

**FAQs ABOUT BREXIT
AND THE CURRENT
SITUATION OF
UK NATIONALS
AND THEIR FAMILIES
LIVING IN SPAIN**



ENGLISH VERSION



**GOBIERNO
DE ESPAÑA**

MINISTERIO
DE INCLUSIÓN, SEGURIDAD SOCIAL
Y MIGRACIONES

SECRETARÍA
DE ESTADO
DE MIGRACIONES

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GENERAL QUESTIONS

What is Brexit?

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

This withdrawal 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 established a series of provisions to ensure that the exit of the UK took place in an orderly and gradual manner. For that aim, a transitional period was established from 1 February to 31 December 2020.

On 31 December 2020, the transitional period ended and as of 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 in Spain after 1 January 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 meeting the requirements before the end of the transitional period, as well as family members whose bond existed before the end of the transitional period, regardless 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?

In relation to the documentation process, the Withdrawal Agreement offers 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 citizen, a residence document expressly identifying them as beneficiaries of the Agreement (18.4).

Having Spain chosen the latter, you must prove you meet the requirements of the Withdrawal Agreement. Upon doing so, you will be eligible to apply for the *Tarjeta de Identidad de Extranjero* (TIE) that will prove you beneficiary of the Withdrawal Agreement (TIE art. 50 TEU).

With the new upcoming EU external-border crossing system (Entry/Exit System -EES, planned for November 2024- and European Travel Information and Authorisation System -ETIAS, planned for March 2025), the TIE card will be the only document allowing Withdrawal Agreement beneficiaries to be exempt from being registered in the aforementioned systems.

Thus, obtaining the TIE card (TIE art. 50 TEU) is the way to ensure your rights as beneficiary of the Withdrawal Agreement.

What is the difference between having a registration certificate and not having it?

The registration certificate is the document proving that an European citizen who will live in Spain for more than 3 months is registered in the Central Register of Foreign Nationals of an EU Member State or of another party State in the EEA Agreement.

Hence, UK nationals residing in Spain under the EU law were required to have this registration certificate.

The steps to obtain the new TIE card -which has been mentioned in the previous question as proving someone beneficiary of the Withdrawal Agreement- is easier for those who already have a registration certificate. They can just go directly to a Police Station to obtain their TIE.

However, those citizens who did not comply with the obligation of obtaining the document and do not have their registration certificate, will have to undergo a two-step process to obtain the Withdrawal Agreement beneficiary TIE card: Firstly, with the Immigration Office (*Oficina de Extranjería*), and only once the Immigration Office has confirmed they are entitled to it, will they be in a position of applying for their TIE in a Police Station.

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 families. They can continue to live, work or study as they have been doing until now and under the same essential conditions as under EU law. As a result, beneficiaries can continue working as they did without any additional permission.



If I am a beneficiary of the Withdrawal Agreement who has a residence document issued on the basis of the Withdrawal Agreement and want to change my residence to another EU country, can I do so?

The Withdrawal Agreement acknowledges the right to reside solely in the host country, which is Spain in this case.

For short stays: the rules of 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?

Further information on this procedure and the documents required can be found on the webs of the Spanish [Ministry of Inclusion, Social Security and Migration](#) and Spanish [Ministry of Home Affairs](#).

Additional information on who can benefit from the Withdrawal Agreement and what their rights are can be found in the following links:

- https://commission.europa.eu/strategy-and-policy/relations-non-eu-countries/relations-united-kingdom/eu-uk-withdrawal-agreement/citizens-rights_en#the-eu-settlement-scheme-in-the-united-kingdom
- [Commission Notice – Guidance Notice to Title II Citizens’ Rights of beneficiaries of the Withdrawal Agreement](#)
- [Questions and Answers – Document by the European Commission](#)

I AM A UK NATIONAL

I HAVE A REGISTRATION CERTIFICATE

How do I get my residence document to prove I am a beneficiary of the Withdrawal Agreement?

In order to obtain your residence document, you must make an appointment and submit your application in person in the Police Station. Your registration certificate will be replaced by the new document of residence (TIE art. 50) within the timeframe indicated by the office.

You can make your appointment in the following link:

<https://sede.administracionespublicas.gob.es/pagina/index/directorio/icplusplus>

Once in it, choose your *provincia* → *trámites cuerpo nacional de policía (si distingue)* → click *Policía toma huellas (expedición de tarjetas)*

When should I request it?

Applications for the replacement of the registration certificate can be made at any time. However, we recommend you do it as soon as possible.

Document TIE art. 50 TFEU will be the only accepted document to prove being a beneficiary of the Withdrawal Agreement to cross external EU borders when Entry/Exit System -EES, planned for November 2024- and European Travel Information and Authorisation System -ETIAS, planned for March 2025- come into force. That is why applying for it is essential, if it has not yet been applied for.

I have lost my registration certificate. Can I apply for the TIE document directly at the police station? Will I need to provide any

additional documents?

As long as the procedure associated to the EU registration certificate appears as “*concedido*” (“granted”), there will be no problem in accessing the new residence document directly at the *Unidad de Documentación de Policía Nacional* (National Police Documentation Unit). In case of not being able to physically show the EU registration certificate, a *denuncia* (report) in Spanish filed in a police or judge authority will be required.

I DO NOT HAVE A REGISTRATION CERTIFICATE

How do I get my residence document?

If you never complied with the obligation of registering for a residence certificate, in order to obtain your residence document you or someone on your behalf must submit your application in the Immigration Office (*Oficina de Extranjería*) of the province where you live. This can be done in person or [online](#). Among other requirements, you must prove that you lived in Spain before the end of the transition period as per the conditions in the Withdrawal Agreement.

Please be aware that having been physically in Spain will not be enough, but you must have been living as per the requirements of the EU law depending on which activity you were carrying out.

Also, be reminded that for online applications, you will need a digital signature (*firma electronica*).

The steps are as follow:

First step: you shall apply for the residence document at the Immigration Office (*Oficina de Extranjería*) of the province where you reside or wish to establish your residence.

You can request it in person at the office or online.

In person by you or someone on your behalf: You will need to make an appointment.

Click [here](#) → choose *provincia* → *trámites oficinas de extranjería (si distingue)* → *Trámite para la documentación de nacionales de Reino Unido*

(Brexit) (si distingue)

Online: Click [here](#) → click “continuar” → choose *provincia* and how you are requesting it (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).

Citizens are reminded that, should they not be authorized, they can appeal the decision via the Spanish administrative and judicial way (*vía administrativa y judicial*).

Second step: once granted by the Immigration Office (*Oficina de Extranjería*), you must request having your TIE card issued in a Police Station. This second step must be done in person by the person requesting it.

You can make your appointment in the following link:

<https://sede.administracionespublicas.gob.es/pagina/index/directorio/icpplus>

Once in it, choose your *provincia* → *trámites cuerpo nacional de policía (si distingue)* → click *Policía toma huellas, (expedición de tarjetas)*

Is there a deadline to apply for it?

You are strongly encouraged to apply for it as soon as possible, as the latest you apply for it once the transition period has finished, the more complex it will be to prove it.

If you arrived in Spain after the transition period and you are beneficiary of the Withdrawal Agreement, the deadline for submitting your application will be 3 months from your arrival in Spain. Applications submitted after this 3-month period will be accepted, but you might be fined for not having complied with the deadline provided.

Please, remember that the TIE (art. 50 TFEU) document will be the only document accepted to prove that you are a beneficiary of the Withdrawal Agreement to cross EU external borders when Entry/Exit System -EES, planned for November 2024- and European Travel Information and Authorisation System -ETIAS, planned for March 2025 come into force. This is why it is essential to apply for this document if you have not yet done so.

How long will it take me to get my residence document?

The Immigration Office (*Oficina de Extranjería*) has a deadline of 3 months to make a decision. After that, you must request have your physical card (TIE art. 50 TFEU) issued in a Police Station within a month since you are notified it.

Can I apply for a residence document at any Immigration Office (*Oficina de Extranjería*)?

You must apply for the residence document on the Immigration Office (*Oficina de Extranjería*) of the province where you reside. Remember that if you are in Spain, you can apply for it [online](#) if you have a digital signature (*firma electronica*).

Can someone else apply for my residence document on my behalf?



Applications at Immigration Offices (*Oficinas de Extranjería*) may be made by a duly accredited representative.

Please be aware that, in turn, the application to have the residence document (the physical card) issued in a Police Station must be made in person by the applicant. Collection of the residence document must also be made in person by the applicant upon showing their valid passport, which must not have expired.

DOCUMENTS AND STEPS AT THE IMMIGRATION OFFICE (OFICINA DE EXTRANJERÍA)

Should the required documents be originals or certified copies?

Documents must be original.

If you apply online –in case you did not priorly obtain a registration document- you shall provide copies of it. Please be reminded that in order to apply online, you must have a digital signature (*firma electrónica*).

Which documents must I provide to prove I was living in Spain before the 31 December 2020 and still am?

The Spanish model is flexible, allowing to prove this by any means accepted by law. We strongly recommend you attach to your application anything you deem to help the caseworker make a decision.

Some examples, but not exclusively, could be utility bills (energy, water), phone bills, receipts of payments in Spain, appointment reminders, medical assistance, contracts signed in Spain, Spanish national insurance records, certificate of studies...

Highly valued proof is IRPF (Spanish Income Tax) payment receipts or bank statements showing regular bank activity in Spain (payments in supermarkets, gas stations, restaurants, cash withdrawal...).

Do I need to provide a criminal record certificate?

You do not have to provide it in your application. However, the caseworker may check for your criminal records and, where appropriate, your application could be denied on the grounds of disorderly conduct.

How much is the new residence document?

The only fee to pay is the card fee, which is 12 euros. Proceedings made at the Immigration Office are free of charge.

■ During the procedure, will I be able to access the processing status?
Yes. Should you need to provide any further documents, you will be contacted online or by post. If you provided an e-mail for notification purposes, please check it often and regularly.

■ What happens if my application is rejected? What will the deadlines to appealing be?



If your application is rejected, you may appeal according to the Spanish legislation (*recurso de alzada en via administrativa*). When you receive the result of your decision, you will be explained how to appeal, deadlines and where to make the appeal. After the *via administrativa* appeal you can also make a court (*via judicial*) appeal.

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

Yes. In order to obtain your permanent residence document, you will have to carry out a one-step procedure at the Police Station -if you already have a temporary or permanent registration certificate- or a two-step procedure -if you do not have a registration certificate- at the Immigration Office (*Oficina de Extranjería*) and the Police Station. Please remember that procedures with Immigration Offices (*Oficinas de Extranjería*) can be done online. Residence periods prior the departure of the United Kingdom from the EU shall be considered as well.

SUMMARY OF STEPS

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

WHERE DO I SUBMIT MY APPLICATION TO OBTAIN THE DOCUMENT?



Police Stations – You will need to make an appointment on

<https://sede.administracionespublicas.gob.es/pagina/index/directorio/icplusplus>

Once in it, choose your *provincia* → *trámites cuerpo nacional de policía*
(*si distingue*) → click *Policía toma huellas, (expedición de tarjetas)*

DOCUMENTS TO PROVIDE



- ❖ Application form EX23
- ❖ Valid passport or copy of the expired one. If the passport has expired, you will have to provide copy of the passport and copy of the application to renew it.
- ❖ Fee payment form (Modelo 790. Código 012). Tick the box "*Certificado de registro de residente comunitario o Tarjeta de residencia de familiar de un ciudadano de la Unión*".
- ❖ 1 photograph meeting the conditions established in the regulations on the *documento nacional de identidad*.

VALIDITY OF THE DOCUMENT ISSUED



5 years

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

WHERE DO I SUBMIT MY APPLICATION TO OBTAIN THE DOCUMENT?



Police Stations – You will need to make an appointment on

<https://sede.administracionespublicas.gob.es/pagina/index/directorio/icpplus>

Once in it, choose your *provincia* → *trámites cuerpo nacional de policía*
(*si distingue*) → click *Policía toma huellas, (expedición de tarjetas)*

DOCUMENTATION TO PROVIDE



- ❖ Application form EX23
- ❖ Valid passport or copy of the expired one. If the passport has expired, you will have to provide copy of the passport and copy of the application to renew it.
- ❖ Fee payment form (Modelo 790. Código 012). Tick the box "*Certificado de registro de residente comunitario o Tarjeta de residencia de familiar de un ciudadano de la Unión*".
- ❖ 1 photograph meeting the conditions established in the regulations on the *documento nacional de identidad*.

VALIDITY OF THE DOCUMENT ISSUED



10 years

I HAVE A PERMANENT REGISTRATION CERTIFICATE

WHERE DO I SUBMIT MY APPLICATION TO OBTAIN THE DOCUMENT?



Police Stations – You will need to make an appointment on

<https://sede.administracionespublicas.gob.es/pagina/index/directorio/icpplus>

Once in it, choose your *provincia* → *trámites cuerpo nacional de policía*
(*si distingue*) → click *Policía toma huellas, (expedición de tarjetas)*

DOCUMENTS TO PROVIDE



- ❖ Application form EX23
- ❖ Valid passport or copy of the expired one. If the passport has expired, you will have to provide copy of the passport and copy of the application to renew it.
- ❖ Fee payment form (Modelo 790. Código 012). Tick the box "*Certificado de registro de residente comunitario o Tarjeta de residencia de familiar de un ciudadano de la Unión*".
- ❖ 1 photograph meeting the conditions established in the regulations on the *documento nacional de identidad*.

VALIDITY OF THE DOCUMENT ISSUED



10 years

Please, remember to bring with you your valid and not expired passport when collecting your residence document (once it has been issued).

*If you have a temporary registration certificate but you do not have 5 years of legal residence in Spain, remember that you can wait to change your document until these 5 years have passed by. Thus, you will be directly issued with a permanent residence document.

I DO NOT HAVE A REGISTRATION CERTIFICATE

STEP ONE: Applying for your document

The place to submit your application is:

- ❖ the Immigration Office (*Oficina de Extranjería*) of the province where you reside or intend to reside. Remember that before starting this in person procedure, you or your representative must make an appointment.
Go [here](#) → choose *provincia* → *trámites oficinas de extranjería (si distingue)* → *Trámite para la documentación de nacionales de Reino Unido (Brexit)*
or [online](#). 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)*”.

The documents to provide along, as determined by Spanish Orden PRE/1490/2012, are as follows:

In every case

- ❖ Application form EX23
- ❖ Valid passport or copy of the expired one. If the passport has expired, you will have to provide copy of the passport and copy of the application to renew it.
- ❖ Proof that you were living in Spain before 31 December 2020 and that you can be beneficiary of the Withdrawal Agreement.

If you have an employer

- ❖ Declaration of employment by the employer or employment certificate. These documents shall include at least the name and address of the company and address, tax ID number (*identificación fiscal*) and trading account code (*código cuenta de cotización*). You can also provide -although not compulsory if you consent to have a check made under your name on the *Tesorería General de la Seguridad Social*- the work contract duly registered in the Public Employment Service or document proving that you are registered in it or that you are in an equivalent situation of the

Spanish Social Security (*Seguridad Social*).

If you are self-employed

- ❖ Proof that you are self-employed

You can provide proof that you are registered in the the *Censo de Actividades Económicas* or that you are registered in the *Registro Mercantil* or document proving that you are registered in it or that you are in an equivalent situation of the Spanish Social Security (*Seguridad Social*). These documents are not compulsory if you consent to have a check made under your name on the *Tesorería General de la Seguridad Social* or on *Hacienda* (Spanish Tax Agency).

If you do not work in Spain

- ❖ Public or private health insurance, taken out in Spain or in another country, as long as it covers you in Spain for a time frame equivalent to that of the Spanish National Health System. Pensioners will be understood to meet this requirement if they can provide an official document proving that they are entitled to health care from the State that pays their pension. According to art. 6 of Directive 2004/38/EC, you might not have met this requirement for up to 3 months since you arrived in Spain, but it must have been met from thereon.
- ❖ Have sufficient resources, for yourself and for the members of your family, to not become a burden for the Spanish social assistance during your period of residence.

Students

- ❖ Enrolment in a public or private educational centre, which must be recognised or financed by the competent educational administration
- ❖ Public or private health insurance
- ❖ Declaration that you have sufficient resources, for yourself and for the members of your family, to not become a burden for the Spanish social assistance during your period of residence.

Family member of UK national

- ❖ Passport of the UK national through whom the right is acquired
- ❖ Document proving the link to the UK national through whom the right is acquired

You will be given official receipt of your application, which can be used to prove your legal stay until you collect your residence document.

STEP TWO: Issuing for your document

Once granted, you must request have your document issued in your Police Station. This is an in person and personal procedure. Please be reminded that you will need an appointment:

<https://sede.administracionespublicas.gob.es/pagina/index/directorio/icplusplus>

Once in it, choose your *provincia* → *trámites cuerpo nacional de policía (si distingue)* → click *Policía toma huellas, (expedición de tarjetas)*

The documents to provide along:

- ❖ Application form EX23
- ❖ Valid passport or copy of the expired one. If the passport has expired, you will have to provide copy of the passport and copy of the application to renew it.
- ❖ Fee payment form (Modelo 790. Código 012). Tick the box "*Certificado de registro de residente comunitario o Tarjeta de residencia de familiar de un ciudadano de la Unión*".
- ❖ 1 photograph meeting the conditions established in the regulations on the *documento nacional de identidad*.

In order to collect your document once it has been issued, you must show your valid and not-expired passport.

Finally, the validity of the residence document will be:

- ✓ 5 years if you have been less than 5 years in Spain
- ✓ 10 years if you have been more than 5 years in Spain

I AM A FAMILY MEMBER OF A UK NATIONAL, A THIRD-COUNTRY NATIONAL

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

Family members who are beneficiaries of the Withdrawal Agreement are entitled to obtain their residence document under article 50 of the Withdrawal Agreement (TIE art. 50 TEU).

Should they have an EU-citizen family member residence card, they may apply to have it replaced by the residence document in a Police Station.

On the contrary, if they do not have an EU-citizen family member residence card, or they have it but have been longer than 5 years in Spain and have not applied for the permanent card, they can apply for their residence document at the Immigration Office (*Oficina de Extranjería*) of their province. Their application will be assessed individually. Should the decision be positive, they will be entitled to apply to have their document issued.

What are the requirements that family members of UK nationals must meet?

Family members of United Kingdom nationals will have to meet one of the following requirements in order to be beneficiaries:

- ❖ To have resided in Spain before the end of the transition period and continue to reside here after this period;
- ❖ To not have resided in Spain before the end of the transition period, but have a direct link with a UK national before the end of the transition period and when they will reunite again (e.g. spouses or dependent ancestors)

- ❖ To be first-degree of consanguinity or adoptive descendant of a UK national. The birth or adoption must have taken place before or after the transition period, in Spain or in other country, as long as when they reunite again they are still members of the core or direct family and they meet one of the following conditions:
 - Both parents are UK nationals
 - One of the parents is a UK national and the other one is a Spanish national, or one of the parents is a UK national and has shared or exclusive custody of the underage
- ❖ 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 still 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, as long as that the family bond (marriage, registered partner, long-term relationship, etc.) was established before the end of the transition period and is maintained when making effective the right of residence.

Nuclear family is considered, as per the Withdrawal Agreement:

- ❖ Spouse
- ❖ Partner with whom the marital-alike relationship is registered in a public registry in one of the EU Member States or a State participating in the EEA, as long as that registration has not been cancelled
- ❖ Their direct descendants, and those of their spouse or registered partner
- ❖ Their direct dependant ancestors, and those of their spouse or registered partner

It will also apply to the extended family, as per the Withdrawal Agreement as follows:

- ✓ Another member of the family, regardless their nationality, who does not fall within any of the above definitions and who, in their country of origin, is in charge or lives with the EU citizen who has the main right of residence, or when for serious health reasons, it is strictly necessary for the EU citizen to take personal care of the family member
- ✓ The partner with whom the EU citizen of the union has a duly proven stable relationship

As long as it has been applied for before the end of the transition period, and it is still being processed after the transition period.

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

Yes. Article 9.a(ii) of the Withdrawal Agreement expands on the reference to people taking care of another one (such as a parent in charge of an underage). The wording is vague in order to allow its application to people other than those taking care of another one (e.g. also underage siblings who are taken care of by the same person or people than the underage 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 to or legally adopted by EU citizens or UK nationals).

I HAVE AN EU-CITIZEN FAMILY MEMBER RESIDENCE CARD

How can I apply for my residence document?

In order to obtain the residence document, you must make an appointment and submit your application in person in a Police Station. Your temporary or permanent EU-citizen family member residence card will be replaced by the new residence document, which you can collect from the office in charge of issuing your card.

https://sede.administracionespublicas.gob.es/pagina/index/directorio/icp_plus

Once in it, choose your *provincia* → *trámites cuerpo nacional de policía (si distingue)* → click *Policía toma huellas, (expedición de tarjetas)*

If you own a temporary EU-citizen family member residence card but have already been living in Spain for 5 years, you are entitled to the new procedure for this purpose. You or someone on your behalf will have to submit your application in person in the Immigration Office (*Oficina de Extranjería*) of the province where you reside, or [online](#).

First step: you shall apply for the residence document at the Immigration Office (*Oficina de Extranjería*) of the province where you reside or wish to establish your residence. Please be reminded that you can request it in person at the office or online.

In person by you or someone on your behalf: You will need to make an appointment.

Click [here](#) → choose *provincia* → *trámites oficinas de extranjería (si distingue)* → *Trámite para la documentación de nacionales de Reino Unido (Brexit) (si distingue)*

Online: Click [here](#) → click “*continuar*” → choose *provincia* and how you are requesting it (for example: *acceso individual*) → click “*continuar nueva solicitud*” → choose “*EX21 - Documento de residencia Artículo 50 TUE para nacionales del Reino Unido*”.

Second step: once granted by the Immigration Office (*Oficina de Extranjería*), you must request having your TIE card issued in a Police Station. This second step must be done in person by the person requesting it.

You can make your appointment in the following link:

https://sede.administracionespublicas.gob.es/pagina/index/directorio/icp_plus

Once in it, choose your *provincia* → *trámites cuerpo nacional de policía (si distingue)* → click *Policía toma huellas, (expedición de tarjetas)*

When should I request it?

Applications to have your EU-citizen family member residence card replaced can be made at any time; however, you are strongly encouraged to apply for it as soon as possible.

With the upcoming implementation of the computer external EU cross-borders systems -Entry/Exit System -EES, planned for November 2024- and European Travel Information and Authorisation System -ETIAS, planned for the first semester of 2025-, the *Tarjeta de Identidad de Extranjero* (TIE art. 50 TEU) will be the only document allowing Withdrawal Agreement beneficiaries to be exempt from having their stay in the EEA counted and from applying for the ETIAS. Thus, the registration certificate or the EU-citizen family member residence card will not suffice to avoid these checks.

I DO NOT HAVE AN EU-CITIZEN FAMILY MEMBER RESIDENCE CARD

How can I apply for my residence document?

In order to obtain your residence document, you can start the new procedure established for this purpose, by submitting your application in person -you or someone on your behalf- in the Immigration Office (*Oficina de Extranjería*) of the

province where you reside, or online

The steps are as follow:

First step: you shall apply for the residence document at the Immigration Office (*Oficina de Extranjería*) of the province where you reside or wish to establish your residence. Please be reminded that you can request it in person at the office or online.

In person by you or someone on your behalf: You will need to make an appointment.

Click [here](#) → choose *provincia* → *trámites oficinas de extranjería (si distingue)* → *Trámite para la documentación de nacionales de Reino Unido (Brexit)*

Online: Click [here](#) → click “*continuar*” → choose *provincia* and how you are requesting it (for example: *acceso individual*) → click “*continuar nueva solicitud*” → choose “*EX21 - Documento de residencia Artículo 50 TUE para nacionales del Reino Unido (emitido de conformidad con el artículo 18.4 del Acuerdo de retirada)*”

Second step: once granted by the Immigration Office (*Oficina de Extranjería*), you must request having your TIE card issued in a Police Station. This second step must be done in person by the person requesting it.

You can make your appointment in the following link:

<https://sede.administracionespublicas.gob.es/pagina/index/directorio/icp-plus>

Once in it, choose your *provincia* → *trámites cuerpo nacional de policía (si distingue)* → click *Policía toma huellas, (expedición de tarjetas)*

Is there a deadline to apply for it?

If you resided in Spain before the end of the transition period and you can prove it but you do not own a EU-citizen family member residence card, you are strongly recommended to apply for the residence document under the Agreement as soon as possible. This will help the caseworker to make a decision.

If you start making use of your right after the transition period, the deadline for submitting your application will be 3 months from your arrival in Spain. Applications submitted after this 3-month period will be accepted, but you could be fined for not complying with the deadline provided.

With the upcoming implementation of the computer external EU cross-borders systems -Entry/Exit System -EES, planned for November 2024- and European Travel Information and Authorisation System -ETIAS, planned for the first semester of 2025-, the *Tarjeta de Identidad de Extranjero* (TIE art. 50 TEU) will be the only document allowing Withdrawal Agreement beneficiaries to be exempt from having their stay in the EEA counted and from applying for the ETIAS. Thus, the registration certificate or the EU-citizen family member residence card will not suffice to avoid these checks.

How long will it take me to obtain my residence document?

The Immigration Office (*Oficina de Extranjería*) has a deadline of 3 months to make a decision. After that, you must request have your physical card (art. 18.4 Withdrawal Agreement) issued in a Police Station within a month since you are notified it.

Can I apply for my residence document at any Immigration Office (*Oficina de Extranjería*)?

You must apply for your residence document on the Immigration Office (*Oficina de Extranjería*) of the province where you reside. Remember that you can apply for it [online](#).

Can someone else apply for my residence document on my behalf?

Applications at Immigration Offices (*Oficinas de Extranjería*) may be made by a duly accredited representative.

In turn, the application to have your residence document (the physical card) issued in a Police Station must be made in person by the applicant. Collections of the residence documents must also be made in person by the applicant.

Summary of steps

I HAVE AN EU-CITIZEN FAMILY MEMBER RESIDENCE CARD BUT
I DO NOT HAVE 5 YEARS OF LEGAL RESIDENCE IN SPAIN

WHERE DO I SUBMIT MY APPLICATION TO OBTAIN THE DOCUMENT?



Police Stations – You will need to make an appointment on

<https://sede.administracionespublicas.gob.es/pagina/index/directorio/icplusplus>

Once in it, choose your *provincia* → *trámites cuerpo nacional de policía (si distingue)*
→ click *Policía toma huellas, (expedición de tarjetas)*

DOCUMENTS TO PROVIDE



- ❖ Application form EX23
- ❖ Valid passport or copy of the expired one. If the passport has expired, you will have to provide copy of the passport and copy of the application to renew it.
- ❖ Fee payment form (Modelo 790. Código 012). Tick the box "*Certificado de registro de residente comunitario o Tarjeta de residencia de familiar de un ciudadano de la Unión*".
- ❖ 1 photograph meeting the conditions established in the regulations on the *documento nacional de identidad*.

VALIDITY OF THE DOCUMENT ISSUED



5 years

I HAVE AN EU-CITIZEN FAMILY MEMBER RESIDENCE CARD AND I HAVE ALREADY 5 YEARS OF LEGAL RESIDENCE IN SPAIN

STEP ONE: Applying for your document

The place to submit your application is:

- ❖ the Immigration Office (*Oficina de Extranjería*) of the province where you reside or intend to reside. Remember that before starting this in person procedure, you or your representative must make an appointment.
Go [here](#) → choose *provincia* → *trámites oficinas de extranjería (si distingue)* → *Trámite para la documentación de nacionales de Reino Unido (Brexit)*
- ❖ or [online](#). 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 nacionales del Reino Unido (emitido de conformidad con el artículo 18.4 del Acuerdo de retirada)*”.

Documents to provide:

- ❖ Application form EX21
- ❖ Valid passport or copy of the expired one. If the passport has expired, you will have to provide copy of the passport and copy of the application to renew it.
- ❖ Document to prove your family link, marriage or union
- ❖ Registration certificate or residence document of the UK national you accompany or you are reuniting with
- ❖ Document to prove, whenever so required, that the applicant is dependant to their UK national family member
- ❖ 1 photograph meeting the conditions established in the regulations on the *documento nacional de identidad*.

You will be given official receipt of your application, which can be used to prove your legal stay until you collect your residence document.

STEP TWO: Issuing for your document

Once granted, you must request have your document issued in your Police Station. This is an in person and personal procedure. Please be reminded that you will need an appointment:

<https://sede.administracionespublicas.gob.es/pagina/index/directorio/icpplus>

Once in it, choose your *provincia* → *trámites cuerpo nacional de policía (si distingue)* → click *Policía toma huellas, (expedición de tarjetas)*

The documents to provide along:

- ❖ Application form EX23
- ❖ Valid passport or copy of the expired one. If the passport has expired, you will have to provide copy of the passport and copy of the application to renew it.
- ❖ Fee payment form (Modelo 790. Código 012). Tick the box "*Certificado de registro de residente comunitario o Tarjeta de residencia de familiar de un ciudadano de la Unión*".
- ❖ 1 photograph meeting the conditions established in the regulations on the *documento nacional de identidad*.

In order to collect your document once it has been issued, you must show your valid and not-expired passport.

Finally, the validity of the residence document will be 10 years.

I HAVE AN EU-CITIZEN FAMILY MEMBER RESIDENCE CARD

WHERE DO I SUBMIT MY APPLICATION TO OBTAIN THE DOCUMENT?



Police Stations – You will need to make an appointment on

<https://sede.administracionespublicas.gob.es/pagina/index/directorio/icplusplus>

Once in it, choose *provincia* → *trámites cuerpo nacional de policía* (si distingue) → choose *Policia Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares*

DOCUMENTATION TO PROVIDE



- ❖ Application form EX23
- ❖ Valid passport or copy of the expired one. If the passport has expired, you will have to provide copy of the passport and copy of the application to renew it.
- ❖ Fee payment form (Modelo 790. Código 012). Tick the box "*Certificado de registro de residente comunitario o Tarjeta de residencia de familiar de un ciudadano de la Unión*".
- ❖ 1 photograph meeting the conditions established in the regulations on the *documento nacional de identidad*.

VALIDITY OF THE DOCUMENT ISSUED



10 years

Please, remember to bring with you your valid and not expired passport when collecting your residence document (once it has been issued).

I DO NOT HAVE AN EU-CITIZEN FAMILY MEMBER RESIDENCE CARD

STEP ONE: Applying for your document

The place where the application may be submitted is:

- ❖ the Immigration Office (*Oficina de Extranjería*) of the province where you reside or intend to reside. Remember that before starting this in person procedure, you or your representative must make an appointment.
Go [here](#) → choose *provincia* → *trámites oficinas de extranjería (si distingue)* → *Trámite para la documentación de nacionales de Reino Unido (Brexit)*
- ❖ or [online](#). 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 nacionales del Reino Unido (emitido de conformidad con el artículo 18.4 del Acuerdo de retirada)*”.

Documents to provide:

- ❖ Application form EX21
- ❖ Valid passport or copy of the expired one. If the passport has expired, you will have to provide copy of the passport and copy of the application to renew it.
- ❖ Document to prove your family link, marriage or union
- ❖ Registration certificate or residence document of the UK national you accompany or you are reuniting with
- ❖ Document to prove, whenever so required, that the applicant is dependant to their UK national family member
- ❖ 1 photograph meeting the conditions established in the regulations on the *documento nacional de identidad*.

You will be given official receipt of your application, which can be used to prove your legal stay until you collect your residence document.

STEP TWO: Issuing for your document

Once granted, you must request have your document issued in your Police Station. This is an in person and personal procedure. Please be reminded that you will need an appointment:

<https://sede.administracionespublicas.gob.es/pagina/index/directorio/icplusplus>

Once in it, choose your *provincia* → *trámites cuerpo nacional de policía (si distingue)* → click *Policía toma huellas, (expedición de tarjetas)*

The documents to provide along:

- ❖ Application form EX23
- ❖ Valid passport or copy of the expired one. If the passport has expired, you will have to provide copy of the passport and copy of the application to renew it.
- ❖ Fee payment form (Modelo 790. Código 012). Tick the box "*Certificado de registro de residente comunitario o Tarjeta de residencia de familiar de un ciudadano de la Unión*".
- ❖ 1 photograph meeting the conditions established in the regulations on the *documento nacional de identidad*.

In order to collect your document once it has been issued, you must show your valid and not-expired passport.

Finally, the validity of the residence document will be:

- ✓ 5 years if you have been less than 5 years in Spain
- ✓ 10 years if you have been more than 5 years in Spain

I ALREADY HAVE MY RESIDENCE DOCUMENT

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

The residence document that identify you as a beneficiary of the Withdrawal Agreement may be renewed in the Police Station once they have expired.

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

The residence document that identifies you as a beneficiary of the Withdrawal Agreement must be renewed 30 days before the document expires, or within 90 days of its expiry date.

What is the maximum validity I can renew my residence document for?

If you own a temporary residence document, your residence document will be issued with a validity of 10 years, automatically renewable every 10 years. It will show “Permanente” under the section “Tipo de Permiso”.

Whenever the applicant holds a permanent residence document, a 10-year-valid residence document will be issued, automatically renewable every 10 years. Failure to submit an application to renew your residence document before the deadline established in section 2 will under no circumstances imply losing your right of permanent residence.

What documents do I need to provide?

- ❖ Application form EX23
- ❖ Valid passport or copy of the expired one. If the passport has expired, you will have to provide copy of the passport and copy of the application to renew it.
- ❖ Fee payment form (Modelo 790. Código 012). Tick the box

"*Certificado de registro de residente comunitario o Tarjeta de residencia de familiar de un ciudadano de la Unión*".

- ❖ 1 photograph meeting the conditions established in the regulations on the *documento nacional de identidad*.

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

Yes. Those people who have 5 years of legal residence in Spain may access permanent residence -as per article 15 of the Withdrawal Agreement- before their residence document expires.

- ❖ If you initially had a registration certificate, you may request to have a new residence document issued in a Police Station. Upon checking the time of your stay, they will issue it.
- ❖ On the contrary, if you did not initially have that certificate or card, your application will be submitted to the Immigration Office (*Oficina de Extranjería*) of the place where you reside. After assessing your application and provided the decision is positive, you will be allowed to request have your document issued.

This new residence document will be valid for 10 years, and it will show "Permanente" under the section "Tipo de Permiso".

I already have my residence document, and I have 5 years of residence in Spain before my TIE expires. I want to apply for my permanent TIE. How can I prove the date when I started my residence in Spain if the previous documentation (the registration certificate) is collected and destroyed? Is it registered anywhere?

The police database system of foreigners registers every document owned by foreign citizens since they first registered. That database is encoded so as to always take into account the time of residence based on these computer records. If the foreign citizen did not register themselves with the police when they first decided to reside in Spain, the time police shown in the police database might not match the time of residence claimed by the citizen. In this case, the citizen must go to the Immigration Office (*Oficina de Extranjería*) of the province where they live to provide the documents proving their time of residence.

I am a student and I have my new residence document. When I finish my studies and start working, should I exchange my residence document?

It is an acquired right as per the Withdrawal Agreement; therefore, no change in your status is necessary. Documents issued under article 50 of the Withdrawal Agreement 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 1 January 2021? What legislation applies to me?



Unless covered by the subjective scope of the Withdrawal Agreement, UK nationals arriving in Spain after 1 January 2021 shall be considered as third-country nationals. Therefore, the general immigration scheme will apply to them.

This general immigration scheme is integrated by the Spanish *Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social y su normativa de desarrollo*, as well as by the international mobility section of Spanish *Ley 14/2013, de 27 de septiembre, de apoyo a los emprendedores y su internalización*.

Further information can be found [here](#).

I AM A WORKER POSTED TO SPAIN BY MY COMPANY, WHICH IS BASED IN THE UK

My UK-based company posted me to Spain as a worker before 31 December 2020 to provide some services. What is my situation after 1 January 2021?

Generally speaking, posted workers are not considered beneficiaries of the Withdrawal Agreement.

Spain has decided that workers posted to Spain before 31 December 2020 by a company based in UK, can stay in Spain providing their services after 1 January 2021. They will not need any previous permit to live or work, as long as the UK provides with a similar treatment to workers posted in the UK by a company based in Spain.

Should an extension of the duration of the posting be required and notified to the working authority, an application for a residence and work authorization will be required. The national employment situation will not be applicable, and no visa will be required.

Workers posted to Spain by a UK-based company from 1 January 2021 must obtain the required residence and work visas or permits according to the Spanish regulations of immigration.