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The Withdrawal Agreement: Your rights & actions you need to take

Information for UK nationals living in
Germany before 31 December 2020

Information correct upon publication in March 2020.
Please check the Living in Germany guide to stay up to date
www.gov.uk/livinginGermany



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THE WITHDRAWAL AGREEMENT

On 31 January 2020 the UK left the European Union with a deal, known as the Withdrawal Agreement. We are now in a Transition Period which runs until 31 December 2020.

The Withdrawal Agreement secures, amongst others, the following rights for UK nationals living in Germany at the end of the Transition Period, for as long as they still live in Germany:

- Residence
- Right to work or study
- Access to healthcare, benefits and education
- Lifetime protection of pensions
- Right to bring existing close family members to live with them in Germany

In order to secure these rights you must apply for a new residence permit by 30 June 2021.

This booklet gives more information about the rights that you will continue to hold in Germany.

Important: Throughout this booklet the term, 'living in Germany' refers to UK nationals who have exercised free movement rights in Germany before the end of the Transition Period. This means they are legally resident in Germany under EU law before 31 December 2020.



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ACTIONS TO TAKE

- **You must register your current address** with your local registration office (often known as Bürgeramt, Bürgerbüro or Kreisverwaltungsamt), if you have not yet done so.
- **You must apply for new a residence permit from your local Foreigners' Authority (Ausländerbehörde) by 30 June 2021** at the latest. This document is proof of your rights under the Withdrawal Agreement.
- **You must exchange your UK Driving Licence** before the end of the Transition Period (31 December 2020).
- **You must apply to have any UK professional qualifications recognised** before the end of the Transition Period (31 December 2020).
- **You should ensure your passport is valid** and that all your details are correct.
- **You should sign up for email alerts** on updates to the Living in Germany guide at www.gov.uk/livinginGermany



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RESIDENCY

UK nationals who have exercised freedom of movement in Germany before 31 December 2020, will have the **right to continue to live in Germany, with access to the labour market and benefits.**

You must register your current address with your local registration office (often known as Bürgeramt, Bürgerbüro or Kreisverwaltungsamt) before the end of the Transition Period, if you have not done so yet. You will be issued with a registration certificate (Meldebestätigung), which proves that you are legally resident in Germany. Find your registration office here:

www.melderegister-auskunft.de/deutschland

In addition, you will need to **apply for a new residence permit before 30 June 2021 to confirm your rights under the Withdrawal Agreement.** Local Foreigners Authorities (Ausländerbehörden) are responsible for issuing residence permits in Germany, therefore the application process can vary from town to town.

Please see our guidance and follow the process of your local Foreigners Authority:

www.gov.uk/government/publications/germany-residence-information-after-eu-exit/foreigners-authorities-in-germany



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RESIDENCY cont.

The **right to residence will not be lost**, even if UK nationals leave Germany for some time in the future:

- UK nationals who have lived in Germany for **less than five years**, will not lose their right to residence through **temporary absences of up to 6 months in any 12**, or by a single absence of up to 12 months for important reasons such as pregnancy, serious illness, study or a posting abroad.
- UK nationals who have lived in Germany for a continuous period of **more than five years** before 31 December 2020 have the right to permanent residence under the Withdrawal Agreement. This right can only be lost through an absence from Germany **exceeding 5 consecutive years**.

Please always consult your local Foreigners Authority (Ausländerbehörde) before leaving Germany for a longer period.

Individuals who originally only qualify for a right to residence permit will be able to transfer this to a permanent residence permit after having completed five continuous years living in Germany.



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FAMILY MEMBERS

Family members of UK nationals residing in Germany under EU law before the end of the Transition Period, including from non-EU countries, will also keep their right to residence from 2021 onwards. They too will have until 30 June 2021 to apply to obtain a residency permit.

UK nationals residing in Germany under EU law before the end of the Transition Period will have the right to **bring existing close family members to Germany even after the end of the Transition Period.**

UK nationals residing in Germany under EU law before the end of the Transition Period will also have **the right to bring existing close family members with them to the UK if they chose to return to the UK by 29 March 2022.** Afterwards, UK immigration law will apply to UK nationals bringing non-UK family members to the UK.

Existing close family members are defined as:

- dependant parents or grandparents
- spouses or registered partners where the relationship started before 31 December 2020 and continues
- dependant children or grandchildren, including those born after exit day.



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HEALTHCARE

All UK nationals living in or moving to Germany before 31 December 2020 will have **life-long healthcare rights**, as long as they remain legally resident in Germany.

UK nationals employed in Germany will continue to access healthcare as they do now, by paying contributions to a German health insurer (Krankenkasse). Germany-issued European Health Insurance Cards (EHICs) of such individuals will continue to be valid for travel, including to the UK.

S1 form holders who have moved to Germany before 31 December 2020 will continue to have **life-long healthcare rights** via their S1 form provided they remain resident in Germany. Their UK-issued EHICs will continue to be valid for travel across the EU.

UK nationals who are yet to reach state pension age, will have the **right to apply for a UK S1 and a UK-issued EHIC once they start drawing their UK state pension**, provided they fulfil all the conditions for a UK-issued S1, are legally resident in Germany by the end of the Transition Period and continue to live there.

Students living in Germany on 31 December 2020 can continue to use their UK EHIC to access healthcare for the duration of their course.



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PENSIONS

The Withdrawal Agreement protects the **access to pensions** for UK nationals living in Germany before 31 December 2020.

UK state pensions exported to UK nationals living in Germany before 31 December will **continue to be uprated** for as long as the individual continues to live in Germany.

Even if UK nationals only start drawing a UK state pension in the future, their state pension will be exported and uprated, as long as they have lived in Germany before 31 December 2020 and continue to live there.

The Withdrawal Agreement also **protects past contributions** made in the UK, Germany, or another EEA member state or Switzerland, as well as the associated **aggregation rules**. This means that years of contributions to state or statutory pensions across the UK, EEA and Switzerland are added up to determine eligibility for state pensions (example on page 19).

For information about **private pensions** please contact your provider.



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BENEFITS

All UK nationals living in Germany before 31 December 2020 will have the **same access to benefits in Germany in the future as they had before.**

The Withdrawal Agreement also protects UK nationals' right to **continue to export any benefits you were exporting prior to 31 December 2020** from the UK, another EEA member state or Switzerland.

DRIVING

Driving licence exchange rules will stay the same until 31 December 2020.

If you are a resident in Germany, you must exchange your UK licence for a German one **within 6 months of moving to Germany.** An International Driving Permit is not a suitable alternative to exchanging your licence.

Your local authority (Bürgeramt) will be able to advise you where you must go to do this.

You will be allowed to drive on your German licence when visiting the UK.



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ECONOMIC RIGHTS

UK nationals living in Germany before 31 December 2020 will **have full access to the German labour market.**

The **right to work, run or establish a business and be self-employed** in Germany is protected for all UK nationals living in Germany before 31 December 2020, for as long as you continue to live in Germany.

UK nationals living in Germany before 31 December 2020 will have the right to **equal treatment** with German nationals.

The Withdrawal Agreement also protects the rights of **frontier workers**, individuals living in one EU country but working in another one. Their rights will be protected if they were working across borders on 31 December 2020, for as long as they retain the status of a frontier worker. Frontier workers will not only need to apply for a new residence permit in their country of residence, but might also be required to apply for a document to confirm their rights as frontier worker in their state of work.

There will be no change for **posted workers** until 31 December 2020. Rules on posted workers from January 2021 are subject to negotiations.

The UK's **double taxation agreement** with Germany is unaffected by the UK leaving the EU.



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PROFESSIONAL QUALIFICATIONS

Rules for the **recognition of professional qualifications** from the UK will not change before 31 December 2020.

- Recognition decisions made before 31 December 2020 will remain valid.
- Recognition applications submitted before 31 December 2020 will be assessed according to current EU rules, even if the decision is taken after the end of the Transition Period.

Future rules for the recognition of professional qualifications are subject to negotiations.

This applies to:

- European Professional Card
- Qualifications recognised under the Professional Qualifications Directive (2005/36/EC) for the purpose of establishment
- Lawyers practising under host state title
- Approved statutory auditors
- Persons engaged in the trade and distribution of toxic products

If you hold UK professional qualifications, you should apply for their recognition in Germany now. You can find out where to apply at www.anererkennungindeutschland.de

Rules for the recognition of **academic qualifications** (Bachelors, Masters, PhDs) are not affected by the UK leaving the EU.



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TRAVEL & PASSPORTS

Rules on travel will **not change until the end of the Transition Period on 31 December 2020**. During this time, UK nationals can continue to travel to EU countries with their UK passport. Passports must be valid for the duration of their stay.

New rules will apply to travel to Europe from 1 January 2021. UK nationals will still be able to travel to Schengen countries visa free for short visits (90 in 180 days).

UK nationals will need to have at least 6 months left on an adult or child passport to travel to most countries in Europe from 1 January 2021 (not including Ireland).

The colour or the wording 'European Union' does not affect the validity of UK passports: these will be valid until their expiry date.

If your passport is nearing the end of its validity, you might wish to renew it before 31 December 2020.

You can do this from Germany: www.gov.uk/overseas-passports

For more information, please see www.gov.uk/guidance/passport-rules-for-travel-to-europe-after-brexit



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PET TRAVEL

There will be no change to pet travel rules until the Transition Period ends on 31 December 2020.

Rules on pet travel from 1 January 2021 are subject to negotiations. Please check www.gov.uk/livingingermany before travelling and consult your veterinarian.

RETURNING TO THE UK

UK nationals have a right to return to live in the UK at any time without needing to meet UK immigration rules. For information on family members please see page 7.

If you are returning to the UK permanently you should:

- Deregister (abmelden) at your local registration office
- Inform your health insurance provider (Krankenkasse)
- Inform any local service providers (telephone company, utilities providers, etc.)
- Inform your bank



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DUAL NATIONALS

Deciding whether to apply for citizenship is a personal choice.

The UK has no restrictions on dual nationality. As a UK national you living in Germany you might be eligible for German citizenship.

Germany only allows dual nationality in exceptional cases, including for EU citizens or for those whose parents have different nationalities. For information on acquiring German nationality please contact the German authorities.

If you have **applied for and met all conditions for German nationality before 31 December 2020, you will be able to retain your UK nationality when naturalising as a German.**

No one who holds both nationalities will be asked to renounce either.

While dual nationals (UK/EU or UK/German) will not need a new residence permit to continue to live in Germany, it might still be in their interest to confirm their rights under the Withdrawal Agreement.



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CASE STUDIES 1 & 2: RESIDENCY

Jenny is a UK national who came to Germany in 2017 to study at Hanover university. After graduating in 2018, she found work in Berlin. Now Jenny has the prospect of a job offer in Paderborn later in the year. What does Jenny need to do to secure her rights under the Withdrawal Agreement?

As any UK national living in Germany, Jenny should apply for a new residence permit to confirm her rights under the Withdrawal Agreement. This application has to be done at her place of residence. As Jenny is considering a move, she should contact her old and new Foreigners Authority for advice. She will also need to register with her new foreigners registration office (Meldebehörde) when moving.

Jenny will have until 30 June 2021 to submit her application for a new residence permit. She will have the right to unrestricted labour market access, therefore changing her job while applying for a residence permit does not affect her rights.

Dev is a UK national who has been living in Munich since June 2018. He now has the opportunity to go study a Masters in the Netherlands in 2021. However, he is worried that by moving to the Netherlands he might lose his rights to residence under the Withdrawal Agreement in Germany.

As Dev has been living in Germany for less than 5 years, he will be issued a residence permit under the Withdrawal Agreement. Under this permit, absences of up to 12 months are allowed for important reasons such as studying, without losing the rights under the Withdrawal Agreement. Dev should consult his Foreigners Authority before leaving Germany. He will also need to consult the future immigration requirements for the Netherlands.



CASE STUDY 3: FAMILY MEMBERS

Kerry is an Australian citizen working in Cologne, where she has lived with her British husband Chris for the past eight years. They now have two young daughters with dual British-Australian nationality. Kerry has previously been granted a permanent residency permit for non-EU citizens on the basis of her marriage to Chris. Is Kerry covered by the Withdrawal Agreement, and what does she now need to do to secure her rights? The family are considering relocating to Spain or moving back to the UK in 2021. What are their options?

As Chris's spouse, Kerry qualifies as a family member of a UK national residing in Germany under EU law before the end of the Transition Period, so like Chris and their daughters her right to live in Germany will be protected. The whole family will have until 30 June 2021 to apply for new residence permits. Kerry's EU permanent residency title will no longer be valid after 31 December 2020 and will need to be exchanged.

The family would be able to relocate to Spain during the 2020 Transition Period under existing EU rules, but any move after 1 January 2021 would be subject to future immigration rules.

If Chris and Kerry wish to relocate to the UK with their children they could do so up until 29 March 2022 under current rules. Thereafter, Kerry would need to apply for leave to remain in the UK under the UK's domestic immigration rules.



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CASE STUDY 4 & 5: HEALTHCARE

Sinead is a UK national who currently lives in Germany and will become eligible for an S1 certificate in 2035, when she reaches retirement age – will she be able to receive an S1 at that time?

Yes. As long as Sinead remains within scope (for example, continues to live in Germany) and is eligible for a UK-issued S1, she will be able to apply for and receive a UK-issued S1 in 2035.

Duncan is working for a German company, paying contributions to a German Krankenkasse. He has a Germany-issued EHIC, with which he is travelling to France in February 2021, when he breaks his leg. Can he receive care for his injuries using his EHIC?

Yes. Duncan's Germany-issued EHIC is still valid for travel to France. He should carry his new residence permit in conjunction with his EHIC to prove his rights under the Withdrawal Agreement.



CASE STUDY 6: PENSIONS

Ted is a UK national in his 50s who currently lives in Germany and plans to retire here. He has worked in Germany for the last 20 years, but spent the first part of his career in UK, where he paid national insurance contributions. He has also worked for eight years in France. Are his past contributions protected?

Yes. When Ted is about to retire, he should contact the German Statutory Pensions Authority (Deutsche Rentenversicherung). They will get in touch with the relevant authorities in the other countries and he will receive a German, UK and French pension, if he meets the eligibility criteria for all. His exported UK state pension will also continue to be uprated for as long as he continues to live in Germany.

CASE STUDY 7: BENEFITS

Ayesha is a UK national who moved to Germany in March 2020 for her new job. She is working for a German employer and paying German social security contributions. Ayesha and her partner are planning to start a family in 2022. Will she be entitled to Elterngeld and Kindergeld?

Yes, UK nationals in scope of the Withdrawal Agreement have access to German benefits, as long as they meet the qualifying conditions.

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The information contained in this booklet is correct upon publication. Always check the Living in Germany Guide (www.gov.uk/livinginGermany) to ensure you have the most current information.

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