

SELF-EMPLOYMENT VISAS IN SPAIN

DOCUMENTATION TO BE PRESENTED

General considerations

Any foreigner over 18 years of age who is not a national of an EU Member State or a Schengen State and who intends to travel to Spain to pursue a gainful self-employment activity for more than 90 days may apply for an initial residence permit for self-employment if they meet certain requirements.

Initial temporary residence and self-employment permits do not allow for family reunification of any kind.

If the expected lucrative self-employment activity will not exceed 90 days, the applicant must in all cases apply for a Schengen visa, not a work 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) (anexo II, Reglamento UE 2018/1806 de 14 de noviembre). The general rules for Schengen visas apply to this visa application, and it should also be noted that border authorities may require documentation justifying the purpose of the trip upon entry to Spain.

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

All applicants must have a Foreigner Identification Number (NIE) before submitting the visa application; If they do not have one, they must first process it, as the visa will not be authorized without this NIE.

Applications for a visa for employed persons must always be submitted in person exclusively at the Consular Office in whose district the applicant resides. Under no circumstances may they be submitted through a representative or electronically¹.

Only applications submitted by those who actually and permanently reside in the corresponding consular district will be accepted for processing. If they are third-country nationals, they must also be legally resident and/or stay with authorization to return (not tourists).

The Consular Office may establish an appointment system for receiving applications for this type of visa. Granting an appointment for submitting a visa application does not automatically mean authorization for the visa.

Visa applications will be rejected under the Fourth Additional Provision of Organic Law 4/2000 of January 11, as well as under Article 26.1 of Royal Decree 1155/2024 of November 19. (Disposición Adicional Cuarta de la Ley Orgánica 4/2000 de 11 de enero, así como en el del art. 26.1, RD 1155/2024 de 19 de noviembre).

In the case of incomplete applications or if any document submitted does not meet the legal requirements, the applicant will be required to rectify them.

The issuance of a self-employment visa by the consular office requires prior authorization from the corresponding Immigration Office in Spain, a process that takes three months from receipt.

If the visa is approved, it will be valid for one year and will be limited to a single sector of activity; Unless the interested party expressly requests the simultaneous granting of authorization in several Autonomous Communities, the validity of the authorized visa will be limited to the geographical scope of a "Comunidad Autónoma" (Region).

The visa must be collected within one month of its authorization. It may be collected in person or through a duly authorized representative (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 dismiss it due to waiver. It cannot be collected at any Consular Office other than the one that processed the application.

¹ 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

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 a maximum of 3 months, starting from the day following the date of the entry stamp or the signing of the entry declaration, to register with Spanish Social Security, and a maximum of 1 month from said registration to apply for a Foreigner's Identity Card (TIE) from the corresponding Immigration Office. The initial authorization for temporary residence and self-employment will not be effective until the interested party registers with the corresponding Social Security system.

If the visa is denied, a decision rejecting the request 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.

Documentation to be submitted

All applicants must present the following:

1. Original passport or travel document.
2. National visa application form (1 copy).
3. 1 photograph.
4. Application form for residence permit for self-employment (form EX-07) (1 copy), duly completed and signed.
5. Form 790-052 proving payment of the fee for the application for temporary residence permit.
6. Form 790-062 proving payment of the fee for the application for self-employment permit. If the self-employment activity will be carried out in Catalonia, the payment receipt established for this purpose by the aforementioned Autonomous Community must be used. In both cases, Ibero-American, Filipino, Andorran, and Equatorial Guinean nationals; Sephardic Jews; children and grandchildren of Spanish nationals; and foreigners born in Spain.
7. A negative certificate proving the absence of 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).
8. A negative certificate of criminal record for offenses established under Spanish law, issued by the country or countries in which the applicant has resided in the last 5 years.

Alternatively:

Or the following documentation:

9. Project for the establishment or activity to be carried out, indicating the planned investment, its expected profitability, and, where applicable, the anticipated job creation.
10. Documentation proving that the necessary financial investment for the implementation of the project has been made, or a commitment of sufficient support from financial or other institutions.
11. A report certifying the aspects mentioned in the previous two points, issued by one of the following Spanish organizations: the National Federation of Associations of Entrepreneurs and Self-Employed Workers (ATA), the Union of Professionals and Self-Employed Workers (UPTA), the Intersectoral Confederation of Self-Employed Workers of the Spanish State (CIAE), the Organization of Professionals and Self-Employed Workers (OPA), and the Union of Associations of Self-Employed Workers and Entrepreneurs (UATAE).

12. Documentary evidence of holding the authorizations or licenses required for the installation, opening, or operation of the planned activity.

13. In the case of retail commercial activities and the provision of services that will be carried out in permanent establishments, a copy of the prior municipal opening license, unless the retail commercial activity and the provision of services are expected to be carried out in a permanent establishment with a surface area of no more than 750 square meters, in which case proof of payment of the corresponding municipal tax must be presented.

14. Documentation proving the legally required professional qualifications or sufficient experience to practice the professional activity, when required, as well as, where applicable, membership in a professional association.

15. Amount of the corresponding consular fee; if claiming free of charge, supporting documents.

16. Documentation proving the applicant's actual and permanent residence in this consular district (rental contract, utility or telephone bills, etc.).

17. If the applicant is a third-country national, official documentation proving their legal residence and/or stay with authorization to return (visa, foreign resident identity document, etc.). Driver's licenses issued by local authorities, certificates of registration, and rental contracts, utility or telephone bills will not be accepted for this purpose.

General rules on the documentation to be submitted

The passport or travel document must be recognized by Spain, must be valid for at least 6 months (for planned stays of less than 90 days), 9 months (for planned stays of more than 90 days and less than 180 days), or 1 year (for planned stays of more than 180 days), and must have at least two blank pages. It must allow for return to the country of issue.

The visa application form must be fully completed and signed by the applicant or, if the applicant is a minor, by both parents or guardians. Applications with unsigned forms will be deemed inadmissible. The address or postal address (which must always be within the consular area), telephone number, and an email address for communication purposes must be clearly stated. This form is free of charge.

The photograph must meet the technical requirements of ICAO Document 9303 (close-up of the head and shoulders, taken frontally, with eyes open, on a plain, light background, free of 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).

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 presented in their simplest form (without fingerprints).

In the case of official foreign documentation, this Consular Office reserves the right to request that it be apostilled² or, where appropriate, legalized (except for a current bilateral or multilateral agreement³), as well as translated into Spanish (documentation in English or French⁴ is accepted). The applicant is responsible for providing apostilled/legalized documents translated into Spanish, who must bear the costs of these procedures.

The visa⁵ fee is paid in advance and is not refunded in the event of a visa denial.

An original and a copy of all documents must be submitted. Submitted documentation will not be returned (unless specifically and substantiated).

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.

² 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>

³ Consult the list of current Conventions at this Consular Office.

⁴ For documents drawn up in other languages, please consult this Consular Office.

⁵ 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.