



Bundesministerium  
des Innern, für Bau  
und Heimat



Information for United Kingdom  
nationals and their family  
members about the right of  
residence provided for in the  
Withdrawal Agreement

## Content

1	What has the United Kingdom agreed with the EU? Will there be a “hard Brexit” after all? What effects does Brexit have on my right of residence?.....	4
2	Do I need to do anything to safeguard my right of residence in Germany? Am I affected? .....	5
3	What rules apply to persons with a permanent residence card? .....	9
4	What are the rules for persons with multiple citizenship? .....	10
5	What are the rules for persons who live in Germany as family members of dual citizens?? .....	13
6	I am related or married to, or the partner of, a UK national who has an entitlement under the Withdrawal Agreement. What applies to me? .....	14
7	What specifically do I have to do? .....	16
8	As a UK national, do I have to fulfil any other conditions in order to have rights under the Withdrawal Agreement? .....	18
9	What does “living in Germany” mean? .....	19
10	I was not living in Germany on 31 December 2020, but I commute to work there. What applies to me?? .....	20
11	I am an employer and employ UK nationals or their family members. What do I need to bear in mind in future?? .....	21
12	Special case: I was posted to Germany. Do I lose my rights? .....	23
13	I am a (former or active) British soldier stationed in Germany. Do I have any rights under the Withdrawal Agreement? .....	24

---

14	I will be temporarily absent from Germany on 31 December 2020. Is that detrimental to my rights? .....	24
15	What happens at the foreigners authority? .....	25
16	What kind of document will I get and what will it cost?.....	26
17	What can I do with the document? .....	27
18	The document states a passport number, but that passport expires before the document becomes invalid. Do I have to apply for a new document? .....	28
19	I am moving house. Do I need a new card? .....	28
20	What has to be done when the card expires? .....	28
21	My new card-format residence document is not ready yet. I need a temporary certificate documenting my right of residence under the Withdrawal Agreement. ....	29
22	Can I obtain a right of permanent residence even after 31 December 2020? .....	29
23	When do I lose my right of residence? .....	30
24	Must I renew my right of residence regularly? .....	31
25	Do I continue to have the possibility to move freely within the European Union? .....	31
26	Outlook: I am planning to move to Germany in spring 2021 or after 30 June 2021. What will the legal position be in the future? .....	32

## *Information for UK nationals and their family members about the right of residence provided for in the Withdrawal Agreement*

The withdrawal of the United Kingdom from the European Union affects **the right of residence** of UK nationals and their family members in **Germany**.

This booklet aims to answer as clearly and concisely as possible the most important **questions** that apply in the majority of cases. For situations concerning individual cases, please refer to the instructions for the implementation of the Withdrawal Agreement published by the Federal Ministry of the Interior, Building and Community in 2020 on its website.

The following questions only deal with the effects of the United Kingdom's withdrawal from the European Union on **your residence in Germany**.

Other questions relating to the withdrawal, particularly concerning social insurance, including pension claims or the recognition of professional qualifications, are not covered by this booklet.

Please contact the competent bodies concerning these questions, for example the social insurance institutions concerning social insurance-related matters or the agencies listed under <https://www.anerkennung-in-deutschland.de> for any questions you may have about the recognition of professional qualifications.

Unfortunately, the Federal Ministry of the Interior, Building and Community is not authorised to advise you in individual cases. For advice in individual cases, please contact your foreigners authority or seek legal advice.

## ***1. What has the United Kingdom agreed with the EU? Will there be a “hard Brexit” after all? What effects does Brexit have on my right of residence?***

The United Kingdom withdrew from the European Union on 1 February 2020. In this connection, the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, known as the Withdrawal Agreement, was concluded between the EU and the United Kingdom, which took effect and entered into force on that date. It applies throughout the EU, thus including Germany.

For the time after the withdrawal of the United Kingdom from the EU, a transition period was agreed, which ends on 31 December 2020. During this transition period, residence rights initially remained as before. Only after the end of the transition period does the legal position change.

The Withdrawal Agreement provides for the following principle concerning rights of residence:

- **Until 31 December 2020**, the end of the transition period, rights of residence will be treated as if the United Kingdom were still an EU member state. Thus, during this period, there will be no change with regard to the rights of residence of UK nationals and their family members or their right to work in Germany.
- **From 1 January 2021**, persons who were entitled to live or work in Germany (or another EU member state) until that date and who also exercised that right will essentially have the same rights as they had before withdrawal. Provided these rights were exercised, they will be effectively frozen. These rights exist “by law”, which means you can assert them without taking any further action. In order to be able to provide evidence that you have rights under the Withdrawal Agreement, however, you must have a document that you can obtain from the foreigners authority. You can find detailed information under question 2.

- UK nationals living in Germany on 31 December 2020 and continuing to live in Germany after that date must **report** their residence to the foreigners authority responsible for their place of residence **by 30 June 2021 in order to be able to obtain the new residence document.**

### Note:

United Kingdom nationality law is very complex. United Kingdom nationals within the meaning of this information refers to all persons with UK nationality who were treated as Union citizens on the basis of their status during the United Kingdom's membership of the European Union.

They include British citizens as well as certain holders of other categories of UK nationality from the Channel Islands and Gibraltar. British nationals (overseas) are not covered, however.

If you would like to clarify your status in detail, please contact a competent UK agency. German agencies cannot provide you with any legally binding information about your UK nationality status and its consequences.

## *2. Do I need to do anything to safeguard my right of residence in Germany? Am I affected?*

You must act to safeguard your right of residence in Germany if you

- do not have German citizenship,
- are living or working in Germany on 31 December 2020 and
- one of the following cases applies to you:
  - o you are a UK national or
  - o as a family member of a UK national, you have one of these German documents:
    - a residence card or
    - a permanent residence card or
  - o on 31 December 2020, you are a family member of a UK national who is living in Germany on 31 December 2020 and you later move to Germany to join the UK national.

*Note: Family members in this sense are spouses, civil partners and children below 21 years of age. Other relatives in an ascending or descending line (parents, (great-)grandparents, children, (great) grandchildren, etc.) are affected if they receive financial or in-kind support from UK nationals. Other relatives and partners can be considered by discretion, i.e. after taking a close look at the individual case.*

You can safeguard your right of residence in Germany even if you are not living or working in Germany on 31 December 2020 if on that date you have a right of permanent residence in Germany under the Withdrawal Agreement on account of earlier periods of residence in Germany. Even if you do not have a right of permanent residence, being absent from Germany on 31 December 2020 is “harmless” as long as you have been absent from Germany for less than six months (in exceptional cases for less than 12 months) on that date. You will find more details on this under question 14.



## Right of permanent residence and “harmless” absences:

The right of permanent residence under the Withdrawal Agreement arises according to special rules, not according to the rules of the right of free movement.

The following applies:

- In principle, five creditable years of residence in Germany are required; periods spent in other EU member states do not count. There are some exceptions, which are listed below.
- Only periods of residence by persons with the right of free movement will be counted. Periods of residence on another basis (for example, third-country nationals with a residence permit under the Residence Act (Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet) are not counted.
- Creditable times of residence before and after 31 December 2020 are added together.
- You also have a right under the Withdrawal Agreement if you completely fulfilled these periods of residence at some previous time, but left Germany less than five years before 31 December 2020. In this case, it is not necessary for you to be living in Germany on 31 December 2020 in order to assert this right. However, your right of residence under the Withdrawal Agreement expires on the date when you have no longer been living in Germany for five years, even if this date is after 31 December 2020.
- If you interrupted your residence in Germany and none of the cases described above applies, the counting begins again from the beginning. Periods of residence before such an interruption cannot be credited later, even if you return to Germany.
- Permanent residence status can be acquired after the required five-year residence period on or after 1 January 2021.

*Note:*

*By way of derogation from the above five-year rule, some exceptions may apply. These relate to the following cases:*

- *UK nationals who pursued an economic activity and resided in Germany under the right of free movement, and who retire under certain conditions (including old age, early retirement, incapacitation for work) or who are no longer pursuing an economic activity for some other reason, or*
- *family members of a deceased UK national who had an entitlement under the Withdrawal Agreement or – in the case of death before 31 December 2020 – who was pursuing an economic activity or had the right of free movement, when these family members permanently resided at the UK national's address at the time of his or her death. This applies if the UK national had continuously resided in the federal territory for at least two years at the time of his or her death or died as a result of an occupational accident or an occupational disease or*
- *family members residing in Germany of a UK national who himself or herself acquired the right of permanent residence under the previous right of free movement.*



### What absences do not have a prejudicial effect on the right of residence and are thus “harmless”?

The following absences are “harmless”. In the calculation, they are treated as if they had not happened:

- temporary absences not exceeding six months a year or
- absences of a longer duration for compulsory military service (conscription) or
- one absence of a maximum of 12 consecutive months for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a posting in another country.

Anyone who has a right of permanent residence under the Withdrawal Agreement only loses it after being absent from Germany for five years.

### 3. What rules apply to persons with a permanent residence card?

There are two kinds of permanent residence card:

1. A permanent residence card issued to nationals of an EU member state upon application if they have a right of permanent residence (section 4a of the Freedom of Movement Act/EU [Gesetz über die allgemeine Freizügigkeit von Unionsbürgern]). **UK nationals** who have such a certificate of permanent residence must report their residence to the foreigners authority despite the fact that they have this card.
2. A document (“permanent residence card”) for third-country nationals who have the right of free movement – **family members** in possession of this card who are **third-country nationals** do not need to report their residence.

To replace the previous document referred to above, **both groups** will receive the new card attesting to the existence of a right of permanent residence (see question 16). The issuance of this document requires your cooperation, as described in question 15.

#### 4. *What are the rules for persons with multiple citizenship?*

If you have a right of residence as a Union citizen (i.e. all citizens of EU member states) because you have multiple citizenship, not just UK nationality, you can invoke this right. Of course, if you are German, you have an unlimited right of residence in Germany.

The fact that you have multiple citizenship must be known to the registration authority, however. If that is not the case, please arrange an appointment and provide evidence of your other citizenship.

The EU member states are as follows:			
Austria	Belgiums	Bulgaria	Croatia
Cyprus	Czechia	Denmark	Estonia
Finland	France	Germany	Greece
Hungary	Ireland	Italy	Latvia
Lithuania	Luxembourg	Malta	The Netherlands
Poland	Portugal	Romania	Slovakia
Slovenia	Spain	Sweden	



**Example:** Jane lives in Hamburg. She is a UK national. When she moved to Germany, she presented her British passport upon registration. On the occasion of Brexit, it occurred to Jane that she was born in Ireland. Upon her enquiry, the Irish consulate confirmed that she is therefore an Irish national. That means that she continues to be a Union citizen even after Brexit. Jane applies for an Irish passport at the Irish consulate, and receives it. She makes an appointment at the Bürgeramt, a municipal office rendering administrative services for the public, and presents her new Irish passport. The officials at the Bürgeramt register in the electronic population registration that Jane is Irish. That is all Jane has to do in connection with her right of residence.

In future, whenever Jane enters or exits the EU across the EU's external border, she uses only her Irish passport. At border control, the officials are then aware that, as a Union citizen, Jane is to be allowed to enter and leave without further ado. She also does not need the residence document required by UK nationals who were living in Germany on 31 December 2020.

If Jane presented her British passport without this document, the officials would have to check whether Jane had been residing in the EU lawfully and had possibly overstayed because they would not be aware of Jane's Union citizenship. When Jane enters the EU, they could also ask her about the purpose of her stay and whether she has sufficient resources to support herself for the duration of her stay. Such questions will not be asked if, by looking at her Irish passport, the officials see that Jane is a Union citizen.

Citizens of Iceland, Liechtenstein, Norway and Switzerland have rights very similar to those of Union citizens. The EU has concluded agreements on very extensive rights of residence with these countries. If you are both a UK national and a citizen of one of these countries, you should act as Jane does in our example.

*Note: Even if you are a national of one of the EU member states or of another state with which the EU has concluded an agreement on rights of residence, you still have the right under EU regulations to receive documents under the Withdrawal Agreement, as explained below. This is subject to a fee, however, and is generally of no advantage to you.*



## 5. What are the rules for persons who live in Germany as family members of dual citizens?

If you are a third-country national (i.e. you have neither German citizenship nor the citizenship of another EU member state; see list under question 4), but can derive your right of residence from another person who has citizenship of an EU member state, you can continue to enjoy what is known as a right of free movement under EU law. This applies in particular to family members of dual citizens.



**Example:** Jane and John live in Düsseldorf and are married. Jane is a UK national and an Italian national. John is a U.S. citizen. When the couple moved to Germany, Jane presented her British passport to the authorities. She was not asked about her Italian citizenship and she did not state it. John received a residence card from the

foreigners authority issued to him as a family member of a Union citizen.

John knows that he has rights of residence even after Brexit, firstly under the Withdrawal Agreement because his wife is British, and secondly under the right of free movement, because his wife is also Italian and thus a Union citizen. He arranges an appointment with the foreigners authority for Jane and himself, and Jane presents her Italian passport.

The foreigners authority now knows that he is the husband of an Italian and thus continues to have the right of free movement under EU law. He can therefore keep his residence card. When asked if he would also like to have a document under the Withdrawal Agreement, he says no. This document would cost him EUR 28.00 (from 1 January 2021: EUR 37.00) and would not provide any evident advantage. The administrative officer at the foreigners authority explains to Jane that, as an Italian, she does not require any residence documents for Germany, but asks her to inform the registration authority that she is also Italian. Jane does so.

Family members of nationals of Norway, Liechtenstein, Iceland or Switzerland are subject to very similar rules as family members of Union citizens.

### ***6. I am related or married to, or the partner of, a UK national who has an entitlement under the Withdrawal Agreement. What applies to me?***

If the UK national to whom this relationship relates – the reference person – is himself or herself entitled under the Withdrawal Agreement, a person married to him or her and certain relatives and partners may also invoke a right of residence under the Withdrawal Agreement.

As a general rule, third-country nationals who already have a German residence card or a permanent residence card as the reference person of a British person have a right of residence under the Withdrawal Agreement. However, your residence card or permanent residence card will be exchanged for a new document in the course of 2021; see also question 7.

Apart from that, under certain conditions, subsequent immigration to Germany of family members who are third-country nationals – including UK nationals not themselves entitled under the Withdrawal Agreement – will be possible after 31 December 2020 on the basis of the Withdrawal Agreement.

- UK nationals who on 31 December 2020 are married to a person living in Germany may invoke a right of residence under the Withdrawal Agreement. The marriage in question must still be in existence upon entry into Germany.
- A child of a reference person who was under the age of 21 on 31 December 2020 has the right under the Agreement to move to join a reference person provided he or she was under the age of 21 when he or she invoked a right of residence under the Withdrawal Agreement, or he or she is a dependant of the reference person.
- A parent of a reference person has a right to subsequently immigrate to join the reference person under the Agreement if the reference person is actually paying maintenance to him or her at the time of his or her subsequent immigration.

In the case of other family relationships and unmarried partners, subsequent immigration may be possible, either under the Withdrawal Agreement or under the general rules on the subsequent immigration of dependants under the Residence Act. There are some rules concerning this and the conditions that must be met. Please contact your foreigners authority for details.



## 7. What specifically do I have to do?

As a general rule, you do not have to do very much to secure your residence status:

- **For UK nationals: cut-off date 30 June 2021.** If you are a UK national living in Germany on 31 December 2020 and continuing to live in Germany after that date, you must **report** your residence to the foreigners authority responsible for your place of residence by 30 June 2021 **in order to be able to obtain the new residence document**. Many authorities enable this to be done online. You do not need to make an application. **Registration with the residents' registration office is not sufficient!** We recommend that you do not wait until the last minute to report your residence..

*Note: Residence permits issued to you as a precaution in anticipation of a "hard Brexit" and residence documents pre-dating the accession of the United Kingdom to the then European Economic Community do not meet the requirement to report to the foreigners authority. However, if you have already reported your residence to the foreigners authority in anticipation of Brexit, you are not required to do so again.*

- **For family members (including UK nationals who do not themselves fall under the Withdrawal Agreement) who already have a German residence document:** if you already have a residence card or permanent residence card, you are not required to do anything on your own initiative. The foreigners authority will contact you. Your document will be exchanged for another document.



- **For family members (including UK nationals who do not themselves fall under the Withdrawal Agreement) who do not yet have a German residence document:** if you wish to relocate to Germany from the United Kingdom only after 1 January 2021, and are eligible to do so under the Withdrawal Agreement, you will generally need a visa before moving to Germany if you are a third-country national. This does not apply to nationals of Australia, Canada, Israel, Japan, the Republic of Korea, New Zealand, and the United States of America, and to British nationals ("British Citizens" and certain holders of other British citizenship from the Channel Islands, the Isle of Man, or Gibraltar). These nationals must apply for a residence document from the foreigners authority within three months of entry. However, they may also voluntarily apply for a visa prior to entry, particularly to be able to demonstrate their right to pursue a paid occupation immediately after entry.

The foreigners authorities will provide forms or websites to report your residence. If that is not yet the case, it is no problem. This cannot result in any disadvantages for you until 30 June 2021. Only after that date could you encounter difficulties providing evidence of your right of residence if you have not yet registered your residence with the foreigners authority by that date.

You can also apply for a certificate attesting to an existing right of permanent residence (see question 2). To do this, you must provide clear evidence to the foreigners authority responsible for you that you have already lived in Germany for five years.

- **For UK nationals working, but not living, in Germany on 31 December 2020:** as a frontier worker, you may have rights under the Withdrawal Agreement and must apply for a special document in the form of a card from the foreigners authority responsible for your place of work in order to continue to be able to work in Germany; see more details under question 10.

## ***8. As a UK national, do I have to fulfil any other conditions in order to have rights under the Withdrawal Agreement?***

Other conditions must be fulfilled in order to be able to invoke rights in Germany under the Withdrawal Agreement:

- You are required to be living in Germany on **31 December 2020** and also to continue to live in Germany. What this means in detail is explained below. Concerning harmless absences, see questions 2 and 14.
- You must also have had the right of free movement on **31 December 2020**.

You had the right of free movement if, on that date, you were

- in an employment relationship in Germany,
- seeking work in Germany – although a period of seeking work longer than six months only leads to an entitlement to freedom of movement if there was a reasonable prospect that you would find a job,
- self-employed in Germany (in a trade or freelance profession),
- not pursuing an economic activity in Germany – for example you are a pensioner or student – and had sufficient resources to support yourself, including sickness insurance cover.

*Note: The Withdrawal Agreement does not provide for any facilitation on account of the COVID-19 pandemic.*

There are exceptions for UK nationals residing in Germany to provide services (including employees, particularly fulfilling contracts for services), which are explained under question 12. If the foreigners authority establishes that an entitlement to freedom of movement does not exist, that also affects the application of the Withdrawal Agreement.

## 9. What does “living in Germany” mean?

Living in Germany means having your main ordinary residence in Germany. A person who was only staying in Germany temporarily on the cut-off date, 31 December 2020, but did not have their main ordinary residence in Germany, has no rights deriving from the Withdrawal Agreement.

This concerns the following persons:

- persons who were in Germany on 31 December 2020 as tourists or for the purpose of a typical business trip (for example, negotiating a contract),
- persons studying abroad who only have a room at their parents' house in Germany and do not reside in Germany longer than just for visits (unless they have not yet spent more than 12 months outside Germany or have a right of permanent residence and left Germany less than five years ago, see questions 2 and 14) or
- persons who own a holiday home in Germany but only stay there very occasionally and do not have their main ordinary residence there..

It is possible to have a main ordinary residence in a number of countries and thus to live both in Germany and in other countries at the same time. For example, a person who, for the most part, spends the summer in Germany and the winter in Spain lives in both countries within the meaning of this provision. You can find more details on “harmless” absences under question 2.

For these reasons, it is irrelevant here whether or not you were registered with the registration authority in Germany. For the purposes of registration law, a person who moves into a home in Germany is required to register. However, moving into a home does not necessarily mean having a main ordinary residence there. Conversely, a person may have their main ordinary residence in Germany if they often stay in Germany and participate in social activities there, for example, even if they do not live in their own home but stay with friends, relatives or a partner during their visits.

### *10. I was not living in Germany on 31 December 2020, but I commute to work there. What applies to me?*

You may be a **frontier worker** within the meaning of the Withdrawal Agreement. In this case, you continue to have the right to work in Germany on the basis of the Withdrawal Agreement, but not to live there.

If you are an employee (or civil servant) at a workplace in Germany and have not merely been posted to provide a service for a foreign employer, you fall under the frontier worker provision of the Withdrawal Agreement.

Self-employed persons also fall under the frontier worker provision if they do not only provide occasional transborder services in Germany, but have also established a business as self-employed persons in Germany. Please expect to be required to present extensive evidence for an assessment of whether you are self-employed within the meaning of the frontier worker provision, i.e. whether you have established a business in Germany. Frontier workers must apply for a special document from the foreigners authority responsible for their place of work. You can also obtain further information there.

For a later move to Germany, a residence permit under the rules applying to the residence of other third-country nationals would be required. These rules are contained in the Residence Act, not in the Withdrawal Agreement.

### *11. I am an employer and employ UK nationals or their family members. What do I need to bear in mind in future?*

If your employees fall under the Withdrawal Agreement, they are entitled to work for you, even if they do not have the relevant document. If you know that your employee is entitled, you are not required to take any further steps.

**This applies in particular when UK nationals or family members with a residence card or permanent residence card were already working legally for you before 31 December 2020. In this case, you can simply continue to employ these workers after that date, without asking them to present further documents. You do not need to copy or scan any documents or file them with your wage documents.**

Until 30 June 2021, you can trust a statement by UK nationals or their family members that they were living in Germany on 31 December 2020 or that they had a right of residence in spite of a “harmless” absence. After that date, you should request evidence of this legal status. When setting deadlines for your British employees, however, please note that they may take their time until 30 June 2021 to register their residence with the foreigners authority, and that it may take some time before they can get an appointment and for the residence document to be issued. When your employee presents the document, you do not need to scan or copy it or file it with the wage documents. Similarly, you do not need to notify the foreigners authority of any later termination of the employment relationship. While it is certainly useful to enter the fact that a person has status under the Withdrawal Agreement in the wage documents, it is not required by law.

UK nationals entering Germany after 1 January 2021 who do not, by way of exception, fall under the Freedom of Movement Act/EU or the Withdrawal Agreement, as evidenced by documents, are to be treated in the same way as other third-country nationals. They require the permission of the responsible foreigners authority in order to pursue an economic activity. This does not apply if they hold multiple citizenship, i.e. are also citizens of an EU or EEA state.

## *12. Special case: I was posted to Germany. Do I lose my rights?*

If you were posted to Germany by a **British company** to provide services and have no other reason to exercise an entitlement to freedom of movement, you do not fall under the Withdrawal Agreement. However, if you live in Germany, you may still fall under the freedom of movement legislation for reasons such as the following:

- You have sufficient resources to support yourself, including sickness insurance cover, and this will remain the case after 1 January 2021.
- On 31 December 2020, you have a second job with an undertaking whose registered office is in Germany or in another EU Member State..
- Alongside your job, you are also studying at an institution in Germany.
- You are married to a person who is a national of another EU or EEA state and can also derive an entitlement to freedom of movement from this relationship.

If, nevertheless, you do not fall under the Withdrawal Agreement, you can remain in Germany until 31 March 2021 and also continue to engage in your previous activity. However, you must apply for a residence permit under German national residence law before then if you wish to reside in Germany after 31 March 2021. You can do this at the foreigners authority responsible for your place of residence in Germany. You are neither required to apply for a visa nor to leave Germany beforehand

If you were posted to work in Germany by a **company from another EU or EEA state** and have no other reason to exercise the right of freedom of movement, you can continue to work in Germany as a posted employee on the basis of a “Van der Elst” visa. You are required to apply for this visa together with your employer at the responsible foreigners authority. You have time to do this until 31 March 2021.

### ***13. I am a (former or active) British soldier stationed in Germany. Do I have any rights under the Withdrawal Agreement?***

Soldiers are treated as workers within the meaning of EU law. If you are stationed in another EU member state, you are exercising your entitlement to freedom of movement. If you were or are stationed in Germany for the British armed forces, you have the same status as if you had been employed for a German employer in Germany during the same period.

### ***14. I will be temporarily absent from Germany on 31 December 2020. Is that detrimental to my rights?***

As a general rule, if you “live” in Germany in the specified sense (see question 9) but will be absent from Germany at the turn of the year in 2020 or 2021, this is “harmless” for your rights:

- Persons who had not yet lived in Germany for five years may be temporarily absent for a maximum of six months per year, or in certain exceptional cases up to 12 months without this leading to the assumption that they no longer “live” in Germany (on this subject, see also question 9).
- Anyone who had already been living in Germany for five years (see question 2) may have been absent from Germany for as long as five years without this resulting in the loss of rights deriving from the Withdrawal Agreement.



## *15. What happens at the foreigners authority?*

The foreigners authority checks your identity and issues the new residence document. You will require a valid passport; the original passport must be presented. You are also required to bring a biometric photograph with you. The new residence document will be made centrally at the Bundesdruckerei printing office, like passports or ID documents. So it will not be handed out to you right away at your first appointment with the foreigners authority.

The foreigners authority is entitled to check whether you fall under the Withdrawal Agreement. To this end, documents may be required providing clear evidence that you were living in Germany on 31 December 2020 and continue to do so, or that you used to live in Germany and have not been absent from Germany for too long and have therefore retained your rights. Tax statements, salary statements, bank statements, a certificate of student status and other documents which clearly indicate that you actually have, or had, a main ordinary residence in Germany constitute suitable evidence.

In individual cases, the foreigners authority may also check whether the other conditions for entitlement to freedom of movement have been met, in particular, whether you are pursuing an economic activity, are seeking work within the permitted period or with a prospect of success or have sufficient resources to support yourself even though you are not pursuing an economic activity or seeking work.

Your foreigners authority will inform you if you need to present any further evidence. You will not receive a sudden negative decision but will be told what you can do to assert your rights.

## 16. What kind of document will I get and what will it cost?

If you are entitled under the Withdrawal Agreement, you will receive this document in “cheque card format”. The card is valid for a minimum of five years and a maximum of ten years.



If upon application, you are certified as having a right of permanent residence, the word “Daueraufenthalt” (permanent residence) will be found on the second line on the back of the card, below “Erwerbstätigkeit erlaubt” (permitted to pursue an economic activity).

The document costs the same as a German identity card: EUR 37.00 for persons over the age of 24 and EUR 22.80 for younger holders. No fee is charged if you have previously been in possession of a permanent residence card. A residence card and a permanent residence card will become invalid on 1 January 2022 in any case if you no longer have the right of free movement, but only have a right of residence under the Withdrawal Agreement. Before they become invalid, they will therefore be exchanged for a new residence document.

## ***17. What can I do with the document?***

You can use the document to prove that you are residing in Germany legally and that you are allowed to work in Germany. For example, this allows you to switch from employment to self-employed economic activity or vice versa without having to notify or obtain permission from the foreigners authority.

If the card's eID function is activated, you can also prove your identity on the internet using a suitable card reader or smartphone and, for example, register, de-register or re-register cars online without having to go to the public authority.

**In combination with your valid passport**, the document also allows you to enter and exit other Schengen states and to reside there for up to 90 days within a 180-day period without any other authorisation. However, the document does not allow you to move to or work in other Schengen states. Thus, the Withdrawal Agreement did not maintain complete mobility within the European Union; see also question 25.

## ***18. The document states a passport number, but that passport expires before the document becomes invalid. Do I have to apply for a new document?***

No, that is not necessary. The inspection authorities are aware that the passport number entered in a document may refer to a passport that has already expired and was valid when the document was issued. You do not need to take your old passport with you when you travel.

### ***19. I am moving house. Do I need a new card?***

No, you do not need a new card. A sticker with the new address will be affixed on top of your old address. You can register your new address at the registration authority. You do not require a separate appointment at the foreigners authority.

### ***20. What has to be done when the card expires?***

Please apply for a new card in good time. As a rule, you will only need your old card and your original current valid passport. Only in justified individual cases will you be required to provide evidence that you continue to have a right of residence.

### ***21. My new card-format residence document is not ready yet. I need a temporary certificate documenting my right of residence under the Withdrawal Agreement.***

Upon application, the foreigners authority may issue a provisional residence document (Fiktionsbescheinigung). This document, which is subject to a fee, includes a note indicating that you are allowed to pursue an economic activity. In combination with your valid passport, this document also enables you to travel to other Schengen states.

## *22. Can I obtain a right of permanent residence even after 31 December 2020?*

Yes, that is possible. You are required to have lived in Germany for five years, with interruptions of up to six months, or up to 12 months in exceptional cases (on this subject, see question 2). Periods before and after 31 December 2020 are added together. You automatically have the right upon fulfilling the conditions without the need for an authority to take action. If you wish, this can also be certified on a residence document. Aufenthaltsdokument bescheinigt werden.

## *23. When do I lose my right of residence?*

The main reason why you could lose your right of residence is that you reside outside Germany for too long:

- If or as soon as you have a right of permanent residence (see question 2), you can reside outside Germany for up to five years without losing your right of residence.
- In all other cases, the following applies: if you reside outside Germany for more than six months (in exceptional cases, for more than 12 months), you lose your right of residence under the Withdrawal Agreement. In this case, the rules on “harmless” absences apply; see question 2.
- Caution: in both cases, periods of absence before and after 31 December 2020 are added together!

Loss of your right of residence is also possible if you no longer fulfil the requirements for it: for example if you do not yet have a right of permanent residence, if you lose your job, if you have not found a new job within six months, if there is no reasonable prospect that you will find a job in Germany and if you do not have sufficient resources to support yourself.

Termination of residence is also possible if you commit a crime.

If you have lost your right of residence under the Withdrawal Agreement, you cannot regain it.

## *24. Must I renew my right of residence regularly?*

You are not required to renew your right of residence. The residence document loses its validity after a certain period of time, however, and has to be renewed.

In principle, the foreigners authorities have the right to check rights of residence in specific cases.

## *25. Do I continue to have the possibility to move freely within the European Union?*

No, this possibility ceased to exist when the United Kingdom withdrew from the European Union – unless you fulfil the conditions under the Withdrawal Agreement in a number of countries, in which case you can also assert your right in these other countries. Please note that the procedures and deadlines may be different in other Member States. In addition, of course, if you are also a citizen of another EU or EEA state, you can continue to assert your mobility rights.

A further, limited possibility for mobility within the EU exists if you fulfil the conditions for a permanent EU residence permit or for the EU Blue Card. You can apply for these rights of residence for third-country nationals even if you have an entitlement under the Withdrawal Agreement.

In combination with your passport, your new residence document enables you to travel within the Schengen countries for up to 90 days within a 180-day period. However, it does not allow you to work in or move to other countries. To do that, you require permission from the other country concerned.

Your residence document does not constitute any form of entitlement outside the Schengen countries. That also applies to the EU member states that are not Schengen states, i.e. Bulgaria, Croatia, Romania and Cyprus. Ireland has special rules for UK nationals.

## *26. Outlook: I am planning to move to Germany in spring 2021 or after 30 June 2021. What will the legal position be in the future?*

From 1 January 2021, UK nationals who do not have an entitlement under the Withdrawal Agreement will have the same status regarding rights of residence as citizens of other third countries. The provisions concerning rights of residence are complex, and before planning a lengthy period of residence in Germany, you should find out in detail about the conditions of lawful residence in Germany. You will not be allowed to pursue an economic activity in Germany without prior permission.

To find out more about the conditions and procedures for residence in Germany, you can obtain information in a number of languages on special websites provided by German agencies online, for example here:

In German: <https://www.make-it-in-germany.com/de/>

In English: <https://www.make-it-in-germany.com/en/>

You do not require any private intermediaries or agencies for lawful residence in Germany. There is no state licensing procedure for such service providers, and German government agencies can neither judge or provide any information on the quality of their services. Under the Act on Out-of-Court Legal Services (Rechtsdienstleistungsgesetz, RDG), communication with government agencies on behalf of other persons concerning matters relating to rights of residence is only permitted for lawyers registered in Germany and other agencies authorised under the Act on Out of Court Legal Services..



## *Further information*

The foreigners authority at your place of residence is competent to deal with your personal concerns relating to rights of residence, i.e. the authority of the federal state, district, city or municipality where you live.

Enter your address in Germany using the search function below to find out which foreigners authority is responsible for you:

<https://www.bamf.de/DE/Service/ServiceCenter/BeratungVorOrt/Auslaenderbehoerden/auslaenderbehoerden-node.html>

The Federal Ministry of the Interior, Building and Community and the federal authorities within its remit are not authorised to deal with matters relating to rights of residence in individual cases. They also do not supervise or give any instructions to the foreigners authorities.

If you have any questions on matters relating to the issuance of a passport or citizenship, please contact the competent bodies of the country concerned; in Germany, that is the competent embassy or consulate general. German authorities cannot provide any information on other citizenships and also do not issue passports of other countries

If you require an entry visa, please contact the embassy or consulate general of the Federal Republic of Germany in the country of your current residence.

## Publication information

### Published by

Federal Ministry of the Interior, Building and Community  
e-Mail: [service@bmi.bund.de](mailto:service@bmi.bund.de)  
Internet: [www.bmi.bund.de](http://www.bmi.bund.de)

### As at

December 2020

### Layout

Orca Affairs GmbH, 10117 Berlin

### Credits

1StunningAR / AdobeStock / P. 15  
lazyllama / AdobeStock / P. 7  
Markus Mainka / AdobeStock / Cover  
tanaonte / AdobeStock / P. 12

[www.bmi.bund.de](http://www.bmi.bund.de)