



FAMILY REUNIFICATION GUIDE



Procedure to apply for residency under the Withdrawal Agreement for UK family members and dependents

Who are considered family members?

According to the definitions of the Withdrawal Agreement, both the so-called nuclear family and some extended family members can be considered under the scope of the Withdrawal Agreement, as long as the family relationship (e.g. marriage, registered partner, long-term relationship, etc.) was established before the end of the transition period, 31st of December 2020 and is still maintained when the right of residence is to be exercised.

Family members who may come to Spain for family reunification are:

- **Married or registered partner:** Only if the relationship began before 1st of January 2021. To prove this relationship, you will need an updated marriage certificate (dated within 3 months) dully translated and legalised. You can find how to order a copy of these documents here. The process to legalise the documents can be found via this link . On this website is the list of sworn translators in Spain to translate your marriage certificate.
- **Unmarried or unregistered partner with whom the UK National (who is already a TIE holder) has an existing, long-term relationship.** This relationship must be deemed to be lasting before the end of the transition period. You will need to prove to the Immigration Office that your relationship is stable. This can be done in various ways. For example:
 - o Through evidence that you were living together for at least one year before the end of the transition period: this can be done by joint bank accounts, joint rental agreements or property deeds, joint proof of address (Empadronamiento colectivo), among other documents.
 - o If you have a child together, it will be presumed that you have an existing, long-term relationship and no further evidence will need to be produced. You should then submit your child's birth certificate dully translated and legalised (if it is a document from the UK or a third country). The process to legalise the birth certificate can be found via this link. On this website is the list of sworn translators present in Spain to translate the birth certificate.

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How can Family Members apply for residency?

The Family Member who wants to join an already resident UK National can apply from their current country of residence online or via a representative in Spain, or from within Spain either in person, online, or via a representative.

Family members travelling to Spain now, with the intention to reside

Family members with British nationality

. After arriving in Spain, the British Family Member needs to apply for residency within 3 months of their arrival.

Family members without British, EU, EEA or Swiss nationality

Family members whose nationality means they would normally need a visa to travel to Spain may first need to request a facilitation visa. This visa should be issued free of charge.

Contact the nearest Spanish consulate for further information.

Once in Spain

Once the family member has arrived in Spain (whether they are British or hold another non-EU nationality), the application must be submitted within 3 months. Please follow our step by step guides about how to apply at the different immigration offices in Spain. The procedure is the same as explained in the guides. The applicant just needs to add the following documents to the application:

- A copy of the TIE of the UK National who already lives in Spain and is bringing over the family member.
- Documentation proving the family relationship: such as marriage certificate, birth certificate, etc. You can find how to order a copy of these documents here. These documents will need to be legalised and translated by a sworn translator. You can find the list of English sworn translators present in Spain.

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- Please bear in mind that the Family Member will need to have their healthcare covered, either with an S1 or public or private health insurance. Please check our Healthcare dedicated guide. To obtain more information.
- The family member will also need to complete the correct application form – either EX20 or EX21.
- If the Family Member is an UK National, you will need to tick this box at the EX20 Form:
 - Pasaporte/DNI/NIE del Nacional de Reino Unido da derecho: NIENumber of the UK National who already holds a TIE.
 - o Vínculo con el nacional de Reino Unido que da derecho: Familylink: i.e. Matrimonio (Marriage), Padre/Madre (Father/Mother), Hijo/Hija (Son, Daughter).
 - Both of you will need to sign:
 - o the EX20 Form (If the Family member is also an UK National)
 - o or the EX21 form (If the Family member is not an UK National:
 - o En su caso, firma del nacional de reino Unido (familiar del solicitante): The UK National who is already a TIE holder signs here.
 - o Firma del solicitante: The family member who is looking to get registered signs **here**.

Can I stay in Spain while the appeal in court is in process?

Under the terms of the Withdrawal Agreement, you have a right to pursue your appeal. However, if the original outcome of your registration request included an “Orden de Salida”, an instruction to leave Spain, in addition to submitting your appeal before the court your lawyer must also ask the judge to suspend the instruction to leave. The court will then decide on this request separately.

The decision of the court on this matter will be binding

What can I do if both my appeals have been rejected or if I decide not to appeal?

There are some alternative immigration options under Spanish law you can explore in case your application has been rejected:

If you do not meet the criteria to register as a resident under the Withdrawal Agreement in your own right or as a close family member of a UK national who is already registered, you may wish to apply to reside in Spain under a different immigration status. You can find here a list of free legal advice services who might guide you through the process. Check our guides if you live in: Andalusia,

Ceuta and Melilla, Madrid, Castilla La Mancha, Castilla and León and Extremadura or Murcia)

- Read the Spanish government’s information for non-EU nationals on general immigration routes and the criteria to apply for these.

- Read the Spanish government’s information on obtaining the right to reside under limited, exceptional circumstances, for example for victims of domestic violence or for those who can prove strong links to Spain through family, work or social integration.

Information on returning to live in the UK:

- If you wish to return to live in the UK, read the UK government’s information on returning to live in the UK from Spain, as well as the general information for all UK nationals returning to the UK after living abroad.