

RESIDENCE AUTHORIZATION AND VISA FOR FAMILY OF SPANISH CITIZENS LIVING IN AUSTRALIA

Visa for family members of SPANISH CITIZENS who wish to exercise the right to family reunification. The Spanish national and the foreign family member are located outside the national territory and want to relocate and establish their residence in Spain.

This type of visa is not applicable to nationals of the European Union or of the Member States of the European Economic Area or of Switzerland.

Family members who can obtain a residence and visa for family of Spanish citizens

- a) The spouse not separated legally or de facto. Reunification cannot be offered to more than one spouse or partner.
- b) The registered partner provided that the registration has not been cancelled)
- c) The unmarried foreign couple over eighteen years of age who maintains a duly proven stable relationship with a person of Spanish nationality. It requires a cohabitation relationship analogous to marriage, within or outside of Spain, of at least twelve continuous months.
- d) The children of the spouse, registered partner, or stable partner, as long as they also reside or are going to reside in Spain, who are under twenty-six years old, or older than that age but depending on the Spanish citizen, or who have a disability requiring support. In all previous cases, children should not be married or emancipated. If they are married or emancipated, they may apply for the authorizations in accordance with the provisions of paragraph i) of this section, proving that all members of that family unit are dependent on the person with Spanish nationality. In the case of adopted children, the legal resolution must include the necessary elements to produce effects in Spain in accordance with national and international regulations. Children of the spouse, or of the registered partner or stable partner, who are under eighteen years of age, they may obtain residence authorization if the foreign parent exercises parental authority or custody exclusively or, failing that, if the other holder of custody rights has given consent before a public authority or notary public. Such consent shall not be necessary when those minor children have been born in Spain and have remained in our country since their birth.
- e) The direct first-degree ascendants in the direct line and those of their spouse, or registered partner or stable partner (as long as there has been no agreement or declaration nullifying the marriage bond, or divorce, or the registration of the partnership has not been cancelled) in the following cases: 1.º when they prove that they depend on him/her and lack family support in their country of origin, 2.º when humanitarian reasons exist.

f) The father, mother, guardian or tutor of a minor of Spanish nationality, if the applicant is responsible for the minor and lives with him/her and is up to date with the obligations regarding the minor. This legal relationship must have been established according to Spanish law.

g) A single relative, up to the second degree, who provides or is going to provide the care needed by a person of Spanish nationality according to Article 26 of Law 39/2006, of December 14, on the Promotion of Personal Autonomy and Care for people in a situation of dependence.

h) The children whose father or mother is or has been a Spanish national by birth.

i) Other family members not included in the previous sections, who can credibly demonstrate, at the time of application, that they are dependent on the applicant.

Required documents

1. National visa application form. Each applicant must complete and sign a visa application form, filling in each of its sections. If the applicant is a minor, one of their parents or guardians or a duly accredited representative must sign the application.

2. Photograph. A recent, passport-size, colour photograph, taken against a light background, facing forward, without dark or reflective glasses, or any garments concealing the oval of the face.

3. Valid, unexpired passport. Original and a photocopy of the page or pages of the passport that contain biometric data. The passport must have a minimum validity period of 1 year and must contain two blank pages. Passports issued more than 10 years ago will not be accepted.

4. Initial family reunification authorization form EX24 Modelos generales - Migrations - Ministerio de Inclusión, Seguridad Social y Migraciones

5. Copy of the Spanish citizen Passport or DNI.

6. Documents proving family relationship with the Spanish citizen.

Spouses: Marriage certificate issued by the competent civil registry. In the event of second or successive marriage, proof of divorce from the previous spouse. Additionally, a responsible declaration from the Spanish national stating that no other spouse or partner resides with them in Spain, is required. Original and photocopy.

Unmarried couples: Certificate of registration as an unmarried couple or, if not registered, documents proving that the couple's relationship dates back to the time before the applicant established his/her residence in Spain and if applicable, the birth certificate of any common children. Additionally, a responsible declaration from the Spanish national stating that no other spouse or partner resides with them in Spain, is required. Original and photocopy.

- Children: Birth certificate issued by the competent civil registry. In the case of the children of just one of the spouses or members of the couple, proof that he/she holds sole parental authority over the child or that they have been awarded custody and that the child is effectively in their care. Original and photocopy.

Parents: Birth certificate of the applicant or of the spouse or partner issued by the competent civil registry and documents substantiating the reasons proving the dependency, cohabitation and degree of relationship with the Spanish citizen, or serious illness or disability. Original and photocopy.

Foreign documents must be legalized or apostilled and, where applicable, must be submitted together with an official translation into Spanish.

7. Criminal record check certificate. Name and Fingerprint check. Applicants of legal age must submit both the original and a copy of the criminal record check certificate(s) issued by their country or countries of residence for the past 5 years. Foreign documents must be legalized or apostilled and, where applicable, must be submitted together with an official translation into Spanish.

This certificate cannot be older than 6 months, unless the certificate itself specifies a longer expiration.

These certificates must be legalised through the Spanish Representations in the issuing country or, in the case of signatory countries to the Hague Convention of October 5, 1961, hold the Hague Apostille, except official documents issued by a Member State of the European Union, which will not require to be legalised.

Sworn translation into Spanish is also required.

8. Medical certificate. Original and a copy of a medical certificate accrediting that the applicant does not suffer from any disease that could cause serious repercussions for public health pursuant to the 2005 International Health Regulations. Foreign documents must be legalized or apostilled and, where applicable, must be submitted together with an official translation into Spanish.

This certificate cannot be older than 3 months and must be issued by a registered medical practitioner; it must be formulated in the following terms or similarly:

- If the medical certificate is issued in Australia: "This health certificate states that Mr./Mrs. (...) does not suffer from any of the diseases that may have serious public health repercussions in accordance with what is stipulated by the International Health Regulations of 2005"

Certificates issued in a language different from Spanish must be submitted together with a sworn translation into Spanish.

- If the medical certificate is issued in Spain: "Este certificado médico acredita que el Sr./Sra. (...) no padece ninguna de las enfermedades que pueden tener repercusiones para la salud pública graves, de conformidad con lo dispuesto en el reglamento sanitario internacional de 2005"

This Consulate does not provide information about medical centres that issue this certificate. The applicant may contact any public or private medical centre duly accredited in the territory of the United Kingdom or Spain. Medical certificates issued in countries other than Spain, Australia, or Papua New Guinea, Nauru, Solomon Islands Tuvalu and Vanuatu (for residents of those countries) will not be accepted.

These certificates must hold the Hague Apostille (except documents issued by Spain, which will not require to be legalised).

9. Proof of residence in the consular district. The applicant must provide proof of their legal residence in the consular district or that they are attending classes, in person, in the consular district. To verify your consular district, please visit the relevant web section of this Consulate.

10. Proof of the representative's identity and capacity. If the applicant is a minor, a copy of the identity document or passport of the parent, guardian or representative and of the document constituting proof of kinship or guardianship or power of attorney or the document accrediting representation must be submitted. Original documents must be shown when submitting the application. Foreign documents must be legalized or apostilled and, where applicable, must be submitted together with an official translation into Spanish.

11. Payment of the visa fee. No visa fee

When necessary to assess the application, the Consular Office may request additional documents or data and may also ask the applicant to come in for a personal interview.

Procedure

This Consular Office is competent to accept visa applications from individuals residing in the consular district of New South Wales, Queensland Northern Territory, or in our Jurisdictions of Papua New Guinea, Nauru, Solomon Islands, Tuvalu and Vanuatu.

- Who can apply for a visa: The visa application must be submitted in person by the applicant. If the applicant is a minor, the application may be submitted by one of the parents or guardians or by a duly accredited representative.

- Place of submission: Consulate General of Spain in Sydney, Level 24, 31 Market Street Sydney NSW 2000 Australia.

- Rectifying the application: The Consular Office may ask the applicant to submit any missing documents, or to provide additional documents or data that are necessary for a decision regarding the application, or required for a personal interview.

- Decision period: The legal period for reaching a decision is of 2 months and 15 days as of the day after the application submission date, but this period may be extended if an interview or additional documents are requested.

- Collecting the visa: The visa must be collected in person by the applicant or by their representative (if the applicant is a minor) within a maximum period of 1 month, counted as of the day after the date on which the favourable decision is notified. The Consular Office will inform the applicant regarding the procedure for the return of the passport and any other original documentation.

- Visa refusal: Visa refusals will always be notified in writing, setting forth the grounds on which the decision adopted was based.

- Appeals: If a visa is refused, the applicant may submit an appeal for reconsideration to this Consular Office within 1 month of the day following the date on which notification of the refusal is received.

The appeal addressed to the Visa Department must be posted by Royal Mail or other courier service provider to this Consulate. All the documents included in the appeal must be translated into Spanish.

An application for judicial review may also be filed with the High Court of Justice of Madrid within the 2-month period beginning the day after the date on which the applicant receives notification of the visa refusal or of the dismissal of the reconsideration appeal.

- Validity period of the visa: The visa will be valid for 1 year. Once in Spain, the holder must apply for a Foreigner Identification Card within 1 month from the applicant's entry into Spain, at the Foreign Nationals' Office or the Police Station of the province in which the residence permit was processed.

SWORN TRANSLATIONS AND LEGALISATIONS

Please visit the relevant web section of this Consulate for the list of sworn translators- interpreters.

The legalisations and Hague Apostilles must legalise the signatures of the signatories of the certificates: registered medical practitioners, police officers, etc. and not the signature of notaries or solicitors who did not issue those certificates. In Australia these are issued by the Australian Department of Foreign Affairs and Trade (DFAT)

The Hague Apostille does not need to be translated into Spanish if one of the languages of issuance is Spanish.

