

Modifications introduced in Law 14/2013 on support for entrepreneurs and their internationalisation, by the new Law on the promotion of the start-up ecosystem.

In Madrid on 12 December 2022

The new Law for the promotion of the start-up ecosystem has modified part of the regulation of Law 14/2013 on support for entrepreneurs and their internationalisation, both with the creation of a new case, and with the modification of some of the common characteristics of the authorisations regulated in this law.

(I) New case of obtaining a visa and/or residence authorisation for international teleworkers, under a new Chapter V Bis.

a) Definition:

This situation applies to the person concerned, authorised to reside in Spain, who **carries out an employment or professional activity at a distance for foreign companies, using computer, telematic and telecommunication means and systems.**

To benefit from this status, you must **be a graduate or postgraduate from a university or business school of recognised prestige, have professional training** or have at **least three years' professional experience.**

b) Requirements specific to this authorisation:

- Proof of the **existence of a real and continuous activity for at least one year of the company** with which the professional has an employment or professional relationship.
- Existence of the **employment or professional relationship for at least three months** prior to the application.
- **And accreditation of being able to carry out the activity remotely.**

c) Visa:

The visa will have a maximum duration of **one year**, constituting sufficient title to reside and work remotely in Spain during its validity. When it expires, **the interested parties may apply for a residence permit 60 days before the expiry date.**

d) Residence permit:

Provided that the interested parties are in Spain in a regular situation, they can apply for this authorisation from here.

It **shall be valid for a maximum of three years** and may be renewed for two-year periods.

(II) General requirements are amended.

- Only a **criminal record certificate** will be required **from the country or countries where the applicant has resided in the two years prior to his/her application for residence**, and he/she must also provide a declaration that he/she has not been convicted of any criminal offence during the last five years.
- Residence for the authorisations provided for in Law 14/2013 shall have an **initial duration of three years**.
- The **passport will be sufficient proof of registration with the Social Security for the** first six months of residence or stay, without prejudice to applying for the NIE at a later date.

(III) Chapter III on entrepreneurs and business activity is amended.

a) Duration and application:

The duration of the initial residence permit for entrepreneurs is now three years, renewable for a further two years, until permanent residence of five years is achieved.

The application will be made electronically to the UGE and, **when the interested party is outside Spain, a single application will initiate both, the authorisation and visa procedures.**

b) Definition of entrepreneurial and business activity:

An entrepreneurial activity will be understood as one that is innovative or of special economic interest for Spain and whose model is scalable. A **favourable report issued by ENISA will be required in all cases.**

This report will analyse the degree of innovation, taking into account:

- Have received public funding in the last three years, without revocation.
- **Expenditure on research, development and technological innovation.**
- **Degree of attractiveness of the market**, with recruitment strategies.
- **Life phase of the company:** Implementation of prototypes and obtaining a minimum viable product, or start-up of the service.
- **Competition.** Competing companies and differentiation.
- Dependence on suppliers, or rental contracts, as well as relations with other economic operators.

In addition, for the assessment of entrepreneurial activity, the following will be taken into account:

- The **professional profile of the applicant** and his/her involvement in the project, as well as that of the rest of the team.
- The **business plan** with the description of the project, the financing and the investment required.

(IV) Chapter IV on highly qualified professionals is amended.

The cases of highly qualified professional are modified and become:

- **Graduates or postgraduates** from universities and business schools of recognised prestige.
- Advanced **vocational training graduates.**
- **Specialists with at least three years'** comparable professional experience.



The residence authorisation for highly qualified professionals shall be for three years, unless the contract is for a shorter period, in which case it shall be for the duration of the contract.

(V) Extension of the job search period for graduates.

The residence permit for graduates seeking employment is changed to a non-extendable duration of 24 months.

(VI) Modification of the residence permit for traineeships.

If applied for on the basis of an employment contract for professional practice, the duration of this authorisation may not exceed 12 months.

(VII) Creation of a working group to draw up instructions on these modifications.

A deadline of 31 March 2023 is set for drawing up instructions on the authorisations regulated herein.

(VIII) Issuance of foreigner identification numbers (NIE).

A specific system will be set up so that interested parties who are beneficiaries of these authorisations can obtain a NIE number.

We remain at your disposal for any questions you may have.

Yours sincerely,

ECIJA's Employment and Immigration Department

info@ecija.com

Telf: + 34 91.781.61.60