



## 1

## General and regulatory mobility scenario.

Spain's strategic geographical and economic situation, as well as its historical ties with different cultures on a global level, positions it as a link between Europe, America, North Africa and Asia. Spain's immigration legislation is extensive, guided by principles established at the European level with a marked focus on attracting investment and human capital.

The Spanish immigration system is complex and has different regulations and treatment for nationals of EU/EEA/Switzerland countries vs. third countries. However, within this complexity, there are a series of advantages for obtaining residence permits and applying for nationality for individuals who need or wish to establish themselves in the country.

In this document, we want to make a first approach to the solutions offered by Spain in the field of international mobility, both for companies and for private or family investors in their travel plans for work, business or personal reasons.



## 2

## Solutions for companies – International corporate mobility services.

### 2.1. Citizens of third countries (outside the EU/EEA/Switzerland)

#### LOCAL HIRING, LABOR RELATIONS AND SOCIAL SECURITY IN SPAIN.

The local hiring of a foreigner in Spain is a complicated and complex process, with increasingly demanding requirements. There are different ways, which can be summarized in two options:

##### a) Work permit for employees (general regime, law on foreigners).

It is a good option when it is necessary to modify the immigration status of stay/residence without right to work (i.e. studies, non-profit) to a residence with a work permit as the requirements are less strict than for other types of work permits. This option:

- Grants the right to reside and work for 1 year, extendable for 2 years.
- Requires passing the National Employment Status (there are several exceptions to this requirement).
- Resolution time: 3 months.
- The validity of the permit is subject to obtaining the corresponding visa in the country of origin and registration with the social security authorities upon entry into Spain.

##### b) Work permit for highly qualified professionals (Law 14/2013, Entrepreneurship Law).

This is our recommendation when it comes to applications from companies that have more than 250 employees, have high turnover, or are considered to be in a strategic sector (R&D). This also applies when the position to be held is a highly qualified one and the candidate has an ideal profile for said position.

##### Advantages:

- The right to reside and work for an initial maximum period of 2 years, extendable for another two.
- Online application.
- Quick resolution (20 working days).
- The possibility of avoiding the need to apply for a visa in the country of origin by making the application "in country".

##### Disadvantage:

- Limited to highly qualified profiles and minimum wage requirements.

### **INTERNATIONAL ASSIGNMENTS, INTRA-COMPANY OR TRANSNATIONAL WORKERS LABOR RELATIONSHIP AND SOCIAL SECURITY IN ORIGIN.**

#### **Methods:**

#### **a) Work authorization for cross-border workers.**

Application for workers who move to a workplace in Spain from a company established outside the EU or EEA.

#### **Requirements:**

- It must be carried out under the direction of the foreign company or be a transfer between the same company or group of companies.
- Previous experience of 9 months.
- Need to apply for a visa.

#### **b) Work and residence permit for intra-company transfer.**

Regulated in Law 14/2013 of September 27, "Entrepreneurs' Law", it is much more advantageous than the previous one:

- Transfers from companies outside Spain, not necessarily outside the EU/EEA.
- Assignments between companies or groups of companies but also as a consequence of a service provision agreement.
- Previous experience required of 3 months.
- Possibility of avoiding the need for a visa.

### **RESIDENCE PERMITS FOR FAMILY MEMBERS ACCOMPANYING WORKERS.**

In all the above options there is the possibility of regrouping the family members of the workers who come to Spain. While in some cases it is possible to do so simultaneously with the holder, in others it is necessary to wait for a favorable resolution from the worker before being able to reunite his or her family members.

There are permits that also grant a right to work for working-age relatives, while others only grant a right to residence without work.

### **BUSINESS VISAS.**

It is an option for those nationals of countries with which there is no visa agreement with Spain. The main difficulty in applying for this visa is that the difference between business and work is not determined by Spanish law and the line, in most cases is very fine. Thus, it is important to make a business visa application with expert support so that it is not rejected for this reason.

### **STUDENTS.**

There are several types of stay or residence permits that grant work permits for students, depending on whether they have already completed their studies and have a degree. Or if the company hiring has an agreement for work experience with a regulated educational institution in Spain. In each case, the different options and what is most convenient for all parties will be studied.

## 2.2. EU citizens (EU/EEA/Switzerland).

### REGISTRATION CERTIFICATE.

EU citizens who are going to stay in Spain for a period longer than 90 days must register with the Spanish authorities.

- It is essential to prove financial means, either a contract, letter of assignment or bank statement.
- Must have medical insurance coverage.
- Dependent family members who are also citizens of a member state and have to register, leave the family relationship well proven. They must also have full private medical insurance coverage (except when the regrouping EU citizen has an employment contract registered with the Spanish social security system).

### COMMUNITY MEMBER FAMILY CARD.

Dependent family members who are also citizens of a Member State and have to register, leave the family relationship well proven. They must also have full private medical cover (except where the applicant Community citizen has an employment contract with registration in the Spanish social security system).

# 3

## Solutions for investors / entrepreneurs and individuals.

### 3.1. Investor's visa (Golden Visa).

Citizens of third countries who make a significant capital investment in Spain may opt for an investor's visa or a residence permit.

It can be applied for by complying with any of these conditions set forth in the Law:

- At least 500,000 euros in real estate assets, or
- At least 2 million euros in public debt, or
- At least 1 million euros in shares or participations in the company,
- Projects in Spain considered and accredited as of general interest or economic social impact (job creation).

This permit has the advantages of other residence permits, such as the possibility of grouping family members simultaneously, the right to work for all applicants (including family members) of working age. But the most remarkable feature is that no minimum residence in Spain is required to maintain legal residence, only one entry into Spain is necessary.

### 3.2. Non-profit residence permit.

This permit grants the right to reside in Spain without working for one year (renewable) and gives freedom of movement in the Schengen area during the period of validity of the permit.

- It is essential to prove sufficient economic means (this amount varies timidly from year to year, depending on the Public Indicator of Multiple Effects Income "IPREM").
- It is also necessary to have total medical insurance coverage comparable to the Spanish Social Security.

### 3.3. Long-term and EU residence permit.

Once you have resided in Spain for 5 consecutive years, you can apply for a long-term permit.

Necessary condition: not to have remained outside Spain for more than six months in one year or more than ten months in the five years of residence.

### 3.4. Visa for entrepreneurs (innovation, R&D, job creation).

People who are going to develop an entrepreneurial activity that results in an innovative project with a special economic interest for Spain (job creation, added value in the Spanish economy) will be eligible for this type of visa. It is an interesting permit since a one-year visa is granted before the residence permit is issued so that the applicant can carry out the procedures prior to the development of the activity and subsequently, he/she will be eligible for an initial residence of 2 years renewable.

### 3.5. Residence permit for self-employed workers.

Nationals of third countries (non-EU) who wish to work on their own, as self-employed, in Spain, must also obtain the corresponding work permit. It is very important to take into account the regulated and/or collegiate professions, which will require homologation of the degree in order to practice.

## 4

## Students.

### Study visas and residence permits for job searches.

#### **STUDY VISA.**

The student must have been admitted to an official educational institution in Spain. It is necessary to apply in the country of residence and plan well in advance since the processing time is long, ranging from 3 to 4 months, depending on the consulate. It is granted for a maximum period of one year, limited by the duration of the studies to be undertaken.

#### **RESIDENCE PERMIT FOR JOB SEARCH OR BUSINESS PROJECT**

This permit will be granted for a maximum period of one year and is not renewable. It is not suitable for any student, but they must have completed at least grade 6. It is important to understand that this permit does not grant the right to work. Once the student has a job offer, he/she must request the corresponding work permit. The job offer must be in accordance with their area and level of study.

## 5

## Application for Spanish nationality.

Spanish nationality can be obtained by origin, residence, option, possession of status or letter of nature.

#### **NATIONALITY FOR SPANISH NATIONALS.**

They are Spanish in origin:

- Those born to a Spanish father or mother.
- Those born in Spain when they are the children of foreign parents if at least one of the parents was born in Spain.

#### **NATIONALITY BY RESIDENCE.**

It requires the person to reside in Spain for ten years legally, continuously and immediately prior to the petition. However, there are agreements with countries with which Spain has had special historical ties, in which this time is substantially reduced to two years (Latin American countries, Andorra, Portugal, Equatorial Guinea, and the Philippines).

There are other exceptions to the general rule of 10 years, for example, for people who marry a Spanish citizen, who only require 1 year of residence.

#### **NATIONALITY BY OPTION.**

They will have the right to acquire Spanish nationality by this means:

- Those persons who are or have been subject to the parental authority of a Spaniard.
- Those people whose father or mother was Spanish and was born in Spain.

#### **NATIONALITY BY POSSESSION OF STATE.**

A person who has possessed and used this nationality for ten years, continuously, in good faith (without being aware of the real situation, that is, that he or she is not actually Spanish), based on a title registered in the Civil Registry, will have the right to Spanish nationality.

#### **NATIONALITY BY CHARTER.**

This form of acquisition of nationality is not subject to the general rules of administrative procedure. It will be granted or not discretionally by the Government by means of a Royal Decree, after evaluating the concurrence of exceptional circumstances. (Example Nationality Law for Sephardic descendants).



## 6

## Other services.

### 6.1. Special tax regime for transferred workers and sole directors (“Beckham Law”).

This regime allows individuals who become tax residents in Spain to be taxed as non-residents, i.e., at a “flat rate” of 24%, provided that they meet the requirements and are within the scope of the cases contemplated by the legislator, i.e., that the relocation to Spain is the result of an employment contract, an international assignment or because they have acquired the status of administrator of an entity.

### 6.2. Legalizations / Apostilles.

All public documents must be legalized / apostilled (Hague Convention countries) to be valid in other countries.

### 6.3. Obtaining a Tax Identification Number.

The NIE in Spain is necessary for almost all economic and professional procedures and many times it is needed before one is assigned in the residence permit or registration certificate in the case of EU citizens. The number assigned will be the definitive one, but this document is valid for 3 months.

### 6.4. Social Security procedures: Application for Membership Number, registrations and cancellations.

For all local hiring in Spain, the worker must be registered with the social security system and must have a previously assigned Affiliation Number (NAF).



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