

VISA FOR DIGITAL NOMAD IN SPAIN

DOCUMENTS TO BE SUBMITTED

General considerations

Foreigners over the age of 18, who are not nationals of an EU Member State or of a State Schengen citizens who will be carrying out a work or professional activity remotely in Spain within the framework of a contractual relationship through the exclusive use of computer, telematics and communication systems and means, may apply for a residence visa in Spain in their favor for international teleworking, in accordance with the provisions of Law 14/2013, of September 27, on support for entrepreneurs and their internationalization, within the following modalities:

-the exercise of a **work activity for others** within the framework of a contractual relationship with one or more companies, provided that said companies are based outside of Spain (in the case of several companies, it is not necessary that they are all registered in the same country).

-the exercise of a **professional activity for others or on one's own account** within the framework of a contractual relationship EXCLUSIVELY with one or more companies based outside of Spain (in the case of several companies, it is not necessary that they are all registered in the same country).

-the exercise of a **professional activity for others or on one's own account** within the framework of a contractual relationship with one or more foreign companies (it is not necessary that they are all registered in the same country) AND ALSO with a company based in Spain, provided that the percentage of work for the latter is not greater than 20% of the total of his professional activity.

Taking the above into account, professionals who will be working remotely exclusively for a Spanish company, or who will be working remotely for one or more foreign companies and also for a company based in Spain, if the percentage of work expected to be done for the latter exceeds 20% of their total work activity, will NOT be eligible for this type of visa. In these cases, the applicant must apply for a work visa for employment or self-employment under the Immigration Law (Organic Law 4/2000 of January 11).

Only qualified professionals who can prove they are graduates or postgraduates from universities, business schools or vocational training centers of recognized prestige, or who have a minimum of 3 years of professional experience in functions similar to those of the position to be performed as an international teleworker, will be able to apply for this type of visa.

This type of visa will not be processed for applicants whose circumstances are included in the subjective scope of residence authorizations for intra-company transfer, and in this case the provisions of Articles 73 and 74 of Law 14/2013, of September 27, will apply.

The possibility of processing this type of visa (jointly and simultaneously or successively) is extended:

- To the **spouse**, provided they are not legally or de facto separated from the family member applying for family reunification and the marriage was not entered into fraudulently; in no case may more than one spouse be reunited with the family member applying for family reunification (unless they prove the dissolution of their first marriage after a judicial proceeding with the guarantees established in Spanish law), even if the personal law of the foreign national applying for family reunification recognizes this type of marriage. Alternatively, to the **person with whom they maintain a relationship of affection analogous to marriage**, when said relationship is registered in a public registry established for this purpose and has not been cancelled, or was established prior to the beginning of the applicant's residence in Spain and its validity is proven. Marriage and civil partnerships are considered incompatible in all cases.

-to the **children** and those of their spouse or civil partner, **under 18 years of age or over that age provided they are incapacitated.**

-those **represented** by the foreign sponsor who **are under 18 years of age or over that age provided they are incapacitated**, when there is a legal act from which powers of representation arise (for example, the constitution of a guardianship or a *kafala*), provided that this legal act is not contrary to the principles of the Spanish legal system.

-to the **ascendants in the first degree** and those of his spouse or civil partner, **over 65 years of age** (or under that age, when there are humanitarian reasons), provided that they are in his care and there are reasons that justify the need to authorize his residence in Spain.

If it is anticipated that the teleworking to be carried out under the aforementioned Law will not exceed 90 days, those who, due to their nationality, are subject to the visa requirement (and where applicable, the family members accompanying them) - Annex I,

EU Regulation 2018/1806 of 14 November – applicants must apply for a Schengen visa, not an entrepreneur visa. The general rules for Schengen visas will apply to this application.

Regarding those who, due to their nationality, are not subject to visa requirements (and, where applicable, their accompanying family members) – Annex II, EU Regulation 2018/1806 of 14 November – they will not need to apply for any type of visa, but they will need to obtain travel authorization registered in the European Travel Information and Authorisation System/ETIAS **when the latter comes into force**. In both cases, the applicant must meet the entry requirements for Spain established by current regulations, and should also bear in mind that border authorities may request documentation justifying the reason for the trip.

Those who are within the period of commitment not to return to Spain, assumed voluntarily, will not be able to submit an application for a visa of these characteristics.

All applicants must have a Foreigner Identification Number (NIE) before submitting the visa application; if they do not have one, they must obtain it beforehand.
(which can be done at the corresponding consular office), since the visa will not be authorized if the NIE¹ is not available .

Applications for teleworking visas may be submitted either in person or through a duly authorized representative (except in the case of minors, who must be represented by one of their parents or guardians), and may not be submitted electronically under any circumstances . Applications may be submitted at any Spanish consular office abroad; therefore, nationals of the country are not required to prove actual and effective residence within the corresponding consular district; however, nationals of third countries will be required to have legal residency status with a return authorization.

No fingerprinting required.

The consular office may establish an appointment system for receiving applications for this type of visa. Granting an appointment to submit a visa application does not automatically imply visa approval.

Visa applications will be rejected in the cases provided for in the Fourth Additional Provision of Organic Law 4/2000 of January 11.

In cases of incomplete files or if any document submitted does not meet the legally required standards, the applicant will be required to rectify the situation.

The issuance of a teleworking visa by the Consular Office requires prior authorization from the relevant Spanish Authorities, a process that takes 20 days from receipt.

If the visa is granted, the deadline for collecting it is one month from the date of authorization. It must be collected in person or by a representative (in the case of minors, by one of their parents or guardians). If the visa is not collected within this period, this Consular Office will issue a decision to close the application due to renunciation. It cannot be collected from any Consular Office other than the one that processed the application.

The visa holder has a maximum period of 3 months to enter Spain, and must in any case travel to Spain and present to the border authorities the same travel document that was used to process their visa and in which this appears.

Possession of a valid visa of this type does not guarantee the holder automatic entry into Spain; they must demonstrate to border authorities that they meet the requirements that led to its issuance. Nor does it, on its own, allow the holder to leave their country of origin, nationality, or residence, which may impose regulations in this regard.

1 To obtain the NIE, you should consult the website of this Consulate General, where an information note on this procedure is published, as well as the corresponding form.

2 For in-person submission at this Consulate General, you must first check the current public service hours and whether, if applicable, this procedure requires a prior appointment.

Once their entry into Spain has been authorized by the border authorities, the visa holder must ensure that their passport is stamped by the latter; if entering Spain from a Schengen State and therefore without crossing external borders, they must, within a maximum period of 3 working days, go to a Police Station or an Immigration Office in order to sign an entry declaration.

The approved visa is sufficient to reside and work in Spain for a maximum of one year (unless the work period is shorter, in which case the visa will have the same duration), and therefore there is no need to apply for the corresponding Foreigner Identity Card (TIE). However, the visa holder must comply with their social security obligations. The issued visa is valid throughout the entire national territory.

If the visa is denied by this Consular Office, it will issue a dismissal decision, which will always be communicated in writing to the interested party, with information on the legal basis on which the denial is based, the available appeals and the bodies before which they must be submitted.

Documents to be submitted

All applicants must submit the following:

1. Original passport or travel document and photocopy of ALL its pages, including those that are blank.
2. National visa application form (1 copy).
3. 1 photograph.
4. ONLY IF THE APPLICATION FOR RESIDENCE IN SPAIN IS FOR A PERIOD EXCEEDING 6 MONTHS. Alternatively:
 - a. Certificate of no criminal record for offenses under Spanish law, issued by the country or countries in which you have resided during the last 5 years. In Australia, it must be issued by the Australian Federal Police (AFP).
 - b. A certificate of no criminal record for offenses under Spanish law, issued by the country or countries in which the applicant has resided during the last 2 years, and ALSO a signed declaration from the applicant stating that there is no criminal record for the last 5 years. In Australia, this must be issued by the Australian Federal Police (AFP).
5. ONLY if the interested party is going to carry out a work activity, in any case, or professional activity for others or on their own account exclusively for one or more companies based outside of Spain.
Alternatively:
 - a. If the interested party is covered by an international standard for the coordination of the social security systems of Spain and his country of origin and this provides for health coverage of workers from said country of origin in Spain, an official certificate issued by the competent institution of the State in whose social security system he is insured.
 - b. If the applicant is covered by an international agreement coordinating the social security systems of Spain and their country of origin, but this agreement does not provide healthcare coverage for workers from that country of origin in Spain, or if they are not covered by any international agreement coordinating the social security systems of Spain and their country of origin, a copy of the private health insurance policy taken out in their name and, IN ADDITION, documentary proof that said policy will remain active throughout the entire period of validity of the residence permit in Spain. TRAVEL INSURANCE WILL NOT BE VALID. This insurance must provide the applicant (and, where applicable, any accompanying family members) with healthcare coverage in Spain equivalent to that provided by the Spanish National Health System, bearing in mind that the insurance company must be authorized to operate in Spain and, therefore, must be registered on the list of insurance companies of the Directorate General of Insurance and Pension Funds of the Ministry of Industry and Tourism .
6. ONLY if the interested party is going to carry out a professional activity as an employee or as a self-employed individual within the framework of a contractual relationship with one or more foreign companies and also with a company based in Spain, a declaration of responsibility from the latter stating its commitment,

3. AUSTRALIA within this second category. For other countries, the list of international social security agreements signed by Spain can be found at the following link:

<https://www.seg-social.es/wps/portal/wss/internet/InformacionUtil/32078>

prior to the commencement of professional activity by the interested party, to comply with their obligations regarding Spanish social security.

7. Documentary proof that you have either sufficient financial means to cover living and accommodation expenses during your intended stay in Spain, or a regular source of income, with a minimum monthly amount equivalent to 200% of the Public Indicator of Income for Multiple Purposes (IPREM)⁴. To prove this amount, the employment contract(s) or firm job offer(s) as a teleworker will be valid, provided that these documents state the employee's salary and it reaches the aforementioned amount; otherwise, any other means of proof may be used, provided that the ownership, legality and availability of the funds are proven, and an individualized analysis will be carried out regarding these funds.

8. Copy of documentation proving the applicant's academic qualifications or professional experience. Alternatively:

- a. In the case of claiming university or post-university academic training, a copy of the graduate or postgraduate degree issued by the corresponding university or business school.
- b. In the case of claiming vocational training qualifications, a copy of the vocational training certificate or diploma issued by the corresponding body.
- c. If claiming professional experience (which must in any case be a minimum of 3 years in functions analogous to those of the position to be performed as an international teleworker), supporting documentation must be provided. It is not necessary that this professional experience was acquired in the same company for which you will be working from Spain.

9. Certificate from the Commercial Registry (or equivalent body in the country, in the case of companies based outside of Spain) showing the date of incorporation of the company and the type of activity it carries out. Only companies that can demonstrate real and continuous activity for [number of] years will be accepted. less than a year.

10. ONLY if the applicant's employment or professional relationship is with a company based outside of Spain, documentary evidence of said relationship for at least 3 months prior to the date of the visa application and ALSO, alternatively:

- a. In the event of an employment relationship, a document proving that the company authorizes the worker to perform their work remotely in Spain.
- b. In the event of the existence of a professional activity, a document that proves the terms and conditions under which the activity will be carried out remotely in Spain.

11. ONLY if the professional relationship of the interested party is with a company based in Spain, a document proving that the company is registered with the Spanish Social Security.

12. Copy of the Foreigner Identification Number (NIE), in any case processed previously.

13. Amount of the corresponding consular fee; if claiming free service, supporting documents.

14. ONLY IF THE APPLICANT IS A NATIONAL OF A THIRD COUNTRY. Official, valid document proving their legal residence and/or stay status with authorization to return to the country (visa, resident alien identity document, etc.). Driver's licenses issued by local authorities, registration certificates, and for this purpose, rental agreements or utility or telephone bills will not be accepted. If the visa or stay permit does not allow the holder to return to the country of issuance after leaving, they must present a return flight ticket from Spain to their country of origin, booked for the expected date of arrival in Spain.

In the case of family members, documents 1, 2, 3, 4 (if applicable), 5, 12 (the latter even for minor family members), 13 and 14 (if applicable), and also:

15. IN ANY CASE, documentary justification that you have either sufficient economic means to cover the costs of maintenance and stay during the time you plan to reside in Spain, or a source of periodic income, in a minimum monthly amount equivalent to 75% of the IPREM for the first family member reunited and 25% of the IPREM for each family member reunited from the second one onwards.

Documentation relating to the foreign national sponsor in cases where the application is to sponsor the spouse or unmarried foreign national with whom they have a relationship analogous to marriage. They must also submit:

16. If previously married, a certificate or final divorce decree.

The spouse of the sponsor must also present:

⁴ This amount is reviewed annually. You can check its updated amount at the following link:

<http://www.iprem.com.es>

17. Certificate of the existence of the marital bond. If, for any reason, the marriage was celebrated in Spain, a certificate from the marriage registration of the corresponding Spanish Civil Registry must be provided without exception.

18. If previously married, a certificate or final divorce decree.

The person with whom the sponsor maintains a relationship of affection analogous to marriage must also present, alternatively:

19a. In the event that said relationship was registered in a public register established for these purposes and has not been cancelled, certificate of registration.

19b. In the event that such relationship is not registered in a public register established for these purposes, any means of proof that allows sufficient proof of a cohabitation relationship analogous to a conjugal relationship of at least twelve continuous months or less if the couple has common offspring, provided that the affective bond is maintained.

20. If previously married, a certificate or final divorce decree.

The children of the sponsor and/or their spouse or registered partner or stable partner, under 18 years of age or over 18 years of age with disabilities, must also present:

21. Birth certificate issued by the corresponding foreign Civil Registry.

22. In case of doubt (if the documentation is not reliable) or if the certification cannot prove the parentage of the family member applying for family reunification or, where applicable, their spouse or partner, any public document that allows the parentage to be determined or confirmed (a simple declaration or statement of facts is not valid) or, alternatively, DNA or densiometric tests.

23. In the case of children born solely to the spouse or registered or stable partner, documents proving sole parental authority, sole custody, the child's effective dependency, and authorization for the child's transfer to Spain by judicial authority or with the consent of the other parent. In the case of shared custody, a document from the other custodial parent granting consent for the child to reside in Spain; if the custodial parent is deceased, a certified copy of the death certificate issued by the corresponding Civil Registry. Depending on the specific circumstances of each case, the Consular Office may require additional documentation beyond that indicated.

24. In the case of adopted children, a copy of the resolution by which the adoption was agreed, which must also meet the legal requirements necessary to produce effects in Spain in accordance with national and international regulations.

24. In the case of disabled children over 18 years of age, a copy of the court ruling of incapacity, with express mention of the person or persons to whom parental authority is entrusted exclusively or jointly.

26. In the case of children of compulsory school age, a document reserving a place in a public or private school.

Those represented by the foreign sponsor who are under 18 years of age, or over that age provided they are disabled, must also present:

27. Evidence of the legal act establishing the powers of representation of the foreign national sponsoring family reunification with respect to the minor or incapacitated person represented, which must not be contrary to the principles of Spanish law. *In cases of kafala, consult specific regulations.*

The parents of the person applying for family reunification, or those of their spouse, registered partner, or stable partner, must also present:

28. In any case, official documentation that allows establishing the relationship with the family member who is reuniting with the family member or, where applicable, with their spouse or partner.

Alternatively:

29a. If they are over 65 years of age, documentary proof of economic dependence on the family member sponsoring the reunification, as well as the reasons justifying the need to authorize their residence in Spain

29b. If they are under 65 years of age, documentary justification of the humanitarian reasons alleged for requesting their residence in Spain

General rules regarding the documentation to be submitted

The procedure for applying for a NIE is detailed in a separate information sheet available at this Consulate General and on its website. The corresponding forms, also available at this Consulate General, must be used, and the applicable consular fee must be paid.

The passport or travel document must be recognized by Spain, have a minimum validity of 3 months beyond the visa's validity period (i.e., 6 months for stays of less than 3 months and 15 months for all others), and contain at least 2 blank pages. It must also allow return to the country of issuance. In addition to the original, a photocopy of ALL pages, including blank ones, must be submitted.

The visa application form must be completed in its entirety and signed by the applicant (or their legal representative in the case of minors). Unsigned applications will not be accepted. The applicant's home or postal address (which must be within the consular district), telephone number, and email address must be clearly stated for communication purposes. This form is free of charge.

The photograph must conform to the technical requirements of ICAO Document 9303 (close-up of the head and shoulders, taken from the front, with eyes open, on a plain and light background, without glare, dark glasses, hats or clothing that hides the face, which must be visible from the hairline to the chin, taken within 6 months prior to the visa application).

If both are required, the documents mentioned in points 6 and 11 may be submitted in a single document.

For applicants who are nationals of third countries, the official document proving their legal status of residence and/or stay with authorization to return to the country must have a minimum validity of 3 months after the date of assignment by the Consular Office of the appointment for the processing of the visa.

The criminal record certificate, civil registry certificates, and other official Spanish and foreign documents must not have an issue date older than three (3) months, and exceptionally, six (6) months. This Consular Office reserves the right to request that official foreign documents be apostilled or, where applicable, legalized (unless otherwise provided by a current bilateral or multilateral agreement), as well as translated into Spanish (documents in English are accepted). The obligation to provide the apostilled/legalized documents and their translations into Spanish rests with the applicant, who must bear the cost of these procedures.

Criminal record certificates must be submitted in their simplest version (without fingerprints).

The visa fee is paid in advance and is not refunded to the applicant in case of visa refusal.⁸

Both the original and a copy of all documents must be submitted. Submitted documents will not be returned (except upon express and justified request).

This consular office reserves the right to request additional documentation or carry out any checks it deems necessary for resolving the case. Documentation submitted without being expressly requested will not be considered in resolving the case.

COMPLIANCE WITH THESE INSTRUCTIONS IS STRONGLY STRONG, AND APPLICANTS ARE REQUESTED TO SUBMIT ALL REQUIRED DOCUMENTATION AT THE SAME TIME IN ORDER TO AVOID DELAYS IN THE PROCESSING OF THEIR VISA.

THIS CONSULAR OFFICE DOES NOT PROVIDE PHOTOCOPY SERVICES FOR THE PUBLIC.

5 The updated list of Member States of the Hague Convention of 5 October 1961, abolishing the requirement of legalization for foreign public documents (Apostille Convention), can be found at the following link:
<https://www.hcch.net/es/instruments/conventions/status-table/?cid=41>

6. Consult the list of current agreements at this consular office.

7 For documents written in other languages, please consult this Consular Office.

8. Check with this Consular Office for the current fee for this type of visa.