



By: Tomorrow's Affairs Staff

Spanish passport for people whose country Madrid does not recognise



The Spanish Congress approved a bill allowing Sahrawis born in Western Sahara while the territory was under Spanish rule to apply for Spanish citizenship.

The Socialist Party and its left-wing coalition partner, Sumar, supported the law, the conservative People's Party abstained and the far-right Vox opposed it.

The proposal now goes to the Senate, where the People's Party has an absolute majority.

If the law is adopted, Sahrawis born in the territory before 29 September 1977 will be able to claim citizenship without having previously been legally resident in Spain.

That date marks the end of the period that Madrid had once granted to the inhabitants of the colony to opt for Spanish citizenship, even though the Spanish administration had already withdrawn, the war had begun and a large part of the population had been displaced.

The vote has once again confronted Spain with the obligations it left behind in 1976.

Madrid now wants to enable some Sahrawis to return to its legal order, while in the dispute over Western Sahara it supports Morocco's autonomy plan.

One policy governs the rights of people to whom Spain issued documents and whom it incorporated into the colonial administration, and the other maintains the relationship with the state that controls most of their territory.

The two policies may legally coexist, but each individual decision on citizenship will repeatedly expose their political contradiction.

The right was lost when Spain left

Spain had administered Western Sahara since the late 19th century and, in 1958, declared it an overseas province.

Residents received Spanish identity documents, served in the administration and the army, attended schools under Spanish administration and had representatives in the state institutions of the time.

The colonial order did not give them a status equal to that of inhabitants of the European part of Spain, but it created legal and administrative ties that were severed when Madrid withdrew.

The Spanish administration formally left the territory on 26 February 1976

The Spanish administration formally left the territory on 26 February 1976, a few months after the signing of the **Madrid Agreements** with Morocco and Mauritania. Decolonisation ended without agreement on the territory's final status.

The United Nations still treats **Western Sahara** as a non-self-governing territory. Morocco controls the largest and most economically important area, while the Polisario Front, supported by Algeria, seeks an independent Sahrawi Arab Democratic Republic.

A royal decree that came into force on 29 September 1976 gave Sahrawis one year to opt for Spanish citizenship. The deadline began seven months after the departure of the Spanish administration, while armed conflict and population displacement continued, so there were no longer any Spanish authorities in the territory before whom this right could be effectively exercised.

The explanation of the current proposal cites Spanish Supreme Court decisions from 1998 and 1999, which state that the population was not able to effectively exercise that right.

The cut-off date of 29 September 1977 was derived from the one-year deadline in force at the time, not from the date of the Spanish withdrawal.

Documents that will determine citizenship

The proposal accepts old Spanish identity cards, including expired documents, legalised or apostilled birth certificates, family books, documents from the Spanish colonial administration proving employment in the public service and certificates of enrolment in the referendum census certified by the United Nations.

School certificates, pension and medical records, and former Spanish driving licences could be considered together as supplementary evidence.

Requests would be submitted within three years of the law's entry into force, and the government could extend that period by a further year.

The Ministry of Justice would decide on each request. Candidates would submit certificates of good conduct from the states where they had lived during the previous five years, or prove that they were unable to obtain such certificates.

The proposal changes the general rules for future cases

The children of successful applicants would have five years from the date of their parents' registration in the registry to opt for Spanish citizenship.

The proposal also changes the general rules for future cases. People born in Western Sahara before 29 September 1977 and their descendants would be able to apply for Spanish citizenship after two years of legal residence in Spain, under a reduced qualifying period that already applies to citizens of Latin American countries and other communities historically linked to Madrid.

A special procedure for people born before the 1977 cut-off addresses the consequences of withdrawal, while a two-year stay provides

their descendants with a more permanent legal route to citizenship.

Madrid sticks with the Moroccan plan

In 2022, Pedro Sánchez's government accepted Morocco's proposal for autonomy as the most serious, credible and realistic basis for resolving the dispute.

Until then, Spain had formally supported a referendum in which the Sahrawis would choose between independence and integration into Morocco.

The change restored cooperation with Rabat but provoked conflict with Algeria and resistance within Spain's ruling coalition.

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Morocco's position was strengthened in October 2025, when the United Nations **Security Council** called for negotiations based on Morocco's autonomy plan and assessed that genuine autonomy under Moroccan

sovereignty might be the most feasible outcome.

The Security Council did not recognise Moroccan sovereignty over Western Sahara, and the population's right to self-determination remained part of the United Nations mandate.

However, the negotiation framework has shifted towards the solution that Rabat has advocated for years.

The citizenship proposal maintains support for the Moroccan plan, while acknowledging that Spain has left behind people for whom the citizenship deadline offered no real choice.

At the same time, Madrid avoids any commitment that would call Moroccan autonomy into question.

The Spanish government will present the law as a matter of individual rights and historical responsibility, while its relationship with the territory will continue to be determined by the agreement with Rabat.

The Spanish passport changes the status of the Sahrawis

As there is no single official registry, **media estimates** of the number of potential beneficiaries range between 70,000 and 110,000 people.

Potential applicants live in territory controlled by Morocco, in **refugee camps** near Tindouf in Algeria, in Mauritania, Spain and other countries of the Sahrawi diaspora.

Spanish citizenship would also grant them **European Union citizenship**, including the right to move to and reside in member states under European law.

For people who have spent decades in refugee camps or who possess documents with limited international validity, access to the European labour market, education and consular

assistance would have immediate value.

The arrest, trial, political activism or disputes over identity documents involving a Spanish citizen of Sahrawi origin could quickly become a bilateral issue

The political status of Western Sahara would remain unresolved, but the situation of part of its population would change significantly.

The most sensitive cases will arise among people living in the Moroccan-administered part of Western Sahara.

If Rabat also considers them Moroccan citizens, Spain's ability to provide them with formal **diplomatic protection** will be limited, since international law allows such protection against another state of citizenship only when Spanish nationality is predominant.

The arrest, trial, political activism or disputes over identity documents involving a Spanish citizen of Sahrawi origin could quickly become a bilateral issue.

Madrid would then have to defend the rights of its citizens in a territory where it politically supports a solution based on Moroccan sovereignty.

Rabat is awaiting the implementation of the law

Morocco has strong grounds to delay its response until the final text of the law and its method of implementation are known.

Open conflict with Madrid would threaten cooperation on migration control, security and trade, while the Spanish government can claim it is simply regulating the citizenship of individuals without changing its position on Western Sahara.

It suits Rabat to preserve the political gains it made with Spain's 2022 U-turn, especially as

international support for its autonomy plan expands.

For Rabat, it will be crucial to see how Spain applies the law

Morocco's reaction is likely to be shaped by the final text and the number of approved applications. For Rabat, it will be crucial to see how Spain applies the law.

The extent to which applications from Sahrawis living under Moroccan administration are approved, and how Madrid assesses old Spanish documents and UN census certificates, will determine the actual scope of the new rules.

The more inhabitants of that territory acquire Spanish citizenship, the harder it will be for the Moroccan authorities to present the law as an exclusively internal matter for Spain.

The Spanish government will seek to keep implementation within the bounds of administrative procedure, without publicly linking individual decisions to the Sahrawi right to independence.

This approach preserves cooperation with Morocco, while Sumar, a left-wing coalition partner of the Socialist Party in Pedro Sánchez's government, and other proponents of the law can argue that the country has at least partially remedied the consequences of its withdrawal from Western Sahara.

The stability of that compromise will depend on the first politically sensitive cases, rather than on the formulas with which Madrid currently separates citizenship from sovereignty.

The bill is likely to pass in the Senate

The People's Party holds 140 seats in the Senate and can independently adopt or veto amendments. Its reticence in Congress

suggests a debate over background checks, security conditions and the capacity of the Ministry of Justice, while an outright rejection of an easier path to citizenship is considered less likely.

Conservatives would find it politically difficult to justify blocking a measure presented as addressing the consequences of the messy end of Spanish colonial rule.



The most likely outcome is legislation with stricter administrative checks and several months of parliamentary delay

A Senate veto would only delay a decision by Congress. The Spanish constitution allows the lower house to overturn it immediately with an absolute majority of 176 deputies, which the current 168 votes of support do not meet.

After two months, a simple majority of the deputies present is enough, so the same coalition could pass the law if it holds together. Congress also accepts or rejects Senate amendments by simple majority.

The most likely outcome is legislation with stricter administrative checks and several months of parliamentary delay.

Relations with Morocco may cool temporarily, but both governments have a strong interest in preserving the cooperation renewed in 2022.

Madrid will continue to support Western Sahara's autonomy under Moroccan sovereignty, and Rabat will avoid a response that would threaten migration control, trade and security ties with Spain.

If the law is adopted, Spain will acknowledge part of its responsibility towards the Sahrawis without abandoning the agreement with Rabat.

That balance can last as long as citizenship is kept within the framework of administrative procedure. When the rights of the new Spanish citizens come into conflict with the way Morocco governs Western Sahara, the government in Madrid will have to decide how far it is prepared to defend them at the cost of relations with Rabat.