

IMMIGRATION QUESTIONNAIRE

 **COUNTRY:** Spain

 **CITY:** Barcelona/Madrid

 **DATE:** 3 August 2009

Introduction

- 1 Is this country a member of the EU?
Yes
- 2 Is this country a member of the EEA? (European Economic Area)
Yes
- 3 Is this country a member of the Schengen Agreement?
Yes
- 4 Any other international agreement which affects immigration regulations for certain nationals? (e.g. CIS: Commonwealth of Independent States) If so, please give details.
Hague Convention



Documents needed

- 5 What are the typical immigration documents needed for a US national, management level, intra company transfer, home payroll? (e.g. work permit, work visa, residence permit). Please also provide average government processing time per step to secure these documents.
 - Work permit
 - Work visa
 - Residence permit
 - Processing time will depend on company size. If less than 500 employees in Barcelona→10 to 20days., through Madrid, 2 months. For companies with more than 500 employees 45 to 65 days. For companies with more than 1,000 employees 30 days

- 6 Is there any difference in process for a US national, management level, intra company transfer **moving to host payroll**?

Yes, if remaining on home payroll and social security we can submit a transnational work permit application. If transferring to host payroll and social security, we will submit a local work permit

- 7 Is there any difference in process for a US national, management level **new hire** (as opposed to intra company transfer)? Assume new hire is on host payroll.

Yes, there can be some differences. i.e for a intra company transfer, the local labour market will not be taken into consideration. However when submitting a local work permit application, if the assignee is a new hire, we may need to obtain certificate issued by the public service of employment to verify that there is no resident applicant available to fill the position

- 8 Is there any difference in process based on seniority level? (i.e. below management)?

Not really, however to file an application through the UGE (Unidad de Grandes Empresas) the host company has to have at more than 1,000 employees or a minimum investment in Spain and the assignee needs to be considered "highly qualified"



- 9 Is there any difference in process based on need for an entry visa (e.g. Indian national)?
No, we will follow the same process
- 10 Is there any difference in process for EU nationals?
Yes, EU nationals can work without obtaining any authorization, they will just need to register at the police station, where they will obtain a NIE identification number

Starting work

- 11 At what stage in the immigration process as outlined above, in question 5, can a US national start work?
As soon as they enter Spain under their work visa
- 12 Is there any difference for other nationalities?
If the home country has no social security agreement with Spain, in order for the assignee to start working in Spain, the host company needs to enrol him/her with the social security department
- 13 Is there any difference for EU/EEA/Swiss nationals?
No
- 14 Is change of status possible – i.e. can a US national arrive as a business visitor and convert to work status without leaving the country?
No, with one exception - if applying for a EU residence card, the person can enter as a tourist and once we obtain the EU residence card his status will be changed to resident
- 15 Other nationalities – is change of status possible for those requiring visas to enter?
No



16 Change of status for students – what options are there for students, who have completed courses in-country, to convert to work status without leaving the country?

If you have a student status, you may switch your status into working residence without leaving the country if you meet certain requirements→ 3 years as a student in Spain

Please answer the questions below for a standard, intra company transfer case (please specify any conditions which apply. e.g. employee would need to be high level; payroll must be host country, etc)

17 Can dependants accompany the principal assignee??

Yes, if minimum salary requirements are met, 900€/monthly per dependant is required

18 Non married partner?

In some occasions, if they are registered in the unmarried registry of their home country, and only for those countries which have one central registry

19 Same sex partner?

Yes

20 Children up to what age?

Children under 18

21 Parents?

In some occasions, where parents are over 65years old, and it can be proved that they are dependent on their working children. Work is not permitted



22 Domestic helpers – nannies/au-pairs?

Legally it is possible, however, in the current economic climate and due to the high levels of unemployment in Spain, it is impossible in practice

Issues

23 Please list any potential issues or red flags. (e.g. NL: register with Knowledge Migrant Programme; Russia: provide labour forecast; France & others: local labour search for new Hires)
Due to Spain's economic situation, we are facing some issues when filing applications for companies with less than 500 employees. Labour authorities are frequently requesting certificates issued by the Public State Service of Employment to confirm that there are no resident workers available for the position

24 Penalties for non compliance

For company and for assignee.

For a company, fines can be from 6.001€ up to 60.000€. The quantity of the fine is in accordance with the economic capacity of the company.

Additionally, closure of the Company can be ordered, for a period from 6 months up to 5 years

For the assignee → Fines can be from 301€ to 6000€ . It is also possible for the assignee to be deported and denied re-entry to Spain for a period of 3 to 10 years

Renewals

25 For a standard, intra company transfer case, how long in advance should the renewal be started?

We can submit the renewal application 60 days prior to the expiry date

26 Any exceptions?

Transnational work permits need to be renewed every year, This work permit can be extendable up to a maximum duration of five years, however, this will depend on the home country. If the home country is the US, work permits can be extended a maximum of 5 times



Other comments?

27 Other comments?

This information was provided by Emigra España

The information contained in this document is correct as of the date of issue noted above. Whilst every effort has been made by Emigra to ensure accuracy and completeness throughout this document, Emigra cannot and will not be held responsible for damage caused by errors, and/or omissions or otherwise caused by using and/or relying solely on the information contained herein. Please note that immigration regulations and requirements can change without advance notice and as such Emigra cannot guarantee that the information contained within this document is 100% error free.



THANK YOU FOR FILLING IN THE QUESTIONNAIRE

This immigration questionnaire has been designed by the Marketing liaison officer Nathalie Bourdin Gazal with the useful & professional help of Sophy KING – Emigra

Contact Details:

PO Box 189 - Diss - IP22 1NS - UK
Phone +44(0) 8700 726 727
Fax +44(0) 1379 641940
Email enquiries@eura-relocation.com
Web www.eura-relocation.com

A non profit making company limited by guarantee
Registered Office: Avalon House, Marcham Rd, Abingdon, Oxfordshire OX4 1UD UK