Government, the applicant’s representative if the applicant is a minor child, and an interpreter if necessary. The minutes of the interview will be written up and a copy given to the applicant. Should a residence visa be refused based on the interview, a copy will be sent to the Ministry of Foreign Affairs and Cooperation to be transmitted to the authority that granted the residence permit.

In situations in which the application does not include the requirements stated by law and the documentation is incomplete or insufficient, the applicant will be asked to provide the missing documents within ten days. If this action is not taken, the application will be declared withdrawn and filed, and the applicant will be notified.

During application processing, mandatory inquiries will be carried out, such as consulting the SIS. Inclusion in the SIS results in automatic refusal of the visa application. VIS queries will also be made where appropriate. Likewise, the authorities will consult with the Ministry of Foreign Affairs and Cooperation for visas regulated by Organic Law 4/2000.

The consular office or diplomatic mission may request reports or verifications of permits, where necessary. These may be classified by type of visa applied for, as follows:

— For residence visas, residence for self-employment and residence with a work permit exemption, the consulate will send a query by electronic means and forward the accompanying documents to the Ministry of Foreign Affairs and Cooperation. The Ministry will verify presence of the corresponding permit with the competent authority and issue a resolution through the electronic system.

— For study visas, the consulate will send the electronic query to the Ministry of Foreign Affairs and Cooperation. That Ministry’s computer system will automatically obtain the

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16. This information system, created as a fundamental instrument within the Schengen Agreement, allows national legal and border control authorities to obtain information on persons or objects. Member states provide the system with data by means of national networks (N-SIS) connected to a central information system (C-SIS). This system is complemented by means of the SIRENE network (Supplementary Information Request at the National Entry), which is the SIS human interface.
report from the corresponding Government Delegation or Sub-delegation, through the Ministry of Finance and Public Administrations. The consulate will be informed by an automated system.

— For visas for residence and work as employee and residence due to family reunification, the consulate will forward the visa application to the Ministry of Foreign Affairs and Cooperation electronically. The Ministry's computer system will check the residence permit's authenticity and send an answer to the Consulate.

**Decision:**

The consular office is responsible for taking decisions with regard to visa applications. A negative decision may be taken at any stage of the procedure.

Decisions regarding residence, work and study visas will depend in part on mandatory reports issued by the Ministry of Foreign Affairs and Cooperation.

Regarding permits for temporary residence and work as employee, the diplomatic mission or consular office will transmit the application and its accompanying documents to the responsible entity having jurisdiction where the foreign national is applying for residence. That entity will then issue the decision regarding the residence and work permit.

Upon examining the documents provided and verifying absence of a criminal record and that the applicant is not currently residing in Spain illegally, the preliminary police report and the report by the Central Register of Convicts and Defaulters. If the permit is granted, the competent authority will notify the Ministry of Foreign Affairs and Cooperation and the diplomatic mission or consular office of the decision through an electronic channel.

The validity of the permit will depend on the visa application and issuance (where applicable) and on the worker's effective entry in Spanish territory. Within one month of being notified that the permit for residence and work as employee was granted, the interested party must submit the visa application in person to the diplomatic mission or consular office corresponding to his/her place of residence.

Time limits for decisions are legally established and set down in the regulations. According to Additional Disposition 12 in the RLOEX, the maximum, non-extendable time limit for providing notification of a decision is one month beginning on the day after the date on which the application was correctly submitted to the competent consular office for processing. However, the following specific time limits apply:
— For residence visas, three months. In addition, the application for a residence permit from the appropriate Government Delegation or Sub-delegation will interrupt the countdown until notification has been given of that decision.

— For family reunification visas, two months.

— For visas for highly qualified professionals, 15 days.

— For collective management of hiring in the countries of origin, 5 days, which may be extended to 15.

— For visas for an activity of economic, social or employment interest, 10 working days.

Absence of response will be understood to be negative, according to Additional Disposition 1 of Organic Law 4/2000.

**Closure of the Procedure**

The procedure is closed once one of the following actions has been completed:

— issue of the visa stamp;

— withdrawal of the application due to the applicant’s being unable to attend summons or hearings within the time limits, or expiry of the period to collect a visa that has been issued;

— refusal; this decision must be reasoned, and notification sent explaining the appeal process.

Visas must be collected by the applicant in person, except for visas issued to minors for purposes of family reunification, which may be collected by a representative. The general time limit for collecting visas is one month, except for study and family reunification visas, which allow two months. Once the visa has been collected, the applicant must enter Spanish territory while the visa is valid.

**3.1.3. Entry, stay and exit**

Entry conditions at the border are established by Article 4 and following in the RLOEX, as stated in Article 5.1 of the Schengen Borders Code. Entry conditions are as follows:
— bearing a passport or travel documents,
— being in possession of a valid visa,
— justifying the purpose and conditions of entry and stay,
— demonstrating, where applicable, possession of sufficient economic resources for the duration of the stay in Spain, or being legally able to obtain them, in addition to resources sufficient to go to another country or to return to the country of origin,
— showing a medical certificate, where applicable,
— not being under an entry ban, that is, recorded in SIS as ineligible for entry. Reasons for being under an entry ban may be having previously been expelled or returned from Spain or another Schengen State; being expressly prohibited from entering due to participation in activities contrary to Spanish interests or Human Rights or having a known connection to criminal activities and subject to an international criminal search,
— not presenting a threat to public order, internal security, public health or to international relations with any of the Member States.

Foreign nationals whose permits are being renewed or extended will be issued an authorisation for return allowing him/her to leave and subsequently re-enter Spain with no need for another visa, provided that the applicant submits proof of having initiated the process of renewing or extending the permit allowing him/her to stay in Spain.

It is also important to highlight Article 25.3 of the LOEX, which establishes that a visa will not be required of foreign nationals who apply for asylum at the time of entry. When a foreign national who does not meet the necessary conditions for entering Spanish territory presents an application for international protection at a border crossing point, the Ministry of the Interior must notify the applicant of its duly reasoned decision within four days of when the application was submitted (this may be extended in certain cases), and it may deem the application inadmissible for the same reasons that would exclude a foreign national from entering the country. An application can also be refused when it contains allegations that are incoherent, contradictory, improbable, insufficient, or contrary to previously received and well-documented information.

Regarding refusal of entry, negative decisions must be reasoned (when the foreign national does not meet legal entry requirements), and notification of the refusal must include an
explanation of the appeal process, the time period in which it may be opened and the competent authority to which an appeal must be submitted. The applicant will have the right to legal assistance, which may be an assigned government lawyer if he/she lacks sufficient economic resources, and an interpreter, where necessary.

When exiting Spanish territory, foreign nationals will submit all documents subject to mandatory checks to the authorised civil servants at official border crossing points. If the documents are found to be in order and there is no ban or impediment to the bearer or bearers leaving the country, the exit stamp will be placed in the passport, unless internal laws or international agreements signed by Spain state that the passport should remain unstamped. Once the documents have been returned, the foreign national may freely leave the country.

If the exit takes place without documents, with defective documents or with an identity document to which the exit stamp could not be affixed, the foreign national will proceed to police services at the border crossing-point to fill in the form provided to leave a record of the exit.

Exits by foreign nationals who do not have Community status\(^\text{17}\) may be consulted in the Central Aliens Registry by the authorities so empowered.

With regard to visas granted at external borders (Article 31 of the RLOEX), under duly justified circumstances or when approved by the Ministry of Foreign Affairs and Cooperation, the heads of the Ministry of the Interior’s police services responsible for controlling entries into Spanish territory may issue uniform short-stay visas or short-stay visas with limited territorial validity at the border.

With regard to extending visas or changing visa type, we must point out that the link between long-stay visas and residence and/or work permits in the Spanish legal system is such that the legal framework regulates extensions and renewals of the permits, and not of the visas themselves.

Regarding cancellation of visas, as mentioned in a previous section, a worker who does not register with the proper Social Security scheme within three months will be obliged to leave national territory. Should the worker not exit, he/she will be committing the serious infraction of residing illegally in Spain.

\(^{17}\) One of the pillars of the Community regime for foreign nationals is Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.
3.2. Visa issuance for the purpose of legal immigration: specific procedure followed in the Stages of the Visa Procedure

3.2.1. National visa practices for admission of third-country nationals

In its specifications document for preparation of this study, the European Migration Network (EMN) proposes the following scenarios which may exist for visa issuance practices among different Member States:

— Scenario 1: Visa is a prerequisite for obtaining a residence permit (residence permit application in country of origin).

— Scenario 2: Visa is a prerequisite for obtaining a residence permit (residence permit application upon arrival in Member State).

— Scenario 3: A residence permit can be obtained directly in the country of origin (e.g. there are no specific requirements for a visa, etc.).

— Scenario 4: The Visa is a residence title in itself (e.g. no residence permit is required, etc.).

From the above, we conclude that as a general rule, issuance of visas under Spanish law do not correspond to any of the proposed scenarios. There are no cases in which a visa is required in order to obtain a residence permit (Scenarios 1 and 2), and it cannot be considered a residence title (Scenario 4). Regarding Scenario 3, that is, obtaining the residence permit in the country of origin without there being any specific visa requirements that are different from the permit requirements, the same holds true: this does not correspond with the cases in our legal framework.

This means that Spanish law contemplates a regulatory system in which requirements and steps to be completed are established according to the specific type of visa. These procedural differences stem from the fact that visas form a part, albeit a very important part, of the procedure for obtaining residence permits. The characteristics of each visa procedure therefore vary according to the type of residence permit with which it is associated. Within the Spanish legal framework, the procedure generally takes place as follows:

18 Document: MIGRAPOL European Migration Network Doc 224 available on the EMN webpage http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?sessionid=7C3C0D6ADF5F1F9632C60989D0911DFB?entryTitle=02_VISA POLICY as a Migration Channel.
1. Processing of the residence or residence and work permit (this is generally done in Spanish territory, but for study and self-employment visas, it takes place in the Spanish consular office or diplomatic mission corresponding to the applicant’s place of residence).

2. Once the residence or residence and work permit has been granted, the visa application is submitted to the consular office or diplomatic mission corresponding to the applicant’s place of residence.

The only case in which a visa serves as a residence title without requiring previous or simultaneous issuance of an administrative permit is for Type C short-stay visas that allow the foreign national to enter and remain in Spanish territory for a period of less than three months.

3.2.2. Challenges and success factors for facilitating legal immigration

We identified no success factors and no areas for improvement having to do with facilitation agreements and other bilateral/multilateral agreements, given that Spain has not entered into any facilitation agreements for long-stay (Type D) visas, as stated in Section 2.2. As for facilitation agreements signed between the European Union and third countries for short-stay visas, it would be better to cite the factors identified by the European Union itself upon finalisation and implementation of those agreements.

The Representation Arrangements for examining applications and issuing visas described in Article 8 of the Visa Code are an appropriate means of implementing the principles of mutual trust and procedural simplification which, in Spain’s view, must accompany these types of Arrangements. To this end, Spain’s position is that insofar as it is possible and permitted by the representing Member State and the represented Member State, Representation Arrangements should be worded so as to authorise the consulate of the representing Member State to refuse issuance of a visa upon examining the application. There should be no need to submit the application to the relevant authorities of the represented Member State so that they may take the definitive decision with regard to the application. This possibility is expressly stated in Article 8.4 d) of the Visa Code.

Spain feels that the Representation Arrangements which it has signed with other Member States are successful. This is true both in cases in which Spain is the represented State, since they allow the Spanish consular network to provide services through the agency of another Member State in geographical areas in which Spain has less representation (in Asia, for example), and in cases in which Spain is the representing State, since it is able to cooperate with Member States requiring services in Latin America, for example.
Regarding other factors concerning visa issuance, even indirectly, recourse to an external service provider for tasks involved in receiving short-stay visa applications frees up human and material resources in diplomatic missions and consular offices, thus allowing them to focus on receiving and examining Type D visas.

This externalisation process has been a success in the consular offices in which it was implemented. As a result, implementing similar externalisation processes in other offices that require it, due to the volume or characteristics of their visa-related activities, will be a future priority.

### 3.3. Visa procedures for the purpose of preventing irregular migration

#### 3.3.1. Prevention of irregular migration during the visa issuing and monitoring process

The prevention of irregular immigration during the process is guaranteed by strict monitoring of the procedure on the part of the entities responsible for checking requirements and documents, verifying identities, coordinating actions, etc.

Regarding the entry and stay stage, the Spanish legal framework focuses on the renewals and extensions of residence or residence and work permits, and not of visas themselves, as mentioned before.

In cases in which such a residence permit is refused, the administrative decision handed down to that effect will inform the applicant that leaving the country will be mandatory. This warning may also be affixed to the applicant's passport or similar document, or provided in a separate document. Mandatory exit must take place within the established time limit or, where applicable, within a maximum of 15 days counted from the time at which notification of the negative decision was made.

With regard to new control measures, Spain requires signature of pledges to return to the country of origin upon termination of the employment contract (for seasonal residence and work visas). Failure to comply with this requirement on the part of the worker can lead to the refusal of subsequent work permits for a period of three years following expiry of the issued permit.

A new means of verifying that a worker has returned has been added; the worker must now appear at the diplomatic mission or consular office that granted the visa within one month after expiry of the work permit in Spain. Once the worker has appeared,
the mission or office will provide him/her with a document that serves as proof of appearance, and enter that information in the appropriate computer programme. The data will also be passed on to the Ministry of the Interior so as to be added to the Central Aliens Registry.

3.3.2. Prevention of irregular migration through other measures during visa issuing

One of the most relevant measures is preventing and combating illegal immigration and human trafficking networks. When dealing with these types of networks, it is always recommendable to determine which third countries of origin and transit are used by smugglers or traffickers. With this in mind, it is possible to work in cooperation with Interior Attachés in those countries in order to verify the information received and rely on their participation in investigations. Many of these networks abuse the legal procedures for obtaining visas or to make it appear that entry requirements are fulfilled. Collaborative efforts with embassies, consulates and liaison officers are therefore essential for early detection. Likewise, it is also very important that information and intelligence be exchanged between Counsellors for the Interior and the different embassies which may have processed residence and work permit and work permit applications, and in cases in which it has been possible to determine the location and/or identity of document forgers.

Our specialised training programmes include specific courses for Interior Counsellors and Attachés and Liaison Officers assigned to embassies or international missions, in order to promote early detection of such crimes and the investigation of networks specialising in falsified documents in the countries in which these representatives perform their functions.

Other steps taken in this area include the following:

- Border crossing points are provided with abundant information on the subject of document forging and false documents, as well as methods and means of detecting false documents. This information can be accessed from the border crossing point through electronic databases under the management of the National Police Force, which has jurisdiction and ample experience in this area.

- The False Travel Document Section within the Central Unit against illegal immigration and false document networks, belonging to the General Commissariat for Alien Affairs and Borders, also manages investigation and prosecution of networks engaging in forging
documents. This Section maintains an updated database containing all intelligence relating to document smuggling and forging, in addition to information available regarding the security features, format and other distinguishing features of genuine travel and identity documents, vehicle registration certificates and driving licences issued by EU countries and any third countries that must be well-known to border guards who check documents.

In addition to that stated above, we will now provide details on training and informative activities and highlight initiatives carried out in countries of origin.

**Informative and training activities**

Under the responsibility of the Ministry of Foreign Affairs and Cooperation, and with regard to EU legislation, the content of the Community Handbook for the processing of visa applications for short-stay visas was taught as part of the training activities for public employees entering the Spanish Consular Network.

Training activities carried out by the Ministry of Foreign Affairs and Cooperation place a special emphasis on matters such as detection of false documents, the use of computer applications that facilitate sharing information on visa applicants with central authorities in other Member States, and subjects related to data protection. These courses dedicate special sessions to preventing human trafficking, including the detection of visa applicants who may be victims of trafficking networks, and to applying the actions set out in the Comprehensive Plan to combat trafficking in human beings for the purpose of sexual exploitation, which was approved in December 2008.

During 2010, the Ministry of Foreign Affairs and Cooperation presented courses in visa processing at two different levels, basic and advanced, for all Ministry personnel interested in working in that area. It also offered visa processing courses for all personnel providing services abroad, regardless of which Ministry they reported to. In addition, it developed courses on the new visa management system in the context of implementing VIS. These courses were primarily intended for personnel working in consular offices or sections planning to install the new information system for managing visas as per VIS requirements, which include taking the applicant’s fingerprints and photograph.

In the same way, within the framework of training initiatives for diplomatic staff within the Ministry of Foreign Affairs and Cooperation, specific training in visas and the prevention of human trafficking is provided in advanced courses for Consuls General, Consuls and Directors of Consular Affairs taught at the Diplomatic School.
Lastly, regarding training provided by other Ministries, the Ministry of Foreign Affairs and Cooperation participates in courses organised by the Ministry of the Interior for training border guards in visa processing. It also participates in courses organised by the Ministry of Labour and Social Security for personnel working in Government Sub-delegations and Aliens Affairs Offices who receive training in visa procedures and issuance from Spanish consular offices.

**Activities in the country of origin**

One of the most effective channels for preventing irregular migration is exchanging information and experiences with other Member States. This is why consular cooperation on a local level is so important: it makes us aware of local fraudulent practices, and of the mechanisms, tools and channels used by human trafficking and migrant smuggling mafias and networks in order to bring people into the country illegally. With this in mind, Spain participates in local consular cooperation meetings to share information about fraudulent visa applications and benefit from the experiences and cases described by other consular offices.

Following the example of the training activities run by the Ministry of Foreign Affairs and Cooperation, Spanish consuls and directors of consular affairs have asked that these local meetings be broadened to include the matter of preventing human trafficking, with a view to applying the actions indicated in the Plan to combat trafficking in human beings for the purpose of sexual exploitation.

On the other hand, given the complexity and potential difficulty of detecting fraudulent documents, authorities are often assisted by local document experts (law firms, for example) as a means of supporting consular activity.

**3.3.3. Challenges and success factors for preventing irregular migration**

Please refer to Section 3.2.2.

**4 Effects of European Union policy and legislation**

The progressive implementation of EU legislation on visas has had two main results: firstly, the facilitation of legal migration, particularly as regards implementation of
directives regulating the immigration of certain groups; and secondly, the prevention of irregular migration, as evidenced by the migratory flows that are registered at border control points.

Measures facilitating legal immigration include the transposition of the Directive for specific conditions of admission for purposes of study, pupil exchange, unremunerated training or voluntary service,19 the Directive on scientific research20 and the Directive on entry for purposes of highly qualified employment.21 As we have seen, these Directives do not require such groups to obtain a visa when they are moving from another Member State, and facilitate family reunification by permitting simultaneous application and processing for all members of the family unit.

In the same way, with reference to the Directive on family reunification,22 the LOEX recognises the right of all foreign nationals in general to family reunification in Article 16. This is further developed by the RLOEX, which enforces transposition of the Directive and establishes and clarifies the different requirements for and means of exercising that right which facilitates immigrants’ integration in Spain.

Elsewhere, on the national level, the mechanisms for preventing irregular immigration are quite varied, and include the following:

- Documental proof of the fulfilment of the requirements for all visa procedures, as described in Section 3. This shows that the person does not fall under certain categories; for example, being the subject of a removal procedure is a motive for refusal of entry, as are re-sending an application that was already refused and being in the country illegally.

- The obligation of registering with Social Security and making all of the payments according to the legally established terms for the Social Security scheme applying to the foreign worker, within three months from his/her entry into Spanish territory. The fact that this required action is what validates the initial permit for temporary residence, and work as employee is very important to preventing fraud.

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• Pledges to return, which apply to workers with permits for temporary residence and employed work during a set time frame. This instrument has been strengthened by the provision referring to the worker’s return: the worker must now appear at the diplomatic mission or consular office that granted the visa within one month after expiry of the work permit in Spain. The two instruments guarantee both control over irregular immigration flows and the promotion of the circular migration patterns that characterise this type of work.

• Progressive implementation of the regulations regarding the Visa Information System and the Schengen Information System has enabled better coordination between countries and collective border management, which in turn prevent irregular immigration. Through such measures, border controls have been reinforced and Border Guards responsible for law enforcement in the areas of immigration and border control have become more efficient. Between 2003 and 2010, a 60% increase in the number of police agents assigned to these tasks was recorded, and the agents were also more specialised and highly trained. Special brigades were created to prevent clandestine immigration and border crossing points have been reinforced.

Regarding the implementation of instruments specific to visa policy, we can highlight the following:

— EU Agreements for visa facilitation: as mentioned in Chapter 2 of this study, Spanish national practices adhere to the regime outlined in those agreements with regard to eliminating requirements or reducing or cancelling the payment of fees set out in those agreements.

— Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement states that the applicable regimen for short-stay visas may be logically be adapted according to decisions to include certain nationalities on the list of those having to obtain visas for short-term stays in Spain.

— The Visa Information System (VIS)23 went into effect on 11 October 2011 in the first region, which includes Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia. It therefore began gathering and transmitting VIS data for all visa applications in that region. As of that date, all visa applicants in every one of Spain’s 13 consular offices in North Africa had to submit new biometric data in addition to

23 Commission Implementing Decision of 21 September 2011.
the alphanumeric data and the photograph (also biometric) that were already being recorded. To that end, the relevant tests were carried out in preparation for the new activities. The system also takes into account the possibility of using external services (outsourcing) to gather biometric markers and includes a call for tenders for a collaborative contract which an external service provider would hold for a number of diplomatic missions or consular offices. The activities of the company awarded the contract would include measuring applicants’ biometric markers and transmitting them to computer systems belonging to the Ministry of Foreign Affairs and Cooperation.

— The Visa Code (Regulation (EC) No. 810/2009 of the European Parliament and of the Council) and common consular instructions: as stated before, in ratifying the new Regulations on Alien Affairs, great strides were made towards incorporating the precise modifications that were applicable after the Visa code entered into force. As previously mentioned, the Aliens Act refers to European Union regulations en bloc solely as concerns airport transit and short-stay visas.

— The practical result of Regulation (EU) No 265/2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No. 562/2006 as regards movement of persons with a long-stay visa, which is directly applicable under Spanish law, was that Spanish authorities and Border Guards in particular consider bearers of a long-stay visa issued by a Member State to be bearers of a short- or long-stay visa for purposes of entering Spanish territory.

### 5 Statistics

This chapter offers a brief analytical description of the visa statistics available for the 2004-2010 period. Since this study focuses primarily on Type D visas, the analysis will do the same.

This brief analysis is accompanied by a more detailed appendix with tables that can be viewed together with this report on the webpage for the State Secretariat of Immigration and Emigration under the section reserved for the European Migration Network.²⁴

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5.1. **Methodology**

The data provided in this chapter come from three sources:

— Statistics on visa applications and visas issued by Spanish consular offices. These are submitted to the European Commission by the Ministry of Foreign Affairs and Cooperation in compliance with the obligations deriving from the Visa Code, and prior to that, from the Common Consular Instructions (Chapter VIII, Article 4).

Data for visa applications refer to all visas applied for during a one-year period, regardless of whether the decision was taken that year or the following year.

The number of visas issued refers to all visas granted during a one-year period and applied for during the same year. This figure underestimates the real number of visas issued per year because it excludes visas applied for during the previous year. This mainly affects visa applications received in the last months of each year. As a result, the data available to us underestimates the visa issuance rate.

— Statistics on short-stay visas issued at a border have been provided by the Ministry of the Interior.

— Statistics on the detection of false documents, provided by the Ministry of the Interior.

5.2. **Data analysis**

In 2010, Spanish consular offices granted 1,111,175 visas, which was the largest number of visas issued during the 2004-2010 period, as well as the largest year-on-year increase (24.91% compared to 2009). In contrast, the previous year saw a 17.06% decrease. We should point out that the most commonly issued visa in 2010, and for the entire study period, was the short-stay visa (89.19%) (Table 5.1).

The data reveal that 2010 saw the largest difference between the number of visa applications and the number of visas issued (Graph 5.1): there were 199,149 refused or unresolved applications. When interpreting this figure, we must be mindful of the fact that it includes the applications received at the end of 2010 and resolved in 2011. They are therefore not counted among the visas issued in 2010, but they do appear in the figure for applications.
Table 5.1. Visas issued and requested by type, 2004-2010

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Issued</th>
<th>Type A</th>
<th>Type C</th>
<th>Type D</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>725,577</td>
<td>4,726</td>
<td>498,642</td>
<td>222,209</td>
</tr>
<tr>
<td>2005</td>
<td>821,348</td>
<td>5,338</td>
<td>621,874</td>
<td>194,136</td>
</tr>
<tr>
<td>2006</td>
<td>935,770</td>
<td>3,481</td>
<td>706,121</td>
<td>226,168</td>
</tr>
<tr>
<td>2007</td>
<td>1,024,746</td>
<td>1,208</td>
<td>742,511</td>
<td>281,027</td>
</tr>
<tr>
<td>2008</td>
<td>1,072,647</td>
<td>1,301</td>
<td>783,107</td>
<td>288,239</td>
</tr>
<tr>
<td>2009</td>
<td>889,611</td>
<td>1,143</td>
<td>730,832</td>
<td>157,636</td>
</tr>
<tr>
<td>2010</td>
<td>1,111,175</td>
<td>938</td>
<td>991,015</td>
<td>119,222</td>
</tr>
</tbody>
</table>

We observe that during the years in which Spain was hit hardest by the economic crisis, 2009 and 2010, the number of applications for long-stay visas began to decrease. The
year 2010 had the lowest number of long-stay visas recorded during the 2004-2010 period (119,222), compared to the peak number of 288,239 Type D visas issued in 2008. On the other hand, we also see that the number of issued long-stay visas is much more comparable to the number of applications, that is, there is a higher issuance rate for Type D visas.

The main motives for applying for a long-stay visa are studies, work and family reunification. Graph 5.2 shows that family reunification and studies (37% and 44% respectively) were the main motives for issuing long-stay visas in 2010.
With regard to the main nationalities of successful long-stay visa applicants, Morocco remained at the head of the list throughout 2004-2009. It has maintained a significant lead over the second-most numerous nationality (Columbian, except in 2005 in which it was Peruvian) throughout this period. Unlike in previous years, and as a result of the marked decline in the issue of long-stay visas to citizens of Morocco, Colombia and Peru, citizens of the United States were the most numerous recipients of Type D visas in 2010, with a total of 18,008 visas. This was mainly due to study visas, which accounted for 93.44% of long-stay visas granted to United States citizens (Graph 5.3). Visas issued for purposes of family reunification constitute almost all of those granted to Pakistani nationals (98.95%) and represent more than 50% of those granted to citizens of Morocco (59.16%), China (57.95%), Ecuador (53.37%) and the Dominican Republic (50.51%), while all visas issued for this purpose made up only 36.80% of the visa total.

Graph 5.3. Long-stay visas issued by main nationalities of applicants and motive, 2010

Table 5.4 lists the ten consular offices that issued the most long-stay visas during 2004-2010. Bogotá headed the list of consular offices throughout this time period, except in 2005, when the consular office in Lima exceeded its count by 723 visas. In line with that stated previously, two of the top ten offices for issuance of Type D visas in 2010 were located in the United States: Chicago, ranked sixth, and New York, ranked tenth.

Graph 5.4 reveals a tendency toward specialisation in offices in certain countries. For example, the Tangier office mainly issues residence and work visas, while the Nador office issues more family reunification visas. The Shanghai office mainly grants visas for family reunification, but the Beijing office shows a more equal split between family reunification and study visas.
**Table 5.3. Long-stay visas issued by main nationalities of applicants, 2004-2010**

<table>
<thead>
<tr>
<th></th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>222,209</td>
<td>194,136</td>
<td>226,168</td>
<td>281,027</td>
<td>288,239</td>
<td>157,636</td>
<td>119,222</td>
</tr>
<tr>
<td>Morocco</td>
<td>27,463</td>
<td>32,080</td>
<td>36,708</td>
<td>55,415</td>
<td>57,671</td>
<td>36,501</td>
<td>United States 18,008</td>
</tr>
<tr>
<td>Colombia</td>
<td>23,823</td>
<td>Peru 17,703</td>
<td>Colombia 24,160</td>
<td>Colombia 35,507</td>
<td>Colombia 34,301</td>
<td>Colombia 18,048</td>
<td>Morocco 17,753</td>
</tr>
<tr>
<td>Peru</td>
<td>16,259</td>
<td>Colombia 17,044</td>
<td>Peru 17,581</td>
<td>Ecuador 26,060</td>
<td>Ecuador 29,300</td>
<td>United States 17,466</td>
<td>Colombia 11,437</td>
</tr>
<tr>
<td>China</td>
<td>14,463</td>
<td>United States 14,597</td>
<td>United States 15,530</td>
<td>Peru 25,202</td>
<td>Peru 27,913</td>
<td>Peru 10,675</td>
<td>Pakistan 9,164</td>
</tr>
<tr>
<td>United States</td>
<td>13,937</td>
<td>Ecuador 11,705</td>
<td>Ecuador 12,418</td>
<td>United States 15,906</td>
<td>United States 18,210</td>
<td>China 9,469</td>
<td>China 8,193</td>
</tr>
<tr>
<td>Ecuador</td>
<td>11,833</td>
<td>China 11,330</td>
<td>China 10,312</td>
<td>China 14,483</td>
<td>China 17,572</td>
<td>Ecuador 8,332</td>
<td>Mexico 6,459</td>
</tr>
<tr>
<td>Dominican Rep.</td>
<td>7,990</td>
<td>Mexico 6,253</td>
<td>Mexico 6,595</td>
<td>Bolivia 7,047</td>
<td>Bolivia 8,834</td>
<td>Dominican Rep. 4,969</td>
<td>Brazil 3,500</td>
</tr>
<tr>
<td>Mexico</td>
<td>6,926</td>
<td>Argentina 4,316</td>
<td>Brazil 4,836</td>
<td>Mexico 6,605</td>
<td>Mexico 8,175</td>
<td>Brazil 3,906</td>
<td>Ecuador 3,206</td>
</tr>
<tr>
<td>Chile</td>
<td>4,181</td>
<td>Russia 3,176</td>
<td>Argentina 3,600</td>
<td>Brazil 6,432</td>
<td>Brazil 6,908</td>
<td>India 2,989</td>
<td>Dominican Rep. 3,160</td>
</tr>
<tr>
<td>Other countries</td>
<td>85,939</td>
<td>Other countries 68,408</td>
<td>Other countries 86,903</td>
<td>Other countries 77,151</td>
<td>Other countries 69,184</td>
<td>Other countries 39,635</td>
<td>Other countries 32,371</td>
</tr>
</tbody>
</table>

Source: Ministry of Foreign Affairs and Cooperation.
### Table 5.4. Long-stay visas issued by main consular office, 2004-2010

<table>
<thead>
<tr>
<th></th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Total</td>
<td>Total</td>
<td>Total</td>
<td>Total</td>
<td>Total</td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td>222,209</td>
<td>194,136</td>
<td>226,168</td>
<td>281,027</td>
<td>288,239</td>
<td>157,636</td>
<td>119,222</td>
</tr>
<tr>
<td>Bogota</td>
<td>23,533</td>
<td>17,505</td>
<td>23,948</td>
<td>35,230</td>
<td>33,983</td>
<td>17,851</td>
<td>11,225</td>
</tr>
<tr>
<td>Lima</td>
<td>15,993</td>
<td>16,782</td>
<td>17,374</td>
<td>26,009</td>
<td>29,233</td>
<td>15,469</td>
<td>Islamabad  9,139</td>
</tr>
<tr>
<td>Quito</td>
<td>11,773</td>
<td>11,681</td>
<td>12,380</td>
<td>24,883</td>
<td>27,617</td>
<td>10,497</td>
<td>Tangier    6,717</td>
</tr>
<tr>
<td>Shanghai</td>
<td>10,178</td>
<td>10,102</td>
<td>11,419</td>
<td>15,191</td>
<td>15,870</td>
<td>8,133</td>
<td>Lima       5,861</td>
</tr>
<tr>
<td>Nador</td>
<td>9,641</td>
<td>9,323</td>
<td>9,261</td>
<td>14,533</td>
<td>14,302</td>
<td>7,487</td>
<td>Mexico City 4,168</td>
</tr>
<tr>
<td>Santo Domingo</td>
<td>7,970</td>
<td>Shanghai</td>
<td>8,830</td>
<td>7,930</td>
<td>13,261</td>
<td>10,956</td>
<td>Casablanca 5,833</td>
</tr>
<tr>
<td>Casablanca</td>
<td>7,826</td>
<td>Santo Domingo</td>
<td>7,510</td>
<td>7,523</td>
<td>11,230</td>
<td>10,885</td>
<td>4,963</td>
</tr>
<tr>
<td>Buenos Aires</td>
<td>5,966</td>
<td>Rabat</td>
<td>5,032</td>
<td>7,179</td>
<td>8,971</td>
<td>10,146</td>
<td>4,805</td>
</tr>
<tr>
<td>Mexico City</td>
<td>4,807</td>
<td>Tetouan</td>
<td>4,614</td>
<td>4,447</td>
<td>7,535</td>
<td>9,699</td>
<td>Beijing 4,531</td>
</tr>
<tr>
<td>Rabat</td>
<td>4,638</td>
<td>Mexico City</td>
<td>4,243</td>
<td>4,435</td>
<td>La Paz</td>
<td>6,975</td>
<td>Rabat 4,504</td>
</tr>
<tr>
<td>Others</td>
<td>119,884</td>
<td>Others</td>
<td>98,514</td>
<td>120,272</td>
<td>Others</td>
<td>117,209</td>
<td>Others</td>
</tr>
</tbody>
</table>

Source: Ministry of Foreign Affairs and Cooperation.
Regarding visas issued at the border, Table 5.5 shows the data for visas issued at sea borders, essentially for sailors in transit, and those issued at air borders (airports).

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Air border</th>
<th>Sea border</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>374</td>
<td>262</td>
<td>112</td>
</tr>
<tr>
<td>2008</td>
<td>433</td>
<td>318</td>
<td>115</td>
</tr>
<tr>
<td>2009</td>
<td>449</td>
<td>274</td>
<td>175</td>
</tr>
</tbody>
</table>

Source: Ministry of the Interior.

Lastly, Table 5.6 shows the data regarding detection of false documents. We would like to highlight the decrease in the number of falsified documents found in 2009 with respect to that in the two preceding years. The percentage of false documents apprehended in 2009 was 6.59%; passports were the most commonly forged documents found between 2007 and 2009.
Table 5.6. Detection of false documents by type of false document, 2007-2009

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>7,855</td>
<td>6,135</td>
<td>3,428</td>
</tr>
<tr>
<td>Identity document</td>
<td>2,098</td>
<td>1,446</td>
<td>747</td>
</tr>
<tr>
<td>Driving licence</td>
<td>125</td>
<td>180</td>
<td>162</td>
</tr>
<tr>
<td>Government registration card</td>
<td>11</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td>Travel document</td>
<td>24</td>
<td>11</td>
<td>14</td>
</tr>
<tr>
<td>Authorisation of return</td>
<td>44</td>
<td>13</td>
<td>24</td>
</tr>
<tr>
<td>Professional ID card</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Passport</td>
<td>2,994</td>
<td>2,536</td>
<td>1,437</td>
</tr>
<tr>
<td>Residence permit</td>
<td>2,014</td>
<td>1,539</td>
<td>807</td>
</tr>
<tr>
<td>Visa</td>
<td>544</td>
<td>398</td>
<td>226</td>
</tr>
</tbody>
</table>

Source: Ministry of the Interior.

6 Conclusions

Spanish visa policy has undergone significant changes as a result of the legislative reforms that have taken place in recent years. These modifications were put forward by the policy and legislative activities of the European Union, and used to full advantage to improve regulation and management of visas in Spain. As we have indicated throughout the study, the visa is envisioned as an effective instrument for the prevention of irregular immigration, as well as an instrument for framing a migration policy in line with the labour market, which is a key objective on both the European and national levels.

Milestones in the implementation of the new system include:

— More efficient system of regulations that differentiates between requirements and documents and eliminates submission of duplicates and the subsequent double-checking processes that existed under the previous system. It also reduces decision-taking times.

— Increased legal security through the stipulation that decisions handed down on alien affairs cannot be resolved by administrative review, except for refusals of entry.
— Clarification and simplification of the process, especially regarding notification (which is faster and preserves more rights), and indication of the required documents and the entities responsible for verifying those requirements.

— Facilitated visa procedures for highly qualified workers, researchers and for collective management of hiring in the countries of origin.

— Encouragement of mobility by students, volunteers and those taking part in unremunerated training.

— Implementation of new technologies for visa management, processing and verification.

— Combating illegal employment and informal economy by making it mandatory to register with Social Security within three months of obtaining the residence and work permit included in the visa.

— Improved processing and verification at border controls: in 2011, Spain prepared for the implementation of VIS at its border crossing points. This involved deploying technical resources and adapting IT systems to enable queries on C-VIS for all visas by using the alphanumeric data for that visa. Spain worked to meet the deadlines for being able to query fingerprints and issue visas at the border using VIS. To this end, booths were set up for collecting people’s data, photographs and fingerprints. In September 2011, Spain signed an agreement to externalise visa processing, which will enable complete outsourcing for 50 consular offices and limited outsourcing for another 17.
Appendix 1. Letter of notification of undertaking medical specialty activity

COMUNICACIÓN DE INICIO DE ACTIVIDAD SANITARIA ESPECIALIZADA
(RD 557/2011)

Nombre ___________________________ 1º Apellido ___________________________

Nacionalidad ___________________________ NIE ___________________________

Fecha de nacimiento(1) ______ / ______ / ______ Localidad ___________________________

País ___________________________

Nombre del padre ___________________________ Nombre de la madre ___________________________

Estado civil(2) S  C  V  D  Sp

Domicilio en España Nº ___________________________ Piso ___________________________

Localidad ___________________________ C.P. ___________________________ Provincia ___________________________

Teléfono ___________________________ E-mail ___________________________

COMUNICO ante las Autoridades españolas mi acceso a plazas de formación sanitaria especializada como Licenciado / Graduado en(3) ___________________________

y el inicio de la actividad laboral correspondiente, con fecha (1) ______ / ______ / ______ en la entidad cuyos datos se indican a continuación:

Nombre/Razón Social ___________________________ NIF ___________________________

Actividad ___________________________

Domicilio C./Pl. Nº ___________________________ Piso ___________________________

Localidad ___________________________ C.P. ___________________________ Provincia ___________________________

Teléfono ___________________________ E-mail ___________________________

todo ello en cumplimiento de la obligación establecida en el art. 43 del RD 557/2011

En ………………………, a ….. de ………………….. de ……..

FIRMA

RELLENAR EN MAYÚSCULAS CON BOLÍGRAFO NEGRO Y LETRA DE IMPRENTA O A MÁQUINA. IMPRESO GRATUITO. PROHIBIDA SU VENTA
SE PRESENTARÁ ORIGINAL Y COPIA

(1) Rellenar utilizando 2 dígitos para el día, 2 para el mes y 4 para el año, en este orden (dd/mm/aaaa)

(2) Marque el cuadro que proceda. Soltero / Casado / Viudo / Divorciado / Separado

(3) Indique Medicina, Farmacia, Enfermería u otro título universitario habilitante

DIRIGIDA A : OFICINA DE EXTRANJERÍA PROVINCIA ………………………………………..
Appendix 2. Application form requesting issue of a letter of invitation

1) DATOS PERSONALES DEL SOLICITANTE

<table>
<thead>
<tr>
<th>1ºApellido</th>
<th>2ºApellido</th>
<th>Nombre</th>
<th>Sexo</th>
<th>Fecha de Nacimiento</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lugar de nacimiento</th>
<th>País de nacionalidad</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Domicilio en España</th>
<th>T.Vía</th>
<th>Nombre</th>
<th>Nº</th>
<th>CP</th>
<th>Localidad</th>
<th>Provincia</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2) DATOS DE LA INVITACIÓN

El solicitante manifiesta expresamente que realiza la invitación en los siguientes términos:

Periodo previsto de estancia desde el ....................... hasta el ....................... 

Lugar de alojamiento: 

- Segunda vivienda, C/................................. 
- Domicilio principal 
- Contrato de arrendamiento 
- Escritura pública o título de propiedad 
- Certificación del Registro de la Propiedad 
- Certificación municipal acreditativo del nº de personas empadronadas o que conviven en la vivienda 
- Certificado o Justificante del presidente de la Comunidad de Propietarios a la que pertenece la vivienda destinada al alojamiento, especificando el número de personas que conviven en la misma 
- Otros: ...................................................

Observaciones ..........................................................

3) DATOS DEL INVITADO/A

(De invitarse a más personas se expresarán los datos en otro impreso unido al presente)

<table>
<thead>
<tr>
<th>1ºApellido</th>
<th>2ºApellido</th>
<th>Nombre</th>
<th>Sexo</th>
<th>Fecha de Nacimiento</th>
<th>Documento</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lugar de nacimiento</th>
<th>País de nacionalidad</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Domicilio en su país</th>
<th>T.Vía</th>
<th>Nombre</th>
<th>Nº</th>
<th>CP</th>
<th>Localidad</th>
<th>Estado/País</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Relación o vínculo con el invitante: ..............................................................

El solicitante manifiesta que está informado de:

Las advertencias que figuran al pie de la presente solicitud.

Que los datos reflejados serán incorporados al fichero informático ADEXTTRA de la Dirección General de la Policía y de la Guardia Civil.

El solicitante declara que toda la información expuesta es verídica.

Lugar, fecha y firma

El solicitante

Advertencias:

a) El Código Penal, aprobado por la Ley Orgánica 10/1995, de 23 de noviembre de 1995, tipifica como delito, en el artículo 318, bis: “el que directa o indirectamente, promueva, favorezca o facilite el tráfico ilegal o la inmigración clandestina de personas desde, en tránsito o con destino a España, será castigado con la pena de cuatro a ocho años de prisión.”

b) La Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social, tipifica como: *infracción grave: “promover la permanencia irregular en España de un extranjero, cuando su entrada legal haya contado con una invitación expresa del infractor y continúe a su cargo una vez transcurrido el período de tiempo permitido por su visado o autorización. Para graduar la sanción se tendrá en cuenta las circunstancias personales y familiares concurrentes.”* Imposición de multa, desde 501 a 10.000 euros, o desde 10.001 hasta 100.000 euros o expulsión del territorio nacional, con prohibición de entrada por un período de hasta 10 años, tal como disponen sus artículos 53.2.c), 54.1.b), 55.1.b) y c) y 57.1.

c) Los datos relativos a la identidad, número de pasaporte, nacionalidad y residencia, tanto del invitado como del invitante, serán incorporados a un fichero de la Dirección General de la Policía y de la Guardia Civil, con objeto de unificar la información en la gestión de los servicios de acceso, renovación y cancelación ante la Comisión General de Extranjería y Fronteras, de conformidad con lo establecido en la Ley Orgánica 15/1999, de 13 de diciembre, de protección de datos de carácter personal.
### Appendix 3. Form for authorisation of return

**Solicitud de autorización de regreso**


<table>
<thead>
<tr>
<th>EX-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exclusión para sellos de registro</td>
</tr>
</tbody>
</table>

#### 1) DATOS DEL EXTRANJERO/A

<table>
<thead>
<tr>
<th>N.I.E.</th>
<th>Nº PASAPORTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1º APELLIDO</td>
<td>2º APELLIDO</td>
</tr>
<tr>
<td>Nombre</td>
<td>Sexo (1)</td>
</tr>
<tr>
<td>Fecha de nacimiento (2)</td>
<td>Lugar</td>
</tr>
<tr>
<td>Nombre del padre</td>
<td>Nombre de la madre</td>
</tr>
<tr>
<td>Nacionalidad</td>
<td>Estado civil (3)</td>
</tr>
<tr>
<td>Domicilio en España</td>
<td>Nº</td>
</tr>
<tr>
<td>Localidad</td>
<td>C.P.</td>
</tr>
<tr>
<td>Provincia</td>
<td></td>
</tr>
<tr>
<td>Teléfono</td>
<td>E-mail</td>
</tr>
<tr>
<td>Representante legal, en su caso</td>
<td>D/Dª</td>
</tr>
</tbody>
</table>

#### 2) DATOS DEL PRESENTADOR DE LA SOLICITUD (5)

| Nombre/Razón Social | NIF/NIE |
| Domicilio en España | Nº | Piso |
| Localidad | C.P. |
| Provincia |
| Teléfono | E-mail |
| Representante legal, en su caso | D/Dª | NIF/NIE | Título |

#### 3) DOMICILIO A EFECTOS DE NOTIFICACIONES

| Nombre/Razón Social | NIF/NIE |
| Domicilio en España | Nº | Piso |
| Localidad | C.P. |
| Provincia |
| Teléfono móvil | E-mail |
| Solicito/Consiento que las comunicaciones y notificaciones se realicen por medios electrónicos (6) |

#### 4) DATOS RELATIVOS A LA SOLICITUD (7)

**4.1. Situaciones amparadas**

- [ ] Titular de autorización de residencia en período de renovación o prórroga (art. 5)
- [ ] Titular de autorización de estancia en período de prórroga (art. 5)
- [ ] Titular de tarjeta de identidad de extranjero en vigor en trámite de duplicado por robo, extravío, destrucción o inutilización (art. 5)
- [ ] Titular de autorización de residencia inicial en trámite de expedición de Tarjeta de Identidad de Extranjero, concurriendo razones excepcionales (art. 5)
- [ ] Titular de autorización de residencia inicial en trámite de expedición de Tarjeta de Identidad de Extranjero, concurriendo razones excepcionales (art. 5)
- [ ] Otros (especificar)

**4.2. Motivos que justifican la solicitud y permanencia prevista fuera de España**

- [ ] CONSIENTO la comprobación de mis datos de identidad a través de los Sistemas de Verificación de Datos de Identidad (en caso contrario, deberá aportarse los documentos correspondientes)

#### Firma del Solicitante (o representante legal, en su caso)

<table>
<thead>
<tr>
<th>DIRIGIDA A</th>
<th>PROVINCIA</th>
</tr>
</thead>
</table>

**69**

European Migration Network
INSTRUCCIONES DE CUMPLIMENTACIÓN

RELENAR EN MAYÚSCULAS CON BOLÍGRAFO NEGRO Y LETRA DE IMPRENTA O A MÁQUINA
SE PRESENTARÁ ORIGINAL Y COPIA DE ESTE IMPRESO

(1) Marque el cuadro que proceda. Hombre / Mujer
(2) Rellenar utilizando 2 dígitos para el día, 2 para el mes y 4 para el año, en este orden (dd/mm/aaaa)
(3) Marque el cuadro que proceda. Soltero / Casado / Viudo / Divorciado / Separado
(4) Indique el título en base al cual se ostenta la representación, por ejemplo: Padre/Madre del menor, Tutor..
(5) Rellenar sólo en el caso de ser persona distinta del solicitante
(6) Conforme Ley 11/2004 y Disposición Adicional 4ª del RD 557/2011 las personas jurídicas y los colectivos de personas físicas que, por razón de su capacidad económica o técnica, dedicación profesional u otros motivos acreditados tengan garantizado el acceso y disponibilidad de los medios tecnológicos precisos están obligados a la notificación por este medio.
(7) Marque el cuadro que corresponda

La información específica sobre trámites a realizar y documentación que debe acompañarse a este impreso de solicitud para cada uno de los procedimientos contemplados en el mismo (HOJAS INFORMATIVAS), se encuentra disponible en cualquiera de las siguientes direcciones web:

http://extranjeros.mtin.es Información sobre trámites y procedimientos – Hojas Informativas

Según el art. 5.1 L. O. 15/1999, se informa que los datos que suministren los interesados necesarios para resolver su petición se incorporarán a un fichero cuyos destinatarios serán los órganos de la Administración General del Estado con competencias en extranjería, siendo responsables del mismo la Dirección General de Inmigración, la Dirección General de la Policía y de la Guardia Civil y las Delegaciones o Subdelegaciones del Gobierno. El interesado podrá ejercitar su derecho de acceso, rectificación, cancelación y oposición ante los organismos mencionados

Los modelos oficiales podrán ser reproducidos por cualquier medio de impresión. Estarán disponibles, además de en las Unidades encargadas de su gestión, en la página de información de Internet del Ministerio de Trabajo e Inmigración
http://extranjeros.mtin.es

IMPRESO GRATUITO. PROHIBIDA SU VENTA

EX - 13
## Appendix 4. Visa application form

### Solicitud de visado nacional

<table>
<thead>
<tr>
<th>Impreso gratuito</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>1. Apellido(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Apellido(s) de nacimiento (apellido(s) anterior(es))</td>
</tr>
<tr>
<td>3. Nombre(s)</td>
</tr>
<tr>
<td>4. Fecha de nacimiento (día-mes-año)</td>
</tr>
<tr>
<td>5. Lugar de nacimiento</td>
</tr>
<tr>
<td>6. País de nacimiento</td>
</tr>
<tr>
<td>7. Nacionalidad actual</td>
</tr>
<tr>
<td>8. Nacionalidad de nacimiento, si difiere de la actual:</td>
</tr>
<tr>
<td>9. Sexo</td>
</tr>
<tr>
<td>□ Varón □ Mujer</td>
</tr>
<tr>
<td>10. Estado civil</td>
</tr>
<tr>
<td>□ Soltero/a □ Casado/a □ Separado/a □ Divorciado/a □ Viudo/a □ Otros ( especifique)</td>
</tr>
<tr>
<td>11. Para los menores de edad: apellidos, nombre, dirección (si difiere de la del solicitante) y nacionalidad de la persona que ejerce la patria potestad o del tutor legal</td>
</tr>
<tr>
<td>12. Número de documento nacional de identidad, si procede</td>
</tr>
<tr>
<td>13. Tipo de documento de viaje</td>
</tr>
<tr>
<td>□ Pasaporte ordinario □ Pasaporte diplomático □ Pasaporte de servicio □ Pasaporte oficial □ Pasaporte especial □ Otro documento de viaje (especifique)</td>
</tr>
<tr>
<td>14. Fecha de expedición</td>
</tr>
<tr>
<td>15. Válido hasta</td>
</tr>
<tr>
<td>16. Expedido por</td>
</tr>
<tr>
<td>17. Domicilio postal y dirección de correo electrónico del solicitante</td>
</tr>
<tr>
<td>Números de teléfono</td>
</tr>
<tr>
<td>18. Residente en un país distinto del país de nacionalidad actual</td>
</tr>
<tr>
<td>□ No □ Sí. Permiso de residencia o documento equivalente…………..Nº…………………….Válido hasta……………….</td>
</tr>
<tr>
<td>19. Profesión actual</td>
</tr>
</tbody>
</table>

---

1 Debe rellenarse con arreglo a los datos que figuren en el documento de viaje.
2 Debe rellenarse con arreglo a los datos que figuren en el documento de viaje.
3 Debe rellenarse con arreglo a los datos que figuren en el documento de viaje.

---

European Migration Network
20. Motivo principal del viaje:
- □ Residencia sin finalidad laboral (no habilita para trabajar)
- □ Residencia para reagrupación familiar
- □ Residencia y trabajo por cuenta ajena
- □ Residencia y trabajo por cuenta propia
- □ Residencia y trabajo de temporada por cuenta ajena (nueve meses al año)
- □ Estudios
- □ Investigación (en el marco de un convenio de acogida firmado por un organismo de investigación)
- □ Acreditación

21. Fecha de entrada prevista en España

22. Número de entradas solicitado: □ una □ dos □ múltiples

23. Domicilio postal del solicitante en España

24. Número de Identificación de Extranjero (NIE)
25. Fecha de notificación de la resolución dictada por el órgano de extranjería competente *

26. Datos del reagrupante en caso de solicitar un visado de residencia para reagrupación familiar
- Apellidos y nombre del reagrupante
- Parentesco (relación del solicitante con el reagrupante)
  - □ cónyuge
  - □ pareja de hecho
  - □ hijo/a (del reagrupante o cónyuge)
  - □ ascendiente de primer grado (del reagrupante o cónyuge) a su cargo
  - □ persona dependiente sujeta a representación legal del reagrupante

27. Datos del empleador o de la empresa en caso de solicitar un visado de residencia y trabajo
- Apellidos y nombre del empleador o nombre de la empresa y apellidos y nombre de la persona de contacto de la empresa
- Dirección postal del empleador o de la empresa
- Teléfono del empleador o de la empresa
- Correo electrónico del empleador o de la empresa
- Número de Identidad de Extranjero o Documento Nacional de Identidad del empleador o de la persona de contacto de la empresa
- Código de Identificación Fiscal de la empresa

* Datos imprescindibles cuando exista una resolución previa dictada por el órgano de extranjería competente en la que se autorice a residir o a trabajar al solicitante

* Datos imprescindibles cuando exista una resolución previa dictada por el órgano de extranjería competente en la que se autorice a residir o a trabajar al solicitante
28. Datos del centro de estudios o investigación en caso de solicitar un visado de estudios o de investigación

| Nombre del centro de estudios o investigación |
| Dirección postal del centro de estudios o investigación | Número de teléfono del centro de estudios o investigación |
| Correo electrónico del centro de estudios o investigación |
| Fecha prevista de inicio de los estudios o investigación | Fecha prevista de finalización de los estudios o investigación |

En caso de desplazamiento temporal de menores con fines educativos en programas promovidos y financiados por las Administraciones públicas, asociaciones sin ánimo de lucro u otras entidades o personas ajenas a quienes ejercen su patria potestad o tutela:

Apellidos y nombre de la persona que vaya a acoger al menor o nombre de la entidad de acogida y apellidos y nombre de la persona de contacto de la entidad

| Dirección postal de la persona que vaya a acoger al menor o de la entidad de acogida |
| Número de teléfono de la persona que vaya a acoger al menor o de la entidad de acogida |
| Correo electrónico de la persona que vaya a acoger al menor o de la entidad de acogida |
| Número de Identidad de Extranjero o Documento Nacional de Identidad de la persona que vaya a acoger al menor o de la persona de contacto de la entidad |

Tengo conocimiento de lo siguiente y consiento en ello: la recogida de los datos que se exigen en el presente impreso y la toma de mi fotografía son obligatorias para el examen de la solicitud de visado. Los datos personales que me conciernen y que figuran en el impreso de solicitud de visado, así como mi fotografía, se comunicarán a las autoridades competentes y serán tratados por dichas autoridades a efectos de la decisión sobre mi solicitud de visado. Estos datos, así como la decisión que se adopte sobre mi solicitud, se introducirán y se almacenarán en una base de datos. La autoridad responsable de su tratamiento será la Oficina Consular en la que ha sido presentada la solicitud de visado. Estos datos podrán estar accesibles a las autoridades competentes para realizar controles de los visados en las fronteras exteriores y en España; a las autoridades de inmigración y asilo a efectos de verificar si se cumplen las condiciones para la entrada, estancia y residencia legales en el territorio de España; para identificar a las personas que no cumplen o han dejado de cumplir estas condiciones; para examinar peticiones de asilo y para determinar la responsabilidad de tal examen.

Me consta que puedo ejercer mis derechos de acceso, rectificación, oposición y cancelación de mis datos personales, de conformidad con lo dispuesto en la Ley Orgánica 15/1999, de 13 de diciembre, de Protección de Datos de Carácter Personal, dirigiéndome por escrito a la Dirección General de Asuntos y Asistencia Consulares del Ministerio de Asuntos Exteriores y de Cooperación, calle Ruiz de Alarcón, número 5, Madrid (C.P. 28071).
Declaro que a mi leal entender todos los datos por mí presentados son correctos y completos. Tengo conocimiento de que toda declaración falsa podrá ser motivo de denegación de mi solicitud o de anulación del visado concedido.

Me consta que una vez presentada la solicitud de visado, se devolverá al solicitante una copia de este impreso sellada con indicación de la fecha y el lugar de recepción y que se podrá acordar con el solicitante el medio para efectuar los requerimientos de subsanación o aportación de documentos o certificaciones exigidos, así como para efectuar las citaciones de comparecencia y las notificaciones de resolución.

Las citaciones y requerimientos se realizarán a través del teléfono o del telefax de contacto proporcionado por el interesado o su representante legal. Si resultan desatendidos se cursarán por escrito al domicilio fijado en la solicitud, el cual deberá estar situado en la demarcación consular.

Las citaciones o requerimientos cursados deberán atenderse en un plazo máximo de diez días, salvo si se requiere la comparecencia personal, en cuyo caso, el plazo es de quince días.

Agotadas todas las posibilidades de notificación, se efectuará mediante anuncio publicado durante diez días en el correspondiente tablón de la Oficina Consular.

De resultar desatendidos en su plazo los requerimientos o citaciones, se tendrá al solicitante por desistido, y se le notificará la resolución por la que se declara el desistimiento.

El plazo máximo, y no prorrogable, para notificar las resoluciones sobre las solicitudes de visado nacional será de un mes, contado a partir del día siguiente al de la fecha en que la solicitud haya sido presentada en forma en la Oficina Consular competente para su tramitación, salvo en el caso de los visados de residencia no lucrativa, en los que el plazo máximo será de tres meses. En este último caso, la solicitud de la pertinente autorización de residencia que tiene que ser dictada por parte de la Delegación o Subdelegación del Gobierno que corresponda interrumpirá el cómputo del plazo, hasta que se comunique la resolución a la Oficina Consular.

El visado concedido deberá ser recogido en el plazo de un mes, salvo si se trata de un visado para reagrupación familiar o para estudios, en cuyo caso el plazo de recogida será de dos meses. De no efectuarse la recogida en los plazos mencionados, se entenderá que el interesado ha renunciado al visado concedido y se archivará el expediente.

Tengo conocimiento de que la denegación del visado no da lugar al reembolso de los gastos de tramitación del visado.

29. Lugar y fecha
30. Firma (en caso de menores, firma de la persona que ejerce la patria potestad o del tutor legal)
DECLARACIÓN JURADA DE CÓNYUGE O PAREJA PARA REAGRUPACIÓN FAMILIAR
(RD 557/2011)

Nombre ___________________________ 1º Apellido ___________________________
2º Apellido ___________________________
Nacionalidad ___________________________ NIE ___________________________
Pasaporte N° ___________________________
Fecha de nacimiento(1) __________ / __________ / __________ Localidad ___________________________
País ___________________________
Nombre del padre ___________________________
Nombre de la madre ___________________________
Estado civil(2) S  C  V  D  Sp  Sp  Sp  Sp  Sp
Domicilio en España ____________________________________________________________________________
Localidad ___________________________
C.P. ___________________________
Provincia ___________________________
Teléfono ___________________________
E-mail ___________________________

DECLARO ante las Autoridades españolas que no reside conmigo en España ningún otro cónyuge o pareja. Todo ello en cumplimiento de la obligación establecida en el art. 56 del RD 557/2011.

En ………………………, a ….. de ………………….. de …….

FIRMA

(1) Rellenar utilizando 2 dígitos para el día, 2 para el mes y 4 para el año, en este orden (dd/mm/aaaa)

(2) Marque el cuadro que proceda. Soltero / Casado / Viudo / Divorciado / Separado
### Appendix 6. Pledge to return document

**COMPROMISO DE RETORNO**
EN AUTORIZACIONES DE RESIDENCIA Y TRABAJO POR CUENTA AJENA DE DURACIÓN DETERMINADA  
(RD 557/2011)

<table>
<thead>
<tr>
<th>Nombre</th>
<th>1º Apellido</th>
<th>2º Apellido</th>
<th>Nacionalidad</th>
<th>NIE</th>
<th>Pasaporte Nº</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fecha de nacimiento</td>
<td>/</td>
<td>/</td>
<td>Localidad</td>
<td>País</td>
<td></td>
</tr>
<tr>
<td>Nombre del padre</td>
<td>Nombre de la madre</td>
<td>Estado civil</td>
<td>S  C  V  D</td>
<td>Nº</td>
<td>Piso</td>
</tr>
<tr>
<td>Domíncio en España</td>
<td></td>
<td></td>
<td></td>
<td>C.P.</td>
<td>Provincia</td>
</tr>
<tr>
<td>Teléfono</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E-mail</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ME COMPROMETO** ante las Autoridades españolas, en cumplimiento de la obligación establecida en el art. 101 del RD 557/2011, a retornar a mi país de origen/residencia una vez concluida la relación laboral para la que he sido contratado en España y por la cual se me ha concedido Autorización de Residencia y Trabajo por cuenta ajena de duración determinada solicitada por el empleador que a continuación se detalla:

| Nombre/Razón Social | |
| Actividad | |
| | |

En ………………………, a ….. de ………………….. de ……..

FIRMA (representante legal, en su caso)

---

(1) Rellenar utilizando 2 dígitos para el día, 2 para el mes y 4 para el año, en este orden (dd/mm/aaaa)
(2) Marque el cuadro que proceda. Soltero / Casado / Viudo / Divorciado / Separado
(3) Indique el título en base al cual se ostenta la representación, por ejemplo: Padre/Madre del menor, Tutor, ...
(4) Indique la actividad principal, por ejemplo: agricultura, construcción, hostelería, comercio, sanidad, ...

**RELLENAR EN MAYÚSCULAS CON BOLÍGRAFO NEGRO Y LETRA DE IMPRENTA O A MÁQUINA.**
**IMPRESO GRATUITO. PROHIBIDA SU VENTA.**
References


• IOM International Migration Law No. 16: Laws for Legal Immigration in the 27 EU Member States (2008).


Legal Texts:


• Royal Decree 240/2007 of 16 February, regarding the entry, free movement and residence in Spain of EU Member States and other States Parties to the Agreement on the European Economic Area.


