



FREQUENTLY ASKED QUESTIONS AND ANSWERS



1.- What is the UK Nationals Support Fund Project (UKNSF)?

IOM's mission on the UK Nationals Support Fund Project has been to provide advice to those UK nationals and their relatives who have lived legally in Spain before the end of the Transition Period (31st December 2020) whomight have struggled with the residency process in Spain.

2.- What is this guide for?

This FAQ guide is a very short and basic guide based on frequently asked questions we have received during the time we have been providing assistance. This is not a guide about how to apply for residency. For that purpose, we strongly recommend you check our regional step-by-step guides (Almería, Cádiz, Córdoba, Granada, Huelva, Jaén, Madrid, Málaga, Murcia, Sevilla) on how to apply for residency under the Withdrawal agreement and also, our appeals guide in case your application has been rejected.

3.- How can I obtain a residency permit in Spain?

There are many ways to obtain a resident permit in Spain. As a UK National, if you moved to Spain before the 31st December 2020 and complied by then with certain requirements, you can apply under the Withdrawal Agreement scheme even now. This is the residency permit that we have been covering during the lifetime of this project.

If you do not comply with some of these requirements, you would have to apply for a VISA from your nearest Spanish Consulate in the UK before moving to Spain.

4.- I moved to Spain after December 2020, can I still apply for residency under the Withdrawal Agreement?

In general, no. You would have to apply for a VISA from the UK before moving to Spain. In order to do so, contact your nearest Spanish consulate in the UK. You can also read the information on 'Visas and Residency' in the British government's 'Living in Spain' guide.

However, if you are the close family member of a UK national who is already resident in Spain under the terms of the Withdrawal Agreement, you may also be able to register as resident under the Withdrawal Agreement. For more information on registering as a family member, see our regional guides: Almería, Cádiz, Córdoba, Granada, Huelva, Jaén, Madrid, Málaga, Murcia, Sevilla and the Spanish government FAQ guide, or the British government Withdrawal Agreement explainer

5.-Is there a time limit to apply for residency permit under the Withdrawal agreement?

Since Spain has opted for a declaratory system, there is no deadline to apply for residency under the Withdrawal Agreement scheme. However, you would have to prove that you complied with certain requirements back in 2020 and continue to meet them now, in order to be eligible for residency under this system.

If you are moving to Spain as a family member of someone with rights under the Withdrawal Agreement, you should submit your registration request within 3 months of arrival to avoid any administrative sanctions, such as a fine.

6.- Do I need a lawyer to apply?

No, you can apply yourself without a lawyer. Please see our regional guides (Almería, Cádiz, Córdoba, Granada, Huelva, Jaén, Madrid, Málaga, Murcia, Sevilla) for more information on how to apply by yourself.

7.- What are the requirements?

There are a few requirements you need to comply with. Please see our regional guides, but in general terms you need to provide a proof of address, proof that you are a worker or self-employed, or proof that you have sufficient means to support yourself, as well as proof of access to healthcare in Spain. There are, therefore, some documents you will need to produce in order to provide evidence that you were legally living in Spain by the 31st December 2020.

If you moved to Spain in the last few months of 2020, you can be considered to have been legally living in Spain, without meeting these conditions by 1 January 2021, during the first three months of your stay only. You must have been meeting these conditions by the end of this three-month period.

One of the most challenging requirements is to demonstrate you had your healthcare cover in place at the right time. Please see our healthcare in Spain guide for more information on how to provide

proof of your healthcare coverage.

8.-What is an S1 form and how can I obtain one?

The S1 form is a European Union document that state pensioners can obtain in order to export their healthcare coverage from the UK to Spain.

You can request this by calling NHS Overseas Healthcare Services.

NHS Overseas Healthcare Services

Telephone: +44 (0)191 218 1999 Monday to

Friday, 8am to 6pm GMT Saturday, 9am to

3pm GMT

9.- How can I register my S1 in Spain?

Please check this official website which explains how to register your S1 form in Spain using the Instituto Nacional de la Seguridad Social (INSS) online portal.

10.- Do I need to translate the documents into Spanish?

All documents in English need to be translated by a sworn translator into Spanish.

Please check our regional guides to find a link to the official Spanish sworn translators. On this website, you can find up to date information on the sworn translators available in your region.

European Union standard forms, such as the S1 form, do not need to be translated.

11.- Do I need to legalize the documents?

You must get certain official UK documents 'legalised' by asking the Legalisation Office to confirm that the signature, stamp or seal is from a UK public official.

Contact the Legalisation Office if you need an update on an application or if you have a general enquiry.

Legalisation Office legalisation@fcdo.gov.uk

Telephone: +44 (0)3700 00 22 44 Monday to

Friday, 9am to 5pm GMT

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15. I have applied and I have not received an answer, how long do I have to wait?

In theory, the immigration office must respond to your application within three months from the date you submitted it. Nevertheless, sometimes it takes more time (it could be because the immigration office is particularly busy, because they have requested more documents from you, or for any other reason). What is important is they have to send you a letter with the outcome of your residency application to the home address you have provided.

If you receive a letter with a rejection, please see our appeals guide for more information about next steps.

16.- My application has been refused, what can I do?

You can submit an appeal to the Immigration office. Please see the appeal guide for further information.

17.- 'I have been instructed to leave the country as part of the refusal decision from the immigration office. Can I stay in Spain until my appeal is processed? Can I stay in Spain until my appeal is decided?

You will have to ask in the appeal to be allowed to stay in Spain while the immigration office is making a decision about your case. This is called "medidas cautelares". You will have to justify why they should let you stay meanwhile. Please see our appeals guide for more info.

18.- I have appealed and been rejected again: What can I do now?

If your "recurso de alzada" (first instance appeal) has been denied you can submit an appeal at the Court and start legal proceedings. You will need to use a lawyer for this. Therefore, we strongly recommend you to seek legal advice at this stage since you cannot represent yourself.

This is called Recurso contencioso administrativo. Please see IOM's appeals guide for more info.

19.- Do I have the right to legal aid?

If you cannot afford a lawyer, you may wish to look into free legal assistance (legal aid).

Please contact your nearest Bar Association for more information about how to apply for a “Abogado de Oficio”. We have updated our website with a list of annexes (Andalusia, Ceuta and Melilla, Madrid, Castilla La Mancha, Castilla León and Extremadura and Murcia) regionally targeted where you can find more information on the legal services available in your region.

20.- If I start proceedings at the court: Can I stay in Spain until the case is decided?

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. This is called ‘Medidas Cautelares’. The court will then decide on this request separately. The decision of the court on this matter will be binding

21.- What about driving licences?

The exchange of driving licences is outside the remit of IOM’s UKNSF project. For the latest information, read the UK government’s information on the Living in Spain Guide - GOV.UK (www.gov.uk), as well as the [official information](#) for UK licence holders from the Spanish Traffic Authority (Dirección General de Tráfico)