

GMS Flash Alert

Immigration Edition

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Spain – Immigration Outlook 2023

Over the last seven months, there have been several significant amendments to Spanish immigration law. The Spanish government’s measures aim to provide companies and professionals a competitive framework to attract talent and innovation to Spain.

In July 2022, the Spanish government approved the reform of the Immigration Regulation,¹ introducing changes in several areas including authorising work for students, and creating a new unit, “UTEX” (*Unidad Técnica de Extranjería*), to simplify criteria in over 52 immigration offices in Spain and reduce the delays in administrative procedures.

In December, the Start-ups Law² introduced the teleworking visa³ (“digital nomad” visa) and incorporated changes in the other most common immigration procedures: for highly skilled professionals, intra-company movements, entrepreneurs, and the so-called “Golden Visa” (for prior coverage, see [GMS Flash Alert 2023-17](#), 23 January 2023).

The Democratic Memory Law or the new Grandson Law (*Ley de Memoria Democrática* or *Ley de Nietos*)⁴ came into effect in October 2022, offering the possibility of Spanish citizenship for descendants of Spanish nationals who fled from the civil war or during the dictatorship (for related coverage, see [GMS Flash Alert 2022-196](#), 27 October 2022). This measure has an important effect especially in Iberoamerica.⁵ Another agreement with Argentina will come into force in February 2023, offering the “working holiday visa.”⁶

Lastly, the Spanish authorities now require a digital certificate beginning in February for signing immigration application forms (*Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas*).

WHY THIS MATTERS

The changes include important modifications in terms of international mobility, opening up opportunities for eligible persons with skills and an interest in working in Spain and facilitating the ability of employers that wish to send and/or attract talent to Spain to do so.

In some cases, additionally, the changes represent an acknowledgement by the Spanish government of the growing importance of new work patterns – which are anticipated to continue for the foreseeable future – and the evolving needs of employers and employees in this “work from anywhere” world.⁷

Students and workers (including remote / teleworking workers) who wish to come to Spain to live and work, their

employers, and immigration counsel will want to take note of the new rules, application procedures, and visa and work permit processing times, and plan accordingly.

Student and Working Holiday Visas

Beginning summer 2022, certain student visa holders can be hired to work in Spain, without the need for additional procedures.⁸ They will be allowed to combine work and studies, if the work hours are compatible with the studies carried out and do not exceed thirty hours a week. Once the studies are finished, it will be possible to modify the authorisation from studies to initial employment authorisation because the previous requirement of three continuous years of studies has been eliminated.

The crucial new UTEX or Immigration Files Processing Unit was created with the main intention of reducing administrative deadlines that currently lead to delays of several months and of simplifying criteria on the national level.

Another path for attracting young talent to work in Spain is through an international agreement with other countries. The latest is the agreement between Spain and Argentina regarding a youth mobility programme entering into force on 10 February 2023. This programme is better known as "working holidays visa." Currently Spain has agreements with the Republic of Korea, Japan, Australia, New Zealand, and Canada.

New Highly Skilled Professional and Blue Card

The Start-ups Law introduces changes on work permits under Law 14/2013 (*Ley 14/2013, de 27 de septiembre*), the main one concerns the highly skilled professional ("PAC" in Spanish) that unifies all the possible paths to apply by eliminating the previous different channels (companies with more than 250 employees, SMEs in the strategic sector, etc.). Right now, the paths are based on the candidate and there are three options:

1. Graduates or post-graduates from universities and business schools of recognised prestige;
2. Higher vocational training graduates;
3. Specialists with professional experience of a comparable level of at least three years.

However, there are to be new instructions that will be approved by 31 March 2023, at the latest, to complete the changes made with the Start-up Law. In this sense, other regulations are still pending approval which, according to the corresponding drafts or drafts, will also modify Law 14/2013 (Transposition of the Blue Card Directive) and the general regime (University Law (*Ley Orgánica del Sistema Universitario*) and the Scholarship Statute (*Estatuto del Becario*)).

Other Measures That Impact Immigration to Spain

Compulsory Use of Digital Certificates by Enterprise Representatives

From 1 February, the Large Companies and Strategic Groups Unit ("UGE-CE" for *Unidad de Grandes Empresas y Colectivos Estratégicos*) started requiring companies to use the digital certificate for applications for highly skilled professional ("HSQ") work permits (*La Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas*).

Therefore, representatives need to have a digital certificate for signed application forms, or (alternatively) grant a digital power of attorney (just authorisation, not notary) to the providers to sign the applications forms on their behalf.

Spanish Nationality

As a remedial measure for people who were exiles from Spain, the Democratic Memory Law allows the acquisition of Spanish nationality for those born outside of Spain to fathers or mothers, grandmothers or grandfathers, exiled for political, ideological or belief reasons.⁹

Likewise, consistent with the objectives of this law, the new law allows the acquisition of Spanish nationality for:

- the sons and daughters born abroad of Spanish women who lost their nationality by marrying foreign nationals, before the entry into force of the 1978 Constitution;
- the sons and daughters of legal age of those Spaniards whose nationality of origin was recognised by virtue of the right of option in accordance with the provisions of this law or in the seventh additional provision of Law 52/2007¹⁰;
- volunteers of the International Brigades (*Las Brigadas Internacionales*) who participated in the War from 1936 to 1939 for the acquisition of Spanish nationality by naturalisation letter;
 - o it will be understood that the same circumstances exist for the descendants of brigade members who prove a continuous effort to disseminate the memory of their ancestors and the defence of democracy in Spain.

KPMG INSIGHTS

Spain is taking steps to attract talent and innovation to the country and to offer varied and streamlined processes for different types of workers. In the following months we will continue to see more new developments that will impact the immigration system.

Under the current climate, companies competing for talent no longer have to rule out a person who can contribute talent to the organisation because there is a physical distance or a difference in time zones. The key is to hire the best professionals anywhere in the world. This competition does not concern only companies, but also states. Some of them, such as Portugal, Croatia, the United Arab Emirates or Germany, have been announcing measures to attract qualified professionals through simplified migration processes and/or beneficial tax regimes.

As there have been numerous changes to policy and procedures over the past 12 months – and it can be confusing to navigate them – if there are any questions about eligibility and the conditions for applying for the residence and work permits, concerns for and issues around individuals with plans to relocate to Spain, and employers who may need assistance with relocating employees, it may be prudent to consult with a qualified global-mobility professional and/or immigration counsel, or a member of the Immigration team with KPMG in Spain (see the Contacts section).

FOOTNOTES:

1 See *Real Decreto 629/2022, de 26 de julio, por el que se modifica el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009, aprobado por el Real Decreto 557/2011, de 20 de abril*. See in Spanish, at: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2022-12504 .

2 See *Ley 28/2022, de 21 de diciembre, de fomento del ecosistema de las empresas emergentes*. See, in Spanish, at: <https://www.boe.es/eli/es/l/2022/12/21/28/con> .

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FOOTNOTES continued:

3 *El visado para el teletrabajo de carácter internacional.*

4 See *Ley 20/2022, de 19 de octubre, de Memoria Democrática*, published in *Boletín Oficial del Estado (BOE)*, Núm. 252, 2 (in Spanish) at: <https://www.boe.es/buscar/act.php?id=BOE-A-2022-17099> .

5 For prior coverage see GMS [Flash Alert 2022-196](#), 27 October 2022.

6 See *Acuerdo entre el Reino de España y la República Argentina sobre un programa de movilidad de jóvenes, hecho "Ad Referendum" en Buenos Aires el 10 de abril de 2018*. See in Spanish, at: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2023-2097 .

7 Refer to section IV of *Ley 28/2022, de 21 de diciembre, de fomento del ecosistema de las empresas emergentes* at: <https://www.boe.es/buscar/doc.php?id=BOE-A-2022-21739> . Also, see this third-party study on the website of Spain's Congress, concerning the EU, Spain and the impact of EU directives on highly-qualified immigration and the European labour market: the new Directive (EU) 2021/1883 on Spanish labour and immigration policy, "Inmigración altamente cualificada y mercado de trabajo europeo: la nueva Directiva (UE) 2021/1883," by María Dolores Valdueza Blanco, Profesora Titular Visitante de Derecho del Trabajo, Universidad Carlos III de Madrid, at: https://www.congreso.es/docu/docum/ddocum/dosieres/sleg/legislatura_14/spl_70/pdfs/44.pdf .

8 See footnote 1.

9 See footnote 4.

10 *Ley 52/2007, de 26 de diciembre, por la que se reconocen y amplían derechos y se establecen medidas en favor de quienes padecieron persecución o violencia durante la guerra civil y la dictadura.*

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Spain:



Miguel Arias

Partner

Tel. + 34 91 456 3864

marias@kpmg.es



Javier de Robles

Director

Tel. + 34 91 451 3189

jderobles@kpmg.es



Patricia Contreras

Manager

Tel. + 34 91 456 3400

patriciacontreras@kpmg.es

** Please note the KPMG International member firm in the United States does not provide immigration or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

The information contained in this newsletter was submitted by the KPMG International member firm in Spain.

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