

# New Democratic Memory Law and the acquisition of Spanish

## nationality

- Law 20/2022, of October 19, on Democratic Memory has already been published in the BOE. Its entry into force will be on 10-21-2022

This new norm replaces the Memory Law of 2007 and is born under the principles of "truth, justice and reparation" and seeks to dignify the forgotten victims, as well as "avoid the repetition of the most tragic episodes in history."

Thus, he considers it a political "inexcusable moral duty" and a "sign of the quality of democracy" to remember, repair and dignify the victims of the coup d'état, the war in Spain and the Franco dictatorship because he understands that "forgetting is not option for a democracy".

And indeed, as a remedial measure for people who suffered exile, the eighth additional provision provides a rule for the acquisition of Spanish nationality for those born outside of Spain to fathers or mothers, grandmothers or grandfathers, exiled for political, ideological or political reasons. belief, which also accommodates, consistent with the objectives of this law, the sons and daughters born abroad of Spanish women who lost their nationality by marrying foreigners, before the entry into force of the Constitution of 1978, as well as the sons and daughters of legal age of those Spaniards whose nationality of origin was recognized by virtue of the right of option in accordance with the provisions of this law or in the seventh additional provision of Law 52/2007, December 26.

(...)

### ***Eighth additional provision. Acquisition of Spanish nationality.***

***1. Those born outside of Spain of a father or mother, grandfather or grandmother, who were originally Spanish, and who, as a result of having suffered exile for political, ideological or belief reasons or sexual orientation and identity, had lost or renounced to Spanish nationality, may opt for Spanish nationality, for the purposes of article 20 of the Civil Code. Likewise, people who are in the following cases may acquire Spanish nationality:***

*a) The sons and daughters born abroad of Spanish women who lost their nationality by marrying foreigners before the entry into force of the 1978 Constitution.*

*b) The sons and daughters of legal age of those Spaniards whose nationality of origin was recognized by virtue of the right of option in accordance with the provisions of this law or in the seventh additional provision of Law 52/2007, of December 26.*

*2. In all cases, this declaration must be formalized within TWO years from the entry into force of this law. At the end of this period, the Council of Ministers may agree to extend it for one year.*

*(...)*

*Ninth final provision. Entry into force.*

*This law will enter into force the day after its publication (EFFECTIVELY ON 10-21-2022)*

## - WHAT DOCUMENTATION IS NECESSARY TO START THIS PROCESS?:

-Model application for option to the Spanish nationality of origin. (which we facilitated from the Office).

### **1.- For the children of Spanish emigrants:**

-Literal birth certificate of the interested party, legalized by MINREX (in the case of Cuba) and Apostilled (at the Spanish consulate), depending on the country.

-Literal birth certificate of the father or mother issued by a Spanish civil registry. If they were born before 1870, they can provide a Spanish baptism certificate.

### **2.- For the grandchildren of emigrated Spanish grandparents:**

-Literal birth certificate of the interested party legalized MINREX (in the case of Cuba) and Apostilled (in the Spanish consulate)

-Literal birth certificate of the father or mother.

-Literal birth certificate of the applicant's grandfather or grandmother. If they were born before 1870 they can provide a Spanish baptism certificate.

**3.- For the adult children of those Spaniards whose nationality of origin was recognized by virtue of the right of option:**

-Literal birth certificate of the interested party, legalized MINREX or Apostille depending on the country.

-Literal birth certificate of the applicant's father or mother, stating that their father or mother have opted for Spanish nationality of origin or literal birth certificate of the interested party stating that they are the son of Spanish and that the registered person does not holds Spanish nationality.

**-FURTHERMORE AND IF NECESSARY, OTHER DOCUMENTS MAY BE REQUESTED TO PROVE EXILE STATUS (July 18, 1936 to December 29, 1978).**

-Proof of the exiled status of the father/mother, grandparent of Spanish origin who emigrated.

-Certificates from the United Nations International Refugee Office and the Refugee Offices of the host states that assisted the Spanish refugees and their families.

-Certificates proving having been a beneficiary of the pensions granted by the Spanish Administration to exiles, which proves exile directly and by itself.

-Documentation and miscellaneous evidence issued by any Entity or Institution, whether public or private, recognized by the Spanish authorities or the host State of the exiles. They must have a legal relationship with the exiles in terms of their protection or for "work" reasons as a way to prove "moral reparation" and the recovery of the memory of the families who were victims of the Civil War and the Dictatorship.

-Various official documentation from the country of exile, proving the date of arrival (07/18/1936 to 09/29/1978) in the host country.

-Documentation that proves entry into the country of exile, such as a Passport with an entry stamp; Certificates of having received the nationality of the host country; Certifications of Enrollment in the Registration Registry of the Spanish Embassy or Consulate and of residence therein.

-Passport or travel document with entry stamp in the host country.

-Certification of the Enrollment Registry of the Spanish Consulate.

-Certifications from the Consular Civil Registry that prove residence in the host country, such as marriage registration, birth registration of children, death registration, among others.

-Certification from the local Civil Registry of the host country that proves having acquired the nationality of said country.

-Documentation of the time of the host country stating the year of arrival in that country or arrival there by any means of transport.

- How and where can the Application for Spanish Nationality be submitted under this Law?

## WITH LAWYERS OR INDIVIDUALLY

1º - VIA TELEMATICA in the Ministry of Justice and on the Websites of the Ministry of Foreign Affairs. In this case, from our Law Firm (prior granting of representation) we take care of the entire process from the beginning to the end.

Not only do we put at your disposal a LAWYER specialized in this subject, but we can also manage any documentation that you require from Spain to carry out said procedure, such as Birth Certificates of Spanish origin, marriages, deaths, among others.

2º- Directly at the General Consulates of Spain abroad

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