QUESTIONS FOR UK NATIONALS AND THEIR FAMILY MEMBERS RESIDING IN SPAIN

ENGLISH VERSION

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GENERAL QUESTIONS

What is Brexit?

Brexit is the name given to the process of departure of the United Kingdom of Great Britain and Northern Ireland (hereinafter "United Kingdom") from the European Union and the European Atomic Energy Community (hereinafter referred to as "EU").

This exit took place on 31 January 2020 and its terms are agreed in the Withdrawal Agreement negotiated by the EU and the United Kingdom. Residence rights are regulated in Title II.

The Withdrawal Agreement entered into force on 1 February 2020 and establishes a series of provisions to ensure that the exit of the UK takes place in an orderly and gradual manner, for which purpose it established a transitional period that was in force from 1 February to 31 December 2020.

On 31 December 2020 the transitional period ended and as from 1 January 2021 the United Kingdom is a third country for all purposes.

Which is my situation if I am a UK national and I wish to reside and work in Spain after the transition period has ended?

UK nationals in Spain after the end of the transitional period may be in two situations: they may be beneficiaries of the Withdrawal Agreement because they comply with its provisions or not, in which case they will be subject to Spanish legislation on foreigners.

So, if you arrive Spain after January 1st, 2021 and you are not a beneficiary of the Withdrawal Agreement, a visa and/or a residence permit will be required.

You can find more information on this subject by clicking here.

Who is covered by the Withdrawal Agreement?

The Withdrawal Agreement protects UK nationals who were resident in Spain before the end of the transitional period, as well as family members which bond existed before the end of the transitional period, whether UK nationals or third country nationals (future children are also included).

What do I have to do to be recognised as a beneficiary of the Withdrawal Agreement in Spain?

To address the documentation process, the Withdrawal Agreement provides for two possibilities: (1) to establish a procedure of a constitutive nature, in which a new status of resident in the host State has to be applied for (Article 18.1); (2) not to apply such a procedure and to issue, if requested by the citizens, a residence document expressly identifying them as beneficiaries of the Agreement (18.4).

Spain has opted for this second option and therefore you do not need to apply for the new residence document for keeping on residing in Spain.

Besides, **registration certificates and residence card to family members of a Union citizen obtained before the end of the transition period serve to prove legal residence and benefit from the provisions of the Agreement on Withdrawal. However, Spanish authorities strongly recommend the new residence document because it follows the European model of documentation and explicitly mentions your status as beneficiary of the Withdrawal Agreement**

This fact will certainly facilitate the recognition of the rights deriving from the Withdrawal Agreement, and therefore both administrative formalities and border crossing will be easier.

What are the advantages of being recognised as a beneficiary of the Withdrawal Agreement?

Both Brexit and the Withdrawal Agreement make it necessary to know which UK nationals reside in Spain before the end of the transition period and which ones arrive after that date.

This is because the former, those who were residing in Spain before 31 December 2020, will have the rights of residence, free movement and social security recognised by the Withdrawal Agreement. However, those who arrive after that date will have the rights recognised by Spanish law.

You can consult this European Commission document which contains questions and answers about who benefits from the Withdrawal Agreement and what their rights are.

I do have a registration certificate, Can I still reside in Spain?

With the registration certificate you can continue to reside in Spain. Additionally, **you and your family members can request the issuance of a residence document in which your status as beneficiary of the Withdrawal Agreement is explicitly mentioned**.

However, it is recommended that **you obtain the new residence document as it follows a model established at European level and explicitly mentions your condition as a beneficiary of the Withdrawal Agreement**. Furthermore, this new document is a physical card containing biometric elements which, among other things, facilitates the completion of administrative formalities in Spain for the holder and even the crossing of the external borders of the European Union.

I do not have a registration certificate, Can I still reside in Spain?

Although Spain has not opted for a constitutive process and so you can still reside in Spain without having a registration certificate you should be aware that for administrative formalities with public and private operators and for the crossing of the external borders of the European Union you will need to prove your status as beneficiary of the Withdrawal Agreement. And this will

be easier if you have the new residence document. For this reason, having the new residence document is highly recommended.

So, what are the advantages of applying for this residency document?

Following the European model of European documentation, the residence document takes the form of a physical card, which is more durable than the registration certificate which is a simple sheet of paper. In addition, the card explicitly mentions that your status as beneficiary of the Withdrawal Agreement. This fact will certainly facilitate the recognition of the rights deriving from the Withdrawal Agreement, and therefore both administrative formalities and border crossing will be easier.

Should United Kingdom nationals residing in Spain obtain a work permit to continue their professional activity in Spain?

No. The Withdrawal Agreement protects the rights of EU citizens and British nationals, as well as their respective relatives, to continue to live, work or study as they have been doing it until now and under the same essential conditions as under Union law. As a result, you can continue working as before without any additional permission.

Family members of a UK national, third-country nationals, resident in Spain, do they have a special status?

Family members will maintain their family status after the end of the transition period if they are beneficiaries of the WA.

I tried to get an appointment to get the residence document, but there are no appointments available online, what can I do?

Remember that, if you did not have a previous registration certificate or a Union citizen's family card, the procedure may be requested here.

If I am a beneficiary of the Withdrawal Agreement and I am in possession of a residence document issued on the basis of the Withdrawal Agreement and want to move to reside in another EU country, can I do so?

The Withdrawal Agreement recognises the right to reside in the host country.

For short stays: the rules for short stays within the Schengen area apply

For stays longer than 3 months, the national legislation of each EEA shall apply.

If I have doubts, where can I get more information ?

Here→ http://www.mitramiss.gob.es/es/brexit/index.htm

Here→ https://ec.europa.eu/commission/sites/beta-political/files/2018-11-26_qa_citizens_rights_es_1.pdf

Here→ Guidance note on the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

Código de campo cambiado

Código de campo cambiado

Código de campo cambiado

QUESTIONS FOR UK NATIONALS

I HAVE A REGISTRATION CERTIFICATE

How do I get the residence document?

In order to obtain the residence document, you must request a prior appointment and submit your application personally to the police establishments. The certificate will be replaced by the new residence document that will be given to you within the time indicated by the office that processed the card.

To request your prior appointment:

https://sede.administracionespublicas.gob.es/icpplus/index.html

Código de campo cambiado

→ choose *provincia* → *trámites cuerpo nacional de policía* (if it is posible to choose) → choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares.*

When should I request it?

Applications for the replacement of the registration certificate already in your possession may be raised at any time.

I have lost my registration certificate, can I apply for the TIE directly at the police station and will I need to provide any additional documentation?

As long as the authorisation procedure associated with the EU Registration Certificate is in a granted state, there will be no problem in accessing the new residence document directly at the National Police Documentation Unit. As it is not possible to physically present the EU Registration Certificate,

it will be necessary to present a report in Spanish from a police or judicial authority.

I DON'T HAVE A REGISTRATION CERTIFICATE

Can I continue to reside in Spain?

Yes, but you will have to prove by any legally valid means that you meet the conditions to be a beneficiary of the Withdrawal Agreement, i.e. that you were actually resident here before 31 December 2020 complying with the conditions stablished in the Withdrawal Agreement. To facilitate the exercise of this right, you must apply for a residence document issued under article 50 (TIES) of the Withdrawal Agreement.

How do I get the new residence document issued under article 50 of the WA?

Remember that since July 6th, Spain no longer issues registration certificates for UK nationals. In order to obtain the new residence document, you may have access to the procedure established for this purpose by personally presenting the application, you or your representative, at the Immigration Office of the province (*Oficina de Extranjería*) in which you reside, or electronically.

Among other requirements, you must prove that you resided in Spain before the end of the transition period (e.g. through your registration certificate, rental contracts, property ownership, employment contract, registration at a school) complying with the conditions stablished in the Withdrawal Agreement. This element will be very important due to your application being submitted after the transition period.

For applications made by electronic means you will need a digital signature.

The procedures are as follows:

First: you shall apply for the residence document at the Immigration Office of the province (*Oficina de Extranjería*) where you reside or will establish your residence. You can request it in person at the office (personally or through a representative) but you must obtain a prior appointment. Go here→ choose *provincia* → trámites oficinas de extranjería (if it is posible to choose) → *Trámite para la documentación de nacionales de Reino Unido (Brexit)*

And you may also request it electronically. → click "*continuar*" → choose provincia and how you are requesting (for example: acceso individual) → click *"continuar nueva solicitud"* → choose *"EX20 - Documento de residencia Artículo 50 TUE para nacionales del Reino Unido (emitido de conformidad con el artículo 18.4 del Acuerdo de retirada)*.

Código de campo cambiado

Second: once granted, you must request its dispatch to the appropriate police unit. This procedure is face-to-face and personal.

To request your prior appointment:

https://sede.administracionespublicas.gob.es/icpplus/index.html → choose *provincia* → trámites cuerpo nacional de policía (if it is posible to choose) → choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares.*

Should I request it within a maximum period of time?

The deadline for submitting the application will be 3 months from your arrival in Spain if you are a beneficiary of the Withdrawal Agreement arriving in Spain after 1 January 2021. Applications submitted after this 3 month period will be accepted but a fine can be imposed as a consequence of not having complied with the deadline provided for. this is one of the exceptional cases in which the Agreement allows you to be a beneficiary.

If you do not have a registration certificate but you can prove that you were resident in Spain before the end of the transitional period, we recommend that you do it as sooner as possible as it will facilitate to obtain a favourable result.

How long will it take to get the residence document?

The deadline for deciding on your concession is three months. And after that, you must request its dispatch within one month of notification.

Can I apply for a residence document at any Immigration office?

The application for the residence document must be made to the Immigration Office of the province (Oficina de Extranjería) in which you reside or where you are planning to establish your residence. Remember that you can make the request electronically.

I have received the resolution from the Immigration Office and I have not been able to obtain an appointment with the national police to apply for the physical card, what problem can I have?

The TIE may be issued at any time during the period of validity, unless we are in the last 30 days of such validity. As it is the foreigner's duty to apply for the TIE within this period of one month and in view of the current adverse circumstances of possible lack of appointments, it is advisable to keep the receipt, as proof of this application for an appointment.

Can another person file the residence document application in my place?

Requests to Immigration offices may be made **by a duly accredited representative.**

On the other hand, the application for the issuance of the residence document (the physical card) to the police units must be made personally by the person concerned. Similarly, the collection must be carried out by the person concerned and presenting a valid and current passport.

INFORMATION ON DOCUMENTATION AND PROCEDURE

Should the required documents be originals or copies (compulsed)?

The documents must be original.

If you apply electronically for the residence document (procedure to be authorised for those who have not obtained a prior registration certificate) you will provide copies of it. It is recalled that an electronic signature system must be in place in order to make the electronic application.

Is it necessary for me to prove my income?

Proof of sufficient income will only be required if you do not have a previous registration certificate and do not perform a professional or work activity in Spain.

Is it necessary for you to provide a criminal record certificate?

You must not provide it together with your request. However, the competent authority may verify the existence of a criminal record and, where appropriate, refuse documentation on this ground considering it would affect public policy.

While I get the new residence document, can I continue working or studying in Spain?

Yes, I can.

What will be the cost of the new residence document?

The card fee must be paid. Its cost is 12 euros. Proceedings made in the Immigration Offices are free.

During the procedure, will I be able to access the processing status?

Yes, and if it is necessary to provide any additional documentation, it will be the administration itself that will contact you electronically or at your postal address. If you have provided an e-mail for notification purposes, please be aware of it.

What happens if an application is rejected? What will be the deadlines for filing an appeal?

If your application is rejected, you may file a complaint through administrative channels. The decision itself will tell you the formalities relating to the appeal, deadlines, and to whom you must submit it. After this analysis in administrative proceedings, you will be able to go to court.

I have been residing in Spain for more than 5 years, will I be able to maintain or have access to permanent residence?

Yes, you will. However, obtaining a permanent residence document will require a procedure before the police unit (if you already have a temporary or permanent registration certificate) or taking two steps (if there is no registration certificate) at the Immigration Office and the police unit. Remember that procedures with Immigration offices (*Oficinas de Extranjería*) can be done electronically. Periods of residence prior to departure from the United Kingdom from the EU shall be taken into consideration.

SUMMARY OF STEPS

I DO HAVE A TEMPORARY REGISTRATION CERTIFICATE BUT HAVE NOT REACHED 5 YEARS OF LEGAL RESIDENCE IN SPAIN

PLACE TO SUBMIT THE APPLICATION AND OBTAIN THE DOCUMENT

In police units to be established by appointment.

To request your prior appointment:
https://sede.administracionespublicas.gob.es/icpplus/index.html choose *provincia* → *trámites cuerpo nacional de policía* (if it is posible to choose) →choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares.*

DOCUMENTATION TO BE SUBMITTED

- **Document application print** (Form EX23)
  Valid and valid passport or copy of the expiry date. If the passport is expired, a copy of the passport and the renewal application must be provided.
- **Print proof of payment of fees (Model 790. Code 012).**The paragraph "Certificate of Community resident registration or residence card of a family member of a Union citizen" should be marked.
- **1 photograph** in accordance with the requirements laid down in the national identity document regulations.

VALIDITY OF THE DOCUMENT ISSUED

5 years

I HOLD A TEMPORARY REGISTRATION CERTIFICATE AND I HAVE REACHED 5 YEARS OF LEGAL RESIDENCE IN SPAIN

PLACE TO SUBMIT THE APPLICATION AND OBTAIN THE DOCUMENT

In police units to be established by appointment.

To request your prior appointment:
https://sede.administracionespublicas.gob.es/icpplus/index.html choose *provincia* → *trámites cuerpo nacional de policía* (if it is posible to choose) →choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares.*

DOCUMENTATION TO BE SUBMITTED

- Document application print (Form EX23)
  Valid and valid passport or copy of the expiry date. If the passport is expired, a copy of the passport and the renewal application must be provided.
- Print proof of payment of fees (Model 790. Code 012).The paragraph "Certificate of Community resident registration or residence card of a family member of a Union citizen" should be marked.
- 1 photograph in accordance with the requirements laid down in the national identity document regulations.

VALIDITY OF THE DOCUMENT ISSUED

10 years

I HOLD A PERMANENT REGISTRATION

PLACE TO SUBMIT THE APPLICATION AND OBTAIN THE DOCUMENT

In police units to be established by appointment.

To request your prior appointment:
https://sede.administracionespublicas.gob.es/icpplus/index.html choose *provincia* → *trámites cuerpo nacional de policía* (if it is posible to choose) →choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares.*

DOCUMENTATION TO BE SUBMITTED

- **Document application print (Form EX23)**
  Valid and valid passport or copy of the expiry date. If the passport is expired, a copy of the passport and the renewal application must be provided.
- **Print proof of payment of fees (Model 790. Code 012**).The paragraph "Certificate of Community resident registration or residence card of a family member of a Union citizen" should be marked.
- **1 photograph** in accordance with the requirements laid down in the national identity document regulations.

VALIDITY OF THE DOCUMENT ISSUED

10 years

REMEMBER! When you go to pick up your residence document (once it is issued) you must carry your valid and current passport.

*If you are the holder of a temporary registration certificate but have not yet reached 5 years of legal residence in Spain, remember that you can wait to change your document once these 5 years have passed. In this way, you will be issued directly with a permanent residence document.

I DO NOT HAVE A REGISTRATION CERTIFICATE

FIRST STEP

The **place** where the application may be submitted is:

- **the Immigration office of the province where you reside or intend to reside**. Remember that for this face-to-face procedure (personally or through representative) you need to have previously obtained an appointment. Go **here**→ choose *provincia* → trámites oficinas de extranjería (if it is posible to choose) → *Trámite para la documentación de nacionales de Reino Unido (Brexit)*
- or **electronically**. click "*continuar*" → choose *provincia* and how you are requesting (for example: *acceso individual*) → click *"continuar nueva solicitud*" → choose *"EX20 - Documento de residencia Artículo 50 TUE para nacionales del Reino Unido (emitido de conformidad con el artículo 18.4 del Acuerdo de retirada*).

With regard to the **documentation to be provided**, this is determined by Order PRE/1490/2012 and is as follows:

In any case

- Document application print (Form EX20)
  Valid and current passport. If it is expired, a copy of the application and the renewal application shall be provided.
- Documentation attesting that he resided in Spain before 31/12/2020 or, if later, that he falls within the scope of the Agreement.

Employed persons

- Declaration of employment by the employer or a certificate of employment.
  These documents shall include at least the details of the company's name and address, tax identification and trading account code. In any case, the presentation of the employment contract registered with the relevant Public Employment Service or a discharge document, or assimilated to discharge, shall be permitted under the corresponding social security scheme, although it will not be necessary to provide this documentation if the data subject consents to the verification of such data in the files of the General Social Security Treasury.

Self-employed

- Proof that they work on their own.
  In any case, the registration in the Census of Economic Activities or the justification of its establishment shall be admitted by registration in the Commercial Registry or the document of discharge or status assimilated to the corresponding social security scheme, although it will not be necessary to provide this documentation if the data subject consents to the verification of such data in the files of the General Treasury of Social Security or the Tax Agency.

Persons who do not engage in emplyment in Spain

Documentation attesting to the fulfilment of two conditions:

- Health insurance, public or private contracted in Spain or in another country, provided that it provides coverage in Spain during its period of residence equivalent to that provided by the National Health System.In any event, **pensioners shall be deemed to fulfil this condition** if they certify, by means of the corresponding certification, that they are entitled to health care from the State for which they receive their pension.
- Provision of sufficient resources, for themselves and for members of their families, not to become a burden on the social assistance of Spain during their period of residence.

Students

- Enrollment in a centre, public or private, recognised or financed by the competent educational administration.
  Health insurance, public or private.
- Responsible statement that he has sufficient resources for himself and his family members, so as not to become a burden on Spain's social assistance during his period of residence.

UK family member of the United Kingdom

- PASSPORT of the United Kingdom national gives right
- Document demonstrating the link with the rightful United Kingdom national

A proof of the application will be obtained, which will be sufficient to demonstrate your regular stay status until the delivery of the residence document.

STEP TWO

Once granted, you must request its dispatch to the appropriate police unit. This procedure is face-to-face and personal. Remember that you must first get an appointment.

To request your prior appointment:

https://sede.administracionespublicas.gob.es/icpplus/index.html →choose provincia →trámites cuerpo nacional de policía (if it is posible to choose) →choose Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares.

The documentation to be provided shall be:

- Print of application for the residence document (Form EX23)
- Valid and current passport of the applicant. If the passport is expired, a copy of the passport and the renewal application must be provided.
- Print attesting to the payment of fees (Model 790, Code 012, subject to the paragraph "Certificate of Community resident registration or residence card of a citizen of the Union).
- 1 photograph in accordance with the requirements laid down in the national identity document regulations.

Once the document has been issued, you must present your valid and current passport to collect it.

Finally, the duration of the residence document shall be:

- ✓ 5 years if I've been less than 5 years in Spain
- ✓ 10 years if I have more than 5 years in Spain

QUESTIONS FOR FAMILY MEMBERS, THIRD-COUNTRY NATIONALS, OF A UK NATIONAL

Do family members of a United Kingdom national, third-country nationals, resident in Spain, have a special status?

Family members are beneficiaries of the Withdrawal Agreement and are therefore entitled to obtain the residence document under article 50 of the WA.

If they are in possession of a residence card for a family member of the EU citizen, they may apply to the police authorities for it to be replaced by the residence document.

If, on the other hand, they do not have a family member's card of a citizen of the Union or have had it, but they have been resident in Spain for more than five years without having access to the permanent card, they may apply to the Immigration office (Oficina de Extranjería) in the province where they reside for the residence document, which will be assessed individually and which, if resolved positively, will allow them to request the issuance of the document.

What are the conditions for members of the UK family?

Family members of United Kingdom nationals shall be beneficiaries provided that they satisfy one of the following conditions:

- Have resided in Spain before the end of the transition period and continue to reside here after this period;
- Have not resided in Spain before the end of the transition period, but have a direct link with a national of the United Kingdom before the end of the transition period and, at the time when they are to be reunited with them, (e.g. with regard to spouses, dependent ascendants.

- To be a first-degree consanguineous or adoptive descendant of a national of the United Kingdom and that the birth or adoption took place before or after the end of the transition period, in Spain or in a different place, provided that, at the time they are reunited with him, they are members of the nuclear or direct family as described in question 3.3 and meet one of the following conditions:

✓ Both parents are nationals of the United Kingdom
✓ One of the parents is a national of the United Kingdom and the other of Spanish nationality, or one of the parents is a national of the United Kingdom and has the right of joint or exclusive custody of the child.

- Family members who have resided in Spain in accordance with Articles 12 and 13, Article 16(2) and Articles 17 and 18 of Directive 2004/38/EC before the end of the transition period and who continue to reside there after that period.

Who are considered family members?

According to the definitions of the Withdrawal Agreement, both the so-called nuclear family and the so-called extended family should be taken into account provided that the family relationship (marriage, registered partner, long-term relationship, etc.) has been established before the end of the transition period and is maintained when the right of residence is to be exercised.

It is considered nuclear family as set out in the Withdrawal Agreement:

- The spouse
- The partner with whom the UK citizen is in a union analogous to a conjugal union entered in a public register established for that purpose in a Member State of the European Union or in a State party to the European Economic Area, provided that such entry has not been cancelled.
- Their direct descendants, and those of their spouse or registered partner
- Their direct ascendants, and those of their spouse or registered partner living in their care

It will also apply to the extended family, in the framework of the withdrawal agreement as follows:

- ✓ Another member of the family, regardless of nationality, who does not fall within the above definitions and who, in the country of origin, is dependent on or lives with the EU citizen who has the right of residence on a principal basis, or where, for serious health reasons, it is strictly necessary for the citizen of the EU to take care of the family member's personal care;
- ✓ The couple with whom the citizen of the Union has a stable relationship, duly proven.

However, this will apply to members of the extended family whose application for entry and residence under the Withdrawal Agreement was submitted before the end of the transition period and whose procedure is pending after the transition period.

Are there other cases where other people can enjoy the right of residence, for example, to care for a minor EU citizen?

Yes, there are. In addition, Article 9(a)(ii) of the Withdrawal Agreement goes beyond the reference to persons actually caring for another person (such as a parent caring for a minor) and is worded more openly, to allow its application also to persons other than those actually caring for another person (e.g. also minor siblings who are actually cared for by the same person or persons as the minor EU citizen).

Can future family members benefit from the Withdrawal Agreement?

Future family members do not have residence rights under the Withdrawal Agreement, with the sole exception of future children (born or legally adopted by European Union citizens or UK nationals).

I HAVE A RESIDENCE CARD TO FAMILY MEMBERS OF A UNION CITIZEN

How do I get the residence document?

In order to obtain the residence document, you must request a prior appointment and submit your application personally to the police establishments. Your temporary or permanent residence card to family members of a Union citizen shall be replaced by the new residence document which will be given to you within a period specified by the office that processed the card.

To request your prior appointment:

https://sede.administracionespublicas.gob.es/icpplus/index.html →choose *provincia* →*trámites cuerpo nacional de policía* (if it is posible to choose) →choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares.*

If you have a temporary residence card to family members of a Union citizen, but have already reached 5 years of residence in Spain, you will be able to access the new procedure established for this purpose, by personally submitting the application, you or your representative, at the Immigration office of the province in which you reside (Oficina de Extranjería), or electronically.

The procedures are as follows:

First: you shall apply for the residence document at the Immigration office of the province where you reside or are going to establish your residence.

You can request it in person at the office (personally or through a representative) but you must obtain a prior appointment. Go here →choose *provincia* →trámites oficinas de extranjería (if it is posible to choose) → *Trámite documentación nacionales terceros países familiares de nacionales de Reino Unido (Brexit)*

You can request it electronically. →click "continuar" → choose provincia and how you are requesting (for example: acceso individual) → click "continuar nueva solicitud" → choose ""EX21 - Documento de residencia Artículo 50

TUE para familiares de nacionales del Reino Unido (emitido de conformidad con el artículo 18.4 del Acuerdo de retirada)"

Second: once granted, you must request its dispatch to the appropriate police unit. This procedure is face-to-face and personal.

To request your prior appointment:

https://sede.administracionespublicas.gob.es/icpplus/index.html →choose *provincia* →*trámites cuerpo nacional de policía* (if it is posible to choose) →choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares.*

When should I request it?

Applications for the replacement of the residence card to family members of a Union citizen that you already hold may be raised at any time, so after January 1st as well.

Remember, however, that your residence card to family members of a Union citizen will remain valid until it expires and serves to prove your legal residence in Spain after the end of the transition period and therefore benefit from the provisions of the Withdrawal Agreement. Therefore, please apply for this residence document when your card is about to expire.

I DON'T HAVE A RESIDENCE CARD TO FAMILY MEMBERS OF A UNION CITIZEN

How do I get the residence document?

To obtain the residence document, you can access the new procedure established for this purpose, personally presenting the application, you or your representative, at the Immigration office (Oficina de Extranjería) of the province in which you reside, or electronically

The procedures are as follows:

First: you shall apply for the residence document at the Immigration office of the province where you reside or are going to establish your residence.

You can request it in person at the office (personally or through a representative) but you must obtain a prior appointment. Go here →choose provincia →trámites oficinas de extranjería (if it is posible to choose) → Trámite documentación nacionales terceros países familiares de nacionales de Reino Unido (Brexit)

or electronically. → click "continuar" → choose *provincia* and how you are requesting (for example: *acceso individual*) → click *"continuar nueva solicitud"* → choose *""EX21 - Documento de residencia Artículo 50 TUE para familiares de nacionales del Reino Unido (emitido de conformidad con el artículo 18.4 del Acuerdo de retirada)"*

Second: once granted, you must request its dispatch to the appropriate police unit. This procedure is face-to-face and personal.

To request your prior appointment:

https://sede.administracionespublicas.gob.es/icpplus/index.html → choose *provincia* → trámites *Cuerpo Nacional de Policía* (if it is posible to choose) → choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares*.

Should I request it within a maximum period of time?

The deadline for submitting the application will be 3 months from your arrival in Spain if you are a beneficiary of the Withdrawal Agreement arriving in Spain after 1 January 2021, this is one of the exceptional cases in which the Agreement allows you to be a beneficiary. Applications submitted after this 3-month period will be accepted but a fine can be imposed as a consequence of not having complied with the deadline provided for. this is one of the exceptional cases in which the Agreement allows you to be a beneficiary.

If you do not have a residence card for family members of a EU citizen but you can prove that you were resident in Spain before the end of the transitional period, we recommend that you do it as sooner as possible.

How long will it take to get the residence document?

The deadline for deciding on your concession is three months. And after that, it must request its dispatch within one month of notification.

Can I apply for a residence document at any foreigner's office?

The application for the residence document must be made to the Immigration Office of the province (Oficina de Extranjería) in which you reside or where you are to establish your residence. Remember that you can make the request electronically.

Can another person file the residence document application in my place?

Requests to foreign offices may be made by a duly accredited representative.

On the other hand, the application for the issuance of the residence document (the physical card) to the police units must be made personally by the person concerned. Similarly, the collection of the same must be carried out by the interested party himself.

Summary of steps

I DO HAVE A TEMPORARY RESIDENCE CARD TO FAMILY MEMBERS OF A UNION CITIZEN BUT I HAVE NOT REACHED 5 YEARS OF LEGAL RESIDENCE IN SPAIN

PLACE TO SUBMIT THE APPLICATION AND GET THE CARD

In police units to be established by appointment.

To request your prior appointment: https://sede.administracionespublicas.gob.es/icpplus/index.html choose *provincia* → *trámites cuerpo nacional de policía* (if it is posible to choose) →choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares.*

DOCUMENTATION TO BE SUBMITTED

- **Document application prin**t (Form EX23)
- **Passport in force or a copy of the expired passport**. If the passport is expired, a copy of the passport and the renewal application must be provided.
- **Print proof of payment of fees (Model 790. Code 012).** The paragraph "Certificate of Community resident registration or residence card of a family member of a Union citizen" should be marked.
- **1 photograph** in accordance with the requirements laid down in the national identity document regulations.

VALIDITY OF THE DOCUMENT ISSUED

5 years

I DO HAVE A TEMPORARY RESIDENCE CARD TO FAMILY MEMBERS OF A UNION CITIZEN BUT I HAVE ALREADY REACHED 5 YEARS OF LEGAL RESIDENCE IN SPAIN

FIRST STEP

The **place where the application may be submitted** is:

- You can request it in person at the office (personally or through a representative) but you must obtain a prior appointment. Go here →choose provincia →trámites oficinas de extranjería (if it is posible to choose) → Trámite documentación nacionales terceros países familiares de nacionales de Reino Unido (Brexit)
- or electronically. →click "continuar" → choose provincia and how you are requesting (for example: acceso individual) → click "continuar nueva solicitud" → choose "*"EX21 - Documento de residencia Artículo 50 TUE para familiares de nacionales del Reino Unido (emitido de conformidad con el artículo 18.4 del Acuerdo de retirada*)"

Documentation to be provided will be:

- Document application print (Form EX21)
- Passport in force or a copy of the expired passport. If the passport is expired, a copy of the passport and the renewal application must be provided.
- Documentation attesting to the existence of a family bond, marriage or union
- Certificate of registration or residence document of the United Kingdom national with whom they are accompanying or with whom they are to meet.
- Documentation attesting, where so required, that the applicant for the card lives in charge of the United Kingdom national of whom he is a relative
- 1 photograph in accordance with the requirements laid down in the national identity document regulations.

A proof of the application will be obtained, which **will be sufficient** to demonstrate your regular stay status until the delivery of the residence document.

STEP TWO

Once granted, you must request its dispatch to the appropriate police unit. This procedure is face-to-face and personal. Remember that you must first get an appointment. To request your prior appointment:

https://sede.administracionespublicas.gob.es/icpplus/index.html →choose *provincia* →*trámites cuerpo nacional de policía* (if it is posible to choose) →choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares.*

The **documentation** to be provided shall be:

- Print of application for the residence document (Form EX23)
- Passport in force or copy of the expired document. If the passport is expired, a copy of the passport and the renewal application must be provided.
- Print proof of payment of fees (Model 790. Code 012). The paragraph *"Certificate of Community resident registration or residence card of a family member of a Union citizen"* should be marked.
- 1 photograph in accordance with the requirements laid down in the national identity document regulations.

Once the document has been issued, you must present your valid and valid passport to collect it.

VALIDITY OF THE DOCUMENT ISSUED

10 years

I DO HAVE A PERMANENT RESIDENCE CARD TO FAMILY MEMBERS OF A UNION CITIZEN

PLACE TO SUBMIT THE APPLICATION AND OBTAIN THE DOCUMENT

In police units to be established by appointment.

To request your prior appointment:
https://sede.administracionespublicas.gob.es/icpplus/index.html choose *provincia* → *trámites cuerpo nacional de policía* (if it is posible to choose) →choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares.*

DOCUMENTATION TO BE SUBMITTED

- Document application print (Form EX23)
- Passport in force or a copy of the expired passport. If the passport is expired, a copy of the passport and the renewal application must be provided.
- Print proof of payment of fees (Model 790. Code 012). The paragraph "Certificate of Community resident registration or residence card of a family member of a Union citizen" should be marked.
- 1 photograph in accordance with the requirements laid down in the national identity document regulations.

VALIDITY OF THE DOCUMENT ISSUED

10 years

REMEMBER! when you are picking up your residence document (once it is issued) you must carry your valid and valid passport with you.

I DO NOT HAVE A RESIDENCE CARD TO FAMILY MEMBERS OF A UNION CITIZEN FOR ANY REASON

FIRST STEP

The **place** where the application may be submitted is:

- You can request it in person at the office (personally or through a representative) but you must obtain a prior appointment. Go here →choose provincia →trámites oficinas de extranjería (if it is posible to choose) → Trámite documentación nacionales terceros países familiares de nacionales de Reino Unido (Brexit)
- or electronically. →click "continuar" → choose provincia and how you are requesting (for example: acceso individual) → click "continuar nueva solicitud" → choose "*"EX21 - Documento de residencia Artículo 50 TUE para familiares de nacionales del Reino Unido (emitido de conformidad con el artículo 18.4 del Acuerdo de retirada*)"

Documentation to be provided will be:

- Document application print (Form EX21)
- Passport in force or a copy of the expired passport. If the passport is expired, a copy of the passport and the renewal application must be provided.
- Documentation attesting to the existence of a family bond, marriage or union
- Certificate of registration or residence document of the United Kingdom national with whom they are accompanying or with whom they are to meet.
- Documentation attesting, where so required, that the applicant for the card lives in charge of the United Kingdom national of whom he is a relative
- 1 photograph in accordance with the requirements laid down in the national identity document regulations.

A proof of the application will be obtained, which **will be sufficient** to demonstrate your regular stay status until the delivery of the residence document.

STEP TWO

Once granted, you must request its dispatch to the appropriate police unit. This procedure is face-to-face and personal. Remember that you must first get an appointment. To request your prior appointment:

https://sede.administracionespublicas.gob.es/icpplus/index.html →choose *provincia* →*trámites cuerpo nacional de policía* (if it is posible to choose) →choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares.*

The **documentation** to be provided shall be:

- Print of application for the residence document (Form EX23)
- Passport in force or copy of the expired document. If the passport is expired, a copy of the passport and the renewal application must be provided.
- Print proof of payment of fees (Model 790. Code 012). The paragraph *"Certificate of Community resident registration or residence card of a family member of a Union citizen"* should be marked.
- 1 photograph in accordance with the requirements laid down in the national identity document regulations.

Once the document has been issued, you must present your valid and valid passport to collect it.

Finally, the duration **of the residence document shall** be:

- ✓ 5 years if I've been less than 5 years in Spain
- ✓ 10 years if I have more than 5 years in Spain

I ALREADY HAVE MY RESIDENCE DOCUMENT

Where can I renew the residence document that identifies me as a beneficiary of the Withdrawal Agreement?

Residence documents that identify you as a beneficiary of the Withdrawal Agreement may be renewed at the police units authorised to do so when they have expired.

When should I renew the residence document that identifies me as a beneficiary of the Withdrawal Agreement?

The residence document of beneficiary of the Agreement must be renewed 30 days before the document expires or within 90 days of the expiry date of the Agreement.

How long can I renew the residence document?

In cases where a temporary residence document is in possession, a residence document shall be issued for 10 years, automatically renewable every 10 years, and the term “Permanent” shall be entered in the field corresponding to the Permission Type.

In cases where the person concerned holds a permanent residence document, a residence document shall be issued for 10 years, automatically renewable every 10 years. Failure to submit an application for renewal of the residence document within the time limits laid down in paragraph 2 shall in no case entail a loss of the right of permanent residence.

What documentation do I have to provide?

- Application form EX23.

- Passport in force or copy of expired. If the passport is expired, a copy of the passport and the renewal application must be provided.
- Proof-of-charge form (Model 790. Code 012). The paragraph “Certificate of Community resident registration or residence card of a family member of a Union citizen” should be marked.
- 1 photograph according to the requirements established in the regulations on national identity document.

Once I have a temporary residence document that identifies me as a beneficiary of the Withdrawal Agreement, I have reached 5 years of legal residence in Spain before the document expires. Can I apply for the permanent residence document?

Yes. Those persons who have reached 5 years of legal residence in Spain may access permanent residence (as established in Article 15 of the Withdrawal Agreement) before the validity of the residence document issued expires.

If you started with a registration certificate, you may request the issuance of a new residence document from the police departments that are authorized to issue it after verifying the duration of residence.

If, on the other hand, you did not have such a previous certificate or card, the application will be addressed to the Immigration office in the place where you reside (*Oficina de Extranjería*), which, after assessing the application and if it is approved, will allow you to apply for the issue of the document.

This new residence document will be valid for 10 years and the term "Permanent" will be entered in the field corresponding to the Type of Permit.

I already have the residence document, and I have reached five years residing in Spain before the TIE expires. I want to apply for the permanent TIE. How can I prove the date on which I started my residence in Spain if the previous documentation (the registration certificate) is collected and destroyed? Is the date on which I started my residence registered in any way?

In the police application for foreigners, all documents held by the foreign citizen since he or she was first registered are recorded. The computer encoding of this application is configured to always take into account the time of residence based on these computer records. If the foreign citizen did not register with the police from the first moment he decided to reside in Spain, it could be that the police application does not accredit the same time of residence that the citizen states. In this case, they should go to the Immigration Office corresponding to their address to hand in the necessary documentation that accredits their residence.

I am a student and I have the new residence document issued under article 50. When I finish my studies and start working, should I change the TIE?

It is an acquired right as set out in the Withdrawal Agreement and therefore no change in status is necessary. Residence documents issued under article 50 (TIES) entitle you to reside and work.

I AM NOT A BENEFICIARY OF THE WITHDRAWAL AGREEMENT

What is my situation if I arrive in Spain after January 1st 2021? What legislation applies to me?

Unless covered by the subjective scope of the Withdrawal Agreement, United Kingdom nationals entering Spain after 1 January 2021 shall be considered as third-country nationals. Therefore, the general immigration regime will apply to them.

This general regime for foreigners is integrated by Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration and its development regulations and by the international mobility section of Law 14/2013, of 27 September, on support for entrepreneurs and their internationalisation.

Real Decreto 557/2011 should also be taken into account.

Further information can be found here.

I AM A WORKER POSTED BY AN UK UNDERTAKING IN SPAIN BEFORE THE END OF THE TRANSITION PERIOD

My UK undertaking has posted me as a worker in Spain before the end of the transition period, What my situation will be after January 1st, 2021?

As from the end of the transition period, a worker posted by an UK undertaking in Spain before the end of the transition period who is still being posted at that date no longer fall within the scope of Directive 96/71/EC. Moreover, unless these workers meet the conditions of EU law on free movement of EU citizens they do not fall within the scope of the Withdrawal Agreement.

Bearing in mind this situation, Spain will allow UK national posted workers to stay in Spain legally just to finish the provision of the service. In case an extension will be needed, an application for a residence and work permit shall be submitted. However, no labour market test should applied.

Workers posted by an UK undertaking in Spain after January 1st, 2021 will need to apply for the visa and/or residence permit required by the Spanish migration framework.