

Mobility: Immigration alert

December 2022



Spain

Spain passes final version of bill creating new Teleworking Visa and Permit

Executive summary

On 1 December 2022, the Spanish Congress passed the final version of its Bill to Promote the Start-up Ecosystem ("the Bill"), which introduces a new visa and residence permit for remote workers. The Bill's final version provides additional details not contained in [previous drafts](#). The new Bill will come into force one day after its publication in the Spanish Official Gazette, likely on 30 or 31 December 2022. The Spanish government is expected to start issuing the new visas and permits in January 2023.

Background

An earlier draft of the Bill announced the creation of an International Teleworking Visa and Residence Permit (remote worker visa and permit) for third-country nationals (i.e., nationals of countries that are not members of the European Union) that would be issued for the first time starting in December 2022. The earlier draft noted that visa and permit holders who are self-employed or employed by companies registered outside Spain would be authorized to provide professional services to non-Spanish companies from within Spain.

Key developments

The Bill's final version clarifies that International Teleworking Residence Permit holders will be:

- ▶ Eligible to reside in Spain for up to three years initially and extend their permit for up to two years. Permit holders will be eligible to apply for permanent residence after five continuous years of residence in the country. The earlier

draft stated that permit holders would be authorized to remain in Spain for up to two years initially.

- ▶ Eligible to provide limited freelance services to Spanish companies, provided these services do not exceed 20% of their total professional activities in Spain. Additional details regarding this provision are expected in the near future. The earlier draft stated that permit holders would only be allowed to provide services to non-Spanish companies.
- ▶ Required to prove that they do not have criminal convictions in the two years prior to filing their applications by presenting apostilled or legalized police clearance certificates issued in each of the countries where they resided in this two-year period. They must also submit a sworn declaration stating that they do not have a criminal record in the five years prior to filing their application.

Impact on employers

Employers located outside of Spain that allow teleworking may consider Spain as a destination for their employees who are seeking to work remotely. In addition, Spanish employers may benefit from permit holders' ability to work for Spanish companies on a limited basis to fill short-term labor gaps.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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