

NEW PROCEDURE FOR THE ACQUISITION OF SPANISH NATIONALITY

The Government has approved the new regulation that shall govern the acquisition of Spanish citizenship by residence.

The new regulation, published on November 7, 2015, establishes a purely administrative procedure (formerly was both a court and administrative procedure), which is now based exclusively on electronic application, making it significantly shorter and more agile to obtain a resolution.

The procedure will now be controlled by the Governing Body of Registries and Notaries, and the decision shall be notified to the applicant within a period of one year from the filing of the application.

Along with its streamlining and full administrative procedure, the new regulation is intended to establish the procedure for the acquisition of the Spanish nationality by residence by means of introducing significant changes to the former regulation, namely:

- *It will be required to pass an examination on Spanish constitutional and socio-cultural issues, consisting of 25 questions (15 successful will be necessary to qualify as suitable);*
- *It will be necessary to show knowledge and control of the Spanish language.*

It will not be until June 30, 2017, when those who apply to obtain the Spanish nationality are obliged to submit the application exclusively by electronical means.

We cannot forget the requirements set by Article 22 of the Spanish Civil Code governing access to Spanish nationality:

For the granting of Spanish citizenship by residence it is required that residence in Spain has lasted ten years. Five years will suffice for those who have obtained refugee status, and two years in the case of citizens from Latin American countries, Andorra, Philippines, Equatorial Guinea or Portugal, or Sephardic.

One year residence will be sufficient for:

- a) Those born in Spanish territory.
- b) Those that have not timely exercised their right to apply.
- c) Those that have been legally subject to guardianship, custody or foster care of a Spanish citizen or institution for two consecutive years, even if they continue in such a situation at the time of application.
- d) Those that at the time of the application were married to a Spanish citizen and were not legally or “de facto” separated.
- e) The widow or widower of a Spanish citizen, if at the moment of the spouse's death they were not legally or “de facto” separated.
- f) Those born outside Spain with a parent or a grandparent of Spanish origin.

In all cases, the residence must be legal, continuous and immediately prior to the application.

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