

THE COMPLETE GUIDE

Madrid · Spain

Spain After the Golden Visa.

The investor route closed on 3 April 2025. This guide sets out what a foreign national can still do in Spain, what each route costs in tax as well as in money, and when the honest answer is to look elsewhere.

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BEFORE YOU START

How to use this guide

This guide answers one question: what can a wealthy foreign national actually still do in Spain, now that the investor route is closed, and what will it cost in tax to do it.

The routes that remain are real and workable, and in several respects better than the one that closed, but they impose conditions the investor route never did. They ask you to work, or to prove income, or to live in Spain. Above all they push you towards Spanish tax residence, where the money and the risk now sit.

Read it in three ways. To decide whether Spain is still right for you, read chapter 1 and go where the self-assessment sends you. If you know Spain is the answer and want the route, read chapters 4 to 7 and then the tax chapters that apply to you. If you hold an investor permit, start at chapter 3.

Every figure, date, article number and deadline is traceable to a primary source, and the sources are listed at the back. Where the law is unsettled, or the sources conflict, we say so in a marked callout rather than picking the answer that reads better. Where a number is widely quoted in our industry but cannot be traced to an official publication, we decline to repeat it. Nothing here is included because it helps us sell work; where Spain is the wrong answer, chapter 15 says so plainly.

01

CHAPTER 01

Is Spain still the right answer?

Who this guide is for, why the answer is now conditional, and a twelve-question assessment that sends you to the chapters that matter to you.

IN THIS CHAPTER

Who this guide is for

Why the honest answer is now conditional

The twelve-question assessment

Band A, 32 to 48 points. Spain works, and the question is which route

Band B, 17 to 31 points. Conditional, and the tax chapters decide it

Band C, 0 to 16 points. Spain is probably the wrong answer, or the wrong answer this year

Who this guide is for

This guide is for private clients with substantial assets considering Spain as a place of residence, and for the advisers who act for them. It assumes you are a national of a country outside the European Union, the European Economic Area and Switzerland, and that Spain is one of several countries you are weighing.

It is not written for people seeking to regularise an existing presence in Spain. Spain has a separate body of law for that, called *arraigo*; we touch on it in chapter 4 for completeness only.

Why the honest answer is now conditional

Before 3 April 2025, Spain had an answer that was easy to give. Buy property for at least 500,000 euros, obtain a residence permit, and keep it without ever having to live in Spain. That answer is gone, and articles 63 to 67 of Ley 14/2013 now read “(Sin contenido)”. Chapter 2 sets out how.

What replaced it is not a substitute. It is six separate routes, each with its own qualifying test, and every one assumes you will actually live in Spain. The non-lucrative route requires you to prove income and forbids you to work. The teleworker route requires you to work, but only for companies outside Spain. The work-based routes require an employer, a group company or an innovative business plan. None can be satisfied by writing a cheque.

The consequence matters more than the immigration law. The old route allowed a client to hold Spanish residence while remaining tax resident somewhere else. The routes that remain contemplate presence, and presence beyond 183 days in a calendar year makes you a Spanish tax resident under article 9 LIRPF, with worldwide income, wealth tax, the solidarity tax on net wealth above 3,000,000 euros, and annual reporting. Chapters 8 to 13 deal with all of that, and chapter 10 explains why the effective entry point for the solidarity tax is 3,700,000 euros of net wealth.

So the honest answer is conditional. It depends on how many days you can give Spain, where your income comes from, what you are about to sell, and how much you are worth.

3 April 2025

The investor route closed. Articles 63 to 67 of Ley 14/2013 now read “(Sin contenido)”.

183 days

Presence beyond 183 days in a calendar year makes you Spanish tax resident under article 9 LIRPF.

3.7m euros

Net wealth at which the solidarity tax effectively starts to bite. Chapter 10 explains why.

The twelve-question assessment

Answer each question as your circumstances actually are, not as you would like them to be. Score each answer 0, 2 or 4 points. If your position sits between two answers, take the lower score. The maximum is 48.

#	Question	0 points	2 points	4 points
1	Days a year you can realistically spend in Spain	Under 60	60 to 182	183 or more
2	Willingness to file Spanish tax returns and report worldwide assets	Unwilling	Reluctant, would consider	Accepted as part of the move
3	Main source of your income	Investment, dividends or capital gains	Pension or annuity	Employment or professional fees
4	Can that income be earned remotely for payers outside Spain	No, it is Spanish-source or requires presence elsewhere	Partly	Yes, entirely
5	A business or major asset sale in prospect in the next five years	Yes, likely within two years	Possible, timing unclear	No
6	EU, EEA or Swiss nationality or free movement rights, yours or a spouse's	None	Spouse or partner has them	You have them
7	Your nationality for naturalisation purposes	Ten-year track	Married to a Spanish national	Ibero-American, Andorran, Filipino, Equatorial Guinean, Portuguese or Sephardic

CONTINUED

#	Question	0 points	2 points	4 points
8	Family you need to bring	Ascendants, or adult children over 25	Adult children under 25	None, or children under 18
9	Net wealth, worldwide	Well above 3,000,000 euros	Around 3,000,000 euros	Below 3,000,000 euros
10	Spanish assets you hold or intend to hold	Spanish rental property	A Spanish main residence only	None
11	Flexibility on where in Spain you live	Fixed on one city for non-tax reasons	Some flexibility	Open on region
12	Degree, postgraduate qualification or three years of documented professional experience, and willingness to register with Spanish social security	Neither	One of the two	Both

Band A, 32 to 48 points. Spain works, and the question is which route

You can give Spain real presence, your income travels with you, and your wealth sits below the level at which the solidarity tax changes the arithmetic. For you the remaining routes are not a poor substitute for the investor permit; several are better, because they lead to a work permit, to long-term residence at five years, and in some cases to article 93 LIRPF.

Read chapter 4 to identify your route, then the process chapter for it (chapter 5, 6 or 7), then chapters 8 and 9. If your income is employment or professional income earned outside Spain, chapter 9 is the most valuable chapter for you.

Band B, 17 to 31 points. Conditional, and the tax chapters decide it

This is where most readers land. Something pulls against the move: the days you can give it, a sale you are holding, wealth above 3,000,000 euros, or a family member the routes do not easily accommodate.

Do not choose a route yet. Read chapters 8, 10 and 11 first, because the tax outcome will determine whether the immigration route is worth having. Note the timing point in chapter 8: Spain has no split tax year, so the calendar date on which you arrive can move an entire year of worldwide income into the Spanish net. If you scored 0 on question 5, read the worked scenario on the founder with a pending sale in chapter 15 first.

Band C, 0 to 16 points. Spain is probably the wrong answer, or the wrong answer this year

A low score usually means one of three things. You cannot give Spain enough presence to satisfy a permit that now expects you to live there. Or your wealth and asset mix make Spanish tax residence expensive in a way no immigration structure can fix. Or you are carrying an event, most often a sale, that should be completed before you become resident anywhere new.

That does not mean Spain is closed to you permanently; it usually means the sequence is wrong. Read chapter 15, which sets out plainly when Spain is the wrong answer, and chapter 13 on leaving, which is the chapter people wish they had read first.

CANDOUR

A self-assessment cannot see your actual facts, and the scoring above deliberately penalises positions that are merely complicated rather than genuinely unsuitable. A client with a pending business sale scores badly on question 5 and may still be an excellent candidate for Spain, provided the sale completes in the right tax year. Treat the score as a way of finding the chapter you most need, not as a verdict.

CHAPTER 02

What closed, and exactly how

How the investor route was closed on 3 April 2025, what the transitional rules keep alive, and what the official record does and does not say.

IN THIS CHAPTER

The instrument

Why the date is 3 April 2025 and not 23 January

The two transitional rules

The silence in the statute

What the government actually said

What the closure was not

The evidence that does not exist

The instrument

The Spanish investor residence route was created by articles 63 to 67 of Ley 14/2013, de 27 de septiembre, de apoyo a los emprendedores y su internacionalización: article 63 the investor residence visa, article 64 how the investment had to be evidenced, article 65 the effects of that visa, article 66 the investor residence authorisation, and article 67 its duration.

It was closed by an organic law about the efficiency of the justice system: Ley Orgánica 1/2025, de 2 de enero, de medidas en materia de eficiencia del Servicio Público de Justicia, published in BOE núm. 3 of 3 January 2025 under reference BOE-A-2025-76, with a correction of errors on 11 January 2025. The repeal sits in disposición final vigesimoprimerá, whose first paragraph reads in full: "Se dejan sin contenido los artículos 63, 64, 65, 66 y 67."

The drafting matters: the statute does not derogate the five articles but empties them of content, so they still exist as numbered provisions of Ley 14/2013, which is why the transitional rules can cross-refer to them and why the Ministry's renewal criteria work at all.

Why the date is 3 April 2025 and not 23 January

Disposición final trigésima octava, paragraph 1, provides that the law enters into force three months after publication. Paragraph 2 brings a short list of provisions forward to twenty days: Title I, disposición adicional primera, transitional provisions one to eight, and disposición final sexta. The investor repeal is not in that list, so it took effect on the general three-month date, 3 April 2025. The consolidated text confirms it: each of articles 63 to 67 now reads "(Sin contenido)", with the annotation "Se deja sin contenido, con efectos de 3 de abril de 2025, por la disposición final 21.1 de la Ley Orgánica 1/2025, de 2 de enero."

Much of the advice given in January 2025 assumed the closure was imminent. It was not. There were ten weeks of open filing after publication, and the transitional rule protects filings, not grants.

The two transitional rules

The same disposición final inserted two transitional provisions into Ley 14/2013 itself.

Disposición transitoria primera provides that investors or family members of investors who had filed the relevant application before entry into force may receive the visa or authorisation under the rules in force at the date of filing. Note the verb: it protects applications presented, not applications granted. A file lodged on 2 April 2025 and decided in 2026 is decided under the old law.

Disposición transitoria segunda provides that investor visas and authorisations valid at entry into force keep that validity for the period for which they were issued, and that renewals are processed and decided under the rules in force at the date of the initial grant. Every existing investor permit now depends on it, and chapter 3 deals with how the Ministry applies it.

CONTESTED POINT

Disposición transitoria segunda is headed "Renovaciones de visados y autorizaciones para inversores por adquisición de bienes inmuebles", which names only the real-estate limb of the old route. Its operative text, however, refers generally to "los visados y autorizaciones para inversores" without qualification. The heading and the body do not say the same thing. In practice the Ministry has applied the provision to all investment limbs, which is the correct reading of the operative text and the outcome we would expect a court to reach, but the point has not been tested and a holder whose qualifying investment was in shares, public debt or a bank deposit is relying on administrative practice rather than on unambiguous statutory language.

The silence in the statute

Spanish legislation ordinarily explains itself in a preamble, the exposición de motivos, which courts use when the operative text is ambiguous. Ley Orgánica 1/2025 contains no recital justifying the abolition: a full-text search of the

official BOE XML returns four occurrences of the word “inversor”, all inside the operative text of disposición final vigesimoprimerá. If a dispute arises about what the repeal was meant to achieve, there is no statement of purpose to argue from, only press conferences, which are not a source of statutory interpretation.

What the government actually said

The announcement came the day before, on 8 April 2024, in remarks by the Prime Minister at a social housing development in Seville province, to the effect that the government would eliminate the grant of the golden visa where more than 500,000 euros is invested in real property, so that housing is a right and not a speculative business. The operative statement, and the figures, came the next day.

The reasoning followed on 9 April 2024, at the press conference after the Council of Ministers. The Minister for Housing and Urban Agenda said investments of this kind strain the market, increase house prices and favour speculation, and gave the government's figures: 14,576 golden visas linked to real-estate investment granted since the 2013 law came into force, 94 of every 100 grants linked to real estate, and Barcelona, Madrid, Málaga, Alicante, the Balearic Islands and Valencia together accounting for 90 per cent of all authorisations granted nationally. Locally, acquisitions linked to Ley 14/2013 investments were said to represent 7.1 per cent of all annual transactions in Marbella, 5.3 per cent in Barcelona and up to 10 per cent in some Balearic municipalities. On nationality, the government named China, Russia, the United Kingdom, the United States, Ukraine, Iran, Venezuela and Mexico, without publishing counts for any of them.

A government note published on 2 April 2025, the day before the closure took effect, aligned the decision with the European Commission's 2022 recommendation that Member States repeal investor citizenship schemes, and placed Spain alongside Ireland and Portugal.

There is a gap between the justification and the measure. Every public statement was about housing; the repeal was total. Articles 63 to 67 were voided entirely, removing the capital-markets, public-debt, bank-deposit and business-project limbs along with the property limb. No published statement explains why the non-property limbs, which nobody alleged were raising house prices, were closed as well.

What the closure was not

The Grand Chamber judgment of 29 April 2025 in Case C-181/23, *Commission v Malta*, concerns citizenship by investment, not residence by investment, and was delivered twenty-six days after Spain's closure took effect, so it cannot have caused it. Nor does any EU instrument prohibit residence by investment: the Commission's 2022 position is a recommendation and a risk warning, and Member States that kept such routes have not been found in breach of anything.

The evidence that does not exist

CONTESTED POINT

There is no agreed figure for the size of the Spanish investor route, and no official nationality breakdown has ever been published. The government's own count, given on 9 April 2024, is 14,576 property-linked grants since 2013. The Consejo Económico y Social, in the report on migration released in November 2025, puts it at “unos 15.000” residence visas from real-estate investment over the life of the scheme to April 2025, drawing on the Observatorio Permanente de la Inmigración. Those two are consistent with each other. A third figure, of about 6,200 investor visas for 2013 to 2023 with a precise nationality split, circulates very widely in Spanish media and in advisory marketing. It is roughly 60 per cent below the government's own count, it cannot be traced to any accessible official dataset, note, press release or parliamentary answer, and we do not use it. The honest formulation is approximately 14,600 to 15,000 property-linked investor residence grants over twelve years, attributed to the government and to the CES, with no nationality counts available at all. Chapter 14 sets out why the official statistical system holds the breakdowns and does not publish them.

03

CHAPTER 03

If you already hold an investor permit

Your permit and its renewals survive the closure. What is now closed to you, and the planning responses that work and those that do not.

IN THIS CHAPTER

Your permit survives, and so does your renewal

What is now closed to you

Planning responses, and their limits

Your permit survives, and so does your renewal

If you held an investor visa or authorisation valid on 3 April 2025, it keeps its validity for the full period for which it was issued, under *disposición transitoria segunda* of Ley 14/2013. Nothing about the closure shortens a permit already running.

Renewals continue to work. The operative guidance is a document of the Dirección General de Gestión Migratoria, Subdirección General de Inmigración y Movilidad Internacional, headed “Criterios de gestión. Derogación figura ‘inversores’ Ley 14/2013” and dated Madrid, 10 June 2025. It is the internal management criteria used by the Unidad de Grandes Empresas y Colectivos Estratégicos, and the most load-bearing document for anyone in this position. On renewals it is unqualified: all are admitted, provided the initial authorisations met all the requirements for being granted.

That proviso deserves attention. A file that was thin at the outset, on the source of funds, on completion of the purchase or on the value of the qualifying investment, is exposed at renewal in a way it would not have been while the route was open.

Two points fall in the holder’s favour. A residence application is admissible where the visa was applied for before 3 April 2025, even if the visa’s effect was deferred. And a change in the holder’s own nationality does not disturb the permit, provided it was notified in due time and form.

What is now closed to you

Family reunification on an investor permit has ended. Family members holding residence in force after 3 April 2025 keep it, but any application by a family member filed after that date is inadmitted, on the basis that the general regime of RD 1155/2024 applies to them instead, that regulation being supplementary in anything not provided for by Ley 14/2013. The criteria then address what clients find hardest to accept: circumstances arising after 3 April 2025, expressly including marriages contracted and children born after that date, are inadmitted in the same way.

The residence right is *personalísimo* and is not transmissible. Transfers by inheritance or gift, and *inter vivos* transfers generally, occurring after 3 April 2025 cannot be used to justify the investment. The Spanish asset can pass to your heirs under Spanish succession law; the residence permit it once supported cannot. Changes of ownership of the capital or the investment to a legal person are not admitted, because a legal person cannot hold a personal residence authorisation, and transfers from a legal person to a natural person are not admitted either, being *inter vivos* transfers.

Conversion of the underlying investment is permitted in one direction only: between non-property categories, and from real estate into any other qualifying investment, in each case respecting the minimum amounts. Conversion from another category into real estate is not accepted. Nor are deposit contracts accepted as evidence of the investment: a *contrato de arras* is not the sale contract itself, and by its nature carries an implicit right to walk away.

Two administrative points are worth knowing. The permit is maintained while unemployment benefit is being drawn. And a holder working part-time must in every case receive at least 100 per cent of the annual salary required for highly qualified personnel.

Planning responses, and their limits

The first response is the general regime: family reunification under RD 1155/2024. That permit, for a spouse, registered or stable partner or child, automatically allows work, employed or self-employed, anywhere in Spain under article 65.2. The sponsor must show fixed and regular resources of 150 per cent of IPREM for a household of sponsor plus one reunified member, and 50 per cent for each additional member, under article 67.1, with adequate housing evidenced by a social services report, and health insurance. The decision period is a maximum of two months and silence is negative. A reunified spouse or partner can obtain an independent residence and work permit after one year, running four years where requested at renewal.

The second is to move yourself onto a route that is still open before your investor permit runs out. Chapter 4 maps the alternatives, and switching between Ley 14/2013 authorisations is permitted at any time on meeting the requirements of the target authorisation.

The third is to start counting towards long-term residence. Five years of legal and continuous residence gives a right to it under article 183 of RD 1155/2024, and the continuity test is more forgiving than most holders assume: absences of up to six consecutive months do not break it, provided the total does not exceed ten months across the five years, rising to eighteen months where the absences are for work reasons.

ADVISER'S OBSERVATION

The hardest conversations I have had since the closure are not about the closure. They are about family reunification, and they follow a pattern. The investor route was attractive precisely because it did not require you to live in Spain, so a great many holders never did. They kept a property, visited, and let the permit renew. Now they want to bring a new spouse or a newly born child, the investor route is shut to them, and the general regime says that the sponsor must have resided in Spain for at least a year and must have applied for a further year's authorisation before the reunification application can even be filed. The one thing they deliberately never did is now the precondition. If you are in that position, the planning question is not which form to file. It is whether you are willing to move to Spain in earnest, and accept Spanish tax residence with it, in order to bring your family across. That is a decision about your life, and it should be made before anyone starts drafting.

TOM PURDY

CANDOUR

There is no restructuring that reopens family reunification on an investor permit, and you should be wary of anyone who says otherwise. The criteria of 10 June 2025 close the point in terms, including for marriages and births after 3 April 2025. What good advice can do is choose between the general regime, a switch of route, and the long-term residence timetable, and sequence them so that the tax consequences fall in the right year.

04

CHAPTER 04

The map of what remains

The six routes that remain, compared on legal basis, qualifying test, work rights, decision periods, validity and government fees.

IN THIS CHAPTER

Two bodies of law, not one

The six routes, compared

Arraigo and the family routes, for completeness

What the routes cost in government fees

Two bodies of law, not one

Spain's residence law for third-country nationals sits in two places, and knowing which one you are in explains most of the procedural differences you will encounter. The first is the general regime: Ley Orgánica 4/2000 and its regulation, Real Decreto 1155/2024, in force since 20 May 2025. The non-lucrative route lives here, with applications made at consulates and decided by the Oficinas de Extranjería.

The second is Ley 14/2013, the entrepreneurs' law, home to the teleworker, highly qualified professional, intra-corporate transfer, entrepreneur and researcher routes. Applications are processed by the Unidad de Grandes Empresas y Colectivos Estratégicos and decided by the Dirección General de Migraciones, electronically, in twenty days, with positive silence if the deadline passes. The repeal touched only articles 63 to 67; articles 68 to 76 were untouched, which is why everything in this second group survives intact.

The six routes, compared

TABLE 1: LEGAL BASIS, QUALIFYING TEST AND WORK RIGHTS.

Route	Legal basis	Qualifying test	Work rights
Non-lucrative	Arts. 61 to 64 RD 1155/2024	400 per cent of IPREM, 2,400 euros a month, plus 600 euros a month per dependant	None; employed and professional activity prohibited
Teleworker, employed	Arts. 74 bis to 74 quinquies Ley 14/2013	200 per cent of SMI, applied in 2026 at about 2,849 euros a month gross	Remote work for companies outside Spain only
Teleworker, self-employed	Arts. 74 bis to 74 quinquies Ley 14/2013	Same income test; three months of prior professional relationship	Remote work, plus up to 20 per cent of activity for a Spanish company, never as an employee
Highly qualified professional	Arts. 71 and 71 bis Ley 14/2013	Qualification or professional experience, plus a contract or firm job offer meeting the salary threshold	Employed work for the sponsoring employer
Intra-corporate transfer	Arts. 73 and 74 Ley 14/2013	Three months of prior relationship with the group, plus higher qualification or three years of experience	Work within the receiving group entity
Entrepreneur	Arts. 69 and 70 Ley 14/2013	Innovative activity or special economic interest, with a favourable ENISA report	Work in the business activity authorised

TABLE 2: AUTHORITY, DECISION PERIOD AND SILENCE.

Route	Where the application is made	Decision period	Silence
Non-lucrative	Spanish consulate for your place of residence; decision by the Oficina de Extranjería	One month for the residence authorisation, then one month for the visa	Negative on the initial application, positive at three months on renewal
Teleworker, employed	UGE-CE from inside Spain, or consulate for the visa	20 days at UGE-CE; 10 working days for a visa	Positive at UGE-CE
Teleworker, self-employed	As above	As above	Positive at UGE-CE
Highly qualified professional	UGE-CE, decided by the Dirección General de Migraciones	20 days	Positive
Intra-corporate transfer	UGE-CE, with a simplified procedure for registered companies	20 days	Positive
Entrepreneur	UGE-CE, electronically; visa and authorisation together if you are abroad	20 days, with the ENISA report due within 10 working days	Positive

TABLE 3: VALIDITY, RENEWAL AND WHERE THE ROUTE LEADS.

Route	Initial validity	Renewal	Long-term residence	Article 93 LIRPF
Non-lucrative	1 year	2 years, then 2 years	At 5 years under art. 183 RD 1155/2024	No; there is no employment and no posting
Teleworker, employed	Up to 3 years on the UGE-CE authorisation; 1 year on the visa	2 years	At 5 years	Yes; art. 93.1.b.1 names the teleworking visa expressly
Teleworker, self-employed	As above	2 years	At 5 years	No; the qualifying limbs need an employment relationship or a directorship
Highly qualified professional	3 years, or contract length plus three months if shorter	2 years	At 5 years	Yes, through the employment contract limb, or art. 93.1.b.4 for start-up or R&D&I work above 40 per cent of income
Intra-corporate transfer	3 years for managers and specialists; 1 year for trainees	2 years	At 5 years	Yes, as an employer-ordered secondment evidenced by a carta de desplazamiento
Entrepreneur	3 years	2 years	At 5 years, described in the statute as permanent residence	Yes, where a favourable ENISA report was obtained before the move

Three observations follow and are easy to miss. The first is the divergence in the income tests, which chapter 5 explains: the route that forbids you to work has become materially cheaper to qualify for than the route that permits it. The second is the silence rule. On the non-lucrative route, silence on the initial application is negative; on every Ley 14/2013 route, silence at the UGE-CE after twenty days is positive. These are opposite defaults, and they change how you manage a slow file. The third is the renewal asymmetry. RD 1155/2024 lengthened renewal terms, and work-based permits under the general regime can now renew for four years, but the non-lucrative route was not included: five years of it still means three separate applications.

Arraigo and the family routes, for completeness

Arraigo is the set of permits for people already present in Spain. Article 125 of RD 1155/2024 lists five categories, and the general requirement is continuous presence for at least the two years before the application, reduced from three. Real Decreto 316/2026, in force from 16 April 2026, added that arraigo cannot be applied for by someone who already holds another stay or residence authorisation, or who is an interested party in a pending procedure for the grant, extension, renewal or modification of one. It is a regularisation mechanism, not a planning route.

The family routes matter more. Family reunification under the general regime is in chapter 3; family members of holders of a Ley 14/2013 authorisation have a better deal, because article 62.4 lets the spouse or equivalent partner, dependent children and dependent ascendants apply jointly with the principal, simultaneously or later, and disposición adicional cuarta processes what they receive as a single permit to reside and work under Directive 2011/98/EU.

One 2026 change is a planning point for anyone whose long game is Spanish nationality. Real Decreto 316/2026 amended article 97.1(c) of RD 1155/2024 to extend the ability to apply from inside Spain for the permit as a family member of a Spanish national to children over eighteen and to first-degree direct ascendants.

What the routes cost in government fees

Government fees are small, fixed and published, and not where the cost of a move sits. The Ley 14/2013 routes carry 73.26 euros for initial applications, principal and family members alike, on modelo 790 código 038. The general-regime fees under Orden PJC/617/2025 are 10.94 euros for an initial temporary residence authorisation, 16.40 euros for a renewal and 21.87 euros for long-term residence. A national long-stay visa is 90 euros under Orden AUC/891/2024. The foreigner identity card is 16.08 euros on first grant and 19.30 euros on renewal, and an NIE at your own request is 9.84 euros. Everything else is professional cost, and chapter 15 explains how that is charged.

05

CHAPTER 05

The non-lucrative visa in practice

The passive-income route: the money test, insurance, the ban on work, consulate variation and the renewal arithmetic.

IN THIS CHAPTER

What the permit is

The money test, and what four frozen years have done to it

Insurance

Criminal records, medical certificates and the police check

What “no work” actually prohibits, and for how long

Filing: where, in what order, and how long each step takes

Consulate variation is real, and it is documented

Renewal, and the arithmetic of 1 plus 2 plus 2

What the permit is

The non-lucrative permit sits at articles 61 to 64 of Real Decreto 1155/2024. Article 61.1 defines it with economy: a foreign national, and that person's family members, authorised to reside in Spain without carrying out employment or professional activities. Everything else follows from those last five words. The visa procedure is at articles 38 and 39, and the split matters, because two administrations assess two halves of your file.

The money test, and what four frozen years have done to it

Article 62.1 requires you to show, for your own support, a monthly amount equal to 400 per cent of the IPREM, and for each dependent family member an additional 100 per cent. Article 62.2 requires the global sum to be that figure multiplied by the period of validity applied for, so a one-year permit needs twelve months of evidence.

The IPREM is set by the annual budget law. The last to set it was Ley 31/2022, the budget for 2023, whose disposición adicional nonagésima fixed the monthly IPREM at 600 euros and the annual figure at 7,200 euros. No budget has been approved for 2026, and the Ministry of Finance's page on the prórroga, last updated 2 January 2026, applies article 134.4 of the Constitution: where no budget is approved before the financial year begins, the previous year's is automatically extended.

The arithmetic is therefore unchanged since 2023. The principal must show 2,400 euros a month, which is 28,800 euros for a one-year permit, and each dependant adds 600 euros a month, or 7,200 euros a year. The Consulate General of Spain in Casablanca publishes those same two figures. With the 2023 figure applied again in 2024, 2025 and 2026 across a period of real inflation, the threshold has fallen materially in real terms, and it falls again every year no budget passes, while the teleworker threshold rose 3.1 per cent in February 2026. That is an accident of budgetary politics, and it will close abruptly in whichever year a budget finally passes.

Evidence is the practical difficulty, not the number. The regulation asks for means available to you, not a snapshot, so pension awards, rental income and dividend histories read better than a bank balance with nothing behind it. Where the means come from shares in companies established in Spain, article 62.3 requires a responsible declaration that you carry out no employment activity in them.

Insurance

Article 61.2(b) is one line: you must hold a health insurance policy, and article 64.2(c) requires that you have maintained it throughout. Consulates go further: Casablanca and Nador both require an insurer authorised to operate in Spain, which excludes most foreign expatriate cover.

CONTESTED POINT

You will be told, by most advisers and most consulates, that your policy must have no copayments and no waiting periods, and that travel and reimbursement-only policies are not accepted. That is verifiably correct for the Ley 14/2013 teleworker route, where the Unidad de Grandes Empresas states it in terms in its published documentation. It is not in the statute for this route. Article 61.2(b) of RD 1155/2024 requires only a health insurance policy, and the word copago appears nowhere in the regulation; we have searched the consolidated official text in full. The no-copayment rule on the non-lucrative visa is consular practice, not law. Buy a policy that satisfies it anyway, because the consulate deciding your file will apply it. But a refusal on that ground alone rests on a requirement the regulation does not contain, and that is an argument worth making on appeal.

Criminal records, medical certificates and the police check

Article 38(e) requires an applicant of full criminal responsibility to have no criminal record, for offences recognised in Spanish law, in the countries of residence during the last five years. Article 38(i) requires a medical certificate showing no disease with serious public health repercussions under the International Health Regulations 2005.

Article 61.2(d) separately requires that you are not a threat to public order, public security or public health; the criminal records register and a police report are obtained ex officio within seven days. Article 63.3 adds a point often overlooked: a police record is not automatically a ground for refusal.

Casablanca requires both certificates to be no more than three months old, apostilled and sworn-translated. Build the documentary timetable backwards from the appointment, because a three-month validity window and an apostille queue do not always fit together.

What “no work” actually prohibits, and for how long

The prohibition is on employment and professional activity, not on holding assets. Dividends, interest, rents, pensions and capital gains are all compatible with the permit, and are usually what funds it.

What is not compatible is working remotely from Spain. The Consulate in Nador states on its official sheet that it is fraud of law to apply for this visa in order to telework from Spain. Chapter 6 sets out why that also closes the door to a later switch onto the teleworker authorisation.

The prohibition is not permanent. Article 191.4 of RD 1155/2024 allows a holder resident for at least one year, under a permit that did not allow work, to modify it into a residence and work authorisation from inside Spain and without a visa. The requirements of article 74 apply except article 74.1(a), which disapplies the national employment situation test. The new authorisation runs one year, conditional on Social Security registration within one month of notification. Before a year of residence, article 191.2 applies instead and all of the article 74 requirements bite.

Filing: where, in what order, and how long each step takes

Under article 63.1 you apply for the visa at the Spanish consular office competent for your place of residence, and that application carries the residence authorisation with it. You cannot file electronically or from inside Spain. The consulate assesses the article 38 requirements plus means under article 61.2(a) and insurance under article 61.2(b), then transmits the file; the Oficina de Extranjería assesses article 61.2(c) and (d). Under article 63.4 the competent body must decide within one month of receiving the consulate’s communication, and silence is negative. Under article 39.5 the consulate then issues the visa within a maximum of one month, and the visa incorporates the authorisation.

The visa must be collected in person within one month, failing which the file is archived as a renunciation. Article 63.5 requires the foreigner identity card to be applied for in person within one month of entry into Spain; if you enter from another Schengen state without crossing an external border, a declaración de entrada must be made within three working days and the card clock runs from that. The fees are fixed: 10.94 euros for the initial authorisation on modelo 790 código 052, 90 euros for the visa and 16.08 euros for the card.

Consulate variation is real, and it is documented

The commonest failure on this route is preparing for one consulate’s rules and filing at another. The comparison below is drawn from the published sheets of two Ministry of Foreign Affairs posts as they stood when we last read them; consular sheets are revised without notice, so treat the table as an illustration of how far posts diverge rather than as a current checklist, and take the sheet of your own post as controlling.

Point	Consulate General, Casablanca	Consulate, Nador
Stated decision period	Approximately three months	Two months from filing
Accommodation in Spain	Required	Not listed
Medical certificate	Doctor from its own approved list, maximum three months old, IHR 2005 wording expressly stated	A negative certificate under IHR 2005
Photographs	Two visa forms, two colour photographs, 3 by 4 cm	Two visa forms, one photograph

CONTINUED

Point	Consulate General, Casablanca	Consulate, Nador
Translations	Sworn translation into Spanish required	Sworn translation into Spanish, but English or French accepted

A further point we make without relish: the Nador sheet still cites article 46(a) of Real Decreto 557/2011, repealed on 20 May 2025 when RD 1155/2024 came into force.

CANDOUR

We cannot tell you in advance exactly which additional documents your consulate will ask for, and anyone who says otherwise is describing one consulate’s practice as though it were national law. What we can do is satisfy every requirement common to the published sheets, align the apostille and medical windows to the appointment date, and treat the consulate’s own checklist as controlling wherever it goes beyond the regulation.

Renewal, and the arithmetic of 1 plus 2 plus 2

The initial authorisation runs one year. Renewal is applied for in the two months before expiry, and filing in that window extends validity until decision. A late application is accepted within three months after expiry, though it triggers a sanction procedure under article 52(b) of Ley Orgánica 4/2000. The renewed permit runs two years under article 64.7, and the next renewal two years again.

Two features of renewal are more favourable: the decision period is three months and silence is positive under article 64.8, the reverse of the initial position; and article 64.6 allows the authorities to weigh a report on your *esfuerzo de integración* from the Comunidad Autónoma, which can substitute for a failure to meet another requirement.

Three are less favourable, and the first of them decides the shape of the whole move. Article 64.2(f) requires that you have resided in Spain in a real and effective way for more than one hundred and eighty-three days in the calendar year, so this permit cannot be held at arm’s length: the renewal condition and the tax residence test in chapter 8 are the same number, and satisfying the first concedes the second. Article 64.5(b) provides expressly that non-compliance with tax and Social Security obligations during the permit is assessed at renewal, so a holder who became Spanish tax resident and did not file is exposed at the renewal counter as well as at the tax office. And articles 64.3(c) and 64.4 require evidence that dependent children of compulsory school age are enrolled in school, failing which, one month after a written warning, the permit will not be renewed.

That gives 1 plus 2 plus 2: five years, three applications, with long-term residence at the end under article 183. The four-year renewals introduced by RD 1155/2024 are for work-based permits, at article 87.1 and article 191.3, and do not reach this route.

CHAPTER 06

The international teleworker authorisation

The route for people who work remotely for companies outside Spain: the qualifying relationship, the income test, insurance and the social security question.

IN THIS CHAPTER

Start with the right articles

Two limbs, and the 20 per cent cap that only one of them has

Who qualifies, and what the relationship has to look like

The income test

Insurance

Social security, and the failure that ends the permit

Where you file, and the two different permits you can end up with

The switch that does not exist

Start with the right articles

A good deal of published material places the international teleworker figure at articles 71 to 76 of Ley 14/2013. It is not there. It was inserted by disposición final 5.9 of Ley 28/2022, the startups law, as a new Capítulo V bis containing articles 74 bis, 74 ter, 74 quater and 74 quinquies, in force from 23 December 2022.

Two limbs, and the 20 per cent cap that only one of them has

Article 74 bis.1 defines the holder as a third-country national authorised to remain in Spain to carry out an employment or professional activity remotely, for companies established outside Spanish territory, using exclusively computer, telematic and telecommunications means.

The two limbs are treated differently, and this is the most misunderstood feature of the route. Where the activity is employment, the holder may work only for companies established outside Spain, with no exception. Where it is professional, that is self-employed, the holder may work for a company located in Spain provided that work does not exceed 20 per cent of total professional activity.

The 20 per cent allowance therefore belongs to the self-employed limb alone, and the UGE-CE adds a restriction easy to miss: the Spanish-side relationship must be professional and never an employment one. Accepting a Spanish employment contract, however small, puts you outside the authorisation. And if your employer has a branch or group entity in Spain you are not a teleworker at all, but an intra-corporate transferee.

Who qualifies, and what the relationship has to look like

Article 74 bis.2 admits qualified professionals who are graduates or postgraduates of universities of recognised prestige, of vocational training or of business schools of recognised prestige, or who have a minimum of three years' professional experience. For regulated professions the UGE-CE requires homologation, or a notarised responsible declaration that the profession will not be exercised in Spain. Equivalent experience is proved by a work-life certificate from your country of origin, matched by company certificates stating dates and functions.

Article 74 ter governs the relationship. The company or group must have had real and continuous activity for at least one year, and the relationship must be documented as capable of being performed remotely. Where it is employment, it must have existed with the company not located in Spain for at least the three months before the application; where it is professional, you must show a commercial relationship with one or more companies not located in Spain for at least the last three months. Evidence of a prior employment relationship cannot prove a professional relationship, or the reverse. For autónomos societarios, seniority is presumed on proof of full ownership and of the company's real activity for more than a year, on filing the last corporate tax return and a social security report on its employee history. The three-month rule is not re-imposed where you already hold a teleworker authorisation or visa.

The income test

The statutory hook is disposición adicional vigésima.3 of Ley 14/2013, which refers the thresholds to the minimum wage. The operative figures come from a joint instruction of the Director General for Spaniards Abroad and Consular Affairs and the Director General of Migration, dated late March 2023, whose third instruction is reported to set the principal at 200 per cent of the SMI monthly, family units of two including the principal at at least 75 per cent, and 25 per cent for each additional member, in each case gross. The instruction is not published in the BOE, and the figures below therefore rest on administrative practice.

The 2026 SMI was set by Real Decreto 126/2026, de 18 de febrero, published in BOE núm. 44 of 19 February 2026, at 40.70 euros a day or 1,221 euros a month, with an annual reference figure of no less than 17,094 euros. The rise is 3.1 per cent and is retroactive to 1 January 2026.

CONTESTED POINT

The instruction says 200 per cent of the SMI monthly without saying which monthly figure it means. The SMI is 1,221 euros a month paid in fourteen instalments, so the annualised monthly equivalent is 17,094 divided by twelve, which is 1,424.50 euros. Administrative practice uses the annualised figure, giving a 2026 threshold of approximately 2,849 euros a month gross, about 34,188 euros a year, with roughly 1,068 euros a month for a second person and roughly 356 euros for each further member. That is the figure the market applies, but we could not locate a primary document stating the calculation method. Treat the precise figure as administrative practice, and plan with headroom above it rather than at it.

Income is proved by payslips or invoices for the three months before the application and a bank certificate in your name, stamped and signed, for the same three months. Where income falls short, savings covering the shortfall for the whole validity of the authorisation are accepted.

Insurance

The basis is article 62.3(e) of Ley 14/2013: a public policy, or a private one with an insurer on the register of the Dirección General de Seguros y Fondos de Pensiones, active for the whole validity of the authorisation. This is the route where the familiar formulation genuinely appears in writing: the UGE-CE states in terms that travel policies, reimbursement-only policies, policies with copayments and policies with waiting periods are not accepted. The insurance documents are not required where the teleworker will instead register with Spanish Social Security.

Social security, and the failure that ends the permit

The joint instruction's sixth instruction is blunt: holders must comply with social security obligations under the rules in force, with no speciality whatever.

If you are employed, your foreign employer must register with Spanish Social Security as a non-resident entity without an establishment in Spain, and must undertake to register you in the Régimen General before activity begins. That is where a proportion of otherwise good applications stall, because the employer had not understood it was being asked to take on a Spanish administrative footprint.

If you are self-employed, you undertake to register with RETA once the authorisation is granted and before activity begins. The UGE-CE states that RETA registration is obligatory for the self-employed and those treated as such, with no room for importing the right under a bilateral agreement: a freelancer cannot use an A1 certificate, or its non-EU equivalent, to stay outside RETA. Retaining the home system is possible only for employees, only where a social security instrument signed by Spain applies, and only on filing the certificate of applicable legislation from your country of origin, which must expressly state that it covers the posting to work remotely from Spain. A pending A1 is not an A1.

The penalty is why we treat this as the first question rather than the last. The UGE-CE states that failure to register promptly, if detected on a later review, extinguishes the authorisation under disposición adicional séptima of Ley 14/2013, disqualifying both the holder and dependent family members from residing and working in Spain. One missed registration takes the household out. These positions come from the Unidad de Grandes Empresas' own published guidance rather than from the statute, which says only that the conditions must be maintained and that the authorisation may be extinguished if they are not. Administrative guidance is revised more often than law, so confirm the current UGE-CE wording before you rely on any of it.

CANDOUR

This route is often sold as a lifestyle product, with the social security question deferred until after arrival. That is the wrong order. For an employed applicant, whether the employer will register as a non-resident entity is a commercial question that must be settled before anything is filed, and some employers will decline. For a self-employed applicant, RETA contributions are a real and recurring cost that belongs in the arithmetic from the outset.

Where you file, and the two different permits you can end up with

The consulate route is article 74 quater. You apply abroad for the visa for international telework, with a maximum validity of one year, or the length of the work period if shorter, and the visa is itself sufficient title to reside and work remotely in Spain while valid. Under article 75.5, visa applications are decided within ten working days, except where the consultation under article 22 of the Visa Code applies. In the 60 calendar days before the visa expires you apply for the residence authorisation.

The UGE-CE route is article 74 quinquies. Foreign nationals lawfully present in Spain, or who entered on the teleworker visa, may apply directly for the residence authorisation, whose maximum validity is three years, renewable for two-year periods. You cannot reach it from abroad. One year against three years is why many applicants who could file abroad prefer to enter lawfully and file in Spain.

Article 76.1 governs both. The file is processed electronically by the UGE-CE and granted by the Dirección General de Migraciones, within a maximum of twenty days from filing, failing which the authorisation is deemed granted by administrative silence. Decisions must be reasoned, and the appeal is *recurso de alzada* under articles 121 and 122 of Ley 39/2015, not *reposición*: one month where the decision is express, and three months for the superior body to decide.

Filing extends the validity of your existing status until resolution, and a renewal filed within 90 days after expiry still extends validity, without prejudice to sanction. Where the authorisation exceeds six months a foreigner identity card must be requested, and article 76.5 allows your passport to serve for Social Security registration during the first six months where no NIE has been issued. The fee is 73.26 euros on modelo 790 código 038, and family members who apply under article 62.4 receive a single permit to reside and work under *disposición adicional cuarta*.

The switch that does not exist

You cannot move from a non-lucrative permit to the teleworker authorisation. The UGE-CE answers directly: the non-lucrative permit does not authorise work, so a holder cannot claim to have been working remotely beforehand, and working without authorisation is an infringement under Title III of Ley Orgánica 4/2000. Because the three-month prior relationship must be real, evidenced and lawful, a non-lucrative holder who has been quietly working remotely from Spain is not merely ineligible; the evidence assembled to prove eligibility is evidence of the infringement.

What is open is the general regime: article 191.4 of RD 1155/2024, set out in chapter 5. Movement the other way is easier, since switching to another Ley 14/2013 authorisation is possible at any time on meeting its requirements, and switching to a general-regime authorisation follows Title XI of RD 1155/2024.

07

CHAPTER 07

The work-based routes

Highly qualified professional, intra-corporate transfer, entrepreneur and researcher: what they share, and which of them open the Beckham door.

IN THIS CHAPTER

What they have in common
Highly qualified professional
Intra-corporate transfer

Entrepreneur
Researcher
Which of these open the Beckham door

What they have in common

These four authorisations all sit in Ley 14/2013 and share article 62.3: you must not be irregularly present in Spain, must be over eighteen, must have no criminal record in Spain or in your countries of residence in the last two years, supported by a responsible declaration covering five years, must hold health insurance with an insurer authorised to operate in Spain, and must show sufficient resources for yourself and your family. Under article 62.6 consulates consult the Dirección General de la Policía on security risk, which must reply within seven days, with positive silence.

They share the procedure at articles 75 and 76, set out in chapter 6: twenty days at the UGE-CE with positive silence, appeal by *recurso de alzada*, and renewals in two-year periods while the conditions are maintained. One addition matters here: a national residence visa under this section is valid for one year, or the duration of the authorisation if shorter, and authorises residence with no need for a foreigner identity card.

Highly qualified professional

Articles 71 and 71 bis provide two modalities, and the choice is not cosmetic.

The EU Blue Card at article 71.2(a) requires higher education of at least three years equivalent to level 2 MECES or level 6 EQF, or five years of equivalent professional knowledge relevant to the profession or sector named in the contract; for information and communications technology professionals and managers that drops to three years within the seven years before the application. The national highly qualified authorisation at article 71.2(b) requires a qualification at least equivalent to level 1 MECES, or knowledge and competence backed by at least three years of professional experience.

The Blue Card salary test is at article 71 bis.1(c): a contract or firm job offer for at least six months, and a gross annual salary not below a reference threshold to be set by regulation, which the statute confines to between 1.0 and 1.6 times the average gross annual wage. A reduced threshold of 80 per cent of that figure, never below 1.0 times the average gross wage, applies to professions in ISCO groups 1 and 2 with a particular need for third-country workers, and to applicants qualified not more than three years before the application.

Validity under article 71.3 is three years, or the contract length plus three months where shorter, with renewal for two years requested in the 60 days before expiry. Two Blue Card features have no equivalent elsewhere: article 71 bis.3 tolerates unemployment of up to three months for a holder of under two years, or six months for a holder of at least two years; and article 71 bis.4 allows a holder from another Member State to work in Spain for 90 days in any 180 without a separate authorisation.

Intra-corporate transfer

Articles 73 and 74 cover the transferee. Beyond article 62.3 you must show real business activity by the company and, where applicable, the group; a higher qualification at least equivalent to level 1 MECES or three years of equivalent experience; a prior and continuous relationship of three months with one or more companies of the group; and documentation evidencing the transfer.

The EU modality covers transfers as manager, specialist or trainee from an entity outside the European Union to a group entity in Spain, with a maximum of three years for managers and specialists and one year for trainees, and mobility to other Member States; where another Member State's holder is posted to Spain, the Dirección General de Migraciones may object within twenty days. The national modality covers cases outside the EU modality, or where the EU maximum has expired, with validity of three years or the length of the transfer.

For corporate clients the point that matters most is article 76.4. A company's compliance is verified once, after which it is registered with the UGE-CE for three years, renewable, with any change of conditions notified within thirty days, failing which registration lapses; article 74 then gives registered companies a simplified procedure. Registration is the difference between a transfer programme that runs and one re-argued each time.

Entrepreneur

Articles 69 and 70 give a residence authorisation for business activity, valid throughout Spain for three years, renewable for two, with permanent residence at five. It is filed electronically with the UGE-CE, and an applicant abroad applies for the authorisation and the visa together in a single instance.

The substantive test is article 70.1: the activity must be innovative or of special economic interest for Spain, and must carry a favourable ENISA report, which the UGE-CE requests ex officio, which is preceptivo, and which must be issued within ten working days. Article 70.2 sets the criteria: the applicant's professional profile and involvement in the project, assessing each partner's participation including partners not applying for a permit; the business plan and its financing; and the added value generated for the Spanish economy. In practice the report is the route, and a business plan written for a bank will not do.

Researcher

Article 72 covers research staff under Ley 14/2011, scientific and technical staff doing research, development and innovation work in companies or centres established in Spain, researchers hosted under an agreement by research bodies, and professors contracted by universities or business schools established in Spain. The EU research residence requires a doctorate or a qualification giving access to doctoral programmes, selection by the research entity, and a hosting agreement or contract containing five specified elements, and it permits teaching related to the research; the national authorisation covers the remainder. Validity under article 72.3 is three years, or the length of the agreement if shorter, with renewal for two years and permanent residence at five.

Which of these open the Beckham door

Article 93 LIRPF is built around a move connected with work, so the routes in this chapter and the teleworker route in chapter 6 are the ones capable of opening it, on the gateways summarised in the last column of the chapter 4 matrix and set out in full in chapter 9. Those conditions are narrower than the immigration test and are assessed separately by the tax authority, so a grant of the authorisation does not decide the tax question, and the regime should be assessed before the route is chosen, not after.

08

CHAPTER 08

The day you become a Spanish tax resident

The two tests for Spanish tax residence, how the days are counted, why there is no split year, and what happens when two countries claim you.

IN THIS CHAPTER

Two tests, and either one is enough

How the days are actually counted

Sporadic absences, and what the Supreme Court decided

The family presumption

There is no split year

When two countries both claim you

The Spain-UAE treaty, and why a Dubai residence certificate may not help you

The non-cooperative jurisdictions list, and the quarantine for Spanish nationals

Two tests, and either one is enough

Article 9.1 of Ley 35/2006, the Impuesto sobre la Renta de las Personas Físicas, makes you resident in Spain if you satisfy either of two tests. They are alternatives, not cumulative, and clients routinely plan against the first while walking into the second.

The first is the day count: you are resident if you remain “más de 183 días, durante el año natural, en territorio español”. It is more than 183 days, so the operative threshold is 184, and it is the calendar year, not a rolling twelve months and not a tax year of your own choosing. Article 9 has been in force in this form since 1 January 2007 and is unchanged for 2026.

The second is the centre of economic interests: you are resident if “radique en España el núcleo principal o la base de sus actividades o intereses económicos, de forma directa o indirecta”. A person who spends ninety days a year in Spain can be resident under this limb alone, and the words “de forma indirecta” are deliberate: holding Spanish assets through a foreign company does not remove them from the assessment.

How the days are actually counted

The Agencia Tributaria's IRPF manual sets out the method the Tribunal Económico-Administrativo Central applies, in three layers, and it is more onerous than most clients expect.

The first is presencia certificada, a day proved by incontrovertible evidence. The manual is explicit: “El día se computa íntegramente, sin que se requiera un número mínimo de horas”, citing Commentary 5 to article 15 of the OECD Model. A part day counts as a whole day, so the day you arrive and the day you leave are both Spanish days.

The second is días presuntos: days falling between two certified presences in Spain count as Spanish days unless you prove a certified presence somewhere else. The burden is on you, and it is discharged with evidence, not with a diary.

The third is sporadic absences, dealt with next. The manual (updated 10 April 2025) cites TEAC resolutions RG 00-04045-2020 of 28 March 2023 and RG 00-04812-2020 of 25 April 2023.

CANDOUR

The practical consequence is that a boarding pass file is worth more than any structure. We have seen well-advised clients lose a residence argument because they could evidence their Spanish days precisely and their non-Spanish days not at all, which under the three-tier method converts every gap into a Spanish day. If you are managing a day count, keep contemporaneous, dated, third-party evidence of where you were on the days you were not in Spain.

Sporadic absences, and what the Supreme Court decided

Article 9.1.a provides that sporadic absences are added to your days of presence unless you prove tax residence in another country, with no de minimis and no allowance for holidays.

The Tribunal Supremo settled the meaning in a run of judgments the AEAT manual itself reproduces: STS 1829/2017, 1850/2017, 1860/2017 and 1834/2017 of 28 November 2017; STS 108/2018, 109/2018, 114/2018, 115/2018, 107/2018, 188/2018 and 305/2018 of 16 January 2018; and STS 110/2018 and 183/2018 of 18 January 2018. The doctrine is that the concept of a sporadic absence “debe atender exclusivamente al dato objetivo de la duración o intensidad de la permanencia fuera del territorio español”. There is no volitional element. Your intention to return is irrelevant, and so, symmetrically, is your intention to leave.

The only reliable defence is a tax residence certificate from another state. An absence of more than 183 days in the year cannot be sporadic as a matter of arithmetic; anything shorter is added back unless you produce the certificate.

The judgment numbers above are as reproduced in the Agencia Tributaria's own IRPF manual, which is where practitioners generally meet them; we have verified the statutory text they interpret but not each citation against CENDOJ.

The family presumption

Article 9.1 closes with a rebuttable presumption: you are presumed resident in Spain where your non-legally-separated spouse and your dependent minor children habitually reside in Spain. It is narrower than usually described. It requires both the spouse and the dependent minor children; it operates only where those family members are themselves resident under the day-count or economic-interests tests; and it is rebuttable. It nevertheless catches a common arrangement, the family moving to Marbella or Madrid for the school year while the principal works on from Dubai or London. That principal is not automatically resident, but he begins from a presumption against him.

There is no split year

Article 12 LIRPF fixes the tax period as the calendar year, with accrual on 31 December. Article 13 provides one exception for a shorter period, and it is death.

Spain therefore has no split-year treatment of any kind. If you arrive on 1 July 2026 and cross 183 days in calendar 2026, you are a Spanish tax resident for the whole of 2026, including income and gains realised in January to June while you lived somewhere else, subject only to what a treaty gives back. The reverse is equally true.

That makes the calendar date of a move a tax decision. Arriving after 2 July leaves fewer than 184 days in the year, so the first Spanish year is the following one; on exit, leaving before the 184th day ends residence at the close of the preceding 31 December. Both are defeated by the centre-of-economic-interests test, which takes no notice of dates, so neither is a device to rely on alone.

When two countries both claim you

Where Spain and another state each assert residence and a treaty applies, the conflict is resolved by the tie-breaker, following the OECD Model article 4(2) cascade: permanent home, centre of vital interests, habitual abode, nationality, and failing all of those, mutual agreement.

The Tribunal Supremo has strengthened the position of the taxpayer holding a foreign certificate. In its judgment of 12 June 2023 (recurso de casación 915/2022), followed in July 2024 in recursos 1909/2023, 1913/2023, 7744/2022 and 2613/2023, the Court held that Spanish bodies are not competent to sit in judgment on the circumstances in which another state issued a tax residence certificate, and cannot disregard a certificate issued by a treaty partner for the purposes of the treaty. A dual-residence conflict must be resolved through the tie-breaker, not unilaterally by Spain. That doctrine is conditional on the certificate being issued "for the purposes of the Convention", which brings us to the point that matters most to our own client base.

The Spain-UAE treaty, and why a Dubai residence certificate may not help you

CONTESTED POINT

The treaty between Spain and the United Arab Emirates (Abu Dhabi, 5 March 2006, BOE-A-2007-1343, consolidated text last updated 21 June 2022 following the BEPS Multilateral Instrument) does not define a UAE resident the way the OECD Model does. Article 4.1.b defines an individual resident of the UAE as a person "domiciliadas en los Emiratos Árabes Unidos y que sean nacionales de los Emiratos Árabes Unidos". Domicile and Emirati nationality, conjunctively. A non-Emirati expatriate living in Dubai or Abu Dhabi on a residence visa, including a UAE golden visa,

is therefore not a resident of the UAE for treaty purposes and is outside the treaty altogether. There is no article 4.3 tie-breaker available to him, no reduced rate on dividends, interest or royalties, no capital gains article to point to, and no article 21 wealth allocation. A UAE tax residence certificate issued to a non-national is not a certificate issued for the purposes of the Convention, so it does not engage the Supreme Court doctrine described above. This is stated incorrectly in a great deal of published material, and it is load-bearing: it means that for most of the Dubai-resident clients who come to us, the answer to “Spain says I am resident, what does the treaty say” is that the treaty says nothing at all. Emirati nationals, by contrast, are fully within it, and for them article 13.5 leaves gains other than Spanish real estate gains to the UAE and article 21.4 leaves wealth other than Spanish immovable property to the UAE.

The non-cooperative jurisdictions list, and the quarantine for Spanish nationals

Where the country you claim to be resident in is on Spain's list of non-cooperative jurisdictions, article 9.1.a allows the tax authority to require proof that you were actually present there for 183 days, a materially heavier burden than producing a certificate. The list sits in Orden HFP/115/2023, de 9 de febrero, most recently amended by Orden HAC/649/2026, de 21 de junio (BOE núm. 156 of 27 June 2026, in force 28 June 2026), which removed Barbados, Dominica, Gibraltar, Samoa in respect of its offshore business regime, the Seychelles and Trinidad and Tobago, and added the Russian Federation in respect of its international holding company regime with effect from 28 December 2026. The United Arab Emirates is not on the list and never has been.

Article 8.2 LIRPF imposes a quarantine only on Spanish nationals: a Spaniard who moves his tax residence to a paraíso fiscal continues to be a Spanish taxpayer for the year of the move and the four following years, five tax years in all. It does not apply to a British, American or Emirati national, nor to a Spaniard moving to the UAE, which is not listed. Chapter 13 deals with the way out, including the exit tax at article 95 bis.

09

CHAPTER 09

The Beckham regime, honestly

The special regime for people who move to Spain: who qualifies, the rates, what is caught, the Spanish property trap and the deadlines that cost money.

IN THIS CHAPTER

What the regime actually is

Five years out, and five ways in

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What the regime actually is

Article 93 LIRPF lets a person who becomes Spanish tax resident elect to be taxed, while remaining resident, under the rules of the Impuesto sobre la Renta de no Residentes. You stay resident for immigration, social security and treaty purposes; you are taxed, broadly, as a non-resident.

The current text dates from disposición final 3.5 of Ley 28/2022, de 21 de diciembre, with effect from 1 January 2023, and its savings scale was amended by disposición final 7.3 of Ley 7/2024, de 20 de diciembre, with effect from 1 January 2025. The regulation is articles 113 to 120 of RD 439/2007 as rewritten by Real Decreto 1008/2023, de 5 de diciembre, and the forms come from Orden HFP/1338/2023, de 13 de diciembre. None of it changed for 2026.

It is not a low-tax regime but a territorial one, with a flat charge on employment income, and whether that suits you depends almost entirely on where your money comes from.

Five years out, and five ways in

Article 93.1.a requires that you were not resident in Spain during the five tax periods before the year of the move, reduced from ten by Ley 28/2022. The move must be caused by one of five triggers, occurring either in the first year of the regime or the year before it:

an employment contract, which covers an ordinary, special or statutory employment relationship with an employer in Spain, an employer-ordered secondment evidenced by a carta de desplazamiento, and, with no employer order at all, remote work performed exclusively by computer, telematic and telecommunication means. The statute says in terms that this limb is satisfied by an employee holding the international teleworking visa under Ley 14/2013, which is the bridge between chapter 6 and this chapter. Professional sportspeople under RD 1006/1985 are excluded;

acquiring the status of administrador of an entity;

an entrepreneurial economic activity under the article 70 Ley 14/2013 procedure, requiring a favourable ENISA report obtained before the move and, for non-EU nationals, the article 69 entrepreneur permit before the move;

a highly qualified professional providing services to start-up companies within article 3 Ley 28/2022, or carrying on training, research, development and innovation activities, where that remuneration exceeds 40 per cent of total business, professional and employment income.

Article 93.1.c adds that you must obtain no income attributable to a Spanish permanent establishment, except in the last two cases.

The director gateway, and the end of the 25 per cent cap

The director route is the most commercially useful part of the 2023 reform and the most frequently mis-stated. Under the old law a director could not hold 25 per cent or more of the company. That cap is gone for trading companies: it now bites only where the entity is a patrimonial entity within article 5.2 of the Ley del Impuesto sobre Sociedades, in which case the director must not hold a participation that makes him a related party under article 18 LIS, which is the 25 per cent test. A director of a trading company may hold any percentage.

Set against that is a restriction rarely mentioned. The final paragraph of article 113.2 RIRPF provides that while the regime applies, the only economic activities the taxpayer may carry on are the qualifying entrepreneurial activity, the provision of services to start-ups, and the training, research, development and innovation activities in articles 93.1.b.3 and 93.1.b.4. A new entrepreneurial activity different from the one that justified the move needs a fresh ENISA report.

Six years, and the family

The regime runs for the year in which residence is acquired and the five following years, six tax years in total. Article 115 RIRPF fixes the first year as the first calendar year in which, after the move, presence in Spain exceeds 183 days.

Since 2023 the regime extends under article 93.3 to the spouse, to children under 25 (any age if disabled), and, where there is no marriage, to the parent of those children. They must move with the main taxpayer or later, provided his first tax period under the regime has not ended, acquire Spanish tax residence, and meet the five-year and

no-permanent-establishment tests themselves. The condition that fails most often is the fourth: the sum of the associated taxpayers' taxable bases must be lower than the main taxpayer's, tested every year. A wealthy spouse disqualifies the household.

If the main taxpayer waives or is excluded, the family members are jointly excluded under article 118.4 RIRPF; if one breaches individually, only that person falls out. Divorce does not itself breach the requirements.

The rates

Scale A, under article 93.2.e.1, applies to the whole taxable base except Spanish-source savings income, for 2025 and 2026:

Base liquidable	Rate
Up to 600,000 euros	24 per cent
From 600,000.01 euros	47 per cent

Scale B, under article 93.2.e.2, applies only to income within article 25.1.f TRLIRNR, meaning Spanish-source dividends, interest and capital gains:

Base liquidable del ahorro, up to (euros)	Cumulative quota (euros)	Remaining base, up to (euros)	Rate
0	0	6,000	19 per cent
6,000.00	1,140	44,000	21 per cent
50,000.00	10,380	150,000	23 per cent
200,000.00	44,880	100,000	27 per cent
300,000.00	71,880	onwards	30 per cent

The 30 per cent top band was added with effect from 1 January 2025. Withholding on employment income is 24 per cent, rising to 47 per cent on the excess where a single payer pays more than 600,000 euros in the calendar year.

What is caught, and what is not

Article 93.2.b deems the whole of your employment income, and the whole of a qualifying entrepreneurial activity's income, to be obtained in Spanish territory. Worldwide employment income, wherever the work is done and whoever pays for it, is taxed in Spain at 24 and 47 per cent.

Everything else is taxed only if it is Spanish-source under articles 12 to 14 TRLIRNR, so non-Spanish dividends and interest, gains on non-Spanish assets and rents from non-Spanish property are outside Spanish tax entirely. Spanish-source dividends and interest go into Scale B at 19 to 30 per cent.

Two anti-abuse rules sit inside the same article. Article 93.2.c taxes income cumulatively for the calendar year "sin que sea posible compensación alguna entre aquellas", so there is no loss offset at all, not even within a category. And the foreign tax credit is narrow: article 114.2 RIRPF allows the article 80 LIRPF credit only against employment income and qualifying entrepreneurial income obtained abroad, capped at 30 per cent of the part of the gross quota corresponding to that income.

A Beckham taxpayer is subject to wealth tax and the solidarity tax by real obligation only, on Spanish-situs assets, under the penultimate paragraph of article 93.1 and article 3.Cinco of Ley 38/2022. He is also outside Modelo 720, on which chapter 12 sets out the qualification for family members who are Spanish resident but not themselves within the regime. And under article 95 bis.8 LIRPF the six Beckham years do not count towards the exit tax's ten-in-fifteen residence clock, which for a founder is worth more than the rate; chapter 13 sets that out in full.

The Spanish property trap

This part of the regime costs our clients real money, and it is almost never explained before they buy.

Article 93.2.a disappplies articles 5, 6, 8, 9, 10, 11 and 14 of the TRLIRNR. It does not disapply article 24. And article 24.6, which allows expenses to be deducted from Spanish rental income, applies only "cuando se trate de contribuyentes residentes en otro Estado miembro de la Unión Europea", extended by its closing paragraph to residents of an EEA state with effective exchange of tax information. A Beckham taxpayer is resident in Spain and is in neither category, so article 24.6 is unavailable to him.

Spanish rental income is therefore taxed on the gross figure: no deduction for mortgage interest, IBI, community charges, repairs, insurance or depreciation. And because it is not article 25.1.f income, it does not go into Scale B. It goes into Scale A, where it stacks on top of your employment income, so once the combined figure passes 600,000 euros the marginal rate on gross Spanish rent is 47 per cent. The same logic captures imputed income on a Spanish second home under article 24.5 TRLIRNR.

Selling is no better. Article 114.5 RIRPF applies article 25.2 TRLIRNR to disposals of Spanish real property by taxpayers under the regime, so the buyer must withhold 3 per cent of the price on account. The gain is Spanish-source and falls into Scale B at 19 to 30 per cent. There is no main-residence rollover relief and no over-65 exemption, because articles 33.4 and 38 LIRPF do not apply to a taxpayer taxed under IRNR rules: a sixty-eight-year-old selling the flat he has lived in for five years, who would pay nothing as an ordinary resident, pays in full.

CANDOUR

The statutory chain behind the gross-basis conclusion is unambiguous and we have read every provision in it, and the Dirección General de Tributos has since reached the same result in terms in a binding consulta of late 2025 on facts close to the ones above. We state the conclusion as a reading of primary law that the administration has confirmed, and if your case turns on it, ask your adviser for the current consulta reference.

Elections, deadlines and the way out

The election is made on modelo 149 within six months of the date of commencement of activity shown in your Spanish Social Security registration, or in the documentation permitting retention of your home-country regime, or, where registration is not compulsory, in the document evidencing the start of activity. The trigger is the start of activity, not arrival and not the date of your residence permit. Associated family members have six months from entry into Spain, or the main taxpayer's deadline if later, and he must file first.

Waiver is possible during November and December of the year before the year it is to take effect, and exclusion follows any breach of condition, notified within one month. Both are permanent: a taxpayer who waives or is excluded can never re-elect. The annual return is modelo 151, filed in the ordinary IRPF window, which for tax year 2025 ran from 8 April to 30 June 2026.

One practical warning. Article 120 RIRPF allows you a Spanish domestic residence certificate, but certificates for the purposes of a double tax treaty are issued only where the Minister has provided for it on a reciprocity basis. If the state you have left wants a Spanish treaty certificate before it releases you, you may not be able to produce one.

ADVISER'S OBSERVATION

I have watched more money lost to the six-month modelo 149 deadline than to any rate in this chapter. It is not forgiving, it runs from the start of activity rather than from anything the client regards as the beginning of his move, and there is no reinstatement: miss it and the regime is gone for the whole six years, with no second application. The second thing I would say is about sequencing, and it is the conversation I have most often. Clients arrive having already bought the villa, and then ask about the regime. Do it the other way round. Decide on Beckham first, because the regime makes Spanish rental property a poor asset to hold and removes the reliefs that make selling a Spanish home painless, and it makes foreign investment income almost free. A client whose wealth sits in a foreign portfolio and who takes a Spanish salary is the ideal candidate. A client whose plan is to buy three Spanish flats and let them is, on these rules, close to the worst. That decision has to be made before the purchase, not after.

TOM PURDY

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CHAPTER 10

Wealth tax and the solidarity tax in 2026

The state scale, the region-by-region position, the solidarity tax and the joint limit, with a worked scenario for a Madrid resident.

IN THIS CHAPTER

The tax that was supposed to have gone

The state scale, the allowances and the joint limit

Personal obligation, real obligation and the look-through

The region-by-region position in 2026

The solidarity tax

The change most commentary has not caught up with

What could end the solidarity tax

Worked scenario 1: the Madrid illusion

The tax that was supposed to have gone

Spain's Impuesto sobre el Patrimonio is permanent. The 100 per cent state bonification introduced in 2011 was repealed with effect from 1 January 2021 by disposición derogatoria primera of Ley 11/2020, and article 66 of the same law replaced the state scale. Since 2022 it has been shadowed by the Impuesto Temporal de Solidaridad de las Grandes Fortunas, which the autonomous communities are forbidden to touch. How the two interact is the whole of this chapter; the filer and revenue figures are in chapter 14.

The state scale, the allowances and the joint limit

Where the region has not approved its own scale, article 30.2 of Ley 19/1991 applies, unchanged for 2026:

Base liquidable, up to (euros)	Quota (euros)	Remaining base, up to (euros)	Rate
0.00	0.00	167,129.45	0.2 per cent
167,129.45	334.26	167,123.43	0.3 per cent
334,252.88	835.63	334,246.87	0.5 per cent
668,499.75	2,506.86	668,499.76	0.9 per cent
1,336,999.51	8,523.36	1,336,999.50	1.3 per cent
2,673,999.01	25,904.35	2,673,999.02	1.7 per cent
5,347,998.03	71,362.33	5,347,998.03	2.1 per cent
10,695,996.06	183,670.29	onwards	3.5 per cent

Three allowances matter. The state exempt minimum is 700,000 euros (article 28.2), applying equally to non-residents electing personal obligation and to real-obligation taxpayers (article 28.3). Your habitual residence is exempt up to 300,000 euros (article 4.Nueve). The family business and qualifying shareholding exemption at article 4.Ocho is unchanged for 2026.

Article 31.Uno imposes a joint limit: the gross wealth tax quota plus your IRPF quotas may not exceed 60 per cent of the sum of your IRPF taxable bases. Net positive gains on assets held for more than a year come out of both sides, as does the part of the wealth tax attributable to assets incapable of producing IRPF income. Where the ceiling is breached the wealth tax quota is cut back to it, but by no more than 80 per cent, so at least a fifth is always payable.

You must file a modelo 714 if a quota is payable or if gross assets exceed 2,000,000 euros, tested before debts and before the exempt minimum, so many Madrid residents who pay nothing must still file. For tax year 2025 the window was 8 April to 30 June 2026.

Personal obligation, real obligation and the look-through

Individuals habitually resident in Spain are taxed on worldwide net wealth (article 5.Uno.a). Everyone else is taxed only on assets located, exercisable or to be performed in Spanish territory (article 5.Uno.b), and a person who ceases to be resident may elect to continue under personal obligation. A Beckham taxpayer is within the real obligation only.

Since 29 December 2022 article 5.Uno.b has contained a look-through that closed the classic villa-holding structure. Shares in an entity of any kind, not traded on organised markets, whose assets are at least 50 per cent Spanish real property, directly or indirectly, are treated as situated in Spain, market values replacing book values. Holding a Marbella house through a Luxembourg, Dutch, Maltese or Emirati company no longer takes it out of charge.

The region-by-region position in 2026

Only one autonomous community adopted a wealth tax measure for 2026, La Rioja, which abolished a deduction for contributions to the endowment of regional foundations; no community touched a scale, an exempt minimum or a general bonification, so the position below is the 2025 position carried forward. The first table sets out the permanent rules.

Region	Exempt minimum 2026	Scale	General bonification
Madrid	700,000 euros	State	100 per cent
Andalucía	700,000 euros	Own, disapplied while the ITSGF runs	100 per cent

CONTINUED

Region	Exempt minimum 2026	Scale	General bonification
La Rioja	700,000 euros	State	100 per cent
Cantabria	700,000 euros	Own, above state except the top band	100 per cent
Extremadura	500,000 euros	Own, above state throughout	100 per cent
Galicia	700,000 euros	Own, top band raised to 3.5 per cent while the ITSGF runs	50 per cent
Región de Murcia	700,000 euros	Own, identical to the state scale	None
Cataluña	500,000 euros	Own, eight bands, 0.210 to 2.750 per cent	None general
Comunitat Valenciana	1,000,000 euros	Own, eight bands, 0.25 to 3.5 per cent	None general
Illes Balears	3,000,000 euros	Own, above state except the top band	None general
Aragón	700,000 euros	State	None general
Asturias, Canarias, Castilla-La Mancha, Castilla y León	State default; Canarias 700,000 euros	Asturias own; Canarias and Castilla y León state	None general

The second table is the one that decides what you actually pay.

Region	What happens while the solidarity tax is in force	Net effect
Madrid, Andalucía, La Rioja	Bonification switched off, replaced by one equal to the difference between the wealth tax quota (after the article 31 cap) and the solidarity tax quota (after the article 3.Doce cap)	The same money is paid, but to the region instead of the State
Cantabria	Bonification withdrawn where net wealth exceeds 3,000,000 euros after the 700,000 euro minimum; the differential bonification applies instead	Genuinely zero below that line, regional collection above it
Región de Murcia	A differential wealth-tax-minus-solidarity-tax bonification applies	Regional collection; Murcia is not a zero-wealth-tax region
Galicia	The 50 per cent bonification is reduced by the solidarity tax payable, floored at zero; other regional deductions are reduced next	Regional collection, by a different route
Cataluña	A ninth band of 3.480 per cent above 20,000,000 euros of taxable base (Decreto-ley 10/2024)	Rate-raising to the solidarity tax ceiling
Extremadura	No carve-out at all. The 100 per cent bonification continues	Above roughly 3,700,000 euros the State collects in full, with no wealth tax quota to credit

Murcia is the most common factual error in this market: it is routinely listed alongside Madrid and Andalucía as having abolished its wealth tax, and it has not.

CANDOUR

Madrid, Andalucía, Galicia, Cantabria, Extremadura, Murcia, Cataluña, the Comunitat Valenciana, the Illes Balears and Aragón have been round-tripped against their own consolidated statutes on the BOE as well as against the Ministry of Finance's *Tributación Autonómica. Medidas 2026*. La Rioja, Asturias, Canarias, Castilla-La Mancha and Castilla y León rest on the Ministry publication alone. Separately, the conclusion that an Extremadura resident above the solidarity tax threshold pays the State in full with nothing to offset is our inference, drawn from article 3.Quince of Ley 38/2022, which credits only wealth tax "efectivamente satisfecha", and from the absence of any carve-out in the Extremadura statute. No source states that Extremadura made that choice deliberately.

The solidarity tax

Article 3 of Ley 38/2022 created a direct, personal tax complementary to the wealth tax, charged on net wealth above 3,000,000 euros, accruing on 31 December, and expressly incapable of being ceded to the autonomous communities: "El impuesto no podrá ser objeto de cesión a las Comunidades Autónomas." That sentence is the design.

The exemptions from Ley 19/1991 carry across, so the 300,000 euro main residence allowance and the family business exemption apply, and personal and real obligation both operate. The exempt minimum is 700,000 euros, and because the first band runs to 3,000,000 euros at nil, the effective entry point on net wealth is 3,700,000 euros.

Base liquidable, up to (euros)	Quota (euros)	Remaining base, up to (euros)	Rate
0.00	0.00	3,000,000.00	0.00 per cent
3,000,000.00	0.00	2,347,998.03	1.7 per cent
5,347,998.03	39,915.97	5,347,998.03	2.1 per cent
10,695,996.06	152,223.93	onwards	3.5 per cent

Article 3.Doce applies the same 60 per cent joint limit, with the same 80 per cent floor, cutting back the solidarity tax quota instead. Article 3.Quince then allows you to deduct the wealth tax of the year actually paid, not notionally due: a taxpayer in a 100 per cent bonification region pays no wealth tax and has nothing to credit, which is exactly the result the tax was designed to produce.

Enacted for two years, it was prorogued indefinitely by disposición adicional quinta, apartado 2, of Real Decreto-ley 8/2023, “en tanto no se produzca la revisión de la tributación patrimonial en el contexto de la reforma del sistema de financiación autonómica”. The Tribunal Constitucional dismissed the challenges to it in a run of plenary judgments in November and December 2023, the first of them carrying a dissent. The tax stands.

Spain publishes no standalone statistical release for it. The nearest thing to one is the wealth tax publication itself, which for exercise 2024 records a declared result of 2,153,735,965 euros across 185,031 filers with a liability, and which carries no solidarity tax line whatever. Figures circulating for later years cannot be traced to any official publication.

The change most commentary has not caught up with

CONTESTED POINT

Article 31.Uno of Ley 19/1991 still says on its face that the 60 per cent limit is available only “para los sujetos pasivos sometidos al impuesto por obligación personal”, and the statute has not been amended. It is nonetheless no longer the law in practice. In STS 1372/2025 of 29 October 2025 (recurso de casación 4701/2023) and STS 1402/2025 of 3 November 2025 (recurso 7626/2023) the Tribunal Supremo held that habitual residence “no justifica el diferente trato dado a residentes y no residentes” in denying real-obligation taxpayers the article 31 limit, and that the difference in treatment is discriminatory and unjustified. The TEAC, in RG 4119/2025 and RG 5527/2025, both of 18 December 2025, extended the conclusion to the solidarity tax under article 3.Doce, and under article 239.8 LGT that doctrine binds the administration. The AEAT then implemented it: Orden HAC/277/2026, de 25 de marzo, deleted the words “(únicamente para sujetos pasivos por obligación personal)” from the joint-limit box in section 6 of modelo 714 for 2025, and Orden HAC/652/2026, de 26 de junio, amended the modelo 718 annex, applying first to the 2025 return filed from 1 July 2026. Because a non-resident’s Spanish IRPF base is nil or small, the cap will in many cases reduce the charge by the full 80 per cent permitted, which for a non-resident holding a large Spanish property is transformative. Two cautions. This is judicial and administrative change, not statutory change, and could be revisited. And how a real-obligation taxpayer who files no IRPF at all is expected to populate the “sum of IRPF taxable bases” figure is not resolved by anything we have read; that is a question for the form design and for a Spanish adviser on your facts.

What could end the solidarity tax

CONTESTED POINT

In January 2026 the Ministerio de Hacienda presented a proposal for a new autonomic financing model reported to move the Impuesto sobre el Patrimonio into the basket of ceded taxes. That is precisely the “revisión de la tributación patrimonial en el contexto de la reforma del sistema de financiación autonómica” which, under disposición adicional quinta, apartado 2, of RDL 8/2023, terminates the solidarity tax prórroga. If it is enacted, the solidarity tax ends and the regional bonifications spring back to full effect, restoring Madrid, Andalucía and La Rioja to genuine zero. As at 16 September 2026 it is a proposal only, with no timetable, and we would not plan a move on the assumption that it passes.

Worked scenario 1: the Madrid illusion

Take a reader we will call the investor. He moves to Madrid in 2026 on a highly qualified professional permit and does not elect the article 93 regime, so he is taxed by personal obligation on his worldwide wealth. His net wealth on 31 December is 12,000,000 euros, of which his Madrid flat accounts for 1,200,000 euros. His income is dividends and interest producing IRPF taxable bases of 1,000,000 euros, with no realised gains. He has been told, repeatedly, that Madrid has no wealth tax.

Step 1. The taxable base. Net wealth 12,000,000 euros, less the habitual residence exemption of 300,000 euros, gives a base imponible of 11,700,000 euros; Madrid's exempt minimum of 700,000 euros gives a base liquidable of 11,000,000 euros. It is the same figure for both taxes.

Step 2. The wealth tax gross quota. The base falls in the top band of the state scale, which Madrid applies. The cumulative quota at 10,695,996.06 euros is 183,670.29 euros, and the excess of 304,003.94 euros at 3.5 per cent gives 10,640.14 euros. Gross quota: 194,310.43 euros.

Step 3. The solidarity tax gross quota. Same base, different cumulative figure: 152,223.93 euros, plus the same 10,640.14 euros. Gross quota: 162,864.07 euros.

Step 4. Does the 60 per cent limit bite? The ceiling is 600,000 euros. Deducting the wealth tax gross quota leaves 405,689.57 euros, so the limit bites only if his IRPF quota exceeds that on a 1,000,000 euro base. It cannot: his income is savings income on the 19 to 30 per cent scale.

Step 5. The Madrid bonification. Madrid's 100 per cent bonification is switched off while the solidarity tax is in force, and disposición transitoria séptima substitutes one equal to the difference between the two quotas, 31,446.36 euros. Wealth tax payable to the Comunidad de Madrid: 162,864.07 euros.

Step 6. The solidarity tax credit. From his gross quota of 162,864.07 euros he deducts the wealth tax actually paid, 162,864.07 euros. Solidarity tax payable to the State: nil.

Item	Amount (euros)	Paid to
Wealth tax gross quota	194,310.43	
Madrid differential bonification	(31,446.36)	
Wealth tax payable	162,864.07	Comunidad de Madrid
Solidarity tax gross quota	162,864.07	
Less wealth tax actually paid	(162,864.07)	
Solidarity tax payable	0.00	State
Total	162,864.07	

Madrid's bonification is calibrated to leave the taxpayer paying exactly what the solidarity tax would have taken, and the credit then extinguishes it. The investor pays 162,864.07 euros, the Comunidad de Madrid receives all of it, and the State nothing.

Two counterfactuals sharpen the point. Had he moved to Extremadura, the 100 per cent bonification would have applied with no carve-out, his wealth tax would have been nil, and he would have paid the same 162,864.07 euros to the State: identical cost, different recipient. Had his net wealth been 3,500,000 euros, the taxable base would have been 2,500,000 euros after the same two allowances, inside the nil band, and he would have paid nothing at all. That is the real line. Below roughly 3,700,000 euros of net wealth, Madrid, Andalucía, La Rioja and Cantabria are genuine zero-tax regions. Above it none of them is, and the choice of region changes who banks the money rather than how much you part with.

CHAPTER 11

Where you live inside Spain

How income tax, savings tax and inheritance and gift tax differ by region, and what that means for where you settle.

IN THIS CHAPTER

The general scale is two scales bolted together
Savings income is the same in every region

Inheritance and gift tax: the region decides almost everything
Non-residents now get the regional rules too

The general scale is two scales bolted together

Spanish income tax on general income is charged in halves, and only one is decided in Madrid. Article 63.1 LIRPF fixes the state half: six bands, from 9.50 per cent to 24.50 per cent beginning at 300,000 euros, unchanged since 1 January 2021 and confirmed for 2026 by the Ministry's *Tributación Autonómica. Medidas 2026*. The other half is regional: article 74 LIRPF requires each autonomous community to approve its own scale, with no supplementary state scale to fall back on. No community changed its scale for 2026.

Add the two halves and the top marginal rate on general income in 2026 runs from 45.00 per cent in Madrid to 50.00 per cent in Cataluña and 54.00 per cent in the *Comunitat Valenciana*. The other twelve fall between, from Castilla y León at 46.00 to La Rioja at 51.50, with Andalucía, Galicia, Región de Murcia and Castilla-La Mancha at 47.00.

Where the regional top band starts matters as much as how high it is. Madrid's 20.50 per cent rate bites from 57,320.40 euros, Cataluña's 25.50 per cent from 175,000 euros, the *Comunitat Valenciana*'s 29.50 per cent from 200,000 euros. The combined rates apply only above 300,000 euros, where the state band begins.

Savings income is the same in every region

The savings base is split in the same way, state half at article 66.1 LIRPF and regional half at article 76, but the regional half is fixed by state law and is identical in every autonomous community: no region can raise or cut it. Combined, for 2026:

Base liquidable del ahorro	Combined rate
0 to 6,000 euros	19 per cent
6,000 to 50,000 euros	21 per cent
50,000 to 200,000 euros	23 per cent
200,000 to 300,000 euros	27 per cent
Above 300,000 euros	30 per cent

The 30 per cent top band came in with effect from 1 January 2025 by *disposición final 7.2* of *Ley 7/2024*, and is unchanged for 2026.

So if your income is dividends, interest and realised gains, moving from Valencia to Madrid saves you nothing. The regional choice reaches employment income, self-employment income, Spanish rents and pensions, and nothing else.

Inheritance and gift tax: the region decides almost everything

Spain's *Impuesto sobre Sucesiones y Donaciones* is charged on the acquirer, not on the estate, which British and American clients have to unlearn. Each heir or donee computes his own liability.

The mechanism has three stages. The taxable base, less reductions, gives the liquid base. The article 21 scale produces a gross quota: sixteen state bands, from 7.65 per cent on the first 7,993.46 euros to 34.00 per cent above 797,555.08 euros. That quota is multiplied by an article 22 coefficient turning on the acquirer's pre-existing wealth and kinship group (Groups I and II are children, spouses and ascendants; Groups III and IV more distant relatives and strangers). The coefficients run from 1.0000 to 2.4000, so a Group IV acquirer with wealth of his own can face an effective rate above 80 per cent on the top tranche.

Almost nobody pays that, because the regions may set the tariff, the coefficients, the base reductions and the quota bonifications, and most have used those powers to the limit. The Ministry classifies ten regions as having practically abolished the charge for Groups I and II on death, and nine as having done the same for gifts. Cataluña and Galicia reduce without abolishing, Aragón and Castilla-La Mancha are partial, and Asturias is the least generous.

Two regions matter most to our clients. In Madrid, article 25 of Decreto Legislativo 1/2010, as amended by Ley 2/2025, in force from 1 July 2025 and so applying throughout 2026, gives 99 per cent on death for Groups I and II and 50 per cent for Group III, doubled from 25. On gifts it gives 99 per cent for Groups I and II, 50 per cent for Group III and 100 per cent where the base does not exceed 1,000 euros. The 2025 amendment added formalities that are easy to fail: a public deed where the base exceeds 10,000 euros, aggregating gifts from the same donor to the same donee over three years, and, for cash gifts, the source of the funds stated in the deed. In Andalucía, Ley 5/2021 gives an improved kinship reduction on death of 1,000,000 euros per acquirer for Groups I and II irrespective of pre-existing wealth, and 99 per cent bonification on death and on gifts alike.

Non-residents now get the regional rules too

Spain confined those reliefs to residents for years, unlawfully. In Case C-127/12, *Commission v Spain*, 3 September 2014, the Court of Justice held that denying non-residents, and estates containing foreign assets, the benefit of regional ISD rules infringed the free movement of capital. Spain inserted *disposición adicional segunda* into Ley 29/1987 but confined it to EU and EEA residents. The Tribunal Supremo held that confinement itself contrary to article 63 TFEU, which applies *erga omnes*, in the line beginning with its judgments of 19 February 2018 (*recurso* 62/2017) and of 21 and 22 March 2018. Article 4.6 of Ley 11/2021, in force 11 July 2021, struck the restriction out, and the current DA 2^a. Uno makes no reference to EU or EEA residence.

The connecting rules are these. On the death of a non-resident, the acquirers apply the rules of the region holding the greatest value of the Spanish estate, or, if there is no Spanish asset, of each acquirer's own region. On the death of a resident of a region, non-resident acquirers apply that region's rules. A gift of Spanish real property to a non-resident takes the region where the property is; of foreign real property to a Spanish resident, the region where he lives; of Spanish movable property to a non-resident, the region where it spent most days in the preceding five years. For a Dubai-based practice this is the most valuable provision in the Spanish code: a UAE-resident child inheriting from a Madrid-resident parent pays a 99 per cent bonified quota.

Region	Top IRPF marginal, 2026	Regional top band starts	ISD on death, Groups I and II	ISD on gifts, Groups I and II
Madrid	45.00 per cent	57,320.40 euros	99 per cent	99 per cent
Andalucía	47.00 per cent	60,000 euros	1,000,000 euro reduction, then 99 per cent	99 per cent
Illes Balears	49.25 per cent	175,000 euros	100 per cent	100 per cent
Cataluña	50.00 per cent	175,000 euros	Reduced, not abolished	Reduced, not abolished
Comunitat Valenciana	54.00 per cent	200,000 euros	99 per cent	99 per cent

Read the first and last columns together: the Comunitat Valenciana costs a high earner nine points a year more than Madrid and treats his children almost identically on his death, while Cataluña costs five points more and does not.

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CHAPTER 12

What you must report

Modelo 720 after the Court of Justice, the other returns, imputed income on a second home and the Beckham exemption.

IN THIS CHAPTER

Modelo 720 after the Court of Justice
The other forms

Imputed income on a second home
The Beckham exemption

Modelo 720 after the Court of Justice

On 27 January 2022 the Court of Justice (First Chamber) gave judgment in Case C-788/19, *Commission v Kingdom of Spain* (ECLI:EU:C:2022:55), holding that the consequences Spain attached to failure, partial failure or late compliance with the foreign asset declaration were contrary to the free movement of capital. Spain complied by Ley 5/2022, de 9 de marzo.

What that law did is still widely mis-described. Disposición final 4 rewrote disposición adicional 18ª LGT, which now contains only the reportable categories and the beneficial-owner extension. The former paragraphs 2 and 3, carrying the special penalty regime of 5,000 euros per item with a 10,000 euro minimum, and 100 euros per item with a 1,500 euro minimum for late filing, were deleted outright and not replaced. Disposición final 5 rewrote article 39 LIRPF, removing the imprescriptibility rule and every reference to foreign assets; an unjustified gain now falls into the general base of the period in which it is discovered unless you prove ownership from before the prescription period.

The obligation survived, in four categories: foreign accounts where you are holder, beneficiary, authorised signatory or otherwise have power of disposal; foreign securities, shares and life and disability policies with foreign entities; foreign real property; and virtual currencies held abroad. It extends to beneficial owners within article 4.2 Ley 10/2010.

The threshold is 50,000 euros per category, tested separately, and exceeding it requires the whole of that category to be reported. For accounts the test runs on both the aggregate 31 December balances and the aggregate average fourth-quarter balances, and either triggers it. Once a category has been reported, a later return is due only where the aggregate has risen by more than 20,000 euros. The window is 1 January to 31 March following the year reported.

Penalties are now the ordinary LGT informative-return penalties. Late or non-filing under article 198.1 is 20 euros per item, minimum 300 euros, maximum 20,000 euros, and article 198.2 halves the penalty and both limits where you file late without a prior requirement. Incomplete or inaccurate data attracts 200 euros per item (article 199.4), or up to 2 per cent with a 500 euro minimum for monetary data (article 199.5). Prescription is the ordinary four years at article 66 LGT.

The other forms

Modelo 721 reports virtual currencies held abroad. Approved by Orden HFP/886/2023, de 26 de julio, it is annual, filed between 1 January and 31 March, applied first to tax year 2023, and carries the same 50,000 euro threshold. Modelo 714 and modelo 718 report the wealth tax and the solidarity tax on the thresholds and dates chapter 10 sets out; modelo 718 is due where a quota is payable and is filed in July.

Modelo 210, the non-resident return, runs on several clocks. Imputed income on Spanish property is declared between 1 April and 31 December of the following year, a window narrowed in 2026 by Orden HAC/623/2026, de 12 de junio. Rental income is annualised into the first twenty days of April.

The modelo 210 point that costs money is the sale. Under article 25.2 TRLIRNR, where a non-resident sells Spanish real property the buyer must withhold 3 per cent of the agreed consideration on account of the seller's tax. The buyer is the obligor, and files modelo 211 within one month of the transfer; the seller then files modelo 210 in the three months after that first month has run. The gain is taxed at 19 per cent.

Imputed income on a second home

Own Spanish urban property that is not your habitual residence, is not used in a business and produces no rent, and article 85 LIRPF deems you to receive income from it anyway: 2 per cent of the cadastral value, or 1.1 per cent where the municipality's values were revised or set by a general collective valuation taking effect in the tax period or the preceding ten. With no cadastral value, it is 1.1 per cent on half the greater of the value checked for other taxes

and the acquisition value. The non-resident parallel is article 24.5 TRLIRNR, at 24 per cent, or 19 per cent for EU and EEA residents.

The Beckham exemption

Asked whether an individual under the article 93 regime must file the foreign asset declaration, and whether the spouse and children must, the Agencia Tributaria's guidance gives a flat "No", because the consequences of non-compliance attach to taxpayers taxed on the whole of their income, which an article 93 taxpayer is not.

CANDOUR

The same guidance still contains an older paragraph saying the regime "no resulta extensible al resto de miembros de la unidad familiar", who may therefore be within the obligation. That sentence pre-dates the 2023 extension of the regime to the spouse and children and sits awkwardly beside the express "No". Read together, the position is that family members who have themselves validly opted in under article 93.3 are outside Modelo 720, and those who are Spanish tax resident but not within the regime are inside it. Do not assume a household is exempt because one member is exempt.

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CHAPTER 13

Leaving Spain

The exit tax under article 95 bis: what it charges, the ten-year clock, what is taxed and when, and the two regimes for deferral.

IN THIS CHAPTER

What article 95 bis actually charges

The ten-year clock, and why the Beckham years do not count

What is taxed, at what rate, and when

Deferral, and the two regimes for it

Where to read on

What article 95 bis actually charges

Spain's exit tax was introduced by article 1.61 of Ley 26/2014 with effect from 1 January 2015 and has never been amended, including for 2026. It is narrower than clients fear, and more expensive when it does apply.

The charge arises when you lose Spanish tax residence, on the positive difference between the market value and the acquisition cost of shares or participations in an entity of any kind. Two conditions must both be met. You must have been Spanish tax resident in at least ten of the fifteen tax periods preceding the last period you must declare. And either your shareholdings taken together exceed 4,000,000 euros in market value, or, at the accrual of the last declarable period, you hold more than 25 per cent of an entity and your shares in it are worth more than 1,000,000 euros, in which case only those shares are charged.

Article 95 bis reaches shares and participations and nothing else: real property, bonds, crypto assets and trust interests are untouched. A client whose wealth is a directly held property portfolio has no exposure, whatever its size.

The ten-year clock, and why the Beckham years do not count

Because the residence condition is counted over the fifteen tax periods preceding the last declarable period, a client resident for nine years who leaves is outside the charge entirely, however large his holdings.

Article 95 bis.8 then does something that matters enormously to founders. For a taxpayer who has used the article 93 regime, the ten-year period "comenzará a computarse desde el primer período impositivo en el que no resulte de aplicación el citado régimen especial". The clock starts only once the regime stops applying, so the six Beckham years are excluded outright, and a founder who spends six years in Spain under the regime and then leaves has no exposure on the residence limb.

What is taxed, at what rate, and when

Under article 95 bis.2 the deemed gain forms part of savings income under article 46.b LIRPF and is attributed to the last tax period you must declare, by a complementary self-assessment "sin sanción ni intereses de demora ni recargo alguno", at the ordinary savings scale in chapter 11.

Valuation is at article 95 bis.3. Listed securities take the quoted price at accrual. Unlisted securities take, unless a different market value is proved, the greater of the net equity attributable to the shares per the last balance sheet closed before accrual and the result of capitalising at 20 per cent the average of the results of the three financial years closed before accrual. Under article 121 RD 439/2007 the return goes in within the filing period for the first year in which you are no longer a Spanish taxpayer, so for a departure in year N, in year N plus two.

Deferral, and the two regimes for it

For a move within the EU, or to an EEA state with effective exchange of tax information, article 95 bis.6 is much the better treatment: no self-assessment at all unless, within the ten tax years following the last declarable period, you transfer the shares inter vivos, cease to be resident in an EU or EEA state, or fail the obligation to notify the election, the gain, the destination state and continued ownership. On a transfer, the gain is reduced by the positive difference between the article 95 bis.3 market value and the actual transfer value. If you become Spanish resident again with none of the three events having occurred, article 95 bis ceases to have effect.

For a move elsewhere, article 95 bis.4 offers deferral rather than suspension, on application, in two cases: a temporary posting for work reasons to a territory that is not a non-cooperative jurisdiction, or any move to a state with which Spain has a treaty containing an exchange of information clause. The ordinary LGT deferral rules apply, so interest runs and security must be given, though the guarantee may be taken over the shares themselves.

Returning extinguishes it. Become a Spanish taxpayer again within five tax years of the last declarable period without having transferred the shares, and the deferred debt and accrued interest are extinguished, on filing the

return for the first year of renewed liability; for work postings you may apply to extend the five years by up to five more. If you paid rather than deferred and then return without having sold, article 95 bis.5 lets you rectify the return and recover the tax.

A move to the United Arab Emirates qualifies for article 95 bis.4 deferral, because Spain's treaty with the UAE contains an exchange of information clause and the UAE is not a listed jurisdiction. It does not qualify for the EU and EEA option, so the deferral carries interest and security, and that is so whether or not you are personally within the treaty for residence purposes, which chapter 8 explains is a separate question.

CANDOUR

The arithmetic here is unforgiving of approximation. A holding worth 3,900,000 euros is outside the first limb and may still be inside the second if it is a 30 per cent stake. A client confident he has been resident "about nine years" is making a statement about a statutory test he has not applied. And capitalising three years' results at 20 per cent can produce a figure well above what an owner would call his company's worth.

Where to read on

Leaving Spain and the timing of a sale are one problem seen from two directions. This guide takes the residence side; our companion guide, *Liquidity-Event Tax Planning for Founders*, takes the transaction side, at <https://citizenship-360.com/guides/liquidity-event-tax-planning-guide/>.

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CHAPTER 14

The evidence

What the official data shows about the closed route, who is actually here, the property market, and the figures that no official source supports.

IN THIS CHAPTER

What the state says the route it closed actually was

The pair of numbers that tells you what actually happened

Who is actually here

The property market did not do what everyone predicted

What the wealth taxes show

Naturalisation, and the long view

The figures the industry quotes that no official source supports

The 100 per cent tax that is not a tax

What the state says the route it closed actually was

Two official figures exist for the size of the property investor route, and no others: the Council of Ministers figure of 14,576 property-linked grants to April 2024 and the Consejo Económico y Social's "unos 15.000" to April 2025, both in chapter 2. The CES report, released on 12 November 2025, adds the proportion that matters most: barely 8 per cent of all authorisations granted under Ley 14/2013. Neither figure is a per-year series, neither separates principal investors from family members, and neither distinguishes consular visas from authorisations issued in Spain. Twelve years of the most discussed residence programme in Europe produced two round numbers.

The pair of numbers that tells you what actually happened

Series	Figure	Reference period	Change on the year
Ley 14/2013 and similar figures, permits in force	201,074	30 June 2026	up 23.5 per cent
Non-lucrative residence, permits in force	84,957	30 June 2026	down 16.2 per cent
Ley 14/2013 authorisations granted	79,720	year 2025	down 12.2 per cent
Non-lucrative authorisations granted	61,352	year 2025	down 18.0 per cent
Ley 14/2013 authorisations granted	91,419	year 2024	9 per cent of all grants that year
Long-term residence, permits in force	1,667,202	30 June 2026	down 1.5 per cent

No official cumulative total for Ley 14/2013 authorisations is published. The Observatorio releases the 2014 to 2025 series only as a chart, so any running total is an estimate reconstructed from it, and we do not print one.

Read the first two rows together. The body of law containing the teleworker, highly qualified, transfer, entrepreneur and researcher routes holds 201,074 people and is growing at 23.5 per cent a year; the non-lucrative route holds 84,957 and is shrinking at 16.2 per cent. Spain did not replace an investment route with a passive one. It replaced it with a working one, and the market has already moved, for reasons owing more to article 93 LIRPF than to immigration law.

Who is actually here

At 1 July 2026 the INE's Estadística Continua de Población records a resident population of 49,801,559, of whom 7,437,543 are foreign nationals and 10,291,807 were born abroad. Those are different populations, and the gap of roughly 2.85 million is largely people who have naturalised; they should never be quoted interchangeably.

Nationality detail comes from the Observatorio, at 30 June 2026. United Kingdom nationals number 379,801, down 5.5 per cent on the year, with a mean age of 58: a settled and ageing community in slow decline. Under the general immigration regime, Chinese nationals number 265,332 and Russian nationals 107,449, both still rising.

The property market did not do what everyone predicted

The INE's house price index, table 80270, gives a national general index of 111.095 for 2026 Q2 on a base of 2025 equals 100, up 12.2 per cent on the year. The Colegio de Registradores, for the same quarter, puts the foreign share of registered housing purchases at 15.98 per cent, the highest in its available historical series, against 13.92 per cent in 2026 Q1, on rather more than 26,800 purchases. Across the whole market the average price reached a record 2,487 euros per square metre, made up of 2,636 euros for new build, which actually fell 0.7 per cent on the quarter, and 2,448 euros for second-hand stock. Chinese buyers accounted for 3.02 per cent of foreign purchases and Russian buyers for 1.47 per cent.

The conclusion is narrow. On the only official transaction series available, in the fifth full quarter after the closure, the closure is not visible as a fall in foreign demand. We do not claim the reverse either: a record share is not evidence of causation in either direction.

What the wealth taxes show

For exercise 2024, the most recent published, 227,424 people filed a modelo 714 declaring 986,984,675,097 euros of assets and rights, an average of 4,339,844 euros each, and 185,031 of them had a liability. In the solidarity tax's first year, accruing on 31 December 2022 and declared in July 2023, the Ministry of Finance reported 623 million euros from

12,010 taxpayers, an average quota of about 52,000 euros. Those are filed, assessed numbers, and the only defensible way to describe wealth in Spain.

Naturalisation, and the long view

Spain granted 221,176 nationalities by residence in 2025, down 0.3 per cent on the 221,805 of 2024, itself down from 243,481 in 2023, with 2,334,713 grants cumulatively between 2009 and 2025. The rate that matters to this readership sits in the same publication: EU and EFTA nationals have barely exceeded a naturalisation rate of 0.5 per cent, while every other origin has run almost always above 2 per cent since 2018, a group that has included UK nationals since 2021. Long-term residence has plateaued too, at 1,667,202 authorisations in force on 30 June 2026, down 1.5 per cent.

The figures the industry quotes that no official source supports

The alternative total that dominates the market, 6,200 investor visas granted 2013 to 2023, is declined in chapter 2. Its nationality split of 2,712 Chinese, 1,159 Russians and smaller counts for Iranians, Americans and Britons is the more serious problem: Spain has never published a per-nationality investor breakdown, so there is no official figure for it to be a version of.

CONTESTED POINT

The underlying problem is the state of the official data, not the diligence of the people quoting it. The Observatorio publishes two dedicated statistics on Ley 14/2013, one for the flow of authorisations and one for the stock of holders, and both list “figura legal” and “tipo de inversión” among their classification variables, so the breakdowns exist inside the statistical system. As at 16 September 2026 the two dedicated Ley 14/2013 statistics are not listed in the Observatorio's own data catalogue, their pages return nothing readable without a browser, and the data-cube host they point to does not resolve publicly, while the Consejo Económico y Social was able to publish 2024 figures sourced to the same office in October 2025. The state holds these numbers and does not deliver them through the pages that are supposed to carry them.

We also decline, as a matter of policy, to cite private wealth-migration estimates from commercial providers, or any outlet republishing them. No official Spanish or European source publishes a count of millionaire arrivals or departures, so they cannot be checked against anything; they are modelled rather than measured, and the modelling has been shown not to capture property wealth, which in Spain is the asset class the whole debate is about. Where the industry reaches for such a figure, we use the AEAT filer population instead.

The 100 per cent tax that is not a tax

CONTESTED POINT

A great deal of advisory content states, or implies, that Spain now charges non-EU non-residents 100 per cent on the purchase of a home. It does not. The measure exists only as article 4 of Proposición de Ley 122/000196, a private member's bill tabled by the governing parliamentary group and published in the Boletín Oficial de las Cortes Generales on 30 May 2025. It would create a state complementary tax on transfers of immovable property to persons not resident in the European Union, charged at 100 per cent of the cadastral reference value, or the declared value or price if higher, with the ITP and AJD actually paid on the same transaction deducted from the gross quota. The Congress's own initiative tracker records its situation as “Pleno. Toma en consideración”, open since 5 September 2025. It has not had its first plenary vote, more than twelve months after the government opinion period closed. It is not law, it has no commencement date, and nobody can say what it would look like if it passed, because it has never been amended in committee. Plan for it as a risk. Do not plan for it as a rule.

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CHAPTER 15

Honest counsel

Two worked scenarios, when Spain is the wrong answer, what a good adviser will ask you, and how this work is charged.

IN THIS CHAPTER

Worked scenario 2: the founder with a sale in prospect

Worked scenario 3: the retired British couple

When Spain is the wrong answer

What a good adviser will ask you

How this work is charged

Worked scenario 2: the founder with a sale in prospect

A client comes to us in Dubai. He is not an Emirati national; he holds a UAE residence visa and a UAE tax residence certificate. He controls a European trading company, and expects to sign a sale within a year. He has been told that if he moves first and elects the Beckham regime, the gain will fall outside Spanish tax.

Start with the treaty, because everyone else starts with the regime. As chapter 8 explains, article 4.1.b of the Spain-UAE treaty requires domicile in the UAE and Emirati nationality conjunctively, so he is outside the treaty and his certificate is not one issued for the purposes of the Convention. If Spain asserts residence, nothing contradicts it.

Next, the calendar. Spain has no split tax year, so if he arrives in February and stays he is a Spanish tax resident for the whole of that calendar year, including a gain realised in March while still living in Dubai. The date of the move decides which state has the primary claim to the largest transaction of his life.

Then the regime. He probably can get into it, as administrador of a trading company holding any percentage. But it does not do what he has been told. Article 93.2.b deems the whole of his employment income, worldwide, to be obtained in Spain, and a disposal of a substantial shareholding is not employment income. The gain falls under the non-resident rules the regime preserves, so it is taxed in Spain only to the extent it is Spanish-source under articles 12 to 14 TRLIRNR, which depends on where the company is resident and on whether more than half its value derives, directly or indirectly, from Spanish real property. Those are questions about his company, not his visa.

What we cannot tell him without his facts, and say so at the first meeting: the target's residence and asset composition; whether the deal is a share sale or an asset sale followed by a distribution; whether the binding obligation arises on signature or completion; whether he satisfies the five-year non-residence look-back; and whether the six-month modelo 149 deadline can be met alongside a live transaction.

The decision is clear before any of those answers arrive. The sequencing of the sale and the move is the whole question, and it should be settled before anything is signed, because after signature the facts stop being planning material and become history.

Worked scenario 3: the retired British couple

He is 67, she is 64. Their combined pension income is about 69,000 euros a year, part occupational and part state pension, with no employment income and no sale in prospect. They want the non-lucrative visa.

The income test is the easy part: 2,400 euros a month for the principal and 600 for a dependant, so 3,000 a month, 36,000 euros for a one-year permit. They are comfortably over it, on exactly the kind of evidenced, recurring means the regulation contemplates.

Beckham is not available to them, and this is where the disappointment lands. The regime requires a qualifying gateway: an employment contract, a directorship, an entrepreneurial activity with an ENISA report, or a highly qualified professional role. Retirement is none of them. There is no way in for a move that is not caused by work, which is the deepest structural fact about Spanish tax planning after the closure.

So they will be ordinary residents under the general IRPF regime, taxed on worldwide income, with pensions in the general base. Take Madrid, whose scale we have verified against the regional statute, and assume an even split. On 34,500 euros each, the state half produces 4,257.75 euros and the Madrid regional half 3,722.94 euros, so 7,980.69 euros each and about 15,961 euros between them, an average rate of roughly 23 per cent. That is before the personal and family minimums and the reduction for work-type income, which turn on their exact ages and circumstances.

Two adjustments. First, the region reaches this income: pensions sit in the general base, where regional scales differ in rate and in where the bands start, so the same 69,000 euros produces a different bill in Valencia or Cataluña. Second, the treaty allocates before Spain calculates. Under the UK-Spain treaty, private and occupational pensions and the UK state pension are generally taxable only in the state of residence, which will be Spain, while pensions paid in respect of government service are generally taxable only in the United Kingdom, unless the recipient is both resident and a national of Spain. A career in the civil service, the armed forces or local government therefore produces a materially different answer from a private-sector career.

The rest of their planning is not immigration law at all: healthcare entitlement, sterling exposure on a euro cost base, succession over a Spanish property, and whether the survivor would want to stay. That is our companion guide, *Retiring and Relocating to Europe*, at <https://citizenship-360.com/guides/retiring-relocating-europe-guide/>.

When Spain is the wrong answer

Spain is the wrong answer if you cannot give it the days. Every surviving route assumes you will live there, and a permit you cannot honour is a liability rather than an asset. It is the wrong answer if what you want is residence without tax residence: that product existed until 3 April 2025 and nobody can rebuild it for you.

It is the wrong answer if your net wealth is well above roughly 3,700,000 euros and your plan depended on Madrid, because above that line the solidarity tax collects at 1.7 to 3.5 per cent wherever in Spain you live. It is the wrong answer, this year, if you are carrying a transaction that will bind within the next eighteen months and cannot be moved: complete first, then choose a country. And it is the wrong answer if your plan is to buy Spanish rental property and elect the Beckham regime, which taxes gross rent at up to 47 per cent with no deductions.

It is also the wrong answer if your objective is an EU passport on a short timetable: ten years of residence is the rule for almost everyone reading this, and the observed naturalisation rate for EU and EFTA nationals has barely exceeded 0.5 per cent.

ADVISER'S OBSERVATION

The most valuable work this firm does is telling a client not to move yet. It is also the least profitable, and I suspect that is exactly why so few advisers do it. A client told to wait eleven months generates one invoice and a note in the diary, not a file, a structuring engagement and a compliance retainer. But the alternative is the client who moves in February, signs in March, and learns the following April that Spain has a claim on the whole of a gain a different date would have placed outside it. I would rather lose the fee than sit in that meeting. Ask whoever is advising you what they think you should not do, and listen to how quickly they answer.

TOM PURDY

What a good adviser will ask you

How many days can you spend in Spain, and can you evidence the days you spend elsewhere? What nationality do you and your spouse hold? Is there a sale, and when does it become binding rather than likely? How much of your income is employment income? What is your net wealth, and what proportion is Spanish-situs? Who is moving with you, and how old are they? Which other state will still claim you, and does a treaty cover you personally? And what is your exit plan, because the exit rules are written for the person who did not have one.

If the first question you are asked is about budget, you are in the wrong office.

How this work is charged

Government fees are small, fixed and published, and we gave them exactly in chapter 4. Everything else is professional cost, and we will not print a number for it, because any number printed in a guide is either too high for the simple cases or too low for the real ones.

Cost is driven by the complexity of the facts, in four places. Evidence: how many countries you have lived in, and how many documents need apostille and sworn translation. Structure: whether a company, group, trust or holding chain has to be unwound before you arrive. The tax question: a straightforward Beckham election is a matter of weeks, while pre-arrival restructuring around a live transaction is a different order of work. And the household: each family member adds filings, and a spouse with substantial income of her own can decide whether the regime works at all.

We quote in ranges once we have seen the facts, and hold the range unless the facts change. Details of how to reach us are at the back of this guide.

REFERENCE

Glossary

- AJD.** Actos Jurídicos Documentados, stamp duty on notarised deeds, at regional rates.
- Arraigo.** Permits regularising people already in Spain, at article 125 RD 1155/2024.
- Base liquidable.** The taxable base after reductions and the exempt minimum.
- BOE.** Boletín Oficial del Estado, the official gazette; its consolidated texts are authoritative.
- Contrato de arras.** A deposit contract; not proof of investment under the 10 June 2025 criteria.
- DGT consulta.** A binding ruling of the Dirección General de Tributos on stated facts.
- Empadronamiento.** Registration on the municipal padrón, evidencing your address.
- ENISA.** Empresa Nacional de Innovación, whose favourable report the entrepreneur route requires.
- IPREM.** The index setting the non-lucrative threshold; frozen at 600 euros monthly since 2023.
- IRNR.** Impuesto sobre la Renta de no Residentes, whose rules a Beckham taxpayer is taxed under.
- ISD.** Impuesto sobre Sucesiones y Donaciones, charged on the acquirer and largely regional.
- ITP.** Impuesto sobre Transmisiones Patrimoniales, transfer tax on second-hand property.
- ITSGF.** The solidarity tax on net wealth above 3,000,000 euros, which regions cannot abate.
- LIRPF.** Ley 35/2006; article 9 governs residence, article 93 the impatriate regime.
- Modelo 151.** The annual return of taxpayers under the article 93 regime.
- Modelo 720.** The foreign asset declaration, filed 1 January to 31 March, at 50,000 euros per category.
- NIE.** Número de Identidad de Extranjero; not itself a residence right.
- Obligación personal.** Wealth tax liability on worldwide net wealth, for Spanish residents.
- Obligación real.** Wealth tax liability on Spanish-situs assets only.
- Observatorio.** The Observatorio Permanente de la Inmigración, publisher of the permit statistics.
- Prórroga presupuestaria.** Automatic extension of the previous year's budget under article 134.4 of the Constitution.
- Recurso de alzada.** Appeal to the hierarchical superior, used against Ley 14/2013 refusals.
- Recurso de reposición.** Optional appeal to the body that issued the decision.
- RETA.** The self-employed social security regime, compulsory for self-employed teleworkers.
- Silencio administrativo negativo.** Expiry of the decision period deems the application refused.
- Silencio administrativo positivo.** Expiry of the decision period deems the authorisation granted.
- SMI.** The minimum wage setting the teleworker income test; 1,221 euros monthly for 2026.
- STS.** Sentencia del Tribunal Supremo; repeated judgments establish binding doctrine.
- TEAC.** The central tax tribunal, whose doctrine binds the administration under article 239.8 LGT.
- TIE.** The physical residence card, applied for within one month of entry.
- TRLIRNR.** Real Decreto Legislativo 5/2004; articles 12 to 14 determine what is Spanish-source.
- UGE-CE.** The unit processing Ley 14/2013 authorisations in twenty days.

REFERENCE

Frequently asked questions

Might the golden visa come back?

Nothing suggests it. The articles were emptied with no explanatory recital, and no published proposal would restore them.

Does buying property in Spain still get you anything?

Nothing immigration-related: an asset, a wealth tax exposure by real obligation, imputed income if you do not let it, and no residence right.

Can I work on a non-lucrative visa?

No. Employment and professional activity are prohibited, and remote work from Spain on this permit is treated as fraud of law. Investment income, rents and pensions are fine, and after one year you may apply to modify the permit into a work authorisation.

Can I keep a non-lucrative permit without living in Spain?

No. Article 64.2(f) of RD 1155/2024 makes more than 183 days of real and effective residence in the calendar year a condition of renewal, which is the same threshold that makes you a Spanish tax resident.

Does the Beckham regime cover investment income?

Mostly by leaving it alone. Non-Spanish dividends, interest, gains and rents fall outside Spanish tax; Spanish-source dividends, interest and gains are taxed at 19 to 30 per cent.

Does moving to Madrid avoid wealth tax?

Below roughly 3,700,000 euros of net wealth, yes. Above it, no: Madrid switches its bonification off while the solidarity tax runs, so the same total is paid to the region instead of the State.

What happens if I spend 183 days in Spain by accident?

Nothing, at 183; the threshold is more than 183. But part days count as whole days, sporadic absences are added back unless you hold another state's residence certificate, and the centre-of-economic-interests test can catch you on far fewer days.

I hold an investor permit. Can I still bring a new spouse or a newly born child?

No. Family applications filed after 3 April 2025 are inadmitted, expressly including marriages and births after that date. They must use the general regime, which requires a year's residence first.

Can I switch from the non-lucrative visa to the teleworker authorisation?

No. The teleworker route needs three months of lawful prior remote working, which the non-lucrative permit does not authorise. The available move is a general-regime work permit after one year.

Is the 100 per cent tax on non-EU property buyers in force?

No. It is article 4 of a private member's bill awaiting its first plenary vote since 5 September 2025.

Does my Dubai tax residence certificate protect me?

Only if you are an Emirati national. The treaty defines a UAE resident as domiciled there and holding Emirati nationality, so most Dubai expatriates are outside it entirely.

How long until I can apply for Spanish citizenship?

Ten years of legal residence for most readers, two for Ibero-American, Andorran, Filipino, Equatorial Guinean, Portuguese and Sephardic-descent applicants, and one if married to a Spanish national.

Do I have to file Modelo 720?

As an ordinary Spanish tax resident holding more than 50,000 euros in any reportable category abroad, yes. If you are validly within the article 93 regime, no, and nor is a family member who opted in with you.

Will I pay Spanish tax on my UK pension?

Usually yes, as an ordinary resident, with pensions in the general base. Government service pensions are generally taxable only in the United Kingdom.

Is there an exit tax if I leave Spain?

Only on shares, only after ten of the preceding fifteen tax periods as a resident, and only above 4,000,000 euros of holdings or a 25 per cent stake worth over 1,000,000 euros. Beckham years do not count.

How many digital nomad visas has Spain issued?

Nobody knows. Spain publishes no disaggregated series for the teleworker authorisation, only the Ley 14/2013 aggregates in chapter 14.

Which region should I live in?

For savings income it makes no difference; the scale is identical everywhere. For employment income, self-employment, Spanish rents and pensions it matters, and for inheritance tax it matters more than anything else here.

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