

*Guide*  
**NOMAD  
VISA**  
*in Spain*



# NOMAD VISA

The regulation of the **Visa for Digital Nomads** has been adopted through the Law for the promotion of the ecosystem of emerging companies or Startups Law or Law 28/2022 of 21 December 2022. Its fifth additional provision modifies the Entrepreneurs Law (Law 14/2013, of 27 September), creating the figure of the international **teleworker**, also known as **“digital nomad”**.

Any interested party must apply for a visa at the Spanish Consulate in the jurisdiction of their country of residence. However, future digital nomads, if they are legally in Spanish territory, may apply directly or through an accredited representative for residence at the **Large Companies and Strategic Collectives Unit (UGECE) of the Ministry of Inclusion, Social Security and Migration**, which must resolve the residence within 20 days, without the need for a prior visa. Residences will be granted directly for 3 years, while the visa has a maximum duration of 1 year.



## Digital Nomads International Teleworkers.

Non-EU foreign nationals may apply for an international telework residence permit in order to work or work remotely for companies located outside the national territory, using exclusively computer, telematic and telecommunication means and systems.

In the case of exercising an employment activity (as an employee), the holder of the authorization for international teleworking may only work for companies located outside the national territory.

In the case of exercising a professional activity (as a self-employed person), the holder of the international teleworking authorization will be allowed to work for a company located in Spain, provided that the percentage of such work does not exceed 20% of his total professional activity.

The telework visa is sufficient to reside and work remotely in Spain during its period of validity, which will be a **maximum of one year**, unless the period of work is shorter, in which case, the visa will have the same validity as the latter.

In addition, those who obtain this visa may apply for a residence permit in Spain in order to telework remotely for a company located abroad, which will be valid for a maximum of three years.

- The visa for international teleworking shall constitute sufficient title to reside and work remotely in Spain for the duration of its validity.
- Within sixty calendar days prior to the expiry of the visa, international teleworkers who are interested in continuing to reside in Spain may apply for the authorisation of residence for international teleworker, provided that the conditions that generated the right are maintained.
- Those foreigners who are in Spain on a regular basis or who have gained access by means of the planned visa, may apply for a residence permit for the purpose of teleworking remotely for a company located abroad, which will be valid throughout the national territory.
- The validity of this authorisation shall be for a maximum of three years, unless it is requested for a shorter period of work.
- Holders of this residence authorisation may request its renewal for two-year periods as long as the conditions that generated the right are maintained.





## WHO CAN APPLY FOR THIS VISA?

All non-EU nationals who wish to work or work remotely and who can prove that they have the following documents are eligible to apply:

- Hold a graduate or postgraduate qualification.
- Have vocational training and schools of recognized prestige.
- Or accredit that they have more than 3 years' experience.

Here, the law makes a clear distinction between employed and self-employed persons.

- **Employee:** In this case, the worker can only work for companies based outside Spain.
- **Self-employed:** If you have your own business or are self-employed, you can telework in Spain for companies based outside our country and for companies located in Spain, but with one limitation. The percentage of work offered to companies based in Spain cannot be more than 20% of your total professional activity.

## INTERNATIONAL WORKER VISA REQUIREMENTS

- Not to be in Spanish territory illegally.
- Be over 18 years of age.
- Not have a criminal record in Spain or in the countries where you have resided for the last two years, for offences under Spanish law. In addition, a declaration must be submitted certifying that you have not had a criminal record for the last five years.
- Not to be listed as ineligible in the territorial space of countries with which Spain has signed an agreement in this regard.
- Have public insurance or private health insurance arranged with an insurance company authorized to operate in Spain.
- Have sufficient economic resources for themselves and their family members during their period of residence in Spain.
- Pay the fee for processing the authorization or visa.

In addition to these general requirements that must be accredited for any of the permits regulated in the Entrepreneurs Act, the following requirements must also be met for this type of authorization/Visa:

- The existence of a **real and continuous activity for at least one year of the company or group of companies with which the worker has an employment or professional relationship.**
- Documentation proving that the employment or professional relationship **can be carried out remotely.**
- In the case of an employment relationship, proof must be provided of the **existence of such a relationship between the worker and the company not located in Spain for at least the last three months prior to the submission of the application**, as well as documentation accrediting that the company allows the worker to carry out the work activity remotely.
- In the case of the existence of a professional relationship, **proof must be provided that the worker has had a business relationship with one or more companies not located in Spain for at least the last three months**, as well as documentation accrediting the terms and conditions under which the professional activity is going to be carried out remotely.

## FAMILY MEMBERS OF INTERNATIONAL TELEWORKERS



As with the rest of the authorizations regulated by the Entrepreneurs Law, family members can also obtain both the visa and the authorization.

Which family members can be included?

- The spouse.
- Person in a similar relationship of affection.
- Children who are minors or who have reached the age of majority and who are financially dependent on the holder and have not themselves formed a family unit.
- Dependent relatives in the ascending line.
- These family members who join or accompany foreign nationals who are going to work remotely in Spain may apply, jointly and simultaneously or successively, for authorization and, if applicable, for a visa.

# VISA AS AN INTERNATIONAL WORKER - DIGITAL NOMAD. EVALUATION AND DOCUMENTATION TO BE PROVIDED. RENEWAL.

## F.A.Q's

### 1. What is an international teleworker?

A worker authorized to remain in Spain in order to carry out an employment or professional activity at a distance for companies located outside the national territory, by means of the exclusive use of computer, telematic and telecommunication means and systems.

### 3. Can a self-employed person be considered an international teleworker?

Yes, as long as you can prove a professional relationship through a commercial contract with the foreign company for which you work for a minimum of three months and the company authorizes your transfer to Spain.

### 2. Who can obtain an authorization as an international teleworker?

A national of a third country, of full age. Therefore, it does not apply to EU citizens or to those to whom EU law applies.



#### 4. Is registration with Social Security in Spain compulsory?

Yes, when working from Spain, registration is compulsory and there are two possible cases:

■ **Employee:** The company must register with the Social Security in order to be able to register the teleworker here under the General Scheme.

■ **Self-employed worker.** The worker must register with the self-employed workers' scheme.

The requirement to register with Social Security can only be replaced by importing the right from the country of origin, provided that there is an international social security agreement between Spain and that country and the social security administration of origin issues a document based on this agreement for teleworkers that provides temporary coverage in Spain.

It is important to note that only some of the countries with an agreement issue a certificate of coverage for teleworkers.

#### 5. If the company has a branch in Spain, can I affiliate them to social security through this company or import the right to social security from countries with an agreement based on this transfer?

In this case, they would not be considered teleworkers, but rather Intra Company Transfer (ICT) workers who are governed by this figure and its specific requirements.

#### 6. What other requirements are necessary?

Not being unlawfully present in Spain.

Absence of a criminal record in Spain and in the country/countries where you have resided for the 5 years prior to the application (Certificate/s from the country where you have resided for the 2 years prior to the application and a sworn declaration of not having a criminal record in the countries of residence for the last 5 years must be provided).

To have public insurance (through registration with the Social Security) or equivalent private health insurance arranged with an insurance company authorized to operate in Spain. Travel insurance is not valid, nor is it limited to reimbursement of medical expenses, nor is it valid for those with waiting periods or co-payments.

Have sufficient financial resources for yourself and your family members during your period of residence in Spain.



## 7. Can you do other work in Spain?

Two scenarios are possible, always on the premise that your work can only be carried out exclusively by means of computer, electronic and telecommunication means and systems:

■ **Employment relationship:** In Spain you can only work for the company based outside the national territory for which you are teleworking.

■ **Professional relationship:** You may work for a company located in Spain, as long as you maintain the professional relationship with the company with which you are applying for authorisation and the percentage of such work with the Spanish company/s is a professional relationship (never employment) and does not exceed 20% of your total professional activity.

## 8. What absences outside the national territory can a teleworker accumulate?

They may be absent for a maximum of six months per calendar year in order to remain eligible for authorization.

## 9. Can family members obtain an authorization/visa?

Yes, the spouse or person with a similar relationship of affectivity, the minor or adult children who, being economically dependent on the holder, have not constituted a family unit by themselves and the dependent ascendants, who join or accompany the foreign nationals, may apply, jointly and simultaneously or successively, for authorisation and, where applicable, for the visa.



## 10. Can family members work in Spain?

Yes, the fourth additional provision of Law 14/2013 establishes that residence permits authorize residence and work (both self-employed and employed).

## 12. What are considered to be “family members”?

For the purposes of this Law, the spouse or person with an analogous relationship of affectivity, the minor or adult sons and daughters who, being economically dependent on the holder, have not constituted a family unit on their own, are considered family members of the holder. Also the ascendants dependent on the holder.



## 11. Is proof of minimum financial resources (means of subsistence) required?

Yes, applicants for international telework residence visas or authorizations must prove that they have financial resources for themselves and their family members in accordance with the following amounts:

- Holders of visas and residence permits: an amount representing 200% of the monthly minimum wage (SMI).
- Family units comprising two persons, including the person entitled and the person reunited: at least 75% of the SMI. 25% of the SMI will be required for each additional member to the two persons mentioned above.

These amounts can be proven by, among others, the contract, pay slips, certificate from the posting company, etc.



# Documentation Applications

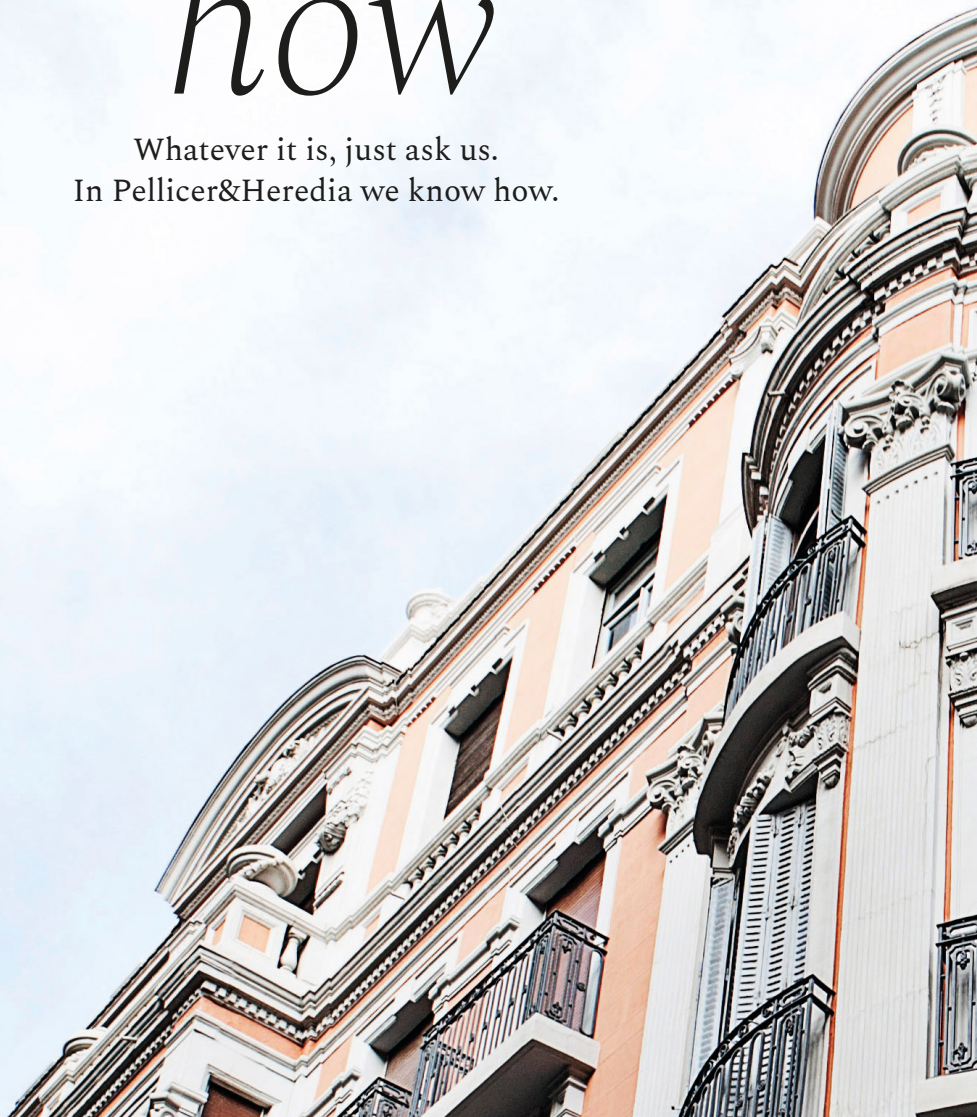
## Teleworkers International Sector

1. Copy of complete passport or valid travel document. (all pages).
2. Proof of having paid the fee (form 790 / 038), attaching proof of payment if this is not shown on the 790 form itself.
3. Application form signed by the teleworker (MIT Form).
4. Proof of an employment/professional relationship of at least three months at the date of the application with the foreign company/companies with which he/she maintains this relationship.
5. Proof of real and continuous activity for at least one year of the foreign company or group of companies with which the worker has an employment/professional relationship.
6. Letter from the foreign company, authorising the development of remote work from Spain, accrediting the job profile, salary to be received, terms and other conditions under which the professional activity will be carried out remotely.
7. Copy of the qualification related to the performance of the post or, if applicable, minimum substitute experience in functions analogous to the post to be performed.
8. Certificate of Social Security coverage (if there is an agreement with the country of origin) or registration with the Spanish Social Security, accrediting at least the application for registration of the foreign company with the Social Security and the commitment to register once the authorization has been obtained before the start of work.
9. Current criminal record certificate from the country or countries where he/she has resided for the last two years. In addition, a declaration of non-existence of criminal record for the last 5 years must be presented (The above will not be applicable when the applicant holds a residence permit or has been in Spain for more than 6 months and has already provided it to obtain said permit).
10. Public or private health insurance. Travel insurance is not accepted (Not necessary in the case of registration with the Social Security).

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+34 965 480 737 [info@pellicerheredia.com](mailto:info@pellicerheredia.com)

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