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THE DEFINITIVE GUIDE TO THE SPANISH GOLDEN VISA

On 28 September 2013, Law 14/2013 on Support for Entrepreneurs and their Internationalization came into force, with the aim of fostering an entrepreneurial culture and creating a favorable environment for economic activity and facilitating the entry of investment and talent in order to promote economic growth and job creation.

Foreigners who intend to enter or reside, or who already reside, in Spain will have their entry and stay in Spanish territory facilitated for reasons of economic interest in those cases in which they can prove that they are:

- a) Investors
- b) Entrepreneurs
- c) Highly qualified professionals
- d) Researchers
- e) Employees who make intra-corporate movements within the same company or group of companies.

Spain attracts a large number of foreign investors, entrepreneurs and qualified professionals who wish to establish and develop their business projects or carry out their professional or employment activity in our country, thus favoring economic growth and job creation. Spain currently facilitates the mobility of these profiles and their families, through a Residence Program, regulated in the Mobility Section of the Entrepreneurs Law, which speeds up the granting of residence and work permits to foreigners from outside the EU, in order to attract investment and talent. And, if you have made a significant investment in Spain, you can take advantage of the Spanish migration scheme for investors.

Benefits of the Legal Residency Programme for Entrepreneurs

These permits authorize their holders and their families to live and work throughout Spain without the need to submit an application for national employment status, and allow them to move freely within the Schengen area.

The process is quick and simple: visas are processed in 10 working days and residence permits are approved in 20 days. Permits can be processed through a representative and prepared simultaneously for all family members.



How to Apply for the Spanish Golden Visa?

From outside of Spain

you can apply for a one-year visa at the Spanish diplomatic mission or consular office in your country of residence.

Once in Spain, and during the year that the visa is valid or within 90 days after the expiry date, you can apply for residence approval, valid for two years, at the Unit for Large Companies and Strategic Economic Sectors (UGE-CE).

If in Spain legally

that is, if you are authorized to stay or reside, or have an investor or entrepreneur visa, you must apply for a residence permit, valid for two years. Submitting this application will extend your foreign national's previous residence or stay status in Spain until the process is completed.

Who can apply?

Applications may be submitted by the person concerned or through a representative. The application form must be submitted duly completed and signed by the holder (The presentation formalities etc. can be done by an authorized person with a written document granting representation (normally by power of attorney) by the signatory of the application and a copy of the passport/TIE).

- The following family members may also apply for a visa jointly and simultaneously or successively when they join or accompany the investor (without this implying that an additional investment must be made for each of them):

a) Spouse or person with an analogous relationship of affectivity (you can prove this circumstance by means of a birth certificate that you have children in common, for example).

b) Children under 18 years of age.

c) Children of legal age who are financially dependent on the holder and have not constituted a family unit by themselves (these circumstances must be accredited with documentation).

d) Dependent ascendants (documents must be provided to prove that the ascendant is dependent).

The granting of the residence visa for investors shall constitute sufficient entitlement to reside and work in Spain for the duration of its validity.

According to Article 66 of the said Law, visa holders may apply for the residence authorisation for investors.

There are therefore two distinct procedures: **the first** is to apply for and obtain a residence visa as an investor (for the investor him/herself) and, if applicable, to apply for and obtain a residence visa for each of the family members accompanying him/her. This procedure is carried out at the Spanish Consulate in the country of origin of the investor and his/her family. This visa has a duration of **one year**.



After obtaining the residence visa, the investor and his family members, if they wish to reside in Spain for a period of time longer than one year, may **apply for the (initial)** residence authorization for each of them; this application is processed at the Directorate General for Migration and specifically at the Large Companies Unit. The residence permit is valid for **two years**. It may be renewed as long as the legally established requirements are maintained.

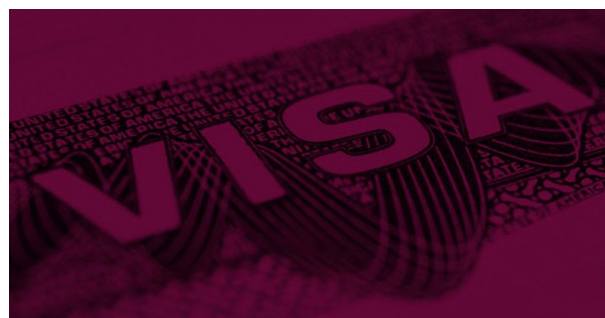
(Applications for residence authorization, in the case of holders of a residence visa, must be submitted during the period of validity of the visa or within 90 days after the expiry of the visa).

An application for a residence permit may also be submitted without having previously obtained a residence visa as an investor if the investor and his/her family members are in Spain at the time of applying for the permit on a regular basis, e.g., on a short-term stay.

Therefore, there are two possible situations:

- 1) the investor and his/her family members are outside Spain and in this case an application for a residence visa is submitted to the Spanish Consular Office in their place of residence;
- 2) the investor and his/her family members are in a regular situation in Spain at the time of applying for the residence authorization, they apply for the residence authorization directly and once obtained they do not have to return to their country to obtain a residence visa at the Spanish consulate.

Golden VISA application requirements for real estate purchases:



INVESTMENT IN PROPERTY with a value of €500,000 or more.

Property acquisitions made after the entry into force of Law 14/2013 (29 September 2013) will be taken into account.

- In the case of the acquisition of real estate (one or more, the investment may be made in any kind of real estate), the investor must prove the investment by means of a certificate or certificates of ownership from the Land Registry corresponding to the real estate or real estate.
- The certificate must be dated within 90 days prior to the submission of the application for residence permit.
- The applicant must document that he/she has made an investment in real estate of 500.000€ - *without any financing* - notwithstanding that he/she has taken out a mortgage loan for any amount



remaining in the purchase price, which can be justified with a copy of the public deed of purchase of the property.

For example: purchase of a house in Spain worth 800.000€.

The Investor can contribute the amount of 500.000€ and the rest of the price can be taken out a mortgage loan. Please note that apart from the purchase price you will have to pay the Property Transfer Tax, Notary, Registry and Lawyer (if applicable). These expenses in turn must be outside the 500.000€ mentioned.

Residence may be renewed even if there are absences of more than six months per year in the case of residence visas and authorizations for foreign investors.

Application for Residence Authorization:

- It can be applied for as soon as you have the residence visa, and up to 90 days after its expiry.
- Requirement for the residence permit and renewal: to have travelled at least once to Spain in the period authorized to reside and to maintain at least the investment that gave rise to the residence visa.
- The residence authorization will be for 2 years, and may be renewed for successive periods of 5 years, provided that the conditions that generated the right are maintained.
Please note that the Spanish Consular Administration has the authority to evaluate and request additional documents to those initially required to complete the information provided.

How long does the permit last?

Visa: 1 year

Residence permit: 2 years

Renewal of the residence permit: 5 years

GENERAL REQUIREMENTS:

- Not to be irregularly present on Spanish soil.
- Be over 18 years of age.
- Not have a criminal record in Spain or in the countries where they have resided in the last 5 years, for offences under Spanish law.
- Not to be refused entry in the territorial space of countries with which Spain has signed an agreement to this effect.



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- Have public insurance or private health insurance arranged with an insurance company authorized to operate in Spain.
- Have sufficient financial resources for oneself and the family members during their period of residence in Spain (€2,400 per month for the interested party and €600 for each dependent family member, figures for the year 2024).
- Pay the visa processing fee.
- It is important to note that the possibility of applying for a residence visa is extended to the spouse and children under 18 years of age, or children of legal age who are not able to provide for their own needs due to their state of health, when they join or accompany the applicants. Consequently, they may apply, jointly and simultaneously or successively, for a family residence visa, upon proof of compliance with the aforementioned requirements.

The presence of the visa applicant is not required, they may apply for and collect the residence visa through a duly accredited representative.

In accordance with Spanish legislation, the maximum period for the resolution of the application for residence authorization will be twenty working days from the presentation of the application. If a decision is not made within this period, the authorization will be deemed to have been granted due to administrative silence. The decision will be reasoned and may be subject to appeal.

IMPORTANT: Obtaining a visa requires the fulfilment of ALL requirements and the correct submission of ALL documentation. Otherwise, your application will be REJECTED.

- The visa must be applied for in person or through a duly accredited representative.
- The application must be submitted no more than 90 days before the intended date of travel.
- The residence permit allows you to reside and work throughout the national territory.
- The visa is valid for 365 days.

How and when to apply for authorization as an investor according to the new criteria for the application of the entrepreneurs' law

In particular, we are going to refer to those persons who have acquired a property or several properties with a total value of 500,000 euros. The Immigration Office considers it compulsory for the purchase



of the property to be free of encumbrances over the minimum compulsory amount to be invested, and therefore, it is necessary to accredit that, at least those 500,000 euros, are free of encumbrances. Therefore, for people who have already purchased the property, they will have the option of applying for an investor authorization, once they already have:

- 1) The deed of sale.
- 2) The registration of the acquisition of that immovable property in the Land Registry, and
- 3) All relevant taxes have been paid.

Two possible options:

For the person who is outside Spain and who has already acquired the property:

1. You will be able to apply for an investor visa if you already have your deed of sale, your certificate from the Land Registry where it is stated that you are the owner of the property and where it is also stated that it is free of encumbrances. This application is made at the Spanish Consulate in the country of origin or in the country where you are residing legally.

2. Option of directly requesting authorization as an investor if you are in Spain. In this case, it could be for having a short-term visa, for example, a tourist visa, or if you have some kind of legal residence in Spain.

In that case we would eliminate the prerequisite of acquiring a visa as an investor and we could directly do the investor authorization through the Immigration Office (Large Business Unit).

In order to prove the ownership of the property, we have several options:

When we have already acquired the property, we will provide the deed of sale of the property or properties and the certificate from the Land Registry, which cannot have been issued more than 90 days before. This certificate will show that you are the owner of the property and that it is free of encumbrances.

If the purchase of the property has been made recently and we do not yet have this certificate from the Land



Registry, we can provide the receipt of the application for this entry in the Land Registry, as well as the tax already paid on property transfers and documented legal acts.

If the foreigner has not formalized the purchase of the property or properties but there is a pre-contract with guarantee in its fulfilment by means of a deposit or other legally accepted means formalized in a public deed, the pre-contract with guarantee must be presented together with the fulfilment of the requirements indicated in article 62.3, **together with a certificate from a financial entity established in Spain in which it is stated that the applicant has an unavailable bank deposit with the amount necessary for the acquisition, in fulfilment of the contract, of the property or properties indicated, including charges and taxes.** The amount of the deposit may only be used for the final purchase of the property or properties indicated in the pre-contract with guarantee. In this case, the interested party will receive a residence visa for investors for a maximum period of 6 months.

Medical insurance for the application of an Investor visa or an investor authorization

Why we must have health insurance to be able to apply for an investor visa or an investor authorization?

In the event that the investor and his/her family members are not going to carry out any type of work activity in Spain, it is compulsory to provide medical insurance.

Important: It must be a medical insurance with the same coverage as the one we have in the Social Security. In other words, hospitalization must be covered and there must be no co-payment.

Therefore:

- It must be a health insurance policy where we have all the coverage in case of any type of illness or accident.
- The health insurance must be valid or contracted for the entire period of residence in Spain, i.e., for the entire time you are going to live in the country.
- On the other hand, it is true that all health insurance policies expire, normally on 31 December, but they can be renewed every year.
- At the time of renewal, we will have to justify that we continue with the health coverage provided by the private health insurance.



What are the economic resources that we have to prove when we are going to apply for the GOLDEN VISA?

The financial means for an investor, requested by the Large Business Unit (UGE) or the consulate (if we are applying for a visa), would be:

1. for the holder of the application: 400% of the IPREM, i.e., at least €2,400 per month, and
2. for each family member: a total of 100% of the IPREM must be accredited for each family member, which is approximately €600 per month.

Likewise, in order to prove that you have the financial means to come to live in Spain, you can use any legally accepted means. In this case, we can provide:

A bank account or any other document that proves that we have the financial means to come to Spain, both for the holder of the authorization and for all the family members we wish to regroup.

Q&A GOLDEN VISA

1.- Can holders of an investment visa be admitted to any EU State?

Foreigners holding a long-stay visa or a residence permit issued by one of the Member States may, under that permit and with a valid travel document, circulate freely for no more than three months in any six-month period, within the territory of the other Member States, provided that

- they comply with the conditions for entry referred to in article 6.1(a), (c) and (e) of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 establishing a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), and
- they do not appear in the national refused entry list of the Member State in question.

The conditions of entry are:

- (a) To be in possession of a valid travel document giving the holder the right to cross the border and meeting the following criteria



Shall remain valid for at least three months after the intended date of departure from the territory of the Member States. In justified cases of emergency, this obligation may be waived

- must have been issued within the previous 10 years;

(b) To be in possession of documents justifying the object and the conditions of the intended stay and having sufficient means of subsistence, both for the period of stay envisaged and for the return to the country of origin or transit to a third country in which their admission is guaranteed, or be in a position to legally obtain said means

(c) Not to pose a threat to the public order, internal security, public health or international relations of any of the Member States or, in particular, be listed as inadmissible in the national databases of any Member State for the same reasons.

It should also be in mind that there is a possibility for a Member State to impose by law the obligation on third-country nationals to declare their presence on their territory in accordance with Article 22 of the Schengen Convention. Spain has imposed this obligation.

2.- Who is the applicant for each permit and who can apply?

The applicant, depending on the type of permit, may be:

In initial permits:

- In the case of investors and entrepreneurs, the foreigner himself.
- In permits for highly qualified professionals, researchers or intra-company transfers, the company or entity that requires the services of the foreigner.
- **In family permits:**
 - If the application is filed jointly with the permit holder, it will be the holder (in the case of investors and entrepreneurs) or the company or entity (in the case of highly qualified professionals, researchers or intra-company transfers).
 - If the application is filed at another time, it may be one of the above or the family member.

Renewals are filed by the foreigner who holds the permit (relatives apply for renewal of their own permit).

Applications may be filed by the interested party himself or through a representative.



3.- Do I have to submit copies and originals?

When filing the application personally, you must bring the original and copy, the Spanish Immigration Office will only keep the copy. If you file it in a *public registry*, you must bring the original and copy and send only a certified copy.

4.- If a foreigner is in Spain legally at the time of application but will not be so at the time the decision is issued. Is the application admissible?

Spanish Immigration Law requires not to be irregularly in Spain, therefore this requirement must be fulfilled at the time of the application.

The application for a residence permit will extend the validity of the residence or stay situation of the permit holder until the end of the procedure.

5.- Can the holder of a residence permit of Law 14/2013 modify a permit regulated by Organic Law 4/2000 and its Regulations?

Yes, it is possible, as long as the requirements to modify a permit established by the Regulation of Organic Law 4/2000 are met.

6.- Can family members work with their residence permit?

Yes. The fourth additional provision of Law 14/2013 establishes that *residence permits authorize **residence and work*** (self-employed work and working for others).

7.- What is meant by public or private insurance?

During the residence period in Spain the foreigner must have coverage, either of public or private health insurance.

There is no requirement to prove coverage when there is a prospect that the foreigner (as well as his family) will be insured by the National Health System, by registering with Social Security as a result of an employment contract or a professional relationship.

In the case of entrepreneurs, if the activity is not to be started immediately, limited duration insurance is accepted (for example travel insurance, which will usually have a validity of three months).

In all other cases, public or private health insurance must be arranged **with an insurer authorized to operate in Spain**, for coverage equivalent to that of the National Health System and for the duration of its



permit or for at least one extendable year, including hospitalizations and without copayments. (travel insurance is not valid).

8.- How can I prove that I have the financial means?

Spanish Immigration Law does not establish an amount of money or a specific documentation. Therefore, you can prove that you have economic means by any means of proof admitted in Law. For example, with the employment contract offer, payroll receipts, the average annual balance of bank accounts, deposits, etc.

9.- Is it necessary to provide translation and legalization of foreign documents?

All documents must be translated into Spanish

In the case of foreign public documents, they must also carry the **Apostille of the Hague Convention** or, failing that, have been legalized through diplomatic channels.

10.- Can I obtain a residence permit as an investor if I am in Spain?

You can obtain your investor permit in two ways:

If you are outside Spain

you can apply for an investor visa at the Spanish Consulate of your country of residence, this will allow you to reside in Spain for up to 1 year. During this period you can apply to the Immigration Office to obtain a residence permit.

If you are already in Spain legally (in a short stay or as a holder of a student (stay) permit or a residence permit) you can apply directly for the residence permit to the Immigration Office, without having to apply previously for an investor visa.

11.- If a family residence permit is applied for, is it necessary to invest the amounts required by Law 14/2013 (€ 500,000 in real estate, € 1 million in shares, participation units or deposits, € 2 million in public debt securities) for each member of the family?

No additional investment is required for each family member.



The investment indicated in Law 14/2013 (article 63) allows obtaining a permit as an investor. The holder of such permit may (in accordance with the provisions of article 62.4) apply for a permit for his spouse and children under 18 years of age or older who are not objectively able to provide their own needs due to their health, and who will meet or accompany the investor.

Said permit depends on the investor and in order to obtain it the applicant must prove that he meets the general requirements, including that the investor has financial resources for his family (which may be proved by any means of proof: income, wealth, etc.), as well as the corresponding health insurance.

As an example, if a married couple acquires property for an amount of 1,000,000 euros, both spouses may obtain an investor visa. If the property has a value of 500,000 euros, the buyer may obtain an investor visa and his spouse may also obtain said visa as a family member, provided that the investor proves that he has financial resources and health insurance for both.

If property is acquired with the specification that this acquisition is carried out under the marital common property regime and the amount does not exceed twice the minimum established, any of the spouses may obtain the investor residence permit and the other spouse may obtain a family residence permit.

12.- Can the investment be made through a company?

Yes, provided that it is domiciled in a territory that does not have the status of tax haven in accordance with the Spanish law, and the applicant must have a majority of its voting rights and have the power to appoint and dismiss the majority of the members of its administrative body. To prove this, the applicant must request a report from the General Directorate of Trade and Investments.

13.- Which is the scope of the law 14/2013 (regarding Golden Visa) in the acquisition of a real estate?

The law 14/2013 establishes in its article 66 that an investor visa may be applied for, with regards to the provisions of article 63 on investor visas, when real estate property is acquired in Spain through an investment equal to or greater than 500,000 euros for each applicant or, if it is made through a legal entity, the residence permit will be granted only to the person with the majority of the company's shares, and also establishes a special regime for couples married under the community of property regime.

14.- Will I have access to the Golden Visa if I invest on a plot and then build a new property?

The ruling of the Supreme Court dated 30/07/2020, which is being applied, clearly separates what is a new construction from what is an alteration of an existing building.

The Supreme Court in Spain has opened its hand in giving investment visas to non-EU foreigners, in relation to the Spanish GOLDEN VISA and investment in property. This recent resolution modifies the criteria maintained until now for the granting of the so-called Golden Visa, opening the door to granting Visa to those foreign investors who seek **to promote or build their own house** and not only to those who



buy one already built, as was held by the Courts of Justice and the *Unidad de Grandes Empresas (Big Companies Unit)* itself until now.

The **Spanish Supreme Court** understands that there are two investments really - purchase of the land and investment on the construction- and concludes that an investment that entitles to obtain the Spanish Golden Visa "*can be carried out by means of the construction or promotion of a property on a plot or land previously acquired*". So you can buy a plot/land and then build a house there where you are entitled to include as investment the payment of the land and the construction costs (excluding taxes). However, it maintains that the **visa cannot be** obtained through the purchase of a house of less than 500,000 euros and its subsequent reform.

Therefore, applications for Golden Visa with new construction are being accepted, provided that the following documentation is submitted:

- 1) The "*Purchase Deed*" of the property with the construction forecast (always purchased within the validity of the Law in order to be able to add it as an investment).
- 2) The *updated title deed of the property* containing the construction of the new building already built, in order to know the current valuation of the investment, and
- 3) The *Land Registry Certificate* with the property and the construction already reflected in it.

15.- Why we must have health insurance to be able to apply for an investor visa or an investor authorization?

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Important: It must be a medical insurance with the same coverage as the one we have in the Social Security. In other words, hospitalization must be covered and there must be no co-payment.

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16.- What are the economic resources that we have to prove when we are going to apply for the GOLDEN VISA?

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3. for the holder of the application: 400% of the IPREM, i.e., at least €2,400 per month, and
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Likewise, in order to prove that you have the financial means to come to live in Spain, you can use any legally accepted means. In this case, we can provide:

A bank account or any other document that proves that we have the financial means to come to Spain., both for the holder of the authorization and for all the family members we wish to regroup.

17.- What are the requirements to renew the Golden Visa?

To renew the authorization, the applicant must have maintained the conditions based on which the permit was granted. That is to say:

- In the case of investors, it is necessary to have kept the initial investment in place.
- In the case of entrepreneurs, the project must have been maintained in the terms under which it was considered to be a project of general interest.
- In the case of highly qualified professionals, researchers and intra-company relocation, the employment or professional relationship must be maintained.

In the case of relatives, they may renew their permit if the foreigner who gives them rights renews his own permit and if the economic dependence, in the case of ascendants and children over 18, is ongoing.



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for further information do not hesitate to contact us
+34 965 480 737 | info@pellicerheredia.com



PELLICER HEREDIA

INTERNATIONAL LAWYERS

San Fernando 46 03001, Alicante España

+34 965 480 737

info@pellicerheredia.com

PELLICERHEREDIA.COM



for further information do not hesitate to contact us

+34 965 480 737 | info@pellicerheredia.com