

Global Immigration alert

February 2026

Spain

Spain initiates exceptional residency regularization for third-country nationals living in the country

Executive summary

On 27 January 2026, Spain's Council of Ministers approved a Draft Royal Decree to grant residence permits to certain third-country nationals who already reside in Spain and who meet specific eligibility criteria. The draft will be open for comment from the public and government ministries from 28 January 2026 until 6 February 2026. If the government meets its projected timeline for processing the legal text (a process that does not require parliamentary debate or voting), applications are expected to open in early April 2026 and close on 30 June 2026.

Key developments

If the regulation is approved as drafted, the application process would be open to all nationalities. Minor children born in Spain (or those not born in Spain who have a disability) who are included in the application, would be processed simultaneously with the primary applicant.

Acceptance of the application should be processed within 15 days, and once an application is accepted, the applicant would be authorized to work across the entire national territory and in any sector. After approval of the application, which should take place within three months, residence authorization would be valid for one year. After the one-year residence period, third-country nationals must transition into one of the ordinary categories provided for in immigration regulations.

The main eligibility criteria to apply for the exceptional residence permit are:

- Entry into Spain prior to 31 December 2025
- A continuous stay in Spain of at least five months
- Absence of non-cancellable criminal charges

Any applicants who already have another residence application in progress and choose to apply under this exceptional regularization will have the legal deadlines for their ongoing procedures suspended until this exceptional regularization process is completed.

Impact on employers

Employers may benefit from the new measure by having access to a broader labor pool, and reducing the time and costs associated with applying for work and residence authorization for impacted individuals. They may stay abreast with the latest developments and update their internal policies and processes as required.

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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