

A close-up photograph of two men in business suits shaking hands. The man on the left is wearing a dark suit, a white shirt, and a green tie. The man on the right is wearing a dark suit and a white shirt. Their hands are clasped in a firm handshake. The background is bright and out of focus.

VALÈNCIA

Legal status of foreigners

Attraction and retention of investments in València

Doing Business Guide

Requested by Invest in València Office

Prepared by Grant Thornton

A blurred background image of a modern office hallway with large glass windows and doors. Several people in business attire are walking through the hallway, their figures out of focus to create a sense of motion and activity.

València, Doing Business

How to set up a company?



03

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3.6 Foreign Workers

3.6.1 Assignment of the Foreigner Identification Number (NIE)

Firstly, any foreigner who wants to live and work in Spain must obtain a NIE number, which will be their means of identification in Spain for administrative purposes.

The application may be submitted:

- a) In Spain, in the immigration office or in the National Police Station, personally by the interested party or through a representative.
- b) In the Spanish Diplomatic Representations or Consular Offices located in the applicant's country of residence.

The application must be accompanied by the following documents:

- [Payment of the fee in Model 790 Code 012](#): 9,84.-€
- [Standard application form \(EX15\)](#), completed and signed.
- Original and copy of passport or identity card.
- Communication of the economic, professional or social causes justifying the request.
- When requested by a representative, it will be necessary to have a sufficient power of attorney in which it is expressly stated that he/she is authorized to submit the application.

The obtainment of the NIE by the foreigner does not authorize to reside and work legally in Spain, unless that person is a citizen of an EU Member State.

To be able to study, reside and work in Spain, a series of requirements must be met depending on whether you are a citizen of the European Union or not.



3.6.2 EU citizens

In the case of a citizen of an EU Member State or another State party to the Agreement on the European Economic Area that plans to establish his/her residence in Spain for a period of more than 3 months, the interested party must request the registration certificate and his/her relatives the EU citizen card.

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3.6.2.1 Procedure for obtaining the EU Citizen Registration Certificate:

It must be requested in physically at the Immigration Office or National Police Station within 3 months from the date of entry into Spain.

A fee of 12 euros will have to be paid in the [tax Form 790](#), code 12, It can be paid in any bank or savings bank, by submitting the tax form (without needing to have an open bank account).

The application shall be submitted using the [official form](#) and accompanied by the following documents:

- a) Certificate of registration.
- b) Passport or national identity card or NIE in force.
- c) If you are **an employee**, you can provide any of the following documents:
 - Employer hiring statement or employment certificate, including company details, tax ID and contribution account code.
 - Employment contract registered with the Public Employment Service, or the communication of the contract and its conditions through the Contrat@ platform.
 - Document of registration or situation assimilated to the registration in the corresponding regime of the Social Security or consent of the verification of the data in the files of the General Treasury of the Social Security or of the Tax Agency.
- d) If you are **self-employed**, you can provide any of the following documents:
 - Registration in the Census of Economic Activities.
 - Justification of its establishment by means of registration in the Commercial Registry.
 - Document of registration or assimilated situation to the registration in the corresponding Social Security regime, or consent to the verification of the data in the files of the General Treasury of the Social Security or the Spanish Tax Authority.

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e) If you do **not exercise work activity in Spain**, you must provide:

- a) Supportive documentation that proves having public or private health insurance, purchased in Spain or in another country, if it provides a coverage in Spain during the period of residence that is equivalent to that provided by the national health system.
- b) Documentation that proves having enough resources for him and his relatives for the period of residence in Spain.

EU citizens and their family members will be able to obtain permanent residence in Spain, when they have resided legally in Spain for a continuous period of 5 years.

3.6.3 Non-EU citizens

3.6.3.1 Self-employment

Non resident foreigners in Spain need a **temporary residence and work permit** to carry out a lucrative activity on their own.

a) **Requirements:**

- Not being in an irregular situation in Spanish territory.
- Lack of criminal record in Spain and in their previous countries of residence for crimes that exist under Spanish law.
- Not being prohibited from entering Spain nor appear as rejectable in the territorial space of countries with which Spain has signed an agreement in this regard.
- To comply with the requirements that current legislation requires for the opening and operation of the planned activity.
- Be in possession of the required professional qualification or accredited experience, enough in the exercise of the professional activity.
- To be able to prove that the planned investment is sufficient and the impact, where appropriate, on job creation.

- To be able to prove that you have sufficient economic resources for your maintenance and accommodation.

b) **Required documentation:**

- Duplicate application form for temporary residence and self-employment in [official form \(EX-07\)](#), signed.
- Full copy of valid passport or travel document.
- Copy of the documentation that proves to have the training and capacity and, where appropriate, the professional qualification legally required for the exercise of the profession.
- Proof that there is enough economic investment, or commitment of support from financial institutions or others.



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- Business plan or activity to be carried out, with an indication of the investment, expected profitability and, where appropriate, jobs that are expected to be created.

The last 3 **sections can be accredited by a valuation report** issued by an organization or federation of self-employed workers.

If documents from other countries are provided, they must be **translated into** Spanish or the co-official language of the territory where the application is submitted.

A foreign public document must be **previously legalized by the Consular Office of Spain** with jurisdiction in the country in which the document has been issued or, where appropriate, by the Ministry of Foreign Affairs and Cooperation. Except for the case in which said document has been **apostilled by the competent** Authority of the issuing country according to the Hague Convention of 5 October 1961 and unless such document is exempt from legalization under the International Convention.

If the request for assignment of a **Foreign Identity Number (NIE)** is required, it will be processed by the Immigration Office or the National Police Station. The [Form 790 Cod.12](#), must be presented, upon payment of the fee (9.84 euros).

c) Procedure:

- **Subject entitled to submit the application:** the foreigner, personally.
- **Place of presentation:** Diplomatic mission or Spanish consular office corresponding to your place of residence.
- **Residence and work fees:** will accrue at the time of admission to processing the application, and must be paid within 10 working days, are:
 - [Form 790 code 052](#), heading 2.1 **initial authorization of temporary residence** (10.94.-€)
 - [Form 790 Code 062](#), heading 1.5 **self-employment authorizations** (203.84.-€)



- The diplomatic mission or consular post shall notify the person concerned of the decision on the application for temporary residence and self-employment.
- In the case of a concession, the worker has **1 month** from the notification to **personally apply for the visa**, in the diplomatic mission or consular office in whose demarcation he resides. The application must be accompanied by:

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- Ordinary passport or travel document recognized as valid in Spain with a **minimum validity of 4 months**.
- **Criminal record certificate** issued by the authorities of the country of origin or country or countries in which you have resided for the past five years.
- **Medical certificate**.
- **Proof of payment of the visa fee**.
- The diplomatic mission **shall decide** on the application **within 1 month**.
- **Once the visa has** been granted, the worker **must collect it personally within 1 month**.
- Once **the visa has been collected**, the worker **must enter Spanish territory within the period of validity of the visa, which will be 3 months**.
- **From the entry into Spain**, the worker **has 3 months to make his affiliation**, registration and subsequent contribution in the terms established by the Social Security regulations that are applicable.
- **Within one month of** the worker having registered with Social Security, he **must personally apply for the Foreigners Identity Card** at the Immigration Office or Police Station of the province where the authorization has been processed [Where to go, the schedule and if you have to make an appointment](#).
- The applicant will show, at the time of the fingerprint processing, his passport or travel title and will provide:
 - **Application for a card** in [official Form \(EX17\)](#).
 - **Proof** of payment of the card fee (16,08.-€).
 - **Accreditation of affiliation** and / or registration of social security.
 - **3 recent photographs** in color, on a white background, card size.



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3.6.3.2 Employment

The most common case is the temporary residence and work permit, which has a maximum duration of 1 year.

- It is the entrepreneur who must request it at the immigration office¹.
- The permit is conditional on the foreigner subsequently obtaining the visa, arriving in Spain and being registered in the Social Security by the employer.

a) Requirements:

- That the national employment situation allows hiring. The type of activity must appear in the catalog of occupations of difficult coverage or justify the difficulty in hiring for that occupation, through the certificate obtained from the Public Employment Service.
- That the employer, who is going to hire foreigners, is registered in the Social Security, is up- to-date on tax liabilities. The employer must guarantee a continuous activity to the worker, have economic, material and personal means for his project, and his employment contract complies with the current labor regulations.
- That the worker is not in an irregular situation in Spain, he has no criminal record and has professional qualification required to work in Spain.

b) Required documentation:

The employer must submit the application in the official [form EX03](#), accompanied by the following documents:

- DNI or NIF of the entrepreneur.
- Accreditation of the exemption from considering the national employment situation if applicable.
- Original and copy of the employment contract.
- Justification of economic, material and personal means to be used.
- Copy of the foreigner's valid passport or travel document and professional training or qualification, if any, for the exercise of the profession.

¹ The Immigration Office that processes temporary residence and work permits is located in C/. Joaquín Ballester, 39 (46009)



The entrepreneur must pay the fees on [form 790](#), within 10 business days. The foreign worker must pay 10.50 euros and the employer between 195 and 392 euros.

Renewal of the permit.

It will be made by official request and within 60 calendar days prior to the date of end of its validity.



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