

# GMS Flash Alert

## Immigration Edition

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# Argentina - "Grandsons Law" Offers New Opportunities for Obtaining Spanish Citizenship

Under a new law, as of Friday, 21 October 2022, Spain is introducing a new scheme enabling certain Argentine nationals to obtain Spanish citizenship.<sup>1</sup>

The law is intended to offer citizenship to those Argentines who descend from citizens of Spain who were persecuted in Spain during the regime of Spanish dictator Francisco Franco and obliged to go into exile for political, ideological, or belief reasons.

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## WHY THIS MATTERS

This new scheme will offer enhanced options for eligible Argentine nationals to live and work in Spain and have access to other Schengen area countries.

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## More Details

One of the law's measures also provides for the possibility that children of Spanish women who married foreigners before the 1978 Constitution and who, for this reason, have lost their Spanish citizenship, may themselves seek Spanish citizenship.

The third option is to be of legal age and the sons and daughters of a father or mother whose Spanish citizenship has been recognized by virtue of having been legally adopted in accordance with the Historical Memory Law (*Ley de Memoria Democrática* or *Ley de Nietos*) – in force between 2007 and 2011 – or the new Grandson Law.

An important clarification: the completed application must be made to the appropriate Consulate within two years from Friday, 21 October, the day on which the new law came into force.

The new law does not stipulate any age limit to be applied. Moreover, there is no need for the applicant to live in Spain for a certain amount of time.

Argentineans who get Spanish citizenship will be granted the right to access Spain's labor market and the country's educational system, in addition will be allowed free movement throughout the Schengen area.

## Requirements to Apply for Citizenship of Spain

Argentineans interested in obtaining Spanish citizenship within the framework of the new law must apply for an appointment at the General Consulate of Spain corresponding to their place of residence in Argentina with the following documentation:

- Certificate of option of Spanish nationality (*Acta de opción por la nacionalidad española*).
- Birth certificate of the Spanish parents in case it is not registered in the Spanish Civil Registry.
- Birth certificate of the interested party issued by the Argentinean Civil Registry, duly apostilled.
- Marriage certificate of the parents or birth certificate of the father or mother who does not have Spanish nationality.
- Spanish passport or death certificate of the Spanish parent.
- Argentine ID of the Spanish parent.
- Argentine ID of the interested party.

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### KPMG NOTE

Any individuals who may wish to pursue Spanish citizenship are advised to consult with their immigration attorney to assess their eligibility and discuss next steps.

The KPMG International member firm in Argentina is tracking this matter closely. We will endeavor to keep readers of *GMS Flash Alert* posted on any important developments as and when they occur.

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### FOOTNOTES:

1 *Ley 20/2022 de Memoria Democrática* (also known as "Ley de Nietos") published in *Boletín Oficial del Estado (BOE)*, Núm. 252, 20 de Octubre de 2022, at: <https://www.boe.es/boe/dias/2022/10/20/pdfs/BOE-A-2022-17099.pdf> .

For recent press reports on this development, see: "Para obtener la Ciudadanía Español: La Ley de Nietos entró en vigencia este viernes: ¿cómo realizar el trámite?," in *Página12* (online) 21 de Octubre 2022 at: <https://www.pagina12.com.ar/491145-espana-la-ley-de-nietos-empieza-a-regir-este-viernes> and "'Ley de Nietos': todo lo que hay que saber sobre el nuevo esquema para obtener la ciudadanía española," in *infobae* (online) (22 de Octubre de 2022, at: <https://www.infobae.com/economia/2022/10/22/ley-de-nietos-todo-lo-que-hay-que-saber-sobre-el-nuevo-esquema-para-obtener-la-ciudadania-espanola/> . Please note that by clicking on the afore-noted links, you are leaving the KPMG website for an external site, that KPMG is not affiliated with nor does KPMG endorse its content. The use of the external site and its content may be subject to the terms of use and/or privacy policies of its owner or operator.

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*\*Please note the KPMG International member firm in the United States does not provide immigration or labor law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

**The information contained in this newsletter was submitted by the KPMG International member firm in Argentina.**

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