

**Brexit and living in Spain:
During and after the transition period**





The UK left the EU at midnight on 31 January 2020. Under the terms of the UK-EU Withdrawal Agreement, an 11-month transition period took immediate effect, during which freedom of movement, trade and travel continue as before.

The Agreement specifies that if you establish legal residence in Spain before the end of the transition period:

“you will be covered by the Withdrawal Agreement, and your rights will be protected for as long as you remain resident in Spain.”

Here are some of the key considerations for UK nationals living in Spain

Visas and residency

Currently, you must register within the *Registro Central de Extranjeros* and obtain the *Certificado de Registro de Ciudadano de la Union* if you want to stay in Spain for more than three months. According to the law, you have 90 days from the date of arrival to do this. Once the registration is correctly processed, you will receive a green card indicating your name, nationality, home address, *NIE* number and date of registration which will allow you to demonstrate that you intend to settle in Spain.

If you are legally resident in Spain before the transition period ends on 31 December 2020, you will be permitted to stay indefinitely. In other words, you will have secured the ability to travel between the UK and Spain as and when you would like.

See our article ‘Securing residency in Spain in time for Brexit’ at:

www.blevinsfranks.com/news/article/secure-residence-in-spain-before-brexit

From 1 January 2021, if you have not already secured your residency in Spain in 2020, you will likely be subject to one of the following situations:

1. Short stays (up to 90 days) from 2021

As things stand, as for other third country (non-EU) nationals, UK nationals will likely need to apply for permission to travel to Spain once the transition period ends. In the long-term, this will be done through the European Travel Information and Authorisation System (ETIAS) - a ‘visa waiver’ system similar to the US ‘ESTA’. However, ETIAS is not due to take effect until late 2021 or early 2022.

While we do not know what system will be in place before ETIAS is ready, we can expect similar rules to apply from 1 January 2021:

- UK citizens must register online in advance of travelling;
- There will be an application fee;
- Authorisation is valid for three years;
- Allows unlimited entries into the Schengen region;
- Enables stays of up to 90 days in any 180-day period.

Find out more at: www.etiasvisa.com/etias-news/etias-visa-how-will-it-affect-uk-citizens

NOTE

The European Commission has said UK citizens will not need visas to visit the EU for short-term stays. However, this is dependent on the UK continuing to offer reciprocal visa-free access to EU citizens.

The UK government has stated that freedom of movement will end at the conclusion of the transition period. However, it has mooted a visa-free travel scheme for EU tourists which should ensure travel continues very similarly to how it does today.



2. Long stays (over 90 days) from 2021

If you wish to stay in Spain for longer than 90 days in any 180-day period but have not secured Spanish residence in 2020, you will likely need to apply for a long-term visa.

We don't yet know what the rules and requirements will be for UK citizens from 1 January 2021 onwards. Until we get more clarity on this from the Spanish immigration authorities in the coming months, the current conditions required for third country (non-EU) nationals moving to Spain offer an indication of how things might be.

As third country nationals cannot currently apply 'in-country', you may have to apply for your visa in person through a UK consulate, not in Spain, from 2021.

The current rules for non-EU applicants wishing to settle in Spain with a 'non-lucrative visa' require each individual to demonstrate some minimum financial requirements to prove sufficient economic means for the period of residency in Spain.

Whatever is decided, we can expect UK nationals will face more complex and stringent requirements for applying to live in Spain from 2021 than today.

Healthcare

If you are lawfully settled in Spain before 31 December 2020, you will have healthcare rights in Spain as you do now, provided you remain Spanish resident. You **must** register for healthcare as a resident in Spain.

State healthcare: S1

If you are living in Spain and receive the UK State Pension or other exportable benefit, you can continue receiving free Spanish healthcare while you are resident there. You will need to apply for a certificate of entitlement known as the S1 form.

If you are entitled to an S1, you can also hold a UK-issued European Health Insurance Card (EHIC). This enables you to receive free healthcare when travelling in other EU member states, at least until 31 December 2020.

Access to Spanish healthcare for UK nationals who are not resident in Spain post-transition period has not yet been defined.

Pensions

If you are living in the EU/EEA or Switzerland by 31 December 2020 you will continue to receive cost-of-living increases to your UK State Pension every year for as long as you continue to live there. This will apply even if you start claiming your pension on or after 1 January 2021, only if you meet the qualifying conditions for the UK State Pension and are settled in Spain before the transition ends.

There is no guarantee that UK retirees moving to Spain after 2020 will be eligible for this benefit.



You can find further guidance and keep up-to-date with developments for UK nationals living in Spain on the UK government website at www.gov.uk/guidance/living-in-spain

What you need to do

If you enjoy spending time in Spain and are considering a more permanent move, it will never be easier than now.

To spend the majority of the year in Spain – without restriction – and secure lifelong healthcare and pension rights, you need to take steps to secure your residency in Spain during 2020.

If you are yet to formalise your status in Spain, contact Blevins Franks to help ensure:

- You take the necessary steps in the correct order;
- Your affairs are suitably structured in advance of becoming resident.

Understandably, the COVID-19 pandemic has led to changing priorities for us all, which may have impacted any preparations you may have been making for Brexit. To avoid losing more valuable time, contact us as soon as possible to arrange a call or meeting to get your plans underway.

Blevins Franks – Brexit-ready

Blevins Franks is committed to providing all our clients in Spain with a continuing, high quality service well into the future, and have been planning for Brexit since the 2016 referendum. While no-one yet knows what agreement the UK and EU will reach regarding financial services, we already have contingency arrangements in place to enable us to continue to service and advise all our clients, whatever the outcome of the negotiations.



▶▶ You can contact the Partner closest to you either by phone,
by clicking on the adviser area below or by email

contact us now

Nerja, Málaga, Mijas, Marbella, Nueva Andalucía

Chris McCann ▪ **Sarah Burke** 952 198 029

Steven Langford ▪ **Kelman Chambers** 952 522 660

San Pedro, Estepona, Gibraltar, Cádiz, Huelva, Ayamonte

David Bown 952 809 212 ▪ **Javid Rustam** 603 503 991

Alicante (South) to Almería

Gerald Turner 965 705 502

Alicante (North) to Calpe, Cataluña, Barcelona and Girona

James Johnson 966 888 122

Calpe (North) to Tarragona

Brett Hanson 965 793 561

Balearic Islands

Cathal Rochford 971 719 181

Canary Islands

Paul Montague 922 716 079

enquiries@blevinsfranks.com

COVER IMAGE Fuenigirola, Costa del Sol, Spain

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REGISTERED OFFICE 28 St James's Square, London SW1Y 4JH, United Kingdom + 44 (0)20 7389 8133

www.blevinsfranks.com