

FACT SHEET GOLDEN VISA

Applying for a Golden Visa in Spain

In September 2013 Spain introduced a Golden Visa investment scheme to attract investment in Spain by non-EU citizens. The laws were amended in 2015 to make it easier for applicants to obtain the Golden visa in Spain.

The Golden Visa Investment scheme allows non-EU investors to apply for Spanish residency and later citizenship in return for significant investment in Spain provided that certain criteria are met.

We have provided some general information below*. If you would like further information from an experienced Spanish lawyer in relation to the Golden Visa please contact De Micco & Friends.

What are the requirements for a Golden Visa (Investor Visa) Application in Spain?

The requirements for an application for Spain's Golden Investor Visa are as follows:
The Golden Visa investor applicant must:

- be a Non-EU national
- be 18 years old or over
- not hold a criminal record
- not have entered or stayed in Spain illegally or been refused entry into any of the Schengen countries
- be able to financially support themselves and their family whilst in Spain
- have health insurance
- be investing and have proof of investment in one of the following:
 1. Investing at least €2,000,000 in Spanish government bonds;
 2. Investing at least €1,000,000 in shares of Spanish companies;
 3. Investing at least €1,000,000 in Spanish investment funds;
 4. Depositing at least €1,000,000 in Spanish bank accounts
 5. Investing in property in of a value at least €500,000 per applicant
 6. Undertaking a business project which:
 - creates jobs or
 - has significant socioeconomic impact in the region or
 - is technologically or scientifically innovative.

The investment can be made by either an individual or a company provided that the company is located in a country considered to be a tax haven and the individual has control of the company's shares.

What is the Golden Visa Application Process in Spain?

1. Apply for a **Schengen Visa**
If the Golden Visa application is visiting Spain in order to consider their investment, for example to view potential properties, they will need to apply for a Schengen Visa in order to visit the country. This visa allows the applicant to visit Spain for up to 90 days.
2. Apply for a **Residency Visa**
The applicant will need to apply for the Residency Visa. This entitles the investor to reside in Spain for up to a year and travel freely in the Schengen area** for 90 days out of every 180 days. This can

be obtained by having made one of the investments set out above. An experienced lawyer will be able to assist with this application.

3. Apply for a **Residency Permit**

If the investor wishes to reside in Spain for longer than one year, after the first year they will then need to apply for a Residency Permit.

The Spanish Residency Permit will allow the investor to live in Spain for up to 2 more years and is renewable for 5-year period providing the requirements for the permit are still being met. This can eventually lead to Spanish citizenship being granted to the investor.

To fulfil the requirements for the Spanish Residency Permits, the investor must:

- have made one of the qualifying investments (as set out above)
- hold a valid investor's residency visa or one that is not overdue by more than 90 days from the expiration date
- provide evidence to show that the investment has been held during the required period
- have complied and be up to date with all tax and social security obligations.

Properties can be bought and sold during this period, so long as the investment threshold is maintained.

4. Apply for **Permanent Residence in Spain**

After five years of continuous residence, investors can apply for permanent residence in Spain.

5. Apply for **Spanish Citizenship**

If you have been resident in Spain for 10 years or more, Spanish citizenship can be requested.

What are the requirements for investing in Spanish property in order to obtain a Golden Visa?

In order to apply for the Golden visa on the basis of a property investment, each applicant must invest at least **€ 500,000** in property in Spain. The law requires that the first € 500,000 of the property purchase price is unencumbered – this means that this **must not be financed by a loan/mortgage**. Any value in excess of €500,000 can be financed through a mortgage if required.

The investment can be comprised of one or several properties as long as the total value of the properties is €500,000 or more.

On top of the purchase price of €500,000 or more the investor will need to budget for an additional 10 – 13% of the purchase price for usual additional costs of the property purchase for such as purchase taxes, notary and legal fees. These costs cannot be included in the €500,000 investment amount required and **must be paid in addition**.

However, if you don't have time to come to Spain, and you have found a property that you are prepared to buy without visiting, you can organize a power of attorney from your home country (this is not possible from all countries) giving your lawyer power to act on your behalf in the conveyancing and residency process. Your lawyer can then buy the property on your behalf, so you don't even have to come to Spain at this stage.

How long do you have to stay in Spain to qualify for residency under the Golden Visa?

The Golden Visa is targeted at wealthy individuals who will normally be residing in other countries so there is no requirement for the applicant to spend any particular length of time in Spain to qualify for the Golden

Visa and there is no requirement to be a tax resident in Spain. However, to get the residency permit at the end of the year, you do have to visit Spain at least once in the year.

To qualify for permanent residency or citizenship however you will need to be resident in Spain for the required periods.

Can I obtain permanent residency or Spanish citizenship through the Golden Visa programme?

Yes, eventually the applicant can obtain permanent residency and citizenship in Spain as long as all of the requirements are met. It is strongly advised to seek legal assistance specialising in Golden Visa applications to ensure that the requirements are followed at each stage.

Who can apply for a Golden Visa Application and who does the Golden Visa cover?

A Non-EU citizen meeting the criteria set out above can apply for the Golden Visa on the basis of investment. These Golden Visa laws require each applicant to make one of the qualifying investments, however, residence permits may also be granted to an applicant's husband/wife or cohabiting partner, children under 18, children aged 18 years or over who remain dependent on the applicant's financial support and who have not formed an independent family unit, and dependent ascendants ie parents and grandparents.

How do I apply for a Golden Visa in Spain?

It is strongly advised that **before committing to invest** in Spain for the purpose of a Golden Visa application that legal advice is taken from a recommended Spanish lawyer with experience in dealing with the Golden Visa Applications.

If you would like to be put in touch with a lawyer to assist you with buying property in Spain and/or applying for the Golden Visa in Spain, contact De Micco & Friends at www.lawyers-auditors.com.

NOTES:

*The information provided is intended as general guidance only for those considering applying for the Golden Visa in Spain and is not a substitute for specific legal advice about your specific information. If you would like specific legal advice in relation to Golden Visa Applications from an experienced lawyer, please contact De Micco & Friends at palma@demicco.es.

**The Schengen area countries in Europe are: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland and Liechtenstein.

***EU countries include: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

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