

FREQUENTLY ASKED QUESTIONS ABOUT AUTHORIZATIONS OF INTERNATIONAL MOBILITY (Law 14/2013)

Updated October 2016

General issues

What requirements must I meet to access a long-term residence?

To access a long-term residence, the general requirements set forth in the Regulations of Organic Law 4/2000 must be met. The most common case is to have resided legally and continuously in Spanish territory for five years.

The residence will not be affected by absences from Spanish territory of up to six continuous months, provided that the sum of these does not exceed the total of ten months (or one year if the absence is for work reasons) within five years, unless the departures would have been made irregularly.

Can holders of an investment visa enter any State of the European Union? Can they do it more than once?

Foreigners holding a long-term visa or a residence permit issued by one of the Member States may, under the cover of said permit and a valid travel document, move freely for a maximum of three months, in any period of six months, through the territory of the other Member States, provided that

- They comply with the entry conditions contemplated in letters a), c) and e) of paragraph 1 of article 6 of Regulation (EU) 2016/399 of the European Parliament and of the Council of March 9, 2016 establishing a Code of Union rules for the crossing of persons across borders (Schengen Borders Code), and
- They are not on the national inadmissible list of the Member State in question.

The entry conditions are:

1. Be in possession of a valid travel document that grants its holder the right to cross the border and that meets the following criteria



- it will remain valid for at least three months after the planned date of departure from the territory of the Member States. In justified emergency cases, this obligation may be removed,
 - it must have been issued within the previous ten years;
2. Be in possession of documents that justify the purpose and conditions of the planned stay and have sufficient means of subsistence, both for the period of stay planned and for the return to the country of origin or the transit to a third country in which their admission is guaranteed, or be in a position to legally obtain said means
 3. Not be registered as inadmissible in the SIS;
 4. Not pose a threat to public order, internal security, public health or international relations of any of the Member States nor, in particular, be registered as inadmissible in the national databases of any Member State for the same reasons.

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

Where are initial requests for these authorizations and their renewals processed?

In the Large Companies and Strategic Groups Unit of the General Sub-Directorate of Immigration, belonging to the General Directorate of Migration, framed in the General Secretariat of Immigration and Emigration of the Ministry of Employment and Social Security, located in Plaza de la Remonta, number 12, 3rd floor, CP 28.071, Madrid.

Where are applications for residence authorizations submitted?

Applications for residence authorizations regulated by Law 14/2013 must be submitted through the electronic headquarters of the Ministry of Employment and Social Security.

Who is the applicant for each authorization and who can submit the application?



The applicant, depending on the type of authorization, can be:

- In initial authorizations:
 - In the case of investors and entrepreneurs, the foreigner himself
 - In authorizations for highly qualified professionals, researchers or intra-company transfer, the company or entity that requires the services from abroad
- In family authorizations:
 - Si la solicitud se presenta conjuntamente con la del titular, será el titular (en el caso de inversores y emprendedores) o la empresa o entidad (en el caso de profesionales altamente cualificados, investigadores o traslado intraempresarial
Si la solicitud se presenta en otro momento podrá ser uno de los anteriores o bien el propio familiar
 - If the application is submitted jointly with that of the owner, it will be the owner (in the case of investors and entrepreneurs) or the company or entity (in the case of highly qualified professionals, researchers or intra-company transfer

If the request is presented at another time, it may be one of the above or the family member himself

- Renewals are submitted by the foreigner who holds the authorization (relatives request the renewal of their own authorization).

Applications can be submitted by the interested party or through a representative.

How is the Foreigner Identity Card (TIE) processed?

Foreigners who have been issued a residence visa under this rule can stay in Spain for a period of one year authorizing the residence of its holder in Spain without the need to process the foreigner identity card.

However, those who obtain a residence permit under Law 14/2013 must personally request the foreigner identity card. The resolution granting the authorization indicates the procedure, documentation and where it can be requested.

Do I have to submit copies and originals?



When the application is presented in person, it must bring an original and a copy, keeping the UGE only with the copy. If you present it in a public registry, you must bring an original and a copy and send only a certified copy.

Can the holder of a residence authorization from Law 14/2013 modify an authorization regulated by Organic Law 4/2000 and its Regulations?

Yes, it is possible, provided that the requirements to modify an authorization established by the Regulation of Organic Law 4/2000 are met.

Can family members work with their residence authorization?

Yes. The fourth additional provision of Law 14/2013 establishes that residence authorizations authorize residency and work (both self-employed and employed).

What is understood by public or private insurance?

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

Proof of insurance is not required when there is a prospect that the foreigner (as well as their family members) will be insured by the National Health System, for registering with Social Security as a result of the employment contract or a professional relationship.

In the case of entrepreneurs, if the activity is not going to start immediately, insurance with a limited duration is accepted (for example, travel insurance, which usually has a validity of three months).

In all other cases, you must have public or private health insurance arranged with an insurance company authorized to operate in Spain, for coverage equivalent to that of the National Health System and for the duration of your authorization or at least one year extendable (travel insurance is not valid).

How can I prove that I have financial means?

The law does not establish an economic amount or specific documentation. Therefore, you will be able to prove that you have financial means by any means of proof admitted in Law. For example, with the offer of a work contract, payroll, the



updated annual average balance of bank accounts, deposits, etc.

Is it necessary to present translated and legalized 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.

Investor authorization inquiries

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

You can obtain your investor authorization in two ways:

- If you are outside Spain, you can apply for an investor visa at the consulate of your country of residence, which will allow you to reside in Spain for up to one year. During this period, you may request residence authorization from the Large Companies Unit.
- If you are already in Spain on a regular basis (on a short-term stay or as the holder of an authorization to stay for studies or residence), you can directly request the residence authorization from the Large Companies Unit, without having to previously process investor visa.

If a residence permit is requested for family members, is it necessary to invest the amounts required by Law 14/2013 (€ 500,000 in real estate, 1 million in shares, participations or deposits, 2 million in public debt securities) for each of the relatives?

No additional investment is required for each family member.

The investment indicated in Law 14/2013 (in its article 63) allows obtaining authorization as an investor. The holder of this authorization may (in accordance with the provisions of article 62.4), request an authorization for his spouse and children under 18 years of age, or of legal age who are not objectively capable of providing their own needs due to their state of health, that they meet or accompany the investor.

This authorization depends on that of the investor and in order to obtain it, he must prove that he meets the general requirements, among them, that the investor has



economic resources for his family (which he can prove by any means of proof: having income, assets, etc.) , as well as the corresponding health insurance.

As an example, if a married couple acquires a property worth 1,000,000 euros, both spouses will be able to obtain an investor visa. If the property has a value of 500,000 euros, the buyer may obtain an investor visa and his spouse as a family member, proving that the investor has financial resources and health insurance for both.

If in the acquisition of the property it is specified that it is carried out under a community property regime and its amount does not exceed double the established minimum, either of the two spouses may obtain authorization as an investor and the other a relative authorization.

Can the investment be made through a legal entity?

Yes, as long as it is domiciled in a territory that does not have the status of tax haven according to Spanish regulations, and the applicant must have the majority of its voting rights and have the power to appoint and dismiss the majority of the members. of its administrative body. To prove it, you must request a report from the General Directorate of Commerce and Investments.

Scope of application of law 14/2013 in the acquisition of real estate

Law 14/2013 establishes in article 66 that an investor authorization may be requested, in reference to the provisions of article 63 of investor visas, when the acquisition of real estate in Spain is made with an investment equal to or greater than 500,000 euros for each applicant, or if it is a legal person, the residence authorization will be granted only to the person who has the majority of the shares of the company and, likewise, establishes a special regime for matrimonial property partnerships.

That is the only scope of the standard. Thus, when a property is acquired by several natural persons who do not form a company, they are not included in this scope of application. Law 14/2013 does not contemplate the possibility that several natural persons jointly acquire a property, unless they constitute a company and are part of a legal person.

There has been no legislation on the possibility of buying a part of a property but rather of buying a property or real estate, that is, an entire property (“the acquisition



of real estate in Spain”). The possibility of granting a residence permit as an investor to the acquisition of real estate by several natural persons is not contemplated.

Consultations on authorizations for entrepreneurs

How is it proven that an entrepreneurial or business activity has an innovative character of special economic interest for Spain?

To prove that an entrepreneurial or business activity is of an innovative nature with a special economic interest for Spain, you must submit to the Large Companies Unit, together with the residence authorization application, the documentation related to the business plan. The Large Companies Unit will automatically request a report on the innovative nature of the project from the Ministry of Economy and Competitiveness, which will issue said report within 10 business days.

Consultations on authorizations for highly qualified professionals

What is understood by highly qualified professional?

The assessment of a position as belonging to a highly qualified professional is carried out individually, taking into account, among other issues, the degree, professional competence, professional experience, the profile of the job, the functions to be performed and the remuneration appropriate to the position, paying attention to the uniqueness of recent graduates or postgraduates in the case of article 71 c) of the Law.

What sectors are considered strategic according to article 71 a) 5º?

To prove that a company belongs to a strategic sector, you can request a report from the General Directorate of Trade and Investments (dependent on the Ministry of Economy and Competitiveness), to certify that consideration for the purposes of Law 14/2013, and present it together with your request.

If a foreigner has completed some studies but still does not have the title because it takes a few months to issue it, can they prove it?

Other accreditations of having a degree that are different from the degree itself are accepted, for example:



- In the case of a Spanish degree, a certificate from the study center that the studies have been completed, the corresponding fees have been paid and that the issuance of the degree is pending.
- If it is a foreign degree, a certificate from the corresponding university authority is required, duly translated and apostilled / legalized (as a public document).

Queries about authorizations to researchers

What type of authorization from those provided for in current regulations must an investigator request?

There are currently several types of authorizations for researchers regulated in Organic Law 4/2000 and in its Development Regulations, in addition to that provided for in Law 14/2013.

It is recommended to use the one regulated by Law 14/2013 as it is the most flexible and the one that aims to include all the particularities of this group of professionals.

Renewal inquiries

The initial authorization and the renewals will be granted for two years or for the duration of the labor or professional relationship if it is not a permanent contract and its duration is less. In the case of investors, the renewal will be for periods of five years.

The presentation of applications for renewal of the residence authorization will be made exclusively through the electronic headquarters of the Ministry of Employment and Social Security.

Applications can be submitted by the interested party or through a representative. The presentation of the renewal application will extend the validity of the authorization until the resolution of the procedure. It will also be extended in the event that the request is submitted within ninety days after the end of the previous authorization, without prejudice to the initiation, where appropriate, of the corresponding sanctioning file.

What requirements must be met to renew the authorization?

To renew the authorization, the conditions that gave rise to the authorization must have been maintained. That is to say:



- In the case of investors, it is necessary to have maintained the initial investment.
- In the case of entrepreneurs, the project must have been maintained in the terms in which it was considered to be a project of general interest.
- In the case of highly qualified professionals, researchers and intra-company transfers, the employment or professional relationship must be maintained.
- In the case of family members, they may renew their authorization if the foreigner who entitles them renews his or her authorization and, in the case of ascendants and children over 18 years of age, economic dependence is maintained.

This information is provided by <http://www.exteriores.gob.es/>



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