SPECIALISED COMMITTEE ON CITIZENS' RIGHTS 8 OCTOBER 2020

JOINT REPORT ON THE IMPLEMENTATION OF RESIDENCE RIGHTS UNDER PART TWO OF THE WITHDRAWAL AGREEMENT

Introduction

- This joint report on citizens' rights provides an overview of implementation progress in relation to Article 18(1) (new residence status - issuance of residence documents evidencing such status) of the Withdrawal Agreement (WA)¹ in the European Union (EU) and the United Kingdom of Great Britain and Northern Ireland (UK). This report also includes data on residence documents referred to in Article 18(4) in the EU Member States with a declaratory system.
- 2. According to Article 185, Part Two of the WA that deals with residence rights, with the exception of Article 19, shall apply only as from the end of the transition period. The UK and the EU Member States therefore have to put in place their systems for the issuance of residence documents during the transition period, so that the handling of applications for a new residence status/a new residence document may start on 1 January 2021. On a voluntary basis, the UK and the EU Member States may decide to allow applications to be made during the transition period (Article 19). The UK and a number of EU Member States have made use of this possibility.
- 3. All information contained within this report is based on the national systems and administrative procedures, planned or established, in view of the implementation of Article 18(1) or Article 18(4), as reported by the UK and EU Member States authorities. The data provides information on persons who are considered to be beneficiaries of Article 13 (residence right) and of Article 15 (permanent residence right). 13 EU Member States and the UK have opted for a constitutive system under Article 18(1) and 14 EU Member States have opted for a declaratory system under Article 18(4). For data tables see Annex A and B.

Section 1 – Start date of application and information to applicants

Article 18(1): Constitutive systems

4. Belgium. UK nationals and their family members already residing and registered in Belgium will be personally contacted by letter by the immigration office during the last trimester of 2020. This letter will explain the conditions to fulfil and the procedure to follow, as well as invite them to apply for a new residence document for beneficiaries of the WA at the local municipality. After examination of the conditions, they will receive their new residence document from the municipality. UK nationals and their family members who were not yet

¹ References to Articles are to be considered as reference to Articles of the Withdrawal Agreement, unless specified otherwise.

registered will be able to apply for a residence document or local border traffic card, for frontier workers, for beneficiaries of the WA at the local municipality and they will receive their new document after the immigration office examines compliance with the conditions. UK nationals and their family members will have until 31 December 2021 to apply for their new residence status.

- 5. Denmark. The application procedure for obtaining a new residence document under the WA will be available as of 1 January 2021 and throughout the year. Applications can be submitted online or handed in on a paper form at the service centres of the Danish Agency for International Recruitment and Integration, where biometric data for the residence document will be recorded, and further guidance to applicants is given. UK nationals and their family members residing in Denmark will be informed individually regarding the application procedure via e-mail or personal digital postbox (e-boks). Information is already available on the dedicated website. UK nationals and their family members will have until 31 December 2021 to apply for their new residence status.
- 6. France. UK nationals and their family members already living in France or wishing to move to France before 31 December 2020 will have to apply for WA residence documents via a website that will be opened as of 19 October 2020. A decree will be published by October 2020 to enact the relevant provisions of the WA. UK nationals and their family members will need to upload a scan of their passport as well as one or several additional documents depending on their situation. After filling out the administrative information and uploading documents, a certificate of application will be sent by e-mail. Once the file has been processed, an e-mail will be sent to the applicant in order to make an appointment at the prefecture to finalize the request (*fingerprinting and photography*). Finally, the residence document will be sent to home address. The process for the residence document application has been designed in order to avoid at the maximum the necessity to come to the prefecture, which will be helpful for elderly people, those residing far away or physically disabled. People who do not have an easy access to new technologies will find at their disposal computers in prefecture, with free access or with the help of a guide. UK nationals and their family members will have until 30 June 2021 to apply for their new residence status.
- 7. Latvia. The new residence scheme opened on 1 October 2020. To get the new status UK nationals and their family members will have to submit an application and copy of travel documents to the Office of Citizenship and Migration Affairs. Applications and copies of travel documents can be sent either by post or courier service, or submitted electronically with the secure electronic signature affixed. Application should be filled in for each person separately. Where an application is submitted electronically, the applicant will receive a confirmation of receipt holding a statement that the application will be reviewed within 30 days. The issuance of new residence permits will commence on 1 January 2021. UK nationals and their family members will have until 30 June 2021 to apply for their new residence status.
- 8. **Luxembourg.** The new residence scheme opened on 1 July 2020. UK nationals and their family members can apply by submitting an application form with a copy of their travel document. A certificate of application is issued immediately after reception of the application

and sent to the applicants. The Immigration Directorate of the Ministry of Foreign and European Affairs assesses the residence situation of the applicants. If applicants are considered to fall within the scope of the WA, they receive a letter confirming their status and inviting them to fulfil the steps required for the issuance of the residence document *(biometric data collection)*. UK nationals and their family members will have until 30 June 2021 to apply for their new residence status.

- 9. Hungary. EU citizens are obliged to register their residence with the relevant Hungarian authority. This requirement will continue to apply for UK nationals and their family members during the transition period. The decision is still to be taken as regards the future status of the beneficiaries of the WA who will have to apply for the new residence status. The application period is envisaged to start from the end of the transition period.
- 10. **Malta.** The new residence scheme opened on 17 February 2020. The Maltese authorities have reached out to registered United Kingdom nationals by sending them letters and information leaflets regarding the application process. More information is also available online and in the media. The application process is staggered according to the place of residence of the UK nationals for those already residing in Malta. Persons arriving during the transition period may submit the application after three months of residence in Malta. All applicants are required to declare criminal convictions. The existing document will continue to be valid until the residence document in the new EU harmonised format is issued. UK nationals and their family members will have until 30 June 2021 to apply for their new residence status.
- 11. **The Netherlands.** The new residence scheme opened on 1 February 2020. The Immigration and Naturalisation Service (IND) will send all beneficiaries of the WA that are properly registered in the municipal personal record database (BRP) an invitation letter to submit an online application on the IND website. Applicants are guided through an easy to use interface and will have to upload documents that serve as a proof of their situation (*a contract of employment for employees, extract from the Chamber of Commerce for self-employed entrepreneurs, a proof of sufficient resources for inactive people, a registration at the educational institution for students ...), in addition to a digital copy of their passport. A paper application form is available for those who can't apply online. In case an applicant needs help, the dedicated Brexit phone line stands ready to assist. After the application has been received, the applicant will receive a certificate of application. Upon receiving this document, the applicant is invited to make an appointment to register the biometrics. Within six months (<i>this period will be much shorter in general*), the IND will inform the applicant about the decision and the residence document will be provided. UK nationals and their family members will have until 30 June 2021 to apply for their new residence status.
- 12. **Austria.** The new residence scheme will be opened on 1 January 2021. UK nationals and their family members are entitled to apply for a new residence status *(residence permit "Art 50 EUV")* with the competent Settlement and Residence authority in Austria. In addition to a valid identity document, further documents as provided in the WA will have to be submitted with the application. The application is to be made in person. The necessary legislation is

currently open for public comment. UK nationals and their family members will have until 31 December 2021 to apply for their new residence status.

- 13. **Romania.** The new residence scheme will be opened on 1 December 2020. UK nationals and their family members will need to apply for a new document certifying their new status. Applicants will have to register in person, both for the right of residence and right of permanent residence. They will have to fill the application and provide required supporting documents. Those who already hold a valid permanent residence document issued by the Romanian authorities will be able to exchange this document for a new residence document through a simplified procedure. Applications will need to be submitted to the competent territorial unit of the General Inspectorate for Immigration that will decide on the applications within 30 days from the date of their submission. UK nationals and their family members will have until 31 December 2021 to apply for their new residence status.
- 14. **Slovenia.** The Foreigners Act will be amended to enact the WA. The new residence scheme will be opened on 1 January 2021. UK nationals and their family members will need to apply for a new residence document at the competent authority within one year from the end of the transitional period or before the expiry of the EU citizens' registration certificate or residence card for a family member of an EU citizen, if the remaining validity of the current certificate or residence card is less than one year from the end of the transitional period. UK nationals and their family members will have until 31 December 2021 to apply for their new residence status.
- 15. Finland. If UK nationals and their family members wish to continue residing in Finland after the end of the transition period, they may apply for either a right of residence or right of permanent residence under the WA. The enacting legislation entered into force on 1 October 2020. Applications are now accepted via the online system where one can book an appointment to apply for a right of residence or right of permanent residence under the WA. The Finnish Immigration Service also announced the processing fees in September. The applications may be submitted either electronically through Enter Finland online service or using a paper form. UK nationals and their family members will have until 30 September 2021 to apply for their new residence status.
- 16. Sweden. The new residence scheme will be opened on 1 December 2020. UK nationals and their family members who are in Sweden under the terms of the WA should apply to the Swedish Migration Agency for a new residence status that confers the rights included in the WA. The application will be free of charge. In order to provide biometric data for the residence document, a visit to the migration agency will be necessary. More information about the application process will be made available in due course. UK nationals and their family members will have until 30 September 2021 to apply for their new residence status.
- 17. **United Kingdom.** The EU Settlement Scheme opened on 30 March 2019 and the deadline for applications is 30 June 2021. It is a digital system and is free of charge. Applicants generally only need to complete three steps prove their identity, show that they live in the UK and declare any criminal convictions. Applicants can verify their identity using an app, by

Host State	Start date of applications	Deadline for applications	Links to national websites
European Union			
Belgium	to be determined	31 December 2021	national website
Denmark	1 January 2021	31 December 2021	national website & another link
France	19 October 2020	30 June 2021	national website
Latvia	1 October 2020	30 June 2021	national website
Luxembourg	1 July 2020	30 June 2021	national website & another link
Hungary	1 January 2021	to be determined	national website & another link
Malta	17 February 2020	30 June 2021	national website & another link
The Netherlands	1 February 2020	30 June 2021	national website
Austria	1 January 2021	31 December 2021	national website
Romania	1 December 2020	31 December 2021	national website & another link
Slovenia	1 January 2021	31 December 2021	national website
Finland	1 October 2020	30 September 2021	national website
Sweden	1 December 2020	30 September 2021	national website
United Kingdom	30 March 2019	30 June 2021	EU Settlement Scheme

post, or face-to-face at an ID document scanner location. A paper application form is available for those who can't apply online.

Article 18(4): Declaratory systems

- 18. Bulgaria. The new residence scheme opened on 1 February 2020 and issuance of the new residence documents started in the beginning of July. UK nationals and their family members falling under the WA maintain their rights of residence under the legislation applicable to the EU citizens. Those who hold valid Bulgarian residence documents can use them up to one year after the end of the transition period or the expiry date of their documents whichever comes first. UK nationals and their family members arriving during the transition period have to submit an application in order to be issued a document under the WA within three months from arrival and by the end of the transition period at the latest. Legislation, adopted for the state of emergency due the COVID-19 pandemic extended the validity of the documents under the Free Movement Directive (including those issued to UK nationals and their family members) that expire between 13 March and 31 October 2020 by 6 months.
- 19. Czechia. The new residence scheme opened on 1 February 2020. Lawfully residing UK nationals and their family members continue to reside in Czechia with their existing residence documents and with the same rights as they had before the transition period. They can submit their applications for residence documents issued under the WA as from 1 February 2020. Applicants need to fill in an appropriate form and prove that they are no threat to public policy or public security and present required supporting documents. Temporary residence documents are issued promptly. From 2021 to 2022, temporary residence documents will be replaced with biometric residence documents.

- 20. **Germany.** The new residence scheme is estimated to be opened on or around 15 November 2020. Documents in card format will be issued not before 1 January 2021. UK nationals and their family members will obtain the right to stay in Germany under the WA by operation of law. Those without an already issued residence document will have to notify their presence until 30 June 2021. The respective residence document will be issued by the authorities without application, however, the persons must provide the required biometrics and travel document, as well as the information required for the assessment of the existence of the right. Frontier workers will have to apply for the respective residence document. Preliminary documents *(issued until the residence document is ready)* can be obtained upon application, in particular to facilitate travel within the Schengen area.
- 21. **Estonia.** The new residence scheme will be opened in the last trimester of 2020. The new residence status is granted automatically by law adopted in 2019. UK nationals and their family members residing in Estonia will need to request a change of current document for the new residence document. They will be informed about when the new residence documents will start to be issued. There are no deadline for exchange of current documents and they can reside and use current residence documents within Estonia up to the end of the date of validity. In case of travel, they will need to exchange their documents for the new residence document.
- 22. Ireland. Under the Common Travel Area (CTA) arrangement between Ireland and the UK, UK nationals can move freely and reside in Ireland, and are afforded a number of associated rights and privileges, including access to employment, healthcare, education, social benefits and the right to vote in certain elections, without any requirement to obtain permission. UK nationals are specifically exempt from 'non-national' status under Irish law. Commitment to the CTA was reaffirmed by Ireland and the UK with a Memorandum of Understanding in May 2019. The CTA was also recognised in the Protocol on Ireland/Northern Ireland. While there is no necessity for a UK national resident in Ireland to apply for a residence document, a residence document can be issued to those seeking to document rights under the WA. Rights associated with the CTA have formed part of the ongoing 'Getting Ireland Brexit Ready' campaign, with information on the main Government website (gov.ie), as well as the website of the Department of Foreign Affairs. The residence document will be included as part of that information campaign, expected possibly in late third trimester of 2020, and will be done in coordination with the British Embassy in Dublin.
- 23. **Greece**. The new residence scheme will be opened on 1 January 2021. UK nationals and their family members will have the right to apply for the new residence document according to the conditions set out in the EU Free Movement Directive. There will be a registration requirement with the application deadline of 30 June 2021. This will provide legal certainty for both the Greek authorities and UK nationals and their family members. UK nationals will apply in person at the competent police authorities handling foreigners' issues of the place of their residence, while family members of UK nationals, who are non-EU or UK nationals, will apply at the competent Foreigners and Migration authorities of the decentralized Administration of their place of residence. The current residence documents that have been issued under the EU Free Movement Directive can be used as proof of the previous status

of UK nationals and their family members when they prove their residence status under the WA.

- 24. **Spain.** The new residence scheme opened on 6 July 2020. The procedure for obtaining the new residence document under the WA depends on the situation in which UK nationals and their family members find themselves. Those holding a residence document issued under the EU Free Movement Directive will need to visit the police station to have their residence document replaced by a residence document issued under the WA. Beneficiaries of the WA without an existing residence document will have to undergo a two-step procedure. First, they will have to visit the Immigration Office that will evaluate compliance with the requirements as established in the WA. If the conditions are met, they will have to request the residence document from the police station. The residence document will indicate whether the residence is permanent or temporary. There is no deadline for the exchange of current residence documents. In case of travel, possession of the new residence document will facilitate border crossing as it will be the proof of the status of the beneficiaries of the WA.
- 25. **Croatia.** The new residence scheme will be opened on 1 January 2021. All UK nationals and their family members will have to register with the competent Croatian authority, as is already the case for EU citizens under Article 8(1) of the EU Free Movement Directive. The relevant provisions of the EU Free Movement Directive will continue to apply with respect to the supporting documents that need to be submitted with application. The new residence document will be issued in the format provided for by the relevant Commission Implementing Decision and will include statement that it has been issued in accordance with the WA.
- 26. **Italy.** The new residence scheme opened on 1 February 2020. UK nationals and their family member should inform their municipality of residence *(comune)* of their presence before the end of the transition period and follow the existing rules for EU citizens in Italy *(the EU Free Movement Directive, as transposed in Italy by the Legislative Decree n. 30 of 6 February 2007)*. Pending the implementation of the relevant Commission Implementing Decision, they will receive a certificate of inscription in the population register of the municipality *(attestazione anagrafica)*.
- 27. **Cyprus.** The new residence scheme will be opened on 1 January 2021. An online application process is scheduled to start on that date. Cyprus will not require eligible UK nationals and their family members to replace their residence documents issued under the EU Free Movement Directive, where those documents can be used as means of proof of their right to stay in the Republic of Cyprus. Beneficiaries of the WA will have the right to apply for the new type of residence document based on Article 18(4) of the WA as of 1 January 2021. Those who hold a valid residence document issued under the EU Free Movement Directive will only need to submit a valid passport as proof of identity in their new application. UK nationals who have not obtained a residence document under EU law before the end of the transition period will be entitled to apply for the new residence in Cyprus prior to the end of the transition period.

- 28. Lithuania. The legislation enacting Article 18(4) of the WA and implementing it is under adoption. The new residence scheme is expected to open on 1 January 2021. UK nationals and their family members residing in Lithuania before the end of the transition period will be able to stay. Their new residence status will be granted automatically by law. There will be no deadline for exchange of current documents issued under the EU Free Movement Directive and they can reside and use current residence documents up to the end of the date of validity. In case of travel abroad, they will need to exchange their documents for the new residence document.
- 29. **Poland.** The new residence scheme will be opened on 1 January 2021. The legislative procedure to enact Article 18(4) is ongoing. There will be no obligation for UK nationals and their family members to obtain a new residence status and residence document as a condition for legal residence in Poland under the WA. Persons qualifying for residence rights under the WA will be issued, upon application, with a residence document of the same kind as those issued under the EU Free Movement Directive with a statement that these documents had been issued in accordance with the WA. A certificate of application will be issued. The residence documents will be issued in a new uniform format and will not bear a reference to EU citizen or the EU Free Movement Directive. Residence documents granted before the end of transition period will remain valid until 31 December 2021 at the latest.
- 30. **Portugal.** The new residence scheme is estimated to be opened at the end of November 2020. It will be implemented by SEF *(Serviço de Estrangeiros e Fronteiras)*. UK nationals and their family members will be invited to pre-register through an online platform, which will schedule a slot for personal appointment at the City Hall of their respective residence in order to collect biometrical data for the issuing of a residence document. Administrative regulation on the issuing of residence documents to the beneficiaries of the WA was approved and published on 29 September 2020.
- 31. **Slovakia.** The new residence scheme opened on 1 February 2020. As of 1 January 2021, the current residence status of UK nationals and their family members under the EU Free Movement Directive will be transformed *ex lege* into corresponding permanent or prepermanent residence status depending on the length their previous stay in Slovakia and they will have until 30 June 2021 to apply for a new residence document. The information campaign has been organised by the Ministry of the Interior of the Slovak Republic and is carried out in cooperation with the Embassy of UK and the IOM.

Host State Start date of applications		Links to national websites	
European Union			
Bulgaria	1 February 2020	national website & another link	
Czechia	1 February 2020	national website & another link	
Germany	15 November 2020 (est)	national website	
Estonia	Q4 2020	national website	

Ireland ²	Q4 2020 (est)	national website & another link
Greece	1 January 2021	national website
Spain	6 July 2020	national website & another link
Croatia	1 January 2021	national website
Italy	1 February 2020	national website
Cyprus	1 January 2021	national website & another link
Lithuania	1 January 2021 (est)	national website
Poland	1 January 2021	national website
Portugal	end November 2020 (est)	national website
Slovakia	1 February 2020	national website

 $^{^{\}rm 2}$ Common Travel Area will apply. See Ireland section for further information.

Annex A – Statistical information for host States with a constitutive system

Data referred to in this report can be found in the tables below. Data table notes:

- 1. Figures in these tables have been reported by EU Member States and the UK and are provisional, subject to change and dated according to each national system.
- 2. Figures are rounded to the nearest 100, therefore table breakdowns may not match overall totals, unless where the figure is lower than 500. Data indicates how many citizens have received non-permanent residence (Article 13) and how many have received permanent residence (Article 15).
- 3. For the UK, the 'Total' includes data since testing of the EU Settlement Scheme began.
- 4. Applications that have received an outcome of refused (outside the personal scope or negative criminality check), withdrawn or void (e.g. applications from an individual who cannot be granted leave, or applications withdrawn at the applicant's request), or incomplete (where the required proof of identity and nationality or other mandatory information was not included) were, for the UK, previously grouped together under the 'other outcomes' category (see the user guide for more detail).
- 5. In the UK, EEA EFTA (Iceland, Liechtenstein, Norway) nationals, Swiss nationals and their family members are also able to apply to the EU Settlement Scheme. The statistics in this report include these application in the totals provided. Further breakdowns by nationality are available on <u>gov.uk</u>.

Table 1: applications for a new residence status in constitutive systems – overview

	Total	Report date
European Union		31 July 2020
Estimated number of UK nationals and their family members that need to apply	299 200	
Applications received	23 200	
Applications concluded	14 300	
Permanent residence (Article 15)	11 200	
Non-permanent residence (Article 13)	4 300	
Refused	17	
Withdrawn or void	57	
Incomplete	8	
United Kingdom		30 June 2020
Estimated number of EU citizens and their family members that need to apply	3 500 000 – 4 100 000 ³	
Applications received	3 722 000	
Applications concluded	3 462 600	
Permanent residence (Article 15)	1 984 200	
Non-permanent residence (Article 13)	1 427 000	
Refused	3 100	
Withdrawn or void	25 200	
Incomplete	23 100	

³ Published estimates for EU citizens resident in the UK and their family members were 3.5m to 4.1m. This is from the March 2019 Impact assessment <u>https://www.legislation.gov.uk/ukia/2019/74/pdfs/ukia_20190074_en.pdf</u>. The following caveats from the Office for National Statistics should also be noted on the use of the Annual Population Survey, from which these estimates are derived. <u>https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/articles/noteonthedifferenceb</u> <u>etweenonspopulationestimatesbynationalityandhomeofficeeuropeanunionsettlementschemeeussstatistics/2020-02-24</u>

Host State	Estimated number of UK/EU residents ⁴	Total received	Total concluded	Report date
European Union	299 200	23 200	14 300	31 July 2020
Belgium	22 400	not in operation	not in operation	31 July 2020
Denmark	19 000	not in operation	not in operation	31 July 2020
France	148 300	no data yet	no data yet	31 July 2020
Latvia	1 200	no data yet	no data yet	31 July 2020
Luxembourg	5 300	450	0	31 July 2020
Hungary	5 500	not in operation	not in operation	31 July 2020
Malta	13 600	1 200	0	31 July 2020
The Netherlands	45 000	21 500	14 300	31 July 2020
Austria	11 200	not in operation	not in operation	31 July 2020
Romania	3 000	not in operation	not in operation	31 July 2020
Slovenia	800	not in operation	not in operation	31 July 2020
Finland	5 000	no data yet	no data yet	31 July 2020
Sweden	19 000	not in operation	not in operation	31 July 2020
United Kingdom	3 500 000 – 4 100 000	3 722 000	3 462 600	30 June 2020

Table 2: applications for a new residence status in constitutive systems – by host State

⁴ Including third-country national family members.

Annex B – Statistical information for host States with a declaratory system

Data referred to in this report can be found in the tables below. Data table notes:

- 1. Figures in these tables have been reported by EU Member States and are provisional, subject to change and dated according to each national system.
- 2. Figures are rounded to the nearest 100, therefore table breakdowns may not match overall totals, unless where the figure is lower than 500.
- 3. Refused: outside the personal scope or negative criminality check; Withdrawn: applications withdrawn at the applicant's request; Incomplete: the required proof of identity and nationality or other mandatory information was not submitted by the applicant.

Table 1: applications for a new residence document in declaratory systems – overview

	Total	Report date
European Union		31 July 2020
Estimated number of UK nationals and their family members that may apply	733 800	
Applications received	6 100	
Applications concluded	3 800	
Permanent residence (Article 15)	2 200	
Non-permanent residence (Article 13)	2 600	
Refused	5	
Withdrawn	50	
Other	27	
Incomplete	113	

Table 4: applications for a new residence document in declaratory systems – by host State

Host State	Estimated number of resident UK nationals and their family members ³	Total received	Total concluded	Report date
European Union	733 800	6 100	3 800	31 July 2020
Bulgaria	10 000	1 200	370	31 July 2020
Czechia	8 500	300	0	31 July 2020
Germany	100 000	not in operation	not in operation	31 July 2020
Estonia	1 400	not in operation	not in operation	31 July 2020
Ireland	115 000	not in operation	not in operation	31 July 2020
Greece	28 000	not in operation	not in operation	31 July 2020
Spain	359 500	3 900	2 700	31 July 2020
Croatia	1 000	not in operation	not in operation	31 July 2020
Italy	29 300	800	700	31 July 2020
Cyprus	37 000	not in operation	not in operation	31 July 2020
Lithuania	700	not in operation	not in operation	31 July 2020
Poland	6 400	not in operation	not in operation	31 July 2020
Portugal	34 500	not in operation	not in operation	31 July 2020
Slovakia	2 700	no data	69	31 July 2020