



BREXIT

Transitional period: Britons living in Spain

The Withdrawal Agreement concluded between the European Union and the United Kingdom establishes the terms and conditions of the withdraw and entered into force last 1st February 2020. This Agreement sets out a **transitional period which lasts from 6th July 2020 until 31st December 2020**.

During this transitional period, those UK nationals that reside in Spain will continue to be subject to the European Union free movement legislation, which means that no movement restrictions shall be applicable to them.

After the transitional period, Britons will be considered as third-country nationals, without prejudice to the adoption of a special future mobility scheme. It is important to note that, as of today, less than two months before the end of the transitional period, no special regime has been approved.

Residence status in Spain as a beneficiary of the Withdrawal Agreement

On 4th July of 2020, the decision determining the procedure for issuing the residence card provided for in Article 18.4 of the United Kingdom Withdrawal Agreement by Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community was published in the BOE and therefore was applicable in Spain.

The below mentioned Article states that Britons residing in Spain shall not be required to apply for a new residence procedure or submit any new documentation, but shall have the right to receive a residence card expressly denominating their status as a beneficiary of the Withdrawal Agreement.

The procedure for obtaining the residence status in Spain as a beneficiary of the Withdrawal_Agreement will vary depending on the following:

1. If the Briton is a holder of a residence certificate/card.
2. If the Briton has arrived in Spain during the transitional period or has not yet been registered in Spain.

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In relation to the first scenario, interested parties must attend to the police station to request for the new card in accordance with the withdrawn agreement. The duration of the new card will depend on the actual status of the Briton in Spain:

- a. Holders of a temporary certificate for less than 5 years: The new cards shall be issued with a validity of five years.
- b. Holders of a temporary registration certificate for more than 5 years: The new card will be issued with a validity of ten years as permanent residence.
- c. Holders of a permanent registration card: The new card will be issued with a validity of ten years as permanent residence.

In relation to the second scenario, all British nationals who have chosen to reside in Spain during the transitional period shall be subject to the specific residence card in conformity with Article 18.4 of the agreement.

This procedure will consist to submit the application to the immigration office of the province in which the Briton resides or intends to fix their residence. Once the request has been filed, the immigration office has a period of three months to issue a resolution, however, from the moment the application is filed, the interested party may reside legally in the Spanish territory.

Once they have obtained a favorable decision, they shall attend to the corresponding police station for the issuance of the resident card. The initial card shall have a validity of 5 years.

It shall be considered that the requirements to be fulfilled for the issuance of the resident card in accordance with Article 18.4 shall be the same as the requirements established for obtaining of the EU residence certificate.

