

# GMS Flash Alert

## Immigration

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## Spain – New Immigration Regulation Has Broad Scope

A new regulation that was recently enacted represents an important update in Spain's immigration laws, aiming to harmonise national regulations with European directives and standards.

On 20 November 2024, the *Boletín Oficial del Estado* (BOE) published Royal Decree 1155/2024, dated 19 November 2024, which approves the Regulation of Organic Law 4/2000 on the rights and freedoms of foreign nationals in Spain and their social integration (commonly known as the “Immigration Regulation”).<sup>1</sup>

The new regulation repeals Royal Decree 557/2011,<sup>2</sup> which previously governed these matters, and introduces a framework designed to address contemporary challenges and opportunities associated with immigration. The regulation will **come into effect on 20 May 2025**, providing a six-month period for all stakeholders to adjust to the new legal environment.

### WHY THIS MATTERS

Any change in the legal framework applied by Spanish authorities could potentially affect:

- the preliminary analysis that is part of assessing immigration compliance responsibilities and corresponding immigration procedures,
- the determination of appropriate strategies for bringing employees into Spain and incorporating them at their employers, as well as
- the consideration of feasible timelines for the review/approval process to be completed.

Employers and their employees (as well as their professional services and immigration advisers) may encounter difficulties due to unexpected changes that may occur. It is advisable to become familiar with the new rules and the changes they effect as soon as possible, so that plans can be made for any process, policy, and other adjustments that will help the organisation and its employees to be in compliance and mitigate any interruptions to business. Communications should be developed and issued to key stakeholders with minimal delay.

## Broad Overview

The Regulation of Organic Law 4/2000<sup>3</sup> (Immigration Law) elaborates on the rights and freedoms of foreign nationals residing in Spain, with an emphasis on their social integration. It aligns national regulations with European directives and transposes the Community Directives concerning immigration. This alignment aims to foster consistency between Spain's immigration policies and European Union standards, thereby promoting a unified and fair approach to immigration across EU member states.

## Procedures

One of the key aspects of the new regulation is the detailed procedural framework it establishes for handling various immigration-related matters. This includes entry and exit requirements, visa types, and procedures for obtaining residence permits. By providing clear and structured guidelines, the regulation facilitates the legal entry and stay of foreign nationals in Spain and the integration of foreign nationals into Spanish society.

## Penalties

The regulation also introduces a structured penalty regime for addressing violations of immigration laws. It outlines specific procedures for the imposition of sanctions such as expulsion and fines, while also addressing infractions related to social and labour oversight.

## More Details

There is a wide range of areas and processes covered in this regulation elaborated over 175 pages, including:

- Visa types;
- Temporary residence situations;
- Seasonal work and collective hiring;
- Long-term residence.

It is important to highlight considerable changes to two main areas affecting students and family members of Spanish citizens. Further details will be made in future *GMS Flash Alerts*, once the administration publishes the corresponding instructions to accompany these complex changes.

## KPMG INSIGHTS

This *GMS Flash Alert* aims to make readers aware of the current situation in Spain given this new immigration regulation and the support KPMG in Spain intends to provide where necessary. Affected parties that have foreign nationals already incorporated into their staff as well as have an interest in onboarding new foreign nationals, may note significant changes in requirements and procedures and should contact their usual immigration adviser or a member of the immigration team with KPMG in Spain (see the Contacts section) for individualised support.

KPMG strives to remain abreast of any significant changes and will endeavour to keep readers of *GMS Flash Alert* informed.

## FOOTNOTES:

1 BOE-A-2024-24099 Real Decreto 1155/2024, de 19 de noviembre, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social. <https://www.boe.es/buscar/act.php?id=BOE-A-2024-24099> .

2 BOE-A-2011-7703 Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009. <https://www.boe.es/buscar/act.php?id=BOE-A-2011-7703> .

3 BOE-A-2000-544 Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social. <https://www.boe.es/buscar/act.php?id=BOE-A-2000-544> .

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## Contact us

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*\* Please note the KPMG International member firm in the United States does not provide immigration or labour 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 Spain.**

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