

## EMPLOYEE WORK VISAS IN SPAIN (GENERAL CASE)

### DOCUMENTATION TO BE PRESENTED

#### General considerations

Any foreigner over the age of 16 who is not a national of an EU Member State or a Schengen State and intends to travel to Spain to undertake an employed work activity for more than 90 days must apply for a residence permit if they meet certain requirements.

**Submitting an application for an employed work visa requires first obtaining a residence and employed work permit from the employer in Spain.**

If the employment activity is expected to last no more than 90 days, the applicant must always apply for a visa. Obtaining this visa is mandatory for all applicants regardless of their nationality, including those whose nationality requires only a travel authorization registered in the European Travel Information and Authorization System (ETIAS), **when it is in force** (Annex II, Regulation EU 2018/1806 of November 14).

**Initial authorizations for temporary residence and employment do not allow for family reunification of any kind.**

Those who are within the period of voluntary commitment not to return to Spain may not apply for this type of visa.

Once the employer has been notified of the granting of the initial residence authorization for employment, the employee **will have a maximum period of one month from the date of said notification to submit the visa application**. Unless specifically instructed by Central Services, applications will only be processed from those who are actual and permanent residents of the corresponding consular district. If they are third-country nationals, they must also be legally resident and/or have a return authorization (not a tourist).

Applications for initial residence visas for employed persons may be submitted either in person or through a duly accredited representative (those for minors must always be submitted by their parents or guardians, and cannot be submitted electronically<sup>1</sup> under any circumstances).

The Consular Office may establish an appointment system for receiving applications for this type of visa. The granting of an appointment for submitting a visa application does not automatically mean that it is authorized.

Visa applications will be rejected for processing under the Fourth Additional Provision of Organic Law 4/2000, of January 11.

In the case of incomplete applications or if any document submitted does not meet the legally required requirements, the applicant will be required to correct them. In this instance, the Consular Office may require the worker, in specific cases and for information purposes only, to submit a copy of the documents submitted by the worker. Employer for processing the initial authorization:

- Employment contract (which must be the same one submitted by the employer in Spain to process the initial application for the temporary residence and employment permit).
- Documentary evidence that the job for which the applicant has been hired appears in the National Classification of Hard-to-Fill Occupations prepared by the Public Employment Service or, if so, meets one of the exceptions provided for in Article 40.1 of Organic Law 4/2000.
- Documentary evidence that the employment contract signed by the employer and the employee guarantees the latter continuous employment during the term of the contract.
- Documentary evidence that the conditions set forth in the contract comply with those established by current regulations and the applicable agreement for the work activity, professional category, and location.
- Documentary evidence that the employer is up to date with its tax obligations and is responsible for Social Security.
- Documentary evidence that the employer has sufficient financial, material, and professional resources for its business project and to meet the obligations assumed in the contract with the employee, in accordance with Article 76 of Royal Decree 1155/2024 of November 19.
- Documentary evidence of the training and, where applicable, the professional qualifications legally required of the employee to perform the work for which they have been hired.
- For foreigners who will work in the road transport sector, documentary proof of having completed the

corresponding professional training course (only applicable to applicants over 18 years of age).

The issuance of a work visa for employees by the Consular Office requires prior authorization from the corresponding Immigration Office in Spain, a process that takes one month from receipt.

If the visa is authorized, the visa issued will be valid for one year (unless the employment activity was requested for a shorter period, in which case the visa will be valid for the duration of the authorization), and will be limited to a specific occupation and exclusively within the geographical area of a "Comunidad Autónoma" (Region).

The visa must be collected within one month of its authorization, and must be collected in person only if the application was submitted through a duly authorized representative. Otherwise, the visa holder may collect it (those issued to minors must be collected by their parents or guardians); after this period has elapsed without collecting it, the Consular Office will issue a resolution to file it due to renunciation. It cannot be collected at any Consular Office other than the one that processed the application.

The visa holder has a maximum of three months to enter Spain and must, in all cases, travel to Spain and present to the border authorities the same travel document used to process their visa, which includes the visa.

Possession of a valid long-stay visa does not guarantee its holder automatic entry into Spain; the holder must prove to the 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.

Entry into Spanish territory will be denied, even if the visa holder holds a valid visa and can prove to the border authorities that the visa holder meets the requirements that led to its issuance, if an entry ban exists.

Once entry into Spain has been authorized by the border authorities, the visa holder must ensure that their passport is stamped by them. If entering Spain from a Schengen State and therefore without crossing external borders, they must, within a maximum of three business days, go to a Police Station or Immigration Office to sign an entry declaration. Once the Entry-Exit System comes into operation, the information contained therein will replace the information for the purposes of applying the provisions of this paragraph.

The interested party will have, starting from the day following the date of the entry stamp or from the signing of the entry declaration, a maximum period of 3 months for the employer to register them with the Spanish Social Security system. If the authorization to engage in employed work is for more than 6 months, a maximum period of 1 month from said registration to personally apply to the corresponding Immigration Office for the Foreigner's Identity Card (TIE). The initial authorization for temporary residence and employed work will not be effective until the interested party is registered with the corresponding Social Security system.

If the visa is denied, a rejection decision will be issued, which will always be communicated to the interested party in writing, including information on the legal basis for the denial, the available appeals, and the bodies to which they must be filed.

<sup>1</sup> The application and documentation must be submitted in person at this Consulate General during business hours, Monday to Friday, from 9 a.m. to 1 p.m. Appointments are required at [cog.melbourne.visappt@maec.es](mailto:cog.melbourne.visappt@maec.es)

### Documentation to be submitted

The applicant must always present:

1. Original passport or travel document.
2. National visa application form (1 copy).
3. 1 photograph.
4. Initial residence and employment authorization issued by the corresponding Government Delegation/Sub delegation (with electronic signature) and signed by the employer.
5. Negative certificate-proving freedom from any disease that could have serious repercussions for public health, in accordance with the provisions of the WHO International Health Regulations of 2005. (Reglamento Sanitario Internacional de la OMS de 2005).
6. Negative certificate of criminal record for offenses under Spanish law, issued by the country or countries in which the applicant has resided in the last 5 years (unless the applicant is under 21 years of age, in which case the certificate must cover the period from the date of issue to the date of the 16th birthday).
7. Document proving the applicant's actual and permanent residence in this consular district (rental contract, utility or telephone bills, etc.).
8. If the applicant is a third-country national, official document proving their legal residence and/or stay with authorization to return (visa, foreign resident identity document, etc.). Driver's licenses issued by local authorities, registration certificates, and rental contracts or utility or telephone bills will not be accepted.
9. Proof of payment of the corresponding consular fee; if claiming free of charge, supporting documents.

In the case of applicants who are minors, they must also present:

9. Documentary evidence of kinship or, where applicable, the appointment of guardians (to verify that those authorizing travel to Spain are indeed the minor's parents or guardians).
10. A written document from both parents or guardians authorizing the minor's travel to Spain for temporary residence and employment.
11. A statement from the person who will take care of the minor once they arrive in Spain and until they reach the age of majority, including their full name, national identity card (DNI) or foreign national identification number (NIE), and address, executed before a Spanish notary, confirming this circumstance.
12. A negative certificate from the Central Registry of Sex Offenders of the Spanish Ministry of Justice issued in favour of said persons under the terms of Article 13.5 of Organic Law 1/1996, of January 15, on the Legal Protection of Minors.( artículo 13.5 de la Ley Orgánica 1/1996, de 15 de enero, de protección jurídica del Menor) .

### General rules on the documentation to be submitted

The passport or travel document must be recognized by Spain, must be valid for at least 3 months after the visa validity period (i.e., 6 months for stays of less than 3 months and 15 months for all other periods), have at least 2 blank pages, and must allow return to the country of issue. In addition to the original, a photocopy of ALL pages, including those left blank, must be submitted.

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

The visa application form must be completed in all sections and signed by the applicant (or by their representative in the case of minors). Applications with unsigned forms will be deemed inadmissible. The applicant's home address or postal address (which must always be within the consular district), telephone number, and email address must be clearly stated for communication purposes. This form is free of charge.

Certificates and other official Spanish and foreign documents, including criminal record certificates and medical certificates, must not be older than six (6) months.

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

In the case of official foreign documentation, this Consular Office reserves the right to request that it be apostilled<sup>2</sup> or, where appropriate, legalized (except for a current bilateral or multilateral agreement<sup>3</sup>), as well as translated into Spanish (documentation in English or French<sup>4</sup> is accepted). The obligation to provide the apostilled/legalized documents and their translation into Spanish falls on the interested party, who must assume the cost of these procedures.

The visa fee is payable in advance and is not refunded to the interested party in the event of a visa denial.

All documents must be presented in the original and a copy. The documentation submitted will not be returned (except upon express and reasoned request).

**THIS CONSULAR OFFICE RESERVES THE RIGHT TO REQUEST ADDITIONAL DOCUMENTATION OR CARRY OUT NECESSARY CHECKS IF IT DEEMS IT NECESSARY TO RESOLVE THE CASE. DOCUMENTATION PROVIDED THAT HAS NOT BEEN EXPRESSLY REQUESTED WILL NOT BE TAKEN INTO ACCOUNT WHEN RESOLVING THE CASE.**

**COMPLIANCE WITH THESE INSTRUCTIONS IS STRONGLY ENCOURAGED, AND INTERESTED PARTIES ARE KINDLY REQUESTED TO SUBMIT ALL REQUIRED DOCUMENTATION AT THE SAME TIME TO AVOID DELAYS IN VISA PROCESSING.**

**THIS CONSULAR OFFICE DOES NOT OFFER PHOTOCOPYING SERVICES TO THE PUBLIC.**

<sup>2</sup> The updated list of member states of the Hague Convention of 5.10.1961, which abolishes the requirement for legalization of foreign public documents (Apostille Convention), can be consulted at the following link: <https://www.hcch.net/es/instruments/conventions/status-table/?cid=41>

<sup>3</sup> Consult the list of current Conventions at this Consular Office.

<sup>4</sup> For documents drawn up in other languages, please consult this Consular Office.

<sup>5</sup> Please check the current fee for this type of visa at this consular office at the following link: <https://exterioresedicion.maec.es/Consulados/melbourne/es/Comunicacion/Noticias/Paginas/Precios-Recaudaci%C3%B3n-Consular-a-1012024.aspx> Please note that payment will only be accepted by money order or cash.