

## VISAS FOR ENTREPRENEURS (INTERNATIONAL TELEWORKING) IN SPAIN

### DOCUMENTATION TO BE PRESENTED

#### General considerations

Any company based outside of Spain that wishes to transfer a foreign worker over the age of 18 who is not a national of an EU Member State or a Schengen State to Spain to carry out a professional activity remotely, within the framework of an employment relationship with the company, using exclusively computer, telematic, and communication means and systems, provided that the percentage of such work does not exceed 20% of the company's total professional activity, 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.

Alternatively, these workers may apply for a visa as a self-employed worker.

**This type of visa will not be processed for applicants whose circumstances fall within the subjective scope of residence permits for intra-company transfers. In this case, the articles 73 and 74 of Ley 14/2013, of September 27, will apply.**

The possibility of processing this type of visa (jointly, simultaneously, or successively) extends to:

- the spouse**, provided they are not separated, de facto or de jure, from the sponsoring family member and the marriage was not celebrated in fraudulent conduct; under no circumstances may more than one spouse be reunited (unless they can prove the dissolution of their first marriage following a judicial procedure with the guarantees established by Spanish law), even if the personal law of the sponsoring foreigner allows this type of marriage. Alternatively, it may be granted to the **person with whom they maintain a relationship of affection similar to a conjugal one**, provided that said relationship is registered in a public registry established for these purposes and has not been terminated, or was established prior to the sponsor's residence in Spain and its validity is proven. Marriage and common-law partnerships will in all cases be considered incompatible with each other.

- Children** and those of their spouse or common-law partner who are **under 18 years of age or over that age, provided they are incapacitated**.

- Those **represented** by the foreign sponsoring family who are **under 18 years of age or over that age, provided they are incapacitated**, when a legal act is carried out that gives rise to powers of representation (for example, the establishment of a guardianship or a 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 common-law partner who are over 65 years of age (or under that age, where there are humanitarian reasons), provided they are dependent on them and there are reasons justifying the need to authorize their residence in Spain.

If the teleworking period to be carried out under the aforementioned Law is expected to be no longer than 90 days, the interested party (and, where applicable, any accompanying family members) must in all cases apply for a Schengen visa and not a teleworker visa. **Obtaining this visa is mandatory for all applicants, regardless of their nationality**, even 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). The general rules for Schengen visas will apply to the application for this visa, also taking into account 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 submit an application for this visa.

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

<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)

Applications for teleworking visas may be submitted either in person<sup>1</sup> or through a duly accredited representative (except in the case of minors, in whom a parent or guardian must do so). Applications may not be submitted electronically under any circumstances. Applications may be submitted at any Spanish consular office abroad; consequently, Spanish nationals do not need to prove actual and effective residence in the corresponding consular district, and third-country nationals are only required to be legally resident with authorization to return.

Fingerprinting is not required.

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 imply authorization for the visa.

Visa applications will be inadmissible in the cases provided for in 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 legal requirements, the applicant will be required to rectify them.

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

If the visa is authorized, the visa must be collected within one month of its authorization and must be collected in person or through a representative (in the case of minors, one of their parents or guardians must do so). After this period has elapsed without collecting it, this Consular Office will issue a resolution to dismiss it due to waiver. It cannot be collected at a Consular Office other than the one that processed the application.

The visa holder has a maximum period 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 visa of this type does not guarantee its holder automatic entry into Spain. The holder must prove to the border authorities that they meet the requirements for issuing it. 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 the border authorities, the visa holder must ensure that their passport is stamped. If entering Spain from a Schengen State and therefore without crossing external borders, they must, within a maximum period of three business days, go to a Police Station or Immigration Office to sign an entry declaration.

An 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 be valid for the same period), and therefore there is no need to apply for the corresponding Foreigner's Identity Card (TIE). However, it is necessary for the visa holder to comply with their social security obligations. The visa issued is valid for the entire national territory.

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

<sup>2</sup>If there are any doubts about the equivalence with the Spanish education system, prior validation of the vocational training qualification obtained with the Spanish equivalent may be required

### 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. ONLY IF THE APPLICATION FOR RESIDENCY IN SPAIN IS FOR A PERIOD OF MORE THAN 6 MONTHS. Alternatively:
  - a. A certificate of clean 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 clean criminal record for offenses under Spanish law, issued by the country or countries in which the applicant has resided in the last 2 years, AND ALSO a signed declaration by the applicant stating that there is no criminal record in the last 5 years.
5. Public or private health insurance, AND ALSO documentary evidence that the insurance will remain active for the entire duration of the authorization. TRAVEL INSURANCE WILL NOT BE VALID. Depending on the applicant's circumstances, the following alternatives must be submitted:
  - a. If the applicant is covered by an international standard coordinating the social security systems of Spain and their country of origin, and this standard provides health 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. Alternatively, these certificates can be downloaded from the following Spanish website:

<https://www.seg-social.es/wps/portal/wss/internet/InformacionUtil/32078/38626/38627>

- b. If the interested party is covered by an international regulation coordinating the social security systems of Spain and their country of origin, but the regulation does not provide health coverage for workers from that country of origin in Spain, or if the interested party is not covered by any international regulation coordinating the social security systems of Spain and their country of origin, a copy of the private health insurance policy taken out on their behalf, which provides coverage comparable to that provided by the National Health System. The insurance company must be able to operate in Spain and must therefore be registered on the list of insurance companies of the General Directorate of Insurance and Pension Funds of the Ministry of Industry and Tourism. If the interested party opts for Spanish public insurance, a copy of the agreement that must be previously signed with the Autonomous Community in whose territory they will be registered, provided that they meet the required requirements. In the absence of the aforementioned documents, a document containing a sworn declaration stating the commitment to comply with social security obligations prior to commencing employment or professional activity.
6. ONLY IF THE COMPANY FOR WHICH THEY WILL WORK IS REGISTERED WITH SPANISH SOCIAL SECURITY. Documentary evidence of this circumstance.
7. Documentary evidence of having either sufficient financial means to cover living and subsistence expenses during the planned period of residence in Spain, or a regular source of income, in a minimum monthly amount equivalent to 200% of the Public Income Indicator for Multiple Purposes (IPREM). Any means of proof may be used to prove this amount, and an individual analysis will be conducted. In all cases, an employment contract or firm job offer may be used; the ownership, legality, and availability of the funds used as evidence must always be verified.
8. Copy of documentation proving the applicant's academic qualifications or professional experience. Alternatively:
  - a. If claiming university academic qualifications, a copy of the graduate or postgraduate degree issued by the corresponding university or business school.
  - b. If claiming vocational training qualifications, a copy of the vocational training degree or diploma issued by the corresponding organization.
  - c. If claiming professional experience (which in all cases must be a minimum of 3 years in duties similar to the position to be performed as an international teleworker), supporting documentation.
  - d. IN ADDITION, if practicing regulated professions, proof of having recognized the qualification in Spain in accordance with the sectoral regulations regarding the practice of regulated professions.
9. Certificate from the Commercial Registry (or similar organization in the country) reflecting the date the company was incorporated and the type of activity it carries out. Only companies that can

prove actual and continuous activity for at least one year will be accepted.

10. Documentary evidence of the employment or professional relationship with the foreign company with which the employee maintains said relationship, which has lasted at least 3 months as of the date of the application.

11. Alternatively:

a. In the case of an employed worker, a document from the company authorizing the applicant to perform the remote work from Spain for which they have been contracted.

b. In the case of a self-employed worker, a document from the applicant with a summary of the terms and conditions under which they will carry out their professional activity in Spain.

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

In the case of family members, documents 1, 2, 3, 4 (if applicable), 5, and 12, and also:

13. IN ALL CASES, documentary evidence of having either sufficient financial means to cover living and subsistence expenses for the duration of the planned residency in Spain, or a regular source of income, in a minimum monthly amount equivalent to 75% of the IPREM (Spanish Income Tax) for the first family member reunited and 25% of the IPREM (Spanish Income Tax) for each family member reunited after the second.

Documentation relating to the foreigner reunifying the family member if requesting to reunite the spouse or unmarried foreigner with whom the family member maintains a relationship similar to a marital one. The following must also be submitted:

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

The spouse of the reunifying family member must also submit:

15. Certificate of the existence of a marital bond. If, for any reason, the marriage was celebrated in Spain, a certificate of marriage registration from the corresponding Spanish Civil Registry must be provided.

16. If the spouse has been previously married, a final divorce decree or judgment.

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

17a. If said relationship is registered in a public registry established for these purposes and has not been terminated, a certificate of registration.

17b. If said relationship is not registered in a public registry established for these purposes, any means of evidence that sufficiently demonstrates a relationship analogous to a marital relationship of at least twelve continuous months, or less if the couple has children together, provided the emotional bond is maintained.

18. If the spouse has been previously married, a final divorce decree or judgment.

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

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

20. If this certificate cannot prove the parentage of the sponsoring family member or, where applicable, their spouse or partner, any public document that allows determining or confirming the parentage (a simple declaration or statement of statements is not valid) or, alternatively, DNA or densiometric tests.

21. In the case of children solely belonging to the spouse or registered or stable partner, documents proving sole parental authority, that they have been granted sole custody, that they are effectively in their care, and that the transfer of the minor's residence to Spain has been authorized by the judicial authority or with the consent of the other parent. In the case of joint custody, a document from the other custodial parent granting their consent for the minor to reside in Spain; If the custodian has died, 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 in addition to the one indicated.

22. In the case of adopted children, a copy of the resolution granting the adoption, which must also meet the legal requirements necessary to be effective in Spain in accordance with national and international regulations.

23. In the case of disabled children over 18 years of age, a copy of the court ruling declaring incapacity, with specific mention of the person or persons who are entrusted with exclusive or shared parental authority.

24. 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 if they are disabled, must also present:

25. A certified copy of the legal act that establishes the powers of representation of the foreign sponsor 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 parents of the sponsor or those of their spouse, registered partner, or stable partner must also present:

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

Alternatively:

27a. If they are over 65 years of age, documentary evidence of their financial dependence on the sponsoring family member, as well as the reasons justifying the need to authorize their residence in Spain.

27b. If they are under 65 years of age, documentary evidence of the humanitarian reasons given for requesting their residence in Spain.

#### General rules on the documentation to be submitted

The procedure for applying for a NIE is outlined in a separate information note available at this Consulate General and on its website. You must use the corresponding forms, also available at this Consulate General, and pay the corresponding consular fee.

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 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.

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).

Requirements 10 and 11.a, or, where applicable, 11.b, may be submitted in a single document.

The criminal record certificate, civil registry certificates, and other official Spanish and foreign documentation must not be dated more than three (3) months ago, and in exceptional cases, six (6) months. This consular office reserves the right to request official foreign documentation that has been apostilled<sup>3</sup> or, where appropriate, legalized (except for a current bilateral or multilateral agreement<sup>4</sup>), as well as a translation into Spanish (documentation in English or French<sup>5</sup> is accepted). The applicant is responsible for providing the apostilled/legalized documents and their translation into Spanish, and the applicant must bear the cost of these procedures.

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

The visa fee is payable in advance and is not refunded to the applicant in the event of visa denial<sup>6</sup>.

All documents must be presented in the **original and a copy**. Documents 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>3</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>4</sup> Consult the list of current Conventions at this Consular Office.

<sup>5</sup> For documents drawn up in other languages, please consult this Consular Office.

<sup>6</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.