

VISAS FOR ENTREPRENEURS (HIGHLY QUALIFIED PROFESSIONALS) IN SPAIN

DOCUMENTATION TO BE PRESENTED

General considerations

Any company based in Spain may apply, under Law 14/2013 of September 27, on support for entrepreneurs and their internationalization, for a residence permit to incorporate highly qualified foreign professionals over 18 years of age into Spanish territory, who are not nationals of an EU Member State or a Schengen State, to carry out an employment or professional relationship for more than 90 days, provided that they fall under one of the following conditions:

a) Managerial or highly qualified personnel, when the company or group of companies meets any of the following characteristics:

- average workforce during the three months immediately prior to submitting the application exceeding 250 employees in Spain, registered with the corresponding Social Security system;
- annual net turnover exceeding €50 million in Spain; or equity exceeding €43 million in Spain;
- Average annual gross investment from abroad of no less than €1 million in the three years immediately prior to submitting the application;
- Companies with an investment stock value or position, according to the latest data from the Foreign Investment Registry of the Ministry of Economy and Competitiveness, exceeding €3 million;
- Membership, in the case of small and medium-sized enterprises established in Spain, in a sector considered strategic.

b) Managerial or highly qualified personnel who are part of a business project that involves, alternatively and provided that the condition claimed based on this assumption is considered and accredited as being of general interest:

- A significant increase in direct job creation by the company applying for the contract;
- Maintenance of employment;
- A significant increase in job creation in the sector of activity or geographical area in which the work activity will be carried out;
- An extraordinary investment with a significant socioeconomic impact in the geographical area in which the work activity will be carried out;
- the existence of reasons of interest to Spain's trade and investment policy;
- a significant contribution to scientific and/or technological innovation.

c) Graduates and postgraduates from renowned universities and business schools.

This type of visa ALWAYS requires obtaining a prior residence permit, which must be processed in Spain by the hiring company through the Large Companies and Strategic Groups Unit of the Ministry of Social Security and Migration. If the permit is granted, the interested party must submit the visa application to the corresponding consular office.

This regime does NOT apply to highly qualified professionals who are nationals of third countries who already hold an EU BLUE CARD issued by another Member State of the European Union and who will carry out their respective work activities in Spain. They must process their residence permit in our country in accordance with the regime established in Articles 1 and 2. 175 et seq. of Royal Decree 1155/2024 of November 19, although visas cannot be issued under any circumstances.

The possibility of processing this type of visa (joint, simultaneous, or successively) extends to:

- the **spouse**, provided they are not legally or de facto separated from the sponsoring family member and the marriage was not entered into in fraudulent practice; 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 can be applied 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 can be proven. Marriage and common-law partnerships will always be considered incompatible.

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

- **children** and those of their spouse or common-law partner, **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 does not contravene the principles of Spanish law.

- **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 that they are dependent on them and there are reasons justifying the need to authorize their residence in Spain.

If the highly qualified professional activity to be carried out under the aforementioned Law is expected to last no more than 90 days, those who, by virtue of their nationality, are subject to visa requirements (and, where applicable, their accompanying family members) – Annex I, EU Regulation 2018/1806 of 14 November – must apply for a Schengen visa, not an entrepreneur visa. The general rules for Schengen visas will apply to the application for this visa, and in all cases, a copy of the residence permit issued by the Large Companies and Strategic Groups Unit of the Ministry of Social Security and Migration must be included with the 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 their voluntary commitment not to return to Spain may not apply for this visa.

Visa applications for highly qualified professionals may be submitted either in person 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.

They 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.

No fingerprinting is 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 under the provisions of the Fourth Additional Provision of Organic Law 4/2000, of January 11, will be inadmissible.

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 highly qualified professionals by the Consular Office requires prior authorization from the corresponding Immigration Office in Spain, a process that takes 20 days from receipt.

If the visa is approved, the initial temporary residence authorization will be valid for one year if the activity to be carried out is expected to be longer than three months, and 90 days if the activity to be carried out is less than three months. In both cases, it will be valid throughout the national territory.

The visa must be collected within one month of its authorization. It may be collected in person or through a representative (those issued to minors must be collected by their parents or guardians). After this period has elapsed, the Consular Office will issue a resolution to file it due to waiver. 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 visa of this type does not guarantee the 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 allow the holder, on its own, to leave their country of origin, nationality, or residence, which may impose regulations in this regard.

Once authorized to enter Spain 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 of three business days, go to a police station or an Immigration Office to sign an entry declaration.

The visa issued by itself entitles its holder, for the first year (or 90 days, if applied for for a period of less than three months), to legally reside in Spain, without needing to apply for the corresponding Foreigner's Identity Card (TIE). However, they must always apply for a Foreigner's Identity Number (NIE), if they do not already have one. This procedure can be done in Spain or at this Consular Office, at the applicant's choice.

If the visa is denied by this Consular Office, it will issue a decision rejecting the application, 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.

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. A clean criminal record certificate 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 applicant's 16th birthday until the date of issue).
5. A copy of the residence permit document, issued by the Large Companies and Strategic Groups Unit of the Ministry of Social Security and Migration.
6. The amount of the corresponding consular fee; if the application is free of charge, supporting documents.

In the case of family members, documents 1, 2, 3, 4 (if applicable), and 6, plus:

7. Copy of the family member's residence permit, issued by the Large Companies and Strategic Groups Unit of the Ministry of Social Security and Migration.

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 stays), have at least 2 blank pages, and must allow return to the country of issue.

The visa application form must be fully completed and signed by the applicant (or their representative in the case of minors). Applications with unsigned forms will be deemed inadmissible. The applicant's home 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 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).

Criminal record certificates must not be older than three (3) months, and exceptionally six (6) months. This Consular Office reserves the right to request an apostilled or, where appropriate, legalized (except for a current bilateral or multilateral agreement³), as well as a translation into Spanish (documents in English or French⁴ are accepted). The obligation to provide the apostilled/legalized documents and their translation into Spanish falls on the interested party, who must bear the cost of these procedures.

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

The visa fee is payable in advance and is not refunded⁵ if the applicant is denied.

An ORIGINAL and a COPY of all documents must be submitted. Submitted documentation is not 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.