

**IF YOU ARE
A WOMAN,
GET ADVICE
ON HOW TO
REGULATE
YOUR
SITUATION
IN SPAIN**

Ajuntament de
Barcelona



You should know that, by law, a person in an initial illegal situation is one who has entered Spain without authorisation (without having the suitable permits) or who entered through the proper channels (with a suitable letter of authorisation and/or visa) and exceeded the permitted time of stay which varies according to the law. There can also be unforeseen unauthorised situations, such as the denial of a renewal or a renewal missing its deadline.

Get advice on how to regulate your situation

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A WOMAN IN AN UNAUTHORISED ADMINISTRATIVE SITUATION WHAT SHOULD YOU DO? WHAT SHOULD YOU SETTLE?

Settlement is the possibility offered to foreigners who have been in Spain for years in an unauthorised administrative situation in order to regularise their situation and obtain a work and residency permit.

Different types of settlement are:

- **Work settlement.** Enables a residency permit to be obtained by demonstrating the existence of a working relationship.

Remember that if you are working without a contract and don't have a work permit or residency permit you are protected by law. You can request working settlement by reporting your company. You will need the court ruling that recognises the working relationship or the administrative ruling confirming infringement of the Work and Social Welfare Inspection to be able to begin the working settlement request.

If, for example, you are doing domestic work without documentation for others, you should know that you can report the person you are working for or the company and in this manner, regularise your administrative situation in Spain.

- **Social settlement.** You can obtain legal residency by means of social settlement if you can accredit continuous residency in Spain for a minimum period of three years (certificate of citizen registration), have no criminal record, have a working contract of at least one year in duration and can provide a report issued by the *Generalitat de Catalunya* (Government of Catalonia).

Citizen registration involves your registering as a resident in the city in which you live. To carry out this essential process, you must go in person to the corresponding council office.

To obtain the report on social settlement you must apply to the Ministry of Social Welfare and Family of the Government of Catalonia, attaching the following documentation: citizen registration slip, work contract for one year signed by the contracting person or company and the applicant, family ties to Spain, participation in social, occupational or cultural integration programmes, accrediting courses taken and language level achieved (Spanish and Catalan) and participation in other areas of the community: health, teaching, all types of organisations (leisure, sports, religious, libraries and other cultural areas).

After reviewing the application and documentation, the Ministry of Social Welfare and Family will issue a positive or negative report on your social integration in your municipality of residence.

Remember if you meet the settlement requirements but have a criminal record your request will be denied. It is advisable first to apply for the cancellation of your police records.

To obtain this you must apply to the Directorate-General of the autonomous Police - *Mossos d'Esquadra* (Travessera de les Corts, 319, Barcelona) attaching a notarised copy of the interlocutory decision made in the judicial proceedings and/or the judicial certificate accrediting the termination of the penal and/or civil liability derived from the sentence.

WOMEN IN UNAUTHORISED ADMINISTRATIVE SITUATION

You should know that the first residency and work permit has a duration of one year. When this year is over you must apply for renewal.

In the event of legal and continuous residency in Spain you can obtain Spanish nationality. The documentation is presented at the Civil Registry in your place of residence.

To obtain Spanish nationality you have to prove your residency in Spain for 10 years. Two years is sufficient for persons from Iberoamerican countries, Andorra, the Philippines, Equatorial Guinea and Sephardics, and one year for children who were born in Spanish territory and for women married to Spanish men or women.

You must be able to justify good civil conduct and have no criminal record.

If as a woman you are or have been a victim of gender violence, you should know that you have two types of permits:

1. Reunited foreign women: residency and work permit independent of her spouse or partner.

A woman reunited with her spouse can obtain an independent residency permit when she has an independent livelihood to meet her own needs (usually a work contract) or in the case of victims of gender violence, even if she does not have her own resources.

2. Foreign women in an unauthorised administrative situation: residency and work permit due to exceptional circumstances.

The permit will be obtained once a protection order is granted in favour of the woman or, if applicable, a report from the Public Prosecutor indicating the existence of signs of gender violence is issued.

Processing of permit applications will be preferential.

Once the application for temporary residency and work permit is presented for **the woman victim of gender violence**, it will be granted, ex officio, to the foreign woman and if necessary, residency or work and residency permits will be issued for her minor children provided that there is a protection order for the woman or a report from the Public Prosecutor indicating the existence of signs of gender violence.

You should know that if, as a woman, you report a situation of gender violence and you are in an unauthorised administrative situation the, the **sanctioning** administrative **procedure** will **NOT** be started.

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Likewise, **refugee status will be granted to women who are victims of gender violence** who are outside their country of nationality and who cannot, due to the risk to their lives (serious acts of persecution), or do not want to seek the protection of said country; or **the condition of a stateless woman** who, without a nationality and outside her previous country of usual residence, for the same reasons cannot or, due to the aforementioned fears, does not want to return to that country.

This concerns the protection of a woman who suffers serious acts of persecution in her country: acts of physical or psychological abuse. Including acts of sexual violence. This includes all women who, according to the circumstances prevailing in their country of origin, have fled because of well-founded fear of persecution on grounds of gender.

HOW CAN I BRING MY FAMILY MEMBERS TO LIVE IN SPAIN?

The spouse can be reunited provided there is no separation in fact or by law and the marriage is not false.

The stable couple can also be reunited, provided that the relationship is duly accredited.

Children can also be reunited provided that they are under 18 years of age.

Parents can also be reunited if they are over 65 years of age and in your care. It is important to demonstrate money has been sent during the year prior to the application to reunite, in order to demonstrate effective and real financial dependency.

As a woman, **remember** that if you are the resident applying to reunite, your residency permit must have a renewed or long-term permit and sufficient livelihood to maintain the members of your family and you must demonstrate that you have a suitable home (procedure out at the Council office of your place of residence).

You should know that there is a scale of assessment for establishing the financial income requiring accreditation depending on the number of family members you want to reunite. Usually you need to attach the last twelve salary slips.



If you are a woman reunited with your spouse and you are a victim of gender violence by this person, even though you do not have a financial income, you can still obtain documentation independently of your spouse from the moment the protection order is granted or, if applicable, the report of the Public Prosecutor which indicates the existence of signs of gender violence is issued.

WHAT CAN I DO WHEN FACED WITH A PROCEDURE FOR DEPORTATION AND INTERNMENT IN A CENTRE?

Remember that once a person is detected in an unauthorised administrative situation, the police may open sanctioning proceedings which could result in a fine, deportation or a record.

You should know that notification of the decision to start the deportation procedure must be carried out in the presence of a solicitor (private or court-appointed). This solicitor has a period of 48 hours to submit a defence. It is important to bring all of the documentation of settlement in Spain (citizens registration, family member, etc.). In the event of rejection of defence, an appeal can be made to the court and in the case of being held in a centre for foreigners, urgent precautionary measures can be requested from the judge to avoid deportation.

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MARRIAGE AND DIVORCE OF FOREIGN WOMEN

Marriages taking place abroad must be registered in the Central Civil Registry in order to be valid in Spain.

You should know that Spanish law will be applied in the event separation or divorce, if mutually agreed. If there is no agreement it will be governed by the common national law of the spouses. In the absence of a common nationality between the spouses, it will be governed by the law of the usual common residence of the married couple or in its absence, by the law of the last usual common residence of the married couple.

Remember if the country in which the marriage took place does not recognise separation or divorce you can recourse to Spanish law. If separation or divorce exists, but with discriminatory content or against public order you can recourse to Spanish law.



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As a woman, you should know that you have the right to the application of Spanish law, if the law of your country discriminates against you because of your gender.

Separation or divorce obtained in Spain requires judicial proceedings in the country of origin so that the validity of the sentence issued to the foreigner is recognised.

You should know that you can apply to the court for measures to prevent your children from leaving Spain without your consent.

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For further information,
you can visit us
for advice at the
**Information and Support
Points for the Women
of Barcelona.**

You can find our
contact details at:
barcelona.cat/dones

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