

VISAS FOR DIGITAL NOMAD IN SPAIN

REQUIRED DOCUMENTATION

General considerations

Foreign nationals over 18 years of age, who are not citizens of an EU Member State or a Schengen State, and who intend to carry out work or professional activity remotely in Spain under a contractual relationship using exclusively computer, telematics, and communication systems, may apply for a residence visa in Spain for international teleworking, in accordance with the provisions of Law 14/2013 of September 27, on support for entrepreneurs and their internationalization, under the following modalities:

- the performance of an **employment activity under a contractual relationship** with one or more companies, provided that these companies are based outside of Spain (in the case of several companies, it is not necessary for them all to be registered in the same country).
- the exercise of a **professional activity, whether employed or self-employed**, 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 all be registered in the same country).
- the exercise of a **professional activity, whether employed or self-employed**, within the framework of a contractual relationship with one or more foreign companies (it is not necessary that they all be registered in the same country) AND ALSO with a company based in Spain, provided that the percentage of work for the latter does not exceed 20% of their total professional activity.

Taking the above into account, professionals who will carry out a professional activity remotely exclusively for a Spanish company, or who will carry out a professional activity remotely for one or more foreign companies and also for a company based in Spain, if the percentage of work expected for the latter exceeds 20% of their total work activity, WILL NOT BE ABLE to apply for this type of visa. In these cases, the applicant must apply for a work visa, either as an employee or self-employed, 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 centres of recognized prestige, or who have a minimum of three years of professional experience in functions similar to those of the position to be performed as an international teleworker, may apply for this type of visa.

This type of visa will not be processed for applicants whose circumstances fall within the scope of residence permits for intra-company transfers. In these cases, the provisions of Articles 73 and 74 of Law 14/2013 of September 27 will apply.

The possibility of applying for this type of visa (joint and simultaneous or successive) extends 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 their family (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, **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 applicant's commencement of residence in Spain and its validity is proven. Marriage and civil partnerships are considered incompatible in all cases.

- **Children** and children of their spouse or registered partner, **under 18 years of age, or over that age provided they are incapacitated.**
- **represented** by the foreign national sponsoring family reunification, **under 18 years of age, or over that age provided they are incapacitated**, when there is a legal act that establishes powers of representation (for example, the establishment of a guardianship or kafala), provided that this legal act is not contrary to the principles of the Spanish legal system.
- **First-degree ascendants** and those of their spouse or registered partner, **over 65 years of age** (or under that age when there are humanitarian reasons), provided they are dependent on them and there are reasons that justify the need to authorize their residence in Spain.

If the teleworking undertaken under the aforementioned Law is expected to last no more than 90 days, the applicant (and any accompanying family members) must apply for a Schengen visa, not a teleworker visa. Obtaining this visa is mandatory for all applicants.

Regardless of nationality, including those whose nationality requires them to possess a travel authorization registered in the European Travel Information and Authorisation System (ETIAS), **when valid** (Annex II, EU Regulation 2018/1806 of 14 November), the general rules for Schengen visas apply to this visa application. It should also be noted that border authorities may require supporting documentation for the purpose of travel upon entry into Spain.

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

All applicants must have a Foreigner Identification Number (NIE) before submitting their visa application. If they do not have one, they must obtain it beforehand (this can be done at the corresponding consular office), as the visa will not be authorized without an NIE¹.

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). Applications may not be submitted electronically² under any circumstances. They may be submitted at any Spanish consular office abroad. Consequently, nationals of the country are not required to prove actual and effective residence within the corresponding consular district, and nationals of third countries are only required to have legal status of stay with a return authorization.

Fingerprinting is not required.

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

Visa applications will be rejected in the cases stipulated in Additional Provision Four of Organic Law 4/2000 of January 11.

In incomplete applications or if any submitted document does not meet the legally required standards, the applicant will be asked to rectify the deficiencies.

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 the date of receipt.

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 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

If the visa is authorized, 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, the Consular Office will issue a resolution closing the application 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 any case, travel to Spain and present to the border authorities the same travel document used to process the visa, which includes the visa information.

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.

Once entry into Spain has been authorized by border authorities, the visa holder must ensure their passport is stamped by them. If entering Spain from a Schengen State, and therefore without crossing external borders, the holder must go to a Police Station or Immigration Office within a maximum of 3 business days 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 validity period), 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 decision of rejection, which will always be communicated in writing to the applicant, with information on the legal basis for the denial, the available appeals, and the bodies to which they must be submitted.

Required Documentation

All applicants must submit the following:

1. Original passport or travel document and a photocopy of ALL pages, including blank pages.
2. National visa application form (1 copy).
3. 1 photograph.
4. ONLY IF THE APPLICATION FOR RESIDENCE IN SPAIN IS FOR MORE THAN 6 MONTHS.
Alternatively:

a. Certificate of no criminal record for offenses under Spanish law, issued by the country or countries in which the applicant has resided in the last 5 years.

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 two years, and, in addition, a signed declaration from the applicant stating that they have no criminal record for the last five years.

5. ONLY if the applicant will be undertaking any work or professional activity, whether employed or self-employed, exclusively for one or more companies located outside of Spain. Alternatively:

a. If the applicant is covered by an international agreement coordinating the social security systems of Spain and their country of origin, and this agreement provides for healthcare coverage for workers from that country of origin in Spain, an official certificate issued by the competent institution of the State under whose social security system they are 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 their private health insurance policy and documentary proof that this policy will remain active for the entire period of validity of their residence permit in Spain are required. 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. 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 Tourism³.

³Australia falls 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>

6. ONLY if the applicant will be carrying out professional activity as an employee or 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, prior to the applicant's commencement of professional activity, to fulfill its obligations regarding Spanish social security.

7. Documentary proof that the applicant has either sufficient financial means to cover living and accommodation expenses during the intended period of residence in Spain, or a source of regular income, with a minimum monthly amount equivalent to 200% of the Public Indicator of Income for Multiple Purposes (IPREM). To demonstrate this amount, the employment contract(s) or firm job offer(s) as a teleworker will be valid, if these documents specify the employee's salary and that it reaches the aforementioned amount. Otherwise, any other means of proof may be used, if in all cases the ownership, legality and availability of the funds must be proven, and with respect, an individualized analysis will be carried out for each of these.

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

a. If claiming university or postgraduate academic qualifications, a copy of the undergraduate or postgraduate degree issued by the corresponding university or business school.

b. If claiming vocational training qualifications, a copy of the vocational training certificate or diploma issued by the corresponding institution.

c. If claiming professional experience (which must in all cases be a minimum of 3 years in functions analogous to those of the position to be performed as an international teleworker), supporting documentation. It is not necessary that this professional experience was acquired with the same company for which the applicant 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 at least one year will be accepted.

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

a. In the case of an employment relationship, a document proving that the company authorizes the employee to work remotely in Spain.

b. In the case of a professional activity, a document proving the terms and conditions under which the activity will be carried out remotely in Spain.

11. ONLY if the applicant's professional relationship is with a company based in Spain, a document proving that the company is registered with the Spanish Social Security system.

12. Copy of the Foreigner Identification Number (NIE), which must have been previously obtained.

13. Payment of the corresponding consular fee. In the case of claiming free accommodation, supporting documentation is required.

In the case of family members, documents 1, 2, 3, 4 (if applicable), 5, and 13 are required, and in addition:

14. IN ALL CASES, documentary evidence demonstrating either sufficient financial means to cover living and accommodation expenses during the intended stay in Spain, or a regular source of income, with a minimum monthly amount equivalent to 75% of the IPREM (Public Indicator of Multiple Effects Income)

for the first family member being reunited and 25% of the IPREM for each additional family member beyond the first.

Documentation relating to the foreign national sponsor in the case of applying to reunite a spouse or unmarried foreign national with whom they have a relationship analogous to marriage. They must also submit:

15. If previously married, a final divorce decree or judgment.

The spouse of the sponsor must also submit:

16. A certificate of the existence of the marriage. If, for any reason, the marriage was celebrated in Spain, a certificate from the corresponding Spanish Civil Registry must be provided.

17. If previously married, a final divorce decree or judgment.

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

18a. If this relationship is registered in a public registry established for this purpose and has not been cancelled, a certificate of registration.

18b. If this relationship is not registered in a public registry established for this purpose, any means of proof that sufficiently demonstrates a cohabitation relationship analogous to marriage of at least twelve continuous months, or less if the couple has children together, provided the emotional bond is maintained.

19. If previously married, a final divorce decree or judgment.

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:

20. A birth certificate issued by the corresponding foreign Civil Registry.

21. If the birth certificate does not establish parentage with respect to the sponsor or, where applicable, their spouse or partner, any public document that allows for the determination or confirmation of parentage (a simple declaration or statement of facts is not valid) or, alternatively, DNA or bone density tests. 22. In the case of children born solely to the spouse or registered or stable partner, supporting documents proving sole parental authority, sole custody, the child's actual care, 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 said 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.

23. In the case of adopted children, a copy of the adoption decree, which must also meet the legal requirements to be effective in Spain in accordance with national and international law. 24. In the case of children over 18 years of age with disabilities, a copy of the court order of incapacity, expressly stating the person or persons to whom parental authority has been granted, either exclusively or jointly.

25. 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 national sponsoring family reunification who are under 18 years of age, or over that age if they have disabilities, must also submit:

26. A certified copy of the legal act establishing the sponsoring foreign national's power of representation with respect to the minor or incapacitated person represented, which must not be contrary to the principles of Spanish law. In the case of kafala, consult specific regulations.

The sponsor's parents, or the parents of their spouse, registered partner, or stable partner, must also submit:

27. In all cases, official documentation that establishes the relationship with the sponsoring family member or, where applicable, with their spouse or partner.

Alternatively:

28a. If they are over 65 years of age, documentary proof of economic dependence on the family member sponsoring their reunification, as well as the reasons justifying the need to authorize their residence in Spain.

28b. 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 the NIE (Foreigner Identification Number) is detailed in a separate information note available at this Consulate General and on its website. The corresponding forms, also available at this Consulate General, must be used, and the corresponding consular fee must be paid.

The passport or travel document must be recognized by Spain, must be valid for at least 3 months beyond the validity of the visa (i.e., 6 months for stays of less than 3 months and 15 months for all others), and must have at least 2 blank pages. It must also allow for 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 meet 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-colored background, without glare, dark glasses, hats, or clothing that obscures the face, which must be visible from the hairline to the chin, and taken within the six months prior to the visa application).

If both are required, the documents mentioned in points 6 and 11 may be submitted in Only one.

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 apostilled⁴ or, where applicable, legalized (unless a bilateral or multilateral agreement⁵ is in force), as well as translated into Spanish (documents in English⁶ are accepted, however). The obligation to provide the apostilled/legalized and translated documents 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 non-refundable to the applicant in case of visa⁷ refusal.

All documents must be submitted in ORIGINAL AND COPY. 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 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.

⁴ 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>

⁵ Consult the list of current Conventions at this Consular Office.

⁶ For documents drawn up in other languages, please consult this Consular Office.

⁷ 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.