

January 2021

Information for UK nationals regarding regulated Brexit and rights of residence

What residence regulations were in force until 31 December 2020?

The Withdrawal Agreement has not really changed anything for the time being. Until the end of the transition period defined within the framework of the Withdrawal Agreement (31 December 2020), UK citizens and their family members (who are third-country nationals) covered by the right to freedom of movement were treated, in terms of residence regulations, as if the United Kingdom were still a Member State of the EU. Thus UK citizens and their family members (who are third-country nationals) who exercised their rights under the EU Freedom of Movement Act until 31 December 2020 were still covered by the EU Freedom of Movement Act until that date.

What has changed for UK nationals living in Germany as of 01 January 2021?

A right of residence under the Withdrawal Agreement also applies by law beyond 31 December 2020. If you have exercised your right to freedom of movement to date as an EU citizen, you must register as a resident by 30 June 2021 (registration obligation) with the competent Office of Foreign Citizens' Affairs (*Ausländerbehörde*). Holders of Residence Cards or Permanent Residence Cards are not subject to this registration obligation.

Has the Office of Foreign Citizens' Affairs issued documents certifying residency rights beginning on 01 January 2021?

Yes, new documents were introduced that regulate matters related to the Withdrawal Agreement. Your registration as a resident will be certified by the competent Office of Foreign Citizens' Affairs ("Confirmation of receipt of registration"). The competent Office of Foreign Citizens' Affairs of the District or District-Free City has begun issuing the "Residence Document GB" as of 01 January 2021 once the relevant conditions are met. The data required for this are collected when you register as a resident. To this end, UK citizens must make an appointment with the competent Office of Foreign Citizens' Affairs. This can be done starting immediately.

What deadlines must be observed?

From 01 January 2021 to 30 June 2021:

The current treatment of UK citizens as EU citizens ended on 31 December 2020. All beneficiaries of the Withdrawal Agreement with legal residence in Germany at the end of the transition period must register their residence with the competent Office of Foreign Citizens' Affairs by 30 June 2021.

By 31 March 2021:

UK citizens who have resided in Germany to date in accordance with EU law, but do not have rights under the Withdrawal Agreement, may apply until 31 March 2021, without leaving the country, for a Residence Permit for Germany as required for further residence in Germany. Until a decision is reached on this application, further residence is allowed and employment in a position held until 31 December 2020 may be continued.

What regulations apply to newly immigrant UK citizens as of 01 January 2021?

UK citizens have been included in the list of preferred countries and therefore require no visa to travel to Germany and sojourn in the country (Section 41 Par. 1 AufenthV).

UK citizens entering the country as tourists do not require a visa for short stays (90 days within a 180-day period).

The Residence Permit required for a longer stay (for example in order to work in Germany) can be obtained in the country. It must be applied for within 90 days of entering the country. Submit Residence Permit applications to the competent Office of Foreign Citizens' Affairs (*Ausländerbehörde*) of the relevant District or District-Free City.