

with Union law before the end of the transition period and who continue to do so after that period shall have exactly the same rights under the Withdrawal Agreement as persons who arrived before Brexit, who are also subject to the same restrictions and limitations.

Thus, the Agreement is the regulation that governs and will govern the conditions of residence and the rights of persons included in its personal scope of application. Those who arrive after the end of the transition period and who are not included in it will be considered as third country nationals and, without prejudice to the application of a special regime for future mobility, will be subject to the provisions of the general regime for foreigners.

Therefore, once the Withdrawal Agreement has entered into force, the following regimes are distinguished: the system for EU citizens, provided for in Royal Decree 240/2007 of 16 February on the entry, free movement and residence in Spain of citizens of the Member States of the European Union and of other States parties to the Agreement on the European Economic Area; The arrangements applicable to nationals of the United Kingdom, members of their families and any other persons falling within the scope of the Withdrawal Agreement, who shall be subject to the provisions of the Agreement (i.e. the application of the European Union's right of free movement with the specialities and particularities laid down therein); and that of third-country nationals, to whom the so-called general regime for foreigners applies and which includes United Kingdom nationals who are not beneficiaries of the Withdrawal Agreement.

In the light of the above, Title II, Chapter 1, of the second part of the Agreement sets out the conditions of residence of United Kingdom nationals and their family members in the host State and of Union citizens in the United Kingdom, as well as aspects relating to their documentation. The purpose of this documentation process is to differentiate (1) between those who fall within its scope and (2) those who are not, mainly because they arrive in Spain after the end of the transition period. This is because the former, those who reside in Spain before 31 December 2020 will have the rights of residence, free movement and social security recognised by the Withdrawal Agreement. While those who arrive after that date will have different rights, either

those that recognise the future relationship between the European Union and the United Kingdom, or, in its absence, those recognised by Spanish law.

For its part, Article 9(c)(ii) defines the host State as one in which the United Kingdom national and the members of his family have exercised their right of residence in accordance with Union law before the end of the transition period and in which he continues to reside after that date. The Withdrawal Agreement does not require physical presence in the host State at the end of the transition period (temporary absences that do not affect the right of residence, as well as longer absences that do not affect the right of permanent residence).

According to this definition, Spain is the host State for United Kingdom nationals and members of their families residing in its territory (as defined in Articles 9, 10 and 13 of the Agreement).

For the purpose of documenting nationals of the United Kingdom, members of their families and any other persons residing in Spain under the conditions laid down in Title II of the Agreement, and on the basis of the two options offered by the Withdrawal Agreement in its article 18, the Government of Spain has opted for the application of Article 18.4 according to which “Where a host State has chosen not to require Union citizens or United Kingdom nationals, their family members, and other persons, residing in its territory in accordance with the conditions set out in this Title, to apply for the new residence status referred to in paragraph 1 as a condition for legal residence, those eligible for residence rights under this Title shall have the right to receive, in accordance with the conditions set out in Directive 2004/38/EC, a residence document, which may be in a digital form, that includes a statement that it has been issued in accordance with this Agreement”. Therefore, a documentation process based on the current registration system has been set up, which also guarantees the right under Article 18(4) to obtain a new residence document.²

² It is recalled that in Spain, pursuant to Article 7.5 of Royal Decree 240/2007 of 16 February, citizens of the Union are obliged to apply for a registration certificate if they wish to reside in Spain for more than three months, without prejudice to the fact that Article 14.4 allows proof of resident status by any means of proof admitted in law. For their part, family members, in accordance with Article 8, must obtain a residence card for the family member of the Union citizen.

Accordingly, nationals of the United Kingdom, members of their families and any other persons residing in Spain under the conditions laid down in the Agreement shall not **be required to apply for** a new resident status or to submit to a new documentation process, but shall be entitled, in accordance with **the provisions of Directive 2004/38, to receive a residence document expressly reflecting their status as beneficiary of the Withdrawal Agreement.**

Furthermore, in accordance with Article 19 of the Withdrawal Agreement, this residence document **is allowed to be applied** for, on a voluntary basis, during the transition period.

On the basis of this and in **order to** avoid double requests, a system has been set up in which applications for registration certificates or residence cards for a family member of the EU citizen which are applied for during the transition period by those nationals of the United Kingdom, members of their families and any other persons residing in Spain under the conditions laid down in Title II of the Agreement shall be understood and processed as applications **for this residence document in Article 18(4) of the Agreement.**

For the issue of residence documents referred to in Article 18(4) of the Agreement, Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the withdrawal agreement, which seeks to ensure, within the European Union, uniform conditions for the issuance of documents with the aim of facilitating the recognition of such documents, in particular by border control authorities; And to prevent counterfeiting and alteration through high-level security measures (recital 13). To this end, this Decision gives the Commission, in Article 5, the possibility of adopting an implementing act in order to establish the period of validity, format and security characteristics of the documents to be issued by the Member States, as well as the joint declaration to be contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 6 of that Decision.

On this basis, the Commission Implementing Decision of 21 February 2020 on the documents to be issued by the Member States pursuant to Article 18(1) and (4) and Article 26 of the Agreement (hereinafter referred to as 'Commission Implementing Decision') has been adopted.³ According to this Commission Implementing Decision, the uniform model of residence permits for third-country nationals provided for in Council Regulation (EC) No 1030/2002 is the model to be used for the issuance of residence documents. Together with this format, it is established that the period of validity of these shall be between 5 and 10 years. In relation to the validity and taking into account the provisions on temporary and permanent residence contained in the Withdrawal Agreement, it has been decided that temporary residence documents will be valid for 5 years and permanent ones for 10 years.

In addition, the Decision specifies a number of elements to be included in these documents. Thus, in the residence documents of Article 18 of the Agreement, the field corresponding to the Type of permit must contain "Article 50 TEU" and, in the field corresponding to Observations, it must be recorded that it has been issued in accordance with Article 18.4 of the Agreement.

Taking into account, therefore, the above-mentioned regulatory provisions (Withdrawal Agreement, Council Decision(EU) 2020/135 of 30 January 2020 and the Commission Implementing Decision) and with a view to uniform application of them in the issue of residence documents under Article 18.4 of the Agreement, these management centres in the exercise of the powers conferred on them by Article 6.1(b) of Royal Decree 497/2020 of 28 April, which develops the basic structure of the Ministry, 1st of Royal Decree No. 139/2020, which develops the basic organizational structure of ministerial departments, provides the following Instructions:

First. *Object.*

The purpose of these instructions is to establish the form, requirements and time limits for issuing the residence document referred to in Article 18.4 of the Withdrawal Agreement.

³ The instructions concerning the issue of documentation of United Kingdom nationals who fulfil the status of frontier workers in Spain provided for in Article 26 of the Retirement Agreement shall be included in an instrument other than that.

Second. *Personal scope of application.*

For the purposes of these instructions, the provisions of the Withdrawal Agreement shall be taken into account with regard to its subjective scope of application and shall apply to nationals of the United Kingdom, members of their families and any other persons residing in Spain in accordance with the conditions laid down in Title II of the Agreement.

Third. *Temporal scope of application.*

1. Applications for residence documents by United Kingdom nationals, members of their families and any other persons residing in Spain under the conditions laid down in Title II of the Agreement may be made as from 6 July 2020.

2. In the case of persons whose right of residence in Spain begins after the end of the transition period in accordance with Title II of the Agreement, the time limit for submitting the application shall be three months from their arrival in Spain or from the date of birth.

If the applications are submitted after that period, the Immigration Offices shall assess the circumstances and reasons for the non-compliance and shall allow the person concerned an additional period of time to submit the application if the reasons for the non-compliance are substantiated upon assessment by the Immigration office.

3. In those cases in which it is processed in person, a prior appointment must be obtained.

Fourth. *Issue of the residence document provided for in Article 18.4 to United Kingdom nationals residing in Spain under the conditions laid down in the Agreement.*

1. United Kingdom nationals resident in Spain under the conditions laid down in the Agreement may, in accordance with Article 18(4) of the Agreement, request the issue of a residence document. This residence document shall be issued in accordance with the uniform format of residence permits for third-country nationals provided for in Regulation EC No 1030/2002 and should be indicated in the field corresponding to the Type of Permit “Article 50 TEU” and, in the field corresponding to Observations, the following phrase “issued in accordance with Article 18.4 of the Withdrawal Agreement” shall be included.

2. Applications may be submitted, in accordance with the third instruction, as from 6 July. In the case of persons whose right of residence in Spain begins after the end of the transition period in accordance with Title II of the Agreement, the time limit for submitting the application shall be three months from the date of arrival in Spain or from the date of birth, without prejudice to the possibility of granting a sufficient additional period on reasonable grounds.

3. The procedure for obtaining this residence document is determined on the basis of whether the United Kingdom national: holds a temporary or permanent registration certificate; or, it does not apply for it before the date laid down in these instructions or for having arrived in Spain within the period from the date provided for in these instructions (i.e. after 6 July) and the end of the transition period or at a later time.

Depending on the situation of the the United Kingdom national, obtaining this residence document will require one step (with the police units that are authorised to issue it, upon payment of the established fees) or two steps (to theImmigration Office which will, where appropriate, issue the residence document, and then to the police unit that is entitled to issue the document, after payment of the established fees).

It is recalled that:

- The Withdrawal Agreement does not require physical presence in Spain at the end of the transition period, and temporary absences which do not affect the right of residence

must be accepted in accordance with Article 11 of the Agreement, as well as longer absences which do not affect the right of permanent residence. This element must be considered both for the issuance of the residence document and for its renewal.

- With regard to permanent residence, the rules on prior residence periods in accordance with Article 15 of the Agreement remain in force.
- Applications for registration certificates shall be understood and processed as applications for the residence document referred to in Article 18.4 of the Agreement and the provisions of this instruction apply.
- Periods of residence in Spain prior to your application in accordance with Article 16 of the Agreement shall be considered. Therefore, although, according to the Commission's Implementing Decision, residence documents issued must be valid for a minimum of 5 years, applications for the issuance of a new permanent residence document will be accepted when the requirements laid down in Article 15 of the Agreement (including the five years of legal residence in Spain) are met, despite the fact that the first issued residence document has not exhausted its validity. It shall be presumed that the commencement of legal residence in Spain occurred on the date of issue of the temporary registration certificate if it had been issued.

A) If the national of the United Kingdom holds a temporary registration certificate and has not reached the age of five years of legal residence in Spain, he/she may personally apply to the police unit to issue the residence document.

- At the time of application, the citizen concerned must provide the following documentation:
 - Application form -EX 23 Card application (Article 18.4 Withdrawal Agreement).
 - Valid and current passport of the applicant. If the passport is expired, a copy of the passport and the renewal application must be provided.
 - Proof of the payment of the corresponding fee (model 790, code 012).
 - A photograph, in accordance with the requirements laid down in the national identity document regulations.

- At the time of delivery of the residence document, the citizen must prove to be the recipient of the residence document through the presentation of his valid and current passport.
- This residence document shall be valid for 5 years and the term “Temporal” shall be entered in the field corresponding to the Permit Type. After its validity, it must be automatically renewed in accordance with the provisions of instruction 6.

Persons who have reached the age of 5 years of legal residence in Spain may have access to permanent residence (as provided for in Article 15 of the Agreement) before the validity of the issued residence document expires, requesting the issuance of a new residence document to police units that enable them, after verifying the duration of the residence, to issue it. This new residence document will be valid for 10 years and the term “permanent” shall be entered in the field corresponding to the Permit Type. After its validity, it must be automatically renewed in accordance with the provisions of instruction 6.

B) If the United Kingdom national holds a temporary registration certificate and has reached the age of 5 years of legal residence in Spain (without having obtained, prior to the application for this residence document, a permanent registration certificate), he/she may personally apply to the established police units for the issuance of the residence document which, after verification of the duration of the residence, will issue it.

- At the time of application, the citizen concerned must provide the following documentation:
 - Application form -EX 23 Card application (Article 18.4 Withdrawal Agreement).
 - Valid and current passport of the applicant. If the passport is expired, a copy of the passport and the renewal application must be provided.
 - Proof of the payment of the corresponding fee (model 790, code 012).
 - A photograph, in accordance with the requirements laid down in the national identity document regulations.

- At the time of delivery of the residence document, the citizen must prove to be the recipient of the residence document through the presentation of his valid and current passport.
- This residence document shall be valid for 10 years and the term “permanent” shall be entered in the field corresponding to the Type of Permit. After its validity, it must be automatically renewed in accordance with the provisions of instruction 6.

C) If **the national of the United Kingdom holds a permanent registration certificate**, he/she may personally apply to the police units for the issuance of the residence document.

- At the time of application, the citizen concerned must provide the following documentation:
 - Application form -EX 23 Card application (Article 18.4 Withdrawal Agreement).
 - Valid and current passport of the applicant. If the passport is expired, a copy of the passport and the renewal application must be provided.
 - Proof of the payment of the corresponding fee (model 790, code 012).
 - A photograph, in accordance with the requirements laid down in the national identity document regulations.
- At the time of delivery of the residence document, the citizen must prove to be the recipient of the residence document through the presentation of his valid and current passport.
- This residence document shall be valid for 10 years and the term “permanent” shall be entered in the field corresponding to the Type of Permit. After its validity, it must be automatically renewed in accordance with the provisions of instruction 6.

D) If **the national of the United Kingdom does not hold a certificate of registration**, he/ she may submit an application for this residence document, either personally or by his representative, at the immigration office of the province where he resides or intends to establish his residence, or

by electronic means. Once this has been granted, you must contact the police unit that is authorised to issue the document, after payment of the established fees.

i) On proceedings before the Immigration Office:

- The competence to resolve these requests lies with the person holding the head of the Immigration office.
 - Such application shall be submitted in accordance with the provisions of instruction 3.
 - At the time of your request, the following documentation shall be provided:
 - o Application form – EX 20 Application for a residence document art.18.4 for nationals of the United Kingdom (Withdrawal Agreement of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community).
 - o Valid and current passport of the applicant. If the passport is expired, a copy of the passport and the renewal application must be provided.
 - o Evidence showing that the applicant falls within the personal scope of the Agreement, in particular the beginning of his residence in Spain, and any means of proof admitted in law must be admitted.
 - o Documentation provided for in Article 3 of Order PRE/1490/2012 of 9 July laying down rules for the implementation of Article 7 of Royal Decree 240/2007 of 16 February on entry, free movement and residence in Spain of citizens of the Member States of the European Union and of other States parties to the Agreement on the European Economic Area.
- In the case of members of the family of the United Kingdom national who also hold British nationality, they must prove that the United Kingdom national, with whom they meet or is accompanied, fulfils the conditions depending on the case in which he or she is present.
- Upon receipt of the request, a proof of the filing of the application for the residence document will be provided immediately, which will be sufficient to prove your status of legal stay until delivery of the residence document. The holding of the reserve may not

constitute a precondition for the exercise of other rights or administrative formalities, provided that the beneficiary of the rights can prove his or her situation by any other means of proof.

- Once the application has been registered and in the event that the application is not admissible, its processing shall be initiated, which will entail the assessment of the documentation submitted.
- If the application does not meet the necessary requirements for its processing, the person concerned shall be required, within ten working days, to rectify the faults or to accompany the required documents, indicating that, if he does not do so, he or she will be deemed to be desisted from his request, subject to a reasoned decision, which does not exhaust the administrative procedure, and that he may be subject to appeal before the person who owns the Delegation or Sub-Delegation of the Government concerned, in accordance with the provisions of the Act, in accordance with the provisions of the Act No.
- If the application meets the requirements, the decision on the residence document shall be issued and notified within a maximum period of three months.

ii) On proceedings before the police unit:

- Within one month of notification of the decision on the residence document, you must personally request its issue.
- At the time of application, the citizen concerned must provide the following documentation:
 - Application form -EX 23 Card application (Article 18.4 Withdrawal Agreement).
 - Valid and current passport of the applicant. If the passport is expired, a copy of the passport and the renewal application must be provided.
 - Proof of the payment of the corresponding fee (model 790, code 012).
 - A photograph, in accordance with the requirements laid down in the national identity document regulations.

- At the time of delivery of the residence document, the citizen must prove to be the recipient of the residence document through the presentation of his valid and current passport.
- This residence document shall be valid for 5 years for those cases whose residences do not reach the age of 5 and, therefore, the term “Temporal” shall be entered in the field corresponding to the Permit Type; and 10 years of age for those who have residences over the age of 5 and, therefore, in the field corresponding to the Type of Permission, the term “permanent” will be included. After its validity, it must be automatically renewed in accordance with the provisions of instruction 6.

Persons who have reached the age of 5 years of legal residence in Spain may have access to permanent residence (as provided for in article 15 of the Agreement) before the validity of the residence document issued, by applying personally or by their representative, at the Immigration Office of the province in which he resides, or by electronic means the issuance of a new residence document. The Immigration Office shall, in accordance with the procedure referred to in point (d), verify the duration of residence. Once this has been granted, you must contact the police unit that is authorised to issue the document, after payment of the established fees. This new residence document will be valid for 10 years and the term “permanent” shall be entered in the field corresponding to the Permit Type. After its validity, it must be automatically renewed in accordance with the provisions of instruction 6.

Fifth. Issue of the residence document provided for in Article 18.4 to family members and any other persons, nationals of third countries, residing in Spain under the conditions laid down in the Agreement.

1. Family members and any other persons, nationals of third countries, residing in Spain under the conditions laid down in the Agreement may, in accordance with Article 18(4) of the Agreement, apply for a residence card. This residence document shall be issued in accordance with the uniform format of residence permits for third-country nationals provided for in

Regulation EC No 1030/2002 and should be indicated in the field corresponding to the Type of Permit “Article 50 TEU” and, in the field corresponding to Observations, the following phrase “issued in accordance with Article 18.4 of the Withdrawal Agreement” shall be included.

2. Applications may be submitted, in accordance with the third instruction, as from 6 July. In the case of persons whose right of residence in Spain begins after the end of the transition period in accordance with Title II of the Agreement, the time limit for submitting the application shall be three months from the date of arrival in Spain or from the date of birth, without prejudice to the possibility of granting a sufficient additional period on reasonable grounds.

3. The procedure for obtaining this document is established on the basis of whether the member of the family or any of the other persons, third-country nationals, within the scope of application, holds a temporary or permanent residence card for a family member of the EU citizen; or not because it has not requested it before the date laid down in these instructions or because it has arrived in Spain within the period from the date provided for in these instructions (i.e. after 6 July) and the end of the transition period or at a later date.

Depending on the situation of the citizen concerned, obtaining this residence document will require a step (in front of the police units that are authorised to issue it, after payment of the established fees) or two steps (to the Immigration Office, which will, where appropriate, grant the residence document and, then, to the police unit that is entitled to issue the document, after payment of the established fees).

It is recalled that:

- The Withdrawal Agreement does not require physical presence in Spain at the end of the transition period, and temporary absences which do not affect the right of residence must be accepted in accordance with Article 11 of the Agreement, as well as longer absences which do not affect the right of permanent residence. This element must be considered both for the issuance of the residence document and for its renewal.

- With regard to permanent residence, the rules on prior residence periods in accordance with Article 15 of the Agreement remain in force.
- Applications for a residence card for a family member of the EU citizen shall be understood and processed as applications for this residence document and shall apply as provided for in this instruction.
- Periods of residence in Spain prior to your application in accordance with Article 16 of the Agreement shall be considered. Therefore, despite the fact that, according to the Commission's Implementing Decision, residence documents issued must be valid for a minimum of 5 years, applications will be granted for a new permanent residence document to be issued when the requirements laid down in Article 15 (including the five years of legal residence in Spain) are met, despite the fact that the first issued residence document has not exhausted its validity. It shall be presumed that the commencement of legal residence in Spain occurred on the date of issue of the temporary registration certificate if it had been issued.

A) If the relative or other person, a third-country national, holds a temporary residence card for a family member of the EU citizen and has not reached the age of five years of legal residence in Spain, he may personally apply to the police unit to issue the residence document.

- At the time of application, the citizen concerned must provide the following documentation:
 - Application form -EX 23 Card application (Article 18.4 Withdrawal Agreement).
 - Full passport in force of the applicant. If the document is expired, a copy of the document and the renewal application shall be provided.
 - Proof of the payment of the corresponding fee (model 790 code 012).
 - A photograph, in accordance with the requirements laid down in the national identity document regulations.
- At the time of delivery of the residence document, the citizen must prove to be the recipient of the residence document by presenting his valid and current passport.

- This residence document shall be valid for 5 years and the term “Temporal” shall be entered in the field corresponding to the Permit Type. After the expiry of its validity, it shall proceed in accordance with the provisions of instruction 6.

Persons who have reached the age of 5 years of legal residence in Spain may have access to permanent residence (as provided for in Article 15 of the Agreement) before the validity of the issued residence document expires, requesting the issuance of a new residence document to police units that enable them, after verifying the duration of the residence, to issue it. This new residence document will be valid for 10 years and the term “permanent” shall be entered in the field corresponding to the permit type. After its validity, it must be automatically renewed in accordance with the provisions of instruction 6.

B) If the relative or other person, a third-country national, holds a temporary card for a family member of the EU citizen and has reached the **age of five years** of legal residence in Spain, he may submit the application for this residence document, either personally or by his representative, at the Immigration Office of the province in which he resides, or by electronic means. Once this has been granted, you must contact the police unit that is authorised to issue the document, after payment of the established fees.

i. On proceedings before the Immigration Office:

- The competence to resolve these requests lies with the person holding the head of the Immigration Office.
- Such application shall be submitted in accordance with the provisions of instruction 3.
- At the time of the application, the following documentation shall be provided:
 - o Application form —EX21 Application for residence document art. 18.4 for family members, NTP, nationals of the United Kingdom (Agreement for withdrawal from the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community).

- Valid and current passport of the applicant. If the document is expired, a copy of the document and the renewal application shall be provided.
 - Documentation accrediting the assumption that entitles the document.
 - Upon receipt of the request, a proof of the filing of the application for the residence document will be provided immediately, which will be sufficient to prove your status of legal stay until delivery of the residence document. The holding of the reserve may not constitute a precondition for the exercise of other rights or administrative formalities, provided that the beneficiary of the rights can prove his or her situation by any other means of proof.
 - Once the application has been registered and, in the event, that the application is not admissible, its processing shall be initiated, which will entail the assessment of the documentation submitted.
 - If the application does not meet the necessary requirements for its processing, the person concerned shall be required, within ten working days, to rectify the faults or to accompany the required documents, indicating that, if he does not do so, he or she will be deemed to be desisted from his request, subject to a reasoned decision, which does not exhaust the administrative procedure, and that he may be subject to appeal before the person who owns the Delegation or Sub-Delegation of the Government concerned, in accordance with the provisions of the Act, in accordance with the provisions of the Act No.
 - If the application meets the requirements, the decision on the residence document shall be issued and notified within three months.
- ii. On proceedings before the police unit:
- Within one month of notification of the decision on the residence document, you must personally request its issue.
 - At the time of application, the citizen concerned must provide the following documentation:
 - Application form —EX 23 Card application (Article 18.4 Withdrawal Agreement).

- Valid and current passport of the applicant. If the passport is expired, a copy of the passport and the renewal application must be provided.
- Proof of the payment of the corresponding fee (model 790, code 012).
- A photograph, in accordance with the requirements laid down in the national identity document regulations.
- At the time of delivery of the residence document, the citizen must prove to be the recipient of the residence document through the presentation of his valid and current passport.
- This residence document shall be valid for 10 years and the term “permanent” shall be entered in the field corresponding to the Type of Permit. After its validity, it must be automatically renewed in accordance with the provisions of instruction 6.

C) If the relative or other person, a third-country national, holds a permanent residence card for a family member of the EU citizen, he may personally apply to the police unit to issue the residence document.

- At the time of application, the citizen concerned must provide the following documentation:
 - Application form -EX 23 Card application (Article 18.4 Withdrawal Agreement).
 - Full passport in force of the applicant. If the document is expired, a copy of the document and the renewal application shall be provided.
 - Proof of the payment of the corresponding fee (model 790 code 012).
 - A photograph, in accordance with the requirements laid down in the national identity document regulations
- At the time of delivery of the residence document, the citizen must prove to be the recipient of the residence document through the presentation of his valid and current passport.
- This residence document shall be valid for 10 years and the term “permanent” shall be entered in the field corresponding to the Type of Permit. After the expiry of this period, it must be automatically renewed in accordance with the provisions of instruction 6.

D) If the relative or other person, a third-country national, is not a holder of a residence card for a family member of the EU citizen, he or she may submit the application for this residence document, either personally or by his representative, at the Immigration Office of the province in which he resides, or by electronic means. Once this has been granted, you must contact the police unit that is authorised to issue the document, after payment of the established fees.

i. On proceedings before the Immigration Office:

- The competence to resolve these requests lies with the person holding the head of the Immigration Office.
- Such application shall be submitted in accordance with the provisions of instruction 3.
- At the time of application, the citizen concerned must submit the following documentation:
 - Application form -EX 21 Application for residence document art. 18.4 for family members, NTP, nationals of the United Kingdom (United Kingdom of Great Britain and Northern Ireland Withdrawal Agreement from the European Union and the European Atomic Energy Community).
 - Valid and current passport of the applicant. If the document is expired, a copy of the document and the renewal application shall be provided.
 - Documentation attesting, where appropriately translated and apostilled or legalised, to the existence of the family bond, marriage or registered union that grants the right to the card.
 - Certificate of registration or residence document of the United Kingdom national with whom they are accompanying or with whom they are to meet.
 - Supporting documentation, in cases where this is required, that the applicant for the residence document lives in charge of the national of the United Kingdom of whom he is a relative.
- Upon receipt of the request, a proof of the filing of the application for the residence document will be provided immediately, which will be sufficient to prove your status of

legal stay until delivery of the residence document. The holding of the reserve may not constitute a precondition for the exercise of other rights or administrative formalities, provided that the beneficiary of the rights can prove his or her situation by any other means of proof.

- Once the application has been registered and in the event that the application is not admissible, its processing shall be initiated, which will entail the assessment of the documentation submitted.
- If the application does not meet the necessary requirements for its processing, the person concerned shall be required, within ten working days, to rectify the faults or to accompany the required documents, indicating that, if he does not do so, he or she will be deemed to be desisted from his request, subject to a reasoned decision, which does not exhaust the administrative procedure, and that he may be subject to appeal before the person who owns the Delegation or Sub-Delegation of the Government concerned, in accordance with the provisions of the Act, in accordance with the provisions of the Act No.
- If the application meets the requirements, the decision on the residence document shall be issued and notified within three months.

ii. On proceedings before the police unit:

- Within one month of notification of the decision on the residence document, you must personally request its issue.
- At the time of application, the citizen concerned must provide the following documentation:
 - Application form -EX 23 Card application (Article 18.4 Withdrawal Agreement).
 - Valid and current passport of the applicant. If the passport is expired, a copy of the passport and the renewal application must be provided.
 - Proof of the payment of the corresponding fee (model 790, code 012).
 - A photograph, in accordance with the requirements laid down in the national identity document regulations.

- At the time of delivery of the residence document, the citizen must prove to be the recipient of the residence document through the presentation of his valid and current passport.
- This residence document shall be valid for 5 years for those cases whose residences of the United Kingdom national of whom he is a relative do not reach the age of 5 and, therefore, the term “Temporal” shall be entered in the field corresponding to the Permit Type; and 10 years of age for those whose residences of the United Kingdom national of whom he is a relative are over 5 years of age and, therefore, the term “permanent” shall be indicated in the field corresponding to the Type of Permit. After its validity, it must be automatically renewed in accordance with the provisions of instruction 6.

Persons who have reached the age of 5 years of legal residence in Spain may have access to permanent residence (as provided for in article 15 of the Agreement) before the validity of the residence document issued, by applying personally or by their representative, at the Immigration Office of the province in which he resides, or by electronic means the issuance of a new residence document. The Immigration Office shall, in accordance with the procedure referred to in point (d), verify the duration of residence. Once this has been granted, you must contact the police unit that is authorised to issue the document, after payment of the established fees. This new residence document will be valid for 10 years and the term “permanent” shall be entered in the field corresponding to the Permit Type. After its validity, it must be automatically renewed in accordance with the provisions of instruction 6.

Sixth. Renewal of the residence document provided for in Article 18.4 of the Agreement.

1. The renewal of the residence document provided for in Article 18.4 shall be requested when the validity of the residence document expires.

a) in cases where the persons concerned are in possession of a temporary residence document, a residence document shall be issued for 10 years, automatically renewable every 10 years, and the term “permanent” shall be entered in the field corresponding to the Permit Type.

b) in cases where the person concerned holds a permanent residence document, a residence document shall be issued for 10 years, automatically renewable every 10 years. Failure to submit an application for renewal of the residence document within the time limits laid down in paragraph 2 shall in no case entail a loss of the right of permanent residence.

2. The application must be submitted in the official model established for that purpose during the month preceding the expiry of the residence document, and may also be submitted within three months of that expiry date without prejudice to the appropriate administrative penalty.

4. The application for renewal of the residence document referred to in Article 18.4 of the Withdrawal Agreement shall be accompanied by the following documents:

- Valid and current passport of the applicant. If the document is expired, a copy of the document and the renewal application shall be provided.
- Proof of payment of the fee for processing the procedure.
- A photograph, in accordance with the requirements laid down in the national identity card regulations.

Seventh. Provisions common to the issue of the residence document provided for in Article 18.4 of the Agreement.

1. The authorities competent to process and resolve applications for this residence document may, exceptionally, seek information on possible criminal records of the person concerned from the authorities of the State of origin or those of other States.

2. Copies of supporting documents other than passports or identity documents may be submitted. In specific cases, national authorities may require that the original of certain documents be submitted provided that there is reasonable doubt as to their authenticity.

3. Decisions issued by the person holding the head of the Immigration Office do not exhaust the administrative procedure and may be appealed to the person holding the Delegation or Sub-Delegation of the Government concerned, in accordance with the provisions of Section 2nd, Chapter II, of Title V of Law 39/2015, of 1 October, of the Common Administrative Procedure of Public Administrations.

Octave. *Procedures in progress.*

The administrative procedures initiated before 6 July concerning the obtaining of registration certificates by United Kingdom nationals and residence cards for family members of the EU citizens shall be processed and decided in accordance with these instructions.

Ninth. *Subsidiary and supplementary application.*

The Spanish legislation on foreigners and immigration, and in particular Royal Decree 240/2007 of 16 February on entry, free movement and residence in Spain of citizens of the Member States of the European Union and of other States parties to the Agreement on the European Economic Area, shall apply in all matters not provided for in these instructions; organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration, following its amendment by Organic Law 2/2009 of 11 December; and, the Regulations of the same, approved by Royal Decree 557/2011, of 20 April.

In procedural matters, it shall apply subsidiarily, in all matters not provided for in these instructions and in the rules referred to in the preceding paragraph, Law 39/2015, of 1 October, of the Common Administrative Procedure of Public Administrations.

