



Guide to the posting of workers from Spain to the UK



EMBAJADA DE
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The EU-UK Trade and Cooperation Agreement, which governs the relationship between the UK¹, and the EU, following Brexit and the end of the transitional period, includes the Social Security Coordination Protocol, seeks to guarantee a set of rights to EU citizens and UK nationals.

Specifically, the Agreement applies to EU citizens working in, travelling or relocating to the UK, and UK nationals working, travelling or relocating to the EU, from 1 January 2021².

The Social Security Coordination Protocol includes, with a more limited scope, the protection of posted workers, in its Article SSC.11, which states that:

'Employees who are posted by their employers to the United Kingdom shall continue to be subject to Spanish legislation, provided that:

- The duration of such work does not exceed 24 months, and
- The worker has not been sent to replace another posted worker.

Likewise, self-employed workers who move to the United Kingdom to carry out an activity similar to the one they were carrying out in Spain will be considered as such, provided that this activity does not exceed 24 months.

Recognition of this right is not automatic, so the following procedures must be carried out:



1. Certificate of applicable legislation

Employers wishing to post workers from Spain to the United Kingdom must apply for an **A1 posting document** in advance at the General Treasury of the Social Security (TGSS) with the [modelo TA.300](#).

If you have a digital certificate or permanent CI@ve you can access the Sede Electrónica [Solicitud Trabajadores Desplazados. Modelo TA 300](#) to manage your application electronically, by electronic registration.

You can also contact the TGSS at the following e-mail address: internacional.tgss-sscc.afi@seg-social.es

This Certificate serves to certify to the authorities of the country to which you are posted that you pay social security contributions in another EU country (Spain) and that, therefore, you do not have to pay contributions in the country where you are posting workers (UK).



2. Healthcare

Once the A1 has been obtained, workers can apply for the European Health Insurance Card at the National Institute of Social Security (INSS) to access the health services of the country where they will be working as a posted worker.

View information about this procedure:

<https://www.seg-social.es/wps/portal/wss/internet/Trabajadores/PrestacionesPensionesTrabajadores/10938/11566/1761>

¹ SP: <https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=OJ:L:2021:149:FULL&from=ES>

EN: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2021:149:FULL&from=ES>

² https://ec.europa.eu/info/strategy/relations-non-eu-countries/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement_es



If you move your place of residence (generally speaking, if you are going to live in the UK for more than six months) you will need to apply for an **S1 document**, which proves your entitlement to health benefits if you do not live in the country where you are insured.

The A1 certificate or healthcare document is not in any way a work permit or visa. You will therefore need to obtain a visa before going to the UK to work. To do this, it is recommended that you check which type of visa you will need at the following link: <https://www.gov.uk/check-uk-visa> and follow the information below.

MIGRATION SYSTEM IN THE UNITED KINGDOM:

From 1 January 2021, all EU citizens moving to the UK to work **will have to obtain a visa beforehand**, except for **permitted activities lasting no more than 6 months**:

BUSINESS ACTIVITIES PERMITTED <u>WITHOUT A VISA</u>				
General business activities:	Permitted intra-corporate activities:	Permitted activities in relation to the <u>manufacture and supply of goods and services</u>	Customers of UK <u>exporting companies</u>	Additional activities <u>permitted in the UK, if employed abroad such as:</u>
<ul style="list-style-type: none"> - Attending meetings, conferences (≤ 2 weeks). - Work-related training (≤30 days). - Giving one-off, non-profit lectures. - Negotiate and sign agreements and contracts. - Attending business promotion fairs. - Visiting and inspecting facilities. - Gathering information for entrepreneur in Spain. - Taking requirements from a British client, for a job to be carried out from Spain.. 	<p>A <u>Spanish employee</u> may carry out the following activities for a British company, <u>of the same business group</u>, provided that this does not involve direct work with clients and that it is related to a specific internal project:</p> <ul style="list-style-type: none"> - Advise and Consult - Troubleshooting - Providing training - Knowledge sharing <p>And also internal audits of the UK subsidiary.</p>	<p>A Spanish worker may install, dismantle, repair, supply or advise on machinery, equipment, software or hardware (or train the workers of the UK company), provided that there is a purchase, supply or lease contract between the two companies and the Spanish company is:</p> <ul style="list-style-type: none"> - Manufacturer/service provider or - Provides maintenance or repair services and this after-sales agreement is included in the contract. <p>Subcontracting is allowed, provided that the chain of contracts is accredited and it is stated in the initial purchase or supply contract.</p> <p>The visit may not last longer than approximately 1 month.</p>	<p>A customer of a UK exporting company may travel to the UK for the purpose of supervising goods and services to be supplied to it under a contract with a UK company or its subsidiary, provided that such companies are not part of the same corporate group</p> <ul style="list-style-type: none"> ➢ If the contract is for a period of more than 6 months, several visits may be made, provided that it is accredited when the visit will end. 	<ul style="list-style-type: none"> - Artist, entertainer or musician - Driver - Journalist or correspondent - Lawyer, expert, researcher or market analyst - Professor at a foreign academic institution - Scientist or researcher - Member of a film crew, including actors, producers, directors or technicians - Member of the production team supporting an artist, animator or musician



BUSINESS VISAS: GLOBAL BUSINESS MOBILITY VISA (GBM Visa)

This visa route encompasses, under a common framework, the main categories of visas for the temporary movement of workers to the UK for business purposes. These Visa Routes:

- **They do not allow access to UK residence (settlement)**, although holders of these visas may switch, if the conditions are met, to other visa routes that may lead to settlement. They may also bring their dependent partner and children under the age of 18 to the UK.
- **English language proficiency is not required.**
- **Maintains sponsorship, by a British company.** That is, the posted worker must be sponsored by the UK company that is to receive the service³.

From 1 January 2021, companies must have a sponsor's licence to employ any worker from outside the UK, including EU, EEA and Swiss nationals, with the exception of Irish nationals: <https://www.gov.uk/uk-visa-sponsorship-employers>.

The UK company to which you are going to work as a posted worker must provide you with a *Certificate of Sponsorship (CoS)*.

- **It requires the payment of a Immigration Health Surcharge** amounting to **£624/year**. It is important to bear in mind that if the **period of stay in the United Kingdom is less than 6 months and you are coming to carry out one of the permitted economic activities**, it is not necessary to apply for a visa or pay the immigration *healthcare surcharge*: <https://www.gov.uk/healthcare-immigration-application/who-needs-pay>.

In the event that the Member State (Spain) continues to cover the costs of medical care in full, they may apply for **reimbursement of the surcharge, which would be that of a posted worker holding an S1 document**.

- You must have at least **£1,270** in your bank account to show that you can support yourself when you arrive in the UK (unless you are exempt).
- **It requires a level of qualification equivalent to that of a university graduate (RQF Level 6).**
- The maximum stay, through the different routes included in the GBM Visa, may not exceed 5 years, in a period of 6 years, and may not be extended. However, workers on salaries above £73,900 on the Senior or Specialist Worker route may stay up to a maximum of 9 years in a 10-year period.

The Global Business Mobility (GBM) visa includes 5 subcategories of visas: **Service Provider, Secondment Worker, Senior or Specialist Worker (ICT), Graduate Trainee and Expansion Worker**.

1. Service Supplier

This route reflects the commitments provided for in the **EU-UK Trade and Cooperation Agreement**, and is intended for **temporary movements of workers**, for up to 12 months, under **a contract for the provision of services or supplies**, in one of the sectors covered by that Agreement.

³ <https://www.gov.uk/uk-visa-sponsorship-employers>



This route is also intended for self-employed persons moving within the framework of the above-mentioned service or supply contracts in the following sectors:

Sectors covered by the TCA (Mode 4)	
Contractual service provider	Independent professionals
<ul style="list-style-type: none"> ▪ Legal, accounting and tax consultancy; ▪ Architecture and engineering; ▪ Medical and dental services, nursing, physiotherapy; ▪ Veterinary services; ▪ IT, R&D; ▪ Advertising and market research; ▪ Management consultancy; ▪ Technical testing and analysis; ▪ Science and technology; ▪ Mining; ▪ Maintenance and repair of transport equipment; machinery and equipment; ▪ Translation and interpreting services; ▪ Telecommunication services; ▪ Postal and courier services; ▪ Construction and engineering services; ▪ Field research work; ▪ Higher education services; ▪ Services related to agriculture; ▪ Services related to the environment; ▪ Insurance and other financial services; ▪ Tourism services (agencies, guides). 	<ul style="list-style-type: none"> ▪ Legal advice (public internal law and home jurisdiction); ▪ Architecture and engineering; ▪ IT, R&D; ▪ Advertising and market research; ▪ Mining; ▪ Translation and interpreting services; ▪ Telecommunication services; ▪ Postal and courier services; ▪ Higher education services; ▪ Insurance and other financial services; ▪ Transport advice and consultancy ▪ Manufacturing advice and consultancy.

What are the requirements?

There is no salary requirement (only the UK minimum wage), but employees or self-employed professionals must have **12 months' previous experience** in the posting company or in their sector of business and score 40 points, according to the following criteria:

	Points	Description
Sponsorship	20	Requires a valid Certificate of Sponsorship from the UK company that has contracted the service or supply.
Work at an appropriate level of qualification	20	<ul style="list-style-type: none"> • <u>Option A:</u> The work to be carried out in the UK must be included in the list of jobs approved for the Global Business Mobility Visa (GBM) route. • <u>Option B:</u> the worker must meet the following 3 requirements: <ul style="list-style-type: none"> - Have a university degree or a technical qualification of equivalent level, (except fashion or maintenance services). - Hold the professional qualifications or registrations required by UK law to provide the services and - Have professional experience in the sector in which you will provide services of 3 years (employees) and 6 years (self-employed professionals).



Visa duration: The period of posting may not exceed 12 months, as provided for in the EU-UK Trade and Cooperation Agreement and, in any case, the posted worker or self-employed professional may not accumulate more than 5 years in any 6-year period, adding together all postings made on any of the GBM Visa routes.

Fee payable: £298 (visa fee) + Healthcare Immigration Surcharge (£624/year).

How to apply Online: <https://www.gov.uk/service-supplier-visa/apply>

2. Secondment Worker

This route is aimed at **temporary postings** of workers to the UK, in the framework of a **high-value contract or investment between an overseas company, for which the posted worker works, and a UK company.**

The contract or investment must be for an **amount of at least £50M⁴.**

What are the requirements? Applicants must score **40 points**:

	Points	Description
Sponsorship	20	It requires a valid Certificate of Sponsorship from the UK company with which the posting Spanish company has a high value contract or investment. This contract will have to be registered by the sponsor with the Home Office.
Work at an appropriate level of qualification	20	The job must be included in the list of authorised positions for the Global Business Mobility Visa (GBM) Route.

No wage requirement to be met.

Visa duration: 1 year, with an option to extend for a further year.

In any case, the worker may not accumulate more than 5 years, in a period of 6 years, adding up all the journeys made by the same worker on any of the routes included in the GBM Visa.

Fee payable: £298 (visa fee) + Healthcare Immigration Surcharge (£624/year).

How to apply Online: <https://www.gov.uk/secondment-worker-visa/apply-from-outside-the-uk>

3. Senior or Specialist Worker

Aimed at **seconding managers or specialist workers to a UK company who are working for an overseas company belonging to the same corporate group.**

What are the requirements?

The employee must be currently working for the foreign company, and must have at least 12 months' experience with the foreign company, unless he/she is earning more than £73,900, in which case he/she only needs to prove that he/she is working for the foreign company

It must also score **60 points**:

⁴ If the contract has a duration equal to 5 years, the investment will have to be at least £10M per year.



	Points	Description
Sponsorship	20	Requires a valid Certificate of Sponsorship from the UK company in the same group of companies to which the employee is to be posted.
Work at an appropriate level of qualification	20	The job must be included in the list of authorised positions for the Global Business Mobility Visa (GBM) Route.
Salary	20	The job to which the worker moves must have a salary of at least £45,800, and £73,900 for workers considered as "high earners" .

Visa duration.

- **5 years**, not exceeding 5 years, in a total period of 6 years, adding up all the journeys made by the same worker under the routes included in the GBM Visa.
- If the worker's salary is over **£73,900**, the visa will be for a period of **9 years** or the point at which the worker has accumulated a total of 9 years, within a 10-year period, on any of the posting routes provided for in the GBM Visa.

Fee payable: Up to 3 years, **£719** and for more than 3 years, **£1,420** + Healthcare Immigration Surcharge (**£624** /year).

How to apply Online: <https://www.gov.uk/senior-specialist-worker-visa/apply-from-outside-the-uk>

4. Graduate Trainee

This route is aimed at posting workers on a temporary basis from a company abroad to a UK company, which belongs to the same group of companies, in the framework of a **specific training and internship programme** within those companies, leading to the promotion of the worker to a managerial or specialist position within that organisation.

What are the requirements? Applicants must score **60 points**:

	Points	Description
Sponsorship	20	Requires a valid Certificate of Sponsorship from the UK company in the same group of companies to which the employee is to be posted.
Work at an appropriate level of qualification	20	The job must be included in the list of authorised positions for the Global Business Mobility Visa (GBM) Route.
Salary	20	The employee must receive a salary of at least £24,220 per year and 70% of the minimum wage for the position to be filled.



Visa duration:

- **1 year, with no possibility of extension.**
- In any case, the worker may not accumulate more than 5 years, in a period of 6 years, adding up all the journeys made on any of the routes included in the GBM Visa.

Fee payable: £298 (visa fee) + Healthcare Immigration Surcharge (£624/year).

How to apply Online: <https://www.gov.uk/graduate-trainee-visa/apply-from-outside-the-uk>

5. Uk Expansion Worker

This route is aimed at foreign companies wishing to expand their business in the UK, for which they need to deploy **senior managers or specialist workers of that company, to initiate that expansion.**

The foreign company may not, under any circumstances, have had any activity in the UK, although it will be necessary to prove, to obtain the sponsorship license, that it has already carried out some preparatory work in the UK, such as renting premises to locate the business or providing a viable business plan and sufficient financing.

What are the requirements? Applicants must score 60 points:

	Points	Description
Sponsorship	20	Valid Certificate of Sponsorship, which may be applied for by an individual already in the UK, or by a manager or specialist of the overseas company, seeking to expand the business in the UK.
Work at an appropriate level of qualification	20	The job must be included in the list of authorised positions for the Global Business Mobility Visa (GBM) Route.
Salary	20	The salary of the job for which the applicant is sponsored must be equal to or more than £45,800 per year and the minimum salary of the job.

Visa duration:

- **1 year extendable for another year.**
- In any case, the worker may not accumulate more than 5 years, in a period of 6 years, adding up all the journeys made on any of the routes included in the GBM Visa.

Fee payable: £298 (visa fee) + Healthcare Immigration Surcharge (£624 /year).

How to apply Online, in the following link: <https://www.gov.uk/uk-expansion-worker-visa/apply>



COSTS ASSOCIATED WITH Global Business Mobility VISA⁵:

Category	License Fees	Certificate of Sponsorship (CoS)	Visa Fee		Healthcare Immigration Surcharge
			From Spain	From United Kingdom	
Graduate Trainee	£536	£25	£298	£298	£624 /per year
Secondment Worker	£536	£25	£298	£298	£624 /per year
Senior or Specialist Worker (+ 3 years)	£1,476 or £536 for small businesses (<50 employees)	£239	£1,420	£1,500	£624 /per year
Senior or Specialist Worker (up to 3 years)	£1,476 or £536 for small businesses (<50 employees)	£239	£719	£827	£624 /per year
Service Supplier	£536	£25	£298	£298	£624 /per year
UK Expansion Worker	£536	£25	£298	£298	£624 /per year

⁵ <https://www.gov.uk/government/publications/visa-regulations-revised-table/home-office-immigration-and-nationality-fees-4-october-2023>