

British nationals in Barcelona: How to apply for a residence document in Spain?

Applicable to beneficiaries of the UK's Withdrawal Agreement after Brexit

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Practical information document from the Barcelona Brexit Information Point



INTRODUCTION

Until 6 July 2020, British citizens, like all other EU citizens in general, who wished to reside in Spain for more than three months had to register with the **European Union Citizen Registry**. The document evidencing such registration is the '**Registry Certificate**' (a green-coloured card providing the citizen's details and their NIE or foreign-national identification number).

As of 6 July 2020, British citizens can now apply for a specific residence document explicitly stating their status as a beneficiary of the **Withdrawal Agreement**. This new residence document contains distinctive features such as 'Article 50 TEU' in its corresponding 'Permit type' field and a text stating 'issued in accordance with Article 18(4) of the Withdrawal Agreement' in the 'Observations' field.

The procedure for obtaining the residence document will depend on whether or not the British citizen has a registry certificate, whether temporary or permanent. The same will apply to their family members who are nationals of 'third-party' countries (family members who are nationals of countries that are not part of the EU, the EEA or Switzerland): obtaining the residence document will depend on whether or not they were already holders of an EU citizen family card.

British Citizens currently residing in Spain and their family members are therefore advised to check that their residence status has been correctly processed and that they are able to confirm their corresponding time of legal residence in Spain and benefit from the provisions of the Withdrawal Agreement. They are also advised to ensure they are correctly registered with the residents' register for the municipality they reside in. The municipal residents' register is a list of all the people whose usual place of residence is in a municipality and who make up its population. The Spanish term for registering with this register is *empadronarse*. In the website Barcelona International Welcome (www.barcelona.cat/internationalwelcome), in the Formalities section there is information on how to register with a Barcelona municipal residents' register.

Two periods are distinguished in this document:

- during the transition period running from the UK's effective departure from the EU on 31 January to 31 December 2020
- as from 1 January 2021

DURING THE TRANSITION PERIOD UP TO 31 DECEMBER 2020

British citizens

The procedure will depend on their personal situation:

- **British citizens who have a temporary or permanent Registry Certificate**

The new procedure provides for an 'exchange' of the Registry Certificate with a residence document as beneficiary of the Withdrawal Agreement. Such exchanges will be carried out Spain's National Police offices. **The document can be requested at any time, even after the transition period has ended.**

- Citizens who have a temporary Registry Certificate (whether or not they have reached five years of residence) will receive a residence document that is valid for five years.
- Citizens who have a temporary Registry Certificate that states 'permanent' will receive a residence document that is valid for 10 years.

- **British citizens who do not have a Registry Certificate or who come to live in Spain on or after 6 July 2020**

Individuals already residing in Spain before 6 July but without a Registry Certificate will be required first of all to provide proof of residence in Spain before the immigration office of the province they reside in.

Individuals moving to Spain between 6 July and 31 December 2020 will also be required to apply for a residence document from the immigration office. The deadline for applying for the document is three months as from their date of arrival in Spain.

Individuals who have already obtained Spanish nationality are not required to carry out any procedure.

Residence documents will last for:

- 5 years where the citizen proves they have resided in Spain for fewer than 5 years.
- 10 years where the citizen proves they have resided in Spain for more than 5 years.

An individual may only obtain the residence document where it has been verified they meet the same requirements that apply to all EU citizens ('European Union Citizen Registry Certificate'):

- confirming that they have been working in Spain, whether self-employed or employed by others, and paying their Spanish Social Security contributions or, alternatively, that they have sufficient financial resources and sickness insurance cover. As regards sufficient financial resources, the authorities will take account of the applicant's personal and family situation for the period of residence in Spain.
- As for British students, they will be required to prove their enrolment at a state or private school recognised by the educational authority, as well as take out a public or private sickness insurance policy and present a declaration of compliance with having sufficient financial resources during their period of residence in Spain.

Family members

This section refers to family members of a UK citizen who are nationals of a 'third-party country' (that is, a country that is not part of the European Union, the European Economic Area or Switzerland).

Family members of UK nationals are beneficiaries of the Withdrawal Agreement, in other words, they are entitled to obtain a residence document.

The following are considered family members:

- a spouse; a domestic partner in a relationship akin to marriage and registered with a Public Register;
- their direct descendants (and those of the spouse or registered partner);
- their direct ascendants (and those of the spouse or registered partner);
- anyone who is responsible for an EU citizen beneficiary of the right of residence (or if it is strictly necessary, for health reasons, for the EU citizen to be taken care of) and the partner that the EU citizen is in a (duly attested) stable relationship with.

Family members of UK nationals will be beneficiaries provided they meet one of the following conditions:

- Having resided in Spain before the end of the transition period and remaining resident there after that period.

- Not having resided in Spain before the end of the transition period (31/12/2020), but having a (direct) link with a UK national before the end of the transition period and at the time they go and join them.
- Being a first-degree lineal or adopted descendant of a UK national and whose birth or adoption took place before or after the transition period, in Spain or elsewhere, provided that at the time they go and join them they are members of the nuclear or direct family and meet one of the following conditions:
 - ❖ Both parents are UK nationals
 - ❖ One of the parents is a UK national and the other a Spanish national, or one of the parents is a UK national and has the right to joint or exclusive custody of the minor.
- Family members who have resided in Spain before the end of the transition period (1/12/2020) and continue residing there afterwards and who are in certain personal situations covered by EU Directive 2004/38/EC. You are advised to consult page 26 of the following guide: [Index questions for UK nationals and their family members residing in Spain](#)

- **Family members who have an 'EU Citizen Family Member Residence Card'**

If they have not yet resided in Spain for five years, they will be able to request the card's replacement with a new residence document from one of Spain's National Police offices. If they have already resided in Spain for five years, they will be able to request the residence document from an immigration office in the province they reside in.

Applications for replacing an EU Citizen Family Member Residence Card may be made at any time, even after the transition period, but only before the card expires.

- **Family members who do not have an 'EU Citizen Family Member Residence Card'**

Family members who do not have an EU Citizen Family card may request a residence document from the immigration office of the province they reside in. Applications will be assessed on an individual basis.

Linked procedures

Registering with the municipal residents' register:

This is mandatory for everyone living in Barcelona. The procedure falls under Barcelona City Council's jurisdiction.

[Requirements, requisite documents and procedure](#)

Individuals who already have a Registry Certificate and wish to exchange it for the Residence Card for beneficiaries of the Withdrawal Agreement:

[Requirements, requisite documents and procedure](#) (page only in Spanish)

Requisite documents:

- Registry Certificate
- EX23 application form
- Passport
- Proof of payment of the fee Tax Form 790 Code 012

Prior appointment: A specific option has been established for the issuing of a card associated with the benefits provided for in the Withdrawal Agreement. Select 'Barcelona' (Province); then 'Trámites Oficina de Extranjería: Solicitud de Autorizaciones'; and finally 'Expedición de tarjeta asociada al Acuerdo de Retirada ciudadanos británicos y sus familiares (Brexít)' (Trámites Cuerpo Nacional de Policía).

Individuals who do not have a Registry Certificate and wish to apply for the Residence Card for beneficiaries of the Withdrawal Agreement:

✓ First step: application for residence document at the province's Immigration Office where the applicant resides or is going to establish their residence.

Applications may be made in person at the office or online.

- ❖ [In person](#) →select Barcelona province →'trámites oficinas de extranjería' →'Trámite documentación nacionales terceros países familiares de nacionales de Reino Unido (Brexít)'
- ❖ [Online](#) →click on 'continuar' → select Barcelona province and the access method (e.g. 'acceso individual') → click on 'continuar nueva solicitud' → select '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 step: application for issuing of the card from Police offices. This procedure is personal and carried out in person. To request an appointment: <https://sede.administracionespublicas.gob.es/icpplus/index.html> → select BARCELONA province → 'trámites cuerpo nacional de policía' (if separate) → select 'Policía Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares'.

Family members who already have an EU Citizen Family Card, but not have not yet resided in Spain for five years, and who wish to obtain the new residence document

[Requirements, requisite documents and procedure](#) (page only in Spanish)

[Prior appointment](#). Select Barcelona province → 'trámites del Cuerpo Nacional de Policía' → select 'Policía Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares'.

Family members who already have an EU Citizen Family Card, but have already resided in Spain for five years, and who wish to obtain the new residence document

- ✓ First step: application for residence document from the province's Immigration Office where the applicant resides or is going to establish their residence.
 - ❖ [In person](#) → select Barcelona province → 'trámites oficinas de extranjería' → 'Trámite 29 documentación nacionales terceros países familiares de nacionales de Reino Unido (Brexít)'.
 - ❖ [Online](#): click on 'continuar' → select Barcelona province and the access method (e.g. 'acceso individual') → click on 'continuar nueva solicitud' → select '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 step: once granted, you will have to request the corresponding police office to issue it. This procedure is personal and carried out in person. You must request a [prior appointment](#). → select province → 'trámites cuerpo nacional de policía' (if separate) → select 'Policía Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares'

Family members who do not have an EU Citizen Family Member Residence Card

- ✓ First step: application for residence document from the province's Immigration Office where the applicant resides or is going to establish their residence.
 - ❖ [In person](#) →select Barcelona province →'trámites oficinas de extranjería' →'Trámite 29 documentación nacionales terceros países familiares de nacionales de Reino Unido (Brexit)'.
 - ❖ [Online](#): click on 'continuar' → select Barcelona province and the access method (e.g. 'acceso individual') → click on 'continuar nueva solicitud' → select '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 step: once granted, you will have to request the corresponding police office to issue it. This procedure is personal and carried out in person. You must request a [prior appointment](#). → select province → 'trámites cuerpo nacional de policía' (if separate) → select 'Policía Exp tarjeta asociada al Acuerdo de retirada ciudadanos británicos y sus familiares'

AFTER THE TRANSITION PERIOD

British citizens who move to Barcelona after 31 December 2020 will be regarded as third-party country nationals and be subject to the rules and regulations established under the agreement governing the future relationship between the EU and the UK.

If no such agreement is reached, they would be subject to the rules and regulations of the [general system for foreign nationals](#).

For further information:

[Immigration Portal – Secretary of State for Migration](#)

[Living in Spain - British Government](#)