

## WORK VISAS FOR EMPLOYMENT STABLE MIGRATION (HIRING IN ORIGIN) IN SPAIN

### DOCUMENTS TO BE SUBMITTED

#### General considerations

Stable migration is understood as the collective hiring of workers in their country of origin through the simultaneous management of initial residence and work permits for employment to cover stable positions that should not be subject to fixed-term intermittent contracts.

The projected number of jobs and, where applicable, the number of positions that can be filled through collective recruitment at origin will in all cases be approved by the Ministry of Migration through the corresponding Ministerial Order. The last approval was for the **year 2026**. It will be the sole responsibility of employers to request their inclusion in the corresponding quota from the relevant Government Delegation/Sub-delegation.

Any foreigner over 16 years of age who is not a national of an EU Member State or a Schengen State may be hired in Spain, provided that they are not in Spain or do not reside there. However, these annual offers are primarily aimed at foreign workers who are nationals of countries with which Spain has signed agreements regulating and managing migration flows (**Colombia, Ecuador, Guatemala, Honduras, Morocco, Mauritania, Dominican Republic and Ukraine**) or, subsidiarily, collaboration agreements in this area (**Argentina, Cape Verde, Philippines, Gambia, Guinea, Guinea-Bissau, Mali, Mexico, Niger, Paraguay, El Salvador and Senegal**), or with which it may sign such agreements, if applicable, for a specific year or period.

**Submitting a visa application under an annual recruitment program requires obtaining prior authorization for a residence and work permit for employment in Spain from the employer.**

**Temporary stay and work permits under annual recruitment programs do not allow family reunification of any kind.**

Those who are within the period of commitment not to return to Spain, assumed voluntarily, will not be able to submit an application for this type of visa.

To be eligible for this program, foreign workers must reside in their country of nationality and, where applicable, within the corresponding consular district. Nationals of third countries are not eligible, even if they have legal residency and/or stay status.

Applications for work visas for employees hired in their country of origin must be submitted through a duly authorized representative (representation authorizations for minor workers must be signed by their parents or guardians). All visa applications must be submitted jointly to the relevant consular office. Submission must be made in person; electronic submissions are not permitted under any circumstances .

Once the employer has been notified of the granting of the initial residence permit for seasonal employment, the worker will have **a maximum period of 1 month from the date of said notification to submit the visa application.**

The consular office may establish an appointment system for receiving applications for this type of visa. Granting an appointment to submit a visa application does not automatically guarantee its approval.

Visa applications will not be accepted for processing in the cases of the Fourth Additional Provision of Organic Law 4/2000 of January 11.

In incomplete files or if any document submitted does not meet the legally required standards,

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<sup>1</sup> For in-person submission at this Consulate General, you must first check the current public service hours and whether, eventually, this procedure requires a prior appointment.

The applicant will be required to rectify the deficiencies. At this stage, the Consular Office may, in specific cases and for informational purposes only, require the worker to submit copies of the documents that were submitted by the employer for the processing of the initial authorization.

- Documentary justification that the employer has organized and paid for the worker's arrival in Spain and return trip to his country of origin, as well as the round trip transfer between the entry point in Spain and the place of accommodation and between this and the departure point on the return, as well as the transfer to the workplace from the accommodation.
- Documentary justification of the employer's implementation of appropriate measures aimed at complying with the health control requirements demanded in the workplace.
- Document proving that the employer plans to take out insurance that covers the health care of the worker from the date of the start of the trip to Spain until the date on which the registration in the corresponding Social Security scheme takes place.
- document that proves that the employer has the measures provided for in all those plans or protocols to which it is obliged in accordance with current regulations on equality, prevention of sexual harassment and harassment on the grounds of sex at work and others.
- Documentary justification of the employer's specific actions to ensure the worker's return to their country of origin once the work activity has ended.
- In the case of circular migration, a document proving that the employer will provide the worker with suitable accommodation that meets the conditions provided for in the regulations in force and provided that, in any case, the dignity and hygiene of the accommodation is guaranteed.

The issuance of a seasonal work visa by the Consular Office requires prior authorization from the corresponding Immigration Office in Spain, a process that takes 1 month from its receipt.

If the visa is authorized, it will have an initial duration of 1 year.

The visa must be collected within one month of its issuance and must be collected by the same duly authorized representative who submitted the application. If the visa is not collected within this period, the Consular Office will issue a decision to close the application due to renunciation. It cannot be collected from any Consular Office other than the one that processed the application.

The visa holder has a maximum period of 3 months to enter Spain, and must in any case travel to Spain and present to the border authorities the same travel document that was used to process their visa and in which this appears.

Possession of a valid long-stay visa does not guarantee automatic entry into Spain. The holder must demonstrate to border authorities that they meet the requirements that led to the visa's issuance. Nor does it, on its own, allow the holder to leave their country of origin, which may impose any applicable regulations.

Entry into Spanish territory will be denied, even if a valid visa is held and it is proven to the border authorities that the requirements that motivated its issuance are met, if there is an entry ban.

Once entry into Spain has been authorized by the border authorities, the visa holder must ensure that their passport is stamped by them. If entering Spain from a Schengen State and therefore without crossing external borders, they must, within a maximum of 3 business days, go to a Police Station or an Immigration Office to sign an entry declaration. From the date the Entry-Exit System becomes operational, the information contained therein will supersede the provisions of this paragraph.

The interested party will have, starting from the day after the date of the entry stamp or from the signing of the entry declaration, a maximum period of 90 days for the employer to register him with the Spanish Social Security, and a maximum period of 1 month from said registration to personally request the Foreigner Identity Card (TIE) from the corresponding Immigration Office. The initial authorization of temporary residence and temporary work for others will not be effective until the interested party is registered in the corresponding Social Security scheme.

If the visa is denied, a decision of rejection will be issued, which will always be communicated in writing to the

interested party, with information on the legal basis for the denial, the available appeals and the bodies to which they must be submitted.

#### Documents to be submitted

All applicants must submit the following:

1. Original passport or travel document.
2. National visa application form (1 copy).
3. 1 photograph.
4. Resolution granting the initial authorization for stay and work for others within the framework of an annual recruitment program in origin, issued by the corresponding Government Delegation/Subdelegation (with electronic signature) and **signed by the employer**.
5. Employment contract for employment according to the model approved by the corresponding Ministerial Order, signed by both parties.
6. Negative certificate proving that you do not suffer from any disease that could have serious repercussions for public health, in accordance with the provisions of the WHO International Health Regulations of 2005.
7. Negative certificate of criminal record for crimes foreseen in the Spanish legal system, issued by the country or countries in which he/she has resided in the last 5 years (unless the interested party is under 21 years of age, in which case the certificate must cover the period from when he/she turned 16 years of age until the time of its issuance).
8. Document proving the applicant's actual and permanent residence in this consular district (housing rental agreement, utility or telephone bills, etc.).
9. ORIGINAL document proving representation for submission. For the designation of a representative, when different from the legal representative of the employer or business organization, the model approved by the corresponding Ministerial Order will be used, which must be stamped by the Consular Office of submission.
10. Proof of having paid the corresponding consular fee; if claiming free service, documents that support it.

In the case of applicants under the age of 18, they must also submit:

11. Documentary proof of kinship or, where applicable, the appointment of guardians (in order to verify that those authorizing the trip to Spain are indeed the parents or guardians of the minor).
12. Written statement from both parents or guardians, authorizing the minor's travel to Spain for the purposes of temporary residence and employment.
13. Statement of the person who will take charge of the minor once he or she is in Spain and until he or she reaches the age of majority, stating his or her name and surnames, his or her DNI or NIE number, and his or her address, made before a Spanish Notary, in which he or she confirms this circumstance.
14. Negative certification from the Central Register of sexual offenders of the Spanish Ministry of Justice issued in favor of said persons in the terms of article 13.5 of Organic Law 1/1996, of January 15, on the legal protection of Minors.

#### General rules regarding the documentation to be submitted

The passport or travel document must be recognized by Spain, have a minimum validity of 3 months beyond the expiry date of the initial period of stay in Spain (i.e., 15 months in the case of permanent migration and 12 months in the case of circular migration), have at least 2 blank pages, and allow return to the country of issuance. **In all cases, the original and a photocopy of ALL PAGES, including blank ones, must be presented.**

The photograph must conform to the technical requirements of ICAO Document 9303 (close-up of the head and shoulders, in focus and without blemishes, on a plain, light-colored background, taken from the front with eyes open, without glare, dark glasses, or clothing that obscures the face, which must be visible from the hairline to the chin), in color, 3 x 4 cm, and recent (taken within the 6 months prior to submitting the application). If the photograph is digital, it must be printed on photographic-quality paper using a high-resolution printer (prints on regular paper are not acceptable). PLEASE SUBMIT THIS PHOTO ALREADY ADHESIVED (NOT STAPLEDED) TO THE FORM MENTIONED IN POINT 2, in order to facilitate its scanning by this Consular Office.

The visa application form must be completed in its entirety and signed by the applicant or, if the applicant is a minor, by both parents or legal guardians. Unsigned applications will not be accepted. The form must clearly state the applicant's home or postal address (which must be within the consular district), telephone number, and email address for communication purposes. This form is free of charge.

Spanish and foreign official certificates and other documents, including criminal record certificates and medical certificates, must not have an issue date older than six (6) months.

Criminal record certificates must be submitted in their simplest version (without fingerprints).

In the case of official foreign documents, this Consular Office reserves the right to request that they be apostilled<sup>2</sup> or, where applicable, legalized (unless otherwise required by a current bilateral or multilateral agreement<sup>3</sup>), as well as translated into Spanish (however, documents in English or French are accepted<sup>4</sup>). The obligation to provide the apostilled/legalized documents and their Spanish translation rests with the applicant, who must bear the cost of these procedures.

The visa fee is paid in advance and is not refunded to the applicant in case of visa refusal.<sup>5</sup>

All documents must be submitted in ORIGINAL form or, if that is not possible, a legible COPY. Submitted documentation will not be returned (except upon express and justified request).

**This consular office reserves the right to request additional documentation or carry out any checks it deems necessary for resolving the case. Documentation submitted without being expressly requested will not be considered in resolving the case.**

**COMPLIANCE WITH THESE INSTRUCTIONS IS STRONGLY STRONG AND THOSE INTERESTED ARE REQUESTED THAT, IN ORDER TO AVOID DELAYS IN THE PROCESSING OF THEIR VISA, THEY SUBMIT ALL THE REQUIRED DOCUMENTATION AT THE SAME TIME.**

**THIS CONSULAR OFFICE DOES NOT PROVIDE PHOTOCOPY SERVICES FOR THE PUBLIC.**

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<sup>2</sup> The updated list of Member States of the Hague Convention of 5 October 1961, abolishing the requirement of legalization for foreign public documents (Apostille Convention), can be found at the following link:

<https://www.hcch.net/es/instruments/conventions/status-table/?cid=41>

<sup>3</sup> Consult the list of current agreements at this consular office.

<sup>4</sup> For documents written in other languages, please consult this Consular Office.

<sup>5</sup> Check with this Consular Office for the current fee for this type of visa.