



New “Immigration Regulation” (Royal Decree 1155/2024)

Legal Alert



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20 November 2024 saw the publication in the Official State Gazette of [Royal Decree 1155/2024](#), approving the new "Immigration Regulation", set to enter into force six months after its publication on 20 May 2025.

[Royal Decree 1155/2024](#) of 19 November 2024, approving the Regulation implementing Organic Law 4/2000 on the Rights and Freedoms and Social Integration of Foreign Nationals in Spain (commonly referred to as the [Immigration Regulation](#)), was published in the Official State Gazette on 20 November 2024.

The new legislation repeals Royal Decree 557/2011 - which previously regulated this area- and is expected to **enter into force** six months after its publication on **20 May 2025**.

The Regulation impacts [Organic Law 4/2000](#) of 11 January 2000, on the Rights and Freedoms and Social Integration of Foreign Nationals in Spain (the "Immigration Law"), with the aim of aligning domestic legislation with European law and transposing the relevant EU Directives.

A summary of the **main aspects** implemented, or rather amended, by the new Immigration Regulation is provided below:

- ✓ It sets out the **requirements** for: (i) **entering** and (ii) **leaving Spain**.

Foreign nationals wishing to enter Spain must do so at authorised crossing points and during opening hours, be in possession of a valid passport or travel document attesting to their identity and considered valid for such purpose, be in possession of a valid visa, where required, and not be subject to express prohibitions on entry.

- ✓ The Regulation defines **visas** as official documents issued by the competent authority of the Ministry of Foreign Affairs, European Union and Cooperation, which entitle holders to present themselves at an authorised border crossing point to request entry into Spain for the purpose of stay or residence, or to pass through the international transit area of a Spanish airport.

Visas are issued by the consular office, subject to certain specific requirements.

The following **types** of visa are identified:

- (i) **Airport transit visa**: allows transit once, twice or exceptionally several times, and entitles foreign nationals specifically subject to such requirement to remain in the international transit area of a Spanish airport, without entering national territory, during layovers or flight connections.
- (ii) **Short-stay visa**: authorises the holder -once in Spain and throughout the visa's validity period- to remain in Spain for a continuous period or for the sum of successive periods the **total duration of which must not exceed 90 calendar days in any 180-calendar day period** as of the date of initial entry into the Schengen Area.

Having regard to the maximum total duration indicated above, such visas may, in turn, take the form of:
 - **A uniform visa**: valid for transit **through the Schengen Area** (whether one, two or multiple transits or stays); or
 - **A visa with limited territorial validity**: valid for transit through, or stays in, the **territory of one or more Schengen States**, but **not for all of them**.
- (iii) **Long-stay visa**: entitles holders to present themselves at an authorised border crossing to request entry into Spain for **stays of more than 90 calendar days** in any of the following scenarios:
 - **Visas for study or student mobility purposes, volunteer services or training activities**: the visa may be issued for a period equal to the duration of the activity for which the relevant permit was granted, subject to a **maximum limit of one year** if the permit is granted for a longer period.

- **Residence visa**: the visa may be issued for a period equal to the duration of the residence permit concerned, subject to a **maximum limit of one year** if the permit is granted for a longer period.

However, where the visa is issued on the basis of a **residence and work permit for seasonal activities**, the visa may be issued for the duration of the authorised annual activity period.

Once the foreign national is in Spain, the visa will authorise them to remain there as a resident, without prejudice to the obligation, for **periods of residence exceeding six months**, to obtain a **Foreigner Identification Card**, which must be applied for in person at the competent police station within one month of entry into Spain.

Seven types of visa are provided for (for further details, see the section on temporary residence):

- Non-working.
- Self-employment.
- Employed work.
- Work permit exemption.
- Family reunification.
- Seasonal work.
- Family members of Spanish nationals.

- **Extraordinary residence visa**: the Ministry of Foreign Affairs may order a consular office to issue a residence visa, which may be **valid for a maximum period of one year**, to **address extraordinary circumstances and fulfil the objectives of Spanish foreign policy and other Spanish or EU public policies**, particularly immigration policy, economic and national security policy, public health and Spain's international relations.
- **Jobseeker visa**: under this type of visa, foreign nationals are permitted to travel to Spain to seek employment for a **12-month period of residence**.

In the event that the jobseeker **secures a contract** within this period, the **employer must submit an application for an initial temporary residence and employed work permit** on their behalf.

The Regulation provides for two kinds of jobseeker visas, namely:

- a) those directed at persons with at least one Spanish parent or grandparent; and
- b) those relating to specific occupations or territorial areas.

- ✓ The Immigration Regulation also specifies the **requirements** for requesting an **extension** of a **short-term stay in Spain without a visa**, provided the conditions set out in article 20 of the [Convention implementing the Schengen Agreement](#) are met, subject to a **time limit of three months in addition** to the initial stay.
- ✓ The Regulation provides that **temporary resident** ("TR") status shall be held by foreign nationals **authorised** to stay in Spain for a **period of more than 90 calendar days but not exceeding five years**, notwithstanding the provisions on stays for study or student mobility purposes or to carry out volunteer services or training activities.

The **types** of situation in which a foreign national **authorised to reside temporarily in Spain** may find themselves are as follows:

- **Non-working TR**: where foreign nationals, and their family members, have been authorised to reside in Spain **without carrying out occupational or professional activities**.

Such authorisation is subject to **specific requirements**, fulfilment of which must be **demonstrated**, including having sufficient financial means and health insurance.

- **TR for family reunification purposes**: where the foreign national has been authorised to reside in Spain by virtue of the **right to family reunification** exercised by a resident foreign national.
- **TR and employed work**: this situation applies to foreign nationals **over 16 years of age** who are authorised to reside in Spain for a **period of more than 90 calendar days but less than five years**, and to **work on an employed basis**.
- **TR and self-employment**: this situation applies to foreign nationals **over 18 years of age** who are authorised to reside in Spain for a **period of more than 90 calendar days but less than five years**, and to pursue **gainful activities on a self-employed basis**.

TR with work permit exemption: the foreign nationals referred to in article 41 of Organic Law 4/2000 - including foreign nationals who have a **valid work permit in an EU Member State** and are **posted to Spain** in the framework of a **transnational provision of services**, on the terms defined in [Law 45/1999](#)- are **exempt** from the obligation to obtain a work permit for the pursuit of gainful, occupational or professional activities, without limitation in terms of geographical scope, provided that certain conditions are met.

- **TR of family members of Spanish nationals:** foreign nationals who, having obtained a permit, **are not nationals of an EU Member State**, or of another **State party to the Agreement on the European Economic Area or Switzerland**, and are **related** to a person of Spanish nationality, irrespective of where or when such link was created, will be afforded TR status, provided that the family connection is ongoing and that the foreign national **accompanies, joins or meets their relative of Spanish nationality in Spain**. **However**, children whose parents are or were Spanish may do so under any circumstances.

Article 94 and subsequent articles of the Immigration Regulation provide for a **new residence permit for family members of Spanish nationals**, extending the age of the children to 26 (it was previously 21) and envisaging scenarios such as the possibility of including partners who, while not officially registered as such, can demonstrate a spousal equivalent relationship.

- ✓ Meanwhile, foreign nationals **over 16 years of age** who are authorised to reside in Spain and carry out seasonal work on an employed basis for a **maximum period of nine months within a given calendar year** while the permit is in force are deemed to be in a situation of **residence and work for seasonal activities**.
- ✓ The Regulation also provides for the **collective management of hiring prior to arrival**, a procedure by which multiple initial residence and work permits or multiple residence and work permits for seasonal activities are granted simultaneously to foreign workers who are not located or resident in Spain, through collective processing in their countries of origin, based on offers presented by one or more employers.
- ✓ The Immigration Regulation also sets out the requirements and procedure for obtaining a **temporary residence (TR) permit for exceptional circumstances** on certain grounds,

including social ties, international protection, humanitarian reasons, etc.

- ✓ **Cross-border worker** status is held by workers authorised to pursue gainful, occupational or professional activities on an employed or self-employed basis in Spanish border areas **while residing in the border area of a neighbouring State to which they return each day**.
- ✓ **Long-term EU resident** status is held by foreign nationals authorised to **reside and work in Spain indefinitely** under the **same conditions as Spanish nationals**, and who benefit from the provisions on such status set out in Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents.

Foreign nationals **meeting all of the requirements** laid down in article 176 of the Regulation will be entitled to a long-term EU residence permit. Such requirements include having **resided legally and continuously in Spain for five years immediately prior** to submission of the application for long-term EU residence; or for **two years** immediately prior to the submission of the relevant application **in the case of EU Blue Card holders**.

Foreign nationals who hold a long-term EU residence permit **granted by another EU Member State** may **apply for residence in Spain without** having to obtain a **visa**.

- ✓ Also, foreign nationals who have been authorised to reside and work in Spain indefinitely under the same conditions as Spanish nationals are deemed to hold **long-term national resident status**.

Foreign nationals who have **resided legally and continuously** in Spain **for five years prior** to submission of the relevant application will be entitled to this type of residence permit.

- ✓ The Immigration Regulation **partially transposes:**
 - [Directive \(EU\) 2021/1883](#) as regards calculation of the legal residence period for EU Blue Card holders; and
 - [Directive \(EU\) 2024/1233](#) on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

- ✓ Lastly, the Immigration Regulation includes a **penalty regime** in the event of **immigration-related infringements**.

The power to impose penalties for the perpetration of the administrative infringements provided for in Organic Law 4/2000 will be exercised via ordinary, preferential and simplified proceedings, as appropriate in accordance with the provisions of the Immigration Law and its Implementing Regulation.

Certain **specific aspects** are also envisaged:

- in respect of penalty proceedings involving deportation or fines; and
- in respect of social security or labour infringements and penalties.

Our team of experts is at your disposal to expand upon or clarify any of the aspects discussed above.

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