

Global Immigration alert

May 2025

Spain

Reforms to regulations allowing third-country nationals to regularize their immigration status in Spain

Executive summary

The Spanish Secretary of State for Migrations recently issued official instructions to clarify aspects of the Foreigners Regulation (i.e., Royal Decree 1155/2024), which implements Organic Law 4/2000 regarding the ability of impacted third-country nationals to regularize their immigration status in Spain and become compliant with local Spanish immigration laws. These provisions went into effect on 20 May 2025.

Background

In November 2024, the Council of Ministers approved Royal Decree 1155/2024 of 19 November 2024, which implements Organic Law 4/2000 of 11 January 2025. This regulation introduced significant reforms aimed at aligning Spanish legislation with EU law and enhancing the rights of third-country nationals in Spain, including those who remained beyond their permitted period of stay, or otherwise failed to comply with the terms and conditions of their immigration status in Spain.

Key developments

On 13 May 2025, the Spanish authorities published two official instructions to clarify certain aspects of the reform and establish criteria for immigration offices to follow. The instructions focus on two types of residence permits:

- **Temporary residence for family members of Spanish nationals:** This type of temporary residence permit is valid for five years unless a shorter duration is requested. Applicants may request authorization from abroad or within Spain. In both cases, it takes effect upon submission of the application. Both children and ascendants (e.g., parents, grandparents) of Spanish nationals are eligible to apply for this residence permit, which is now processed separately from the previous pathway for EU citizens' family members.

Key aspects of extended family reunification include no limit on the number of family members for reunification, inclusion of all degrees of kinship, and the requirement that the condition of dependency must have existed in the country of origin or residence (i.e., prior to seeking residence in Spain). In all scenarios, applicants must demonstrate sufficient financial resources for reunification. Additionally, applicants must submit criminal record certificates (confirming they do not have a criminal record) issued by competent authorities in the countries where they have resided in the past five years. Individualized assessments will be conducted for those with a criminal history.

- **Temporary residence permits due to exceptional circumstances for "arraigo" (individuals with special ties to Spain):**
 - **General requirements:** Applicants must demonstrate that they have resided in Spain for at least two years prior to submitting their application under this category. This regulation does not apply to family "arraigos," (i.e., individuals with family-based ties to Spain).
 - **"Arraigo" for restoration of residence (second chance):** This sub-type of the temporary residence permit is available to individuals who previously held a residence authorization that could be renewed but whose renewal or extension was either rejected or not processed due to late submission of the application.
 - **Socio-occupational "arraigo" (labor and social integration):** Applicants for this sub-type of the temporary residence permit may submit their applications upon demonstrating that they are currently working for at least 20 hours per week and hold one or more employment contracts



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for 90 days or more that pay them at least the minimum wage.

- *Social “arraigo”*: Applicants for this sub-type of the temporary residence permit must demonstrate either direct family ties or provide a report confirming efforts toward social integration in Spain and prove that they have sufficient financial means.
- *Socio-formative “arraigo”*: Applicants for this sub-type of the temporary residence permit may request residence authorization if they are enrolled in, currently studying at, or have applied for admission to, an eligible academic program. Blended learning programs are permitted, provided that at least 50% of the coursework is conducted in person. This type of authorization may not be granted more than once within any three-year period.
- *Family “arraigo”*: This sub-type of the temporary residence permit emphasizes family unity and the social integration of “vulnerable” family members. The initial residence permit granted under this category is temporary. It is typically granted for one year and may be renewed upon meeting the established requirements. It applies to two specific categories of individuals: (a) parents of a Spanish minor or an EU citizen child; (b) caregivers of a Spanish or EU citizen with a disability. Applicants must provide valid proof of the family relationship (e.g., birth certificate, legal guardianship documents) and evidence of caregiving responsibilities where applicable. Compliance with financial solvency and health insurance criteria established by Spanish immigration laws is also required. Unlike other categories of “arraigos,” the two-year requirement does not apply to this permit sub-type.
- *Minors*: This sub-type of the temporary residence permit allows minors to access public education, healthcare, and social services. It is typically granted for one year and may be renewed until the permit holder reaches the age of majority or their legal status changes. This regulatory update eliminates the need to rely on residence permits granted under exceptional circumstances (“arraigo social”) for minors, providing a clearer and more stable legal pathway.

Impact on employers

These changes are expected to benefit employers by addressing gaps in the local labor market, increasing access to foreign talent, simplifying immigration processes and enhancing workforce stability through clearer residence guidelines, ultimately facilitating the hiring and retention of foreign talent.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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