

System within one month of notification.

Requirements vary according to the foreigner's situation:

1. Foreigners on a holding visa in Spain for the purpose of study, research, or work experience

a) Foreigners may obtain a **work permit** if they meet the requirements stated at the beginning of this leaflet, except those related to the labour market situation and the foreigner's criminal record. The work activity must be compatible with the foreigner's study, research, or training programme; it can be part time or full time, but if full time the total employment time cannot exceed three months. Their stay must not be dependent on the income derived from the activity.

b) A **residence and work permit** may be obtained if:

The foreigner meets the requirements stated at the beginning of this leaflet, apart from the national labour market situation; have been in Spain for at least 3 years for the aforementioned purposes; have passed the necessary done a diploma or successfully completed a training and have not received a scholarship or grant from public or private bodies through cooperative development programmes in or of their country of origin.

2. Foreigners living in Spain who hold a residence permit in Spain

Foreigners may obtain a residence and work permit if they meet the requirements stated at the beginning of this leaflet, except the one related to the national labour market situation. In addition, except in the case of holders of a residence permit for family reunification, a year of ordinary

residence in Spain is required.

3. Foreigners living in Spain due to exceptional circumstances

Foreigners in this situation (holders of a residence permit only), after a year's residence, may obtain a residence and work permit, and must meet the same requirements stated at the beginning of this leaflet, except the one related to the national labour market situation.

(Note: if the temporary residence permit for exceptional circumstances is not issued with a work permit, this can be applied for during the validity of the residence permit, providing that the applicant meets the requirements stated at the beginning of this leaflet, apart from the national labour market situation).



Further information regarding procedures can be found at:
<http://extranjeros.mtin.es>

HIRING FOREIGN WORKERS IN SPAIN



NIPO 790-11-122-1

The guidelines contained in this document are purely informative

HIRING FOREIGN WORKERS IN SPAIN



NIPO 790-11-121-6

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Hiring and admission of non-EU workers in Spain (temporary work and residence permit as an employee)

What are the requirements for authorising their temporary residence and work permit?

- With some exceptions the national labour market situation must allow the hiring of foreign non-EU workers, either because the occupation is included in the National Occupation Shortage List (see <https://www.redtrabaja.es>) or by presenting a certificate issued by the Regional Public Employment Service.
- That the **employer** is registered with Social Security and up to date with SS payments and Tax; they must guarantee the worker continuous employment and have adequate economic, material, and human resources to carry out their business project. The employment contract must comply with the current labour laws.
- That the **worker** status in Spain is not illegal, does not have a criminal record and, if applicable, and has the titles or qualifications required to exercise the profession in Spain.

What must the employer do?

Submit an application for residence and work permit for the worker, either in person or through a legal representative, to the competent body in the province where the activity will be carried out. This must be accompanied by:

- **The employer's national ID or tax ID number.** If the employer is a legal entity, then the public deed granting legal representation for the person making the application.
- Evidence, if applicable, of **exemption** from consideration of the **national labour market situation**.

- The original **employment contract** and a copy.
- **Proof of economic**, material and human resources for the business project.
- A **copy of the worker's passport or valid travel document**, and training or professional qualifications, if applicable, for the job.

The initial permit is valid for one year and may be restricted to a particular geographical area and activity. It is conditional on the foreigner obtaining a visa, entering Spain, and registering with the Social Security system.

What must the foreign worker do?

Once the permit is granted, the worker must present the visa application in person notwithstanding (notwithstanding exceptions) at the relevant diplomatic mission or consulate, in the month following notification to the prospective employer, together with:

- **A copy of the employment contract**, stamped by the Foreigners' Office.
- **A passport or travel document**, valid in Spain and with a minimum validity period of 4 months.
- **A criminal record** certificate issued by the authorities in the worker's country of origin or countries of residence over the past 5 years, which must not include any acts considered a criminal offence under Spanish law.
- **A certificate stating that the applicant does not suffer from any disease** that could have a severe impact on public health according to International Health Regulations.

While the visa is being processed, the applicant may be required to appear in person to attend an interview.

Any foreigner who is in an irregular situation in Spain will not be eligible to apply for a visa.

Once the visa has been issued, the worker must enter Spain within the period stated on the visa (not further than 3 months). Within 3 months after entering Spain, the employer requesting the permit must register the worker with Social Security system.

Within one month of being registering with Social Security, the foreigner must apply, in person, for a Foreigner's Identity Number (NIE). If the established period to do so has elapsed, and the foreigner is not registered with Social Security, will be obliged to leave Spain. Failure to do so constitutes a serious offence, for being in the country illegally.

Can residence and work permits be renewed?

Yes, on request from the worker, when their employment continues or they meet certain requirements. The application period is 60 calendar days prior to expiry (application can also be made 90 days after expiry, though it might carry a fine).

Are there any exceptions to this procedure?

Yes. In some cases the national labour market situation is not taken into account; in others, there are exceptions to the obligation to obtain a work permit.

There are also special procedures for: fixed-term and seasonal employment, the transnational provision of services, and cross-border workers, among others.

Hiring non-EU foreigners living in Spain without a work permit

As a rule, the employer should apply for the residence and work permit for the employee gainful employment. A visa will not be necessary, and the permit will come into effect once the foreigner has registered with Social Security

