



UK Government

UK TRANSITION



The Withdrawal Agreement: Your rights & actions you need to take

Information for UK nationals living
in Germany before 1 January 2021

Information correct upon publication in March 2021.
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THE WITHDRAWAL AGREEMENT

On 31 January 2020 the UK left the European Union with a deal, known as the Withdrawal Agreement. This established a transition period that ended on 31 December 2020.

The Withdrawal Agreement protects the rights of UK nationals who were legally resident in Germany under EU law before 1 January 2021 and who continue to live in Germany. Such UK nationals are sometimes referred to as 'in scope of' the Withdrawal Agreement, and may be described as having 'exercised free movement rights'.

The Withdrawal Agreement secures, amongst others, the following rights for these UK nationals:

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- ✓ residence
 - ✓ right to work or study
 - ✓ access to healthcare, benefits and education
 - ✓ lifetime protection of pensions
 - ✓ right to bring existing close family members to live with them in Germany
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In order to secure these rights you must request a new residence document by 30 June 2021. This booklet, summarises the rights that you will continue to hold in Germany and actions you must take.

Important: Throughout this booklet the term, 'living in Germany' refers to UK nationals who have exercised free movement rights in Germany before 1 January 2021.

The rights of UK nationals who have moved to Germany after 1 January 2021 differ under German law and are not covered in this booklet.

ACTIONS TO TAKE

You must:

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- ✓ report your residence to your local Foreigners Authority (Ausländerbehörde) by 30 June 2021 at the latest in order to receive a new residence document (Aufenthaltsdokument-GB).
 - ✓ ensure you are registered at your current address with your local registration office (often known as Bürgeramt, Bürgerbüro or Kreisverwaltungsamt).
 - ✓ exchange your UK driving licence for a German one before 30 June 2021.
 - ✓ ensure your passport meets the minimum validity requirements and that all your details are correct.
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RESIDENCY

UK nationals protected by the Withdrawal Agreement will have the right to continue to live in Germany, with access to the labour market and benefits. You should obtain a new residence document (Aufenthaltsdokument-GB). To get this document you must report your residence to your local Foreigners Authority by 30 June 2021.

Local Foreigners Authorities (usually called 'Ausländerbehörde') are responsible for issuing residence documents in Germany, therefore the process can vary from town to town. You will need a valid UK passport when you request your new residence document. Check with your local Foreigners Authority if they have a minimum passport validity requirement. Your Foreigners Authority might also ask you to bring other documents along to your appointment.

Please see our guidance and follow the process of your local Foreigners Authority: www.gov.uk/government/publications/germany-residency/residence-documentation-for-uk-nationals-in-germany

In addition, you must register your current address with your local registration office (often known as 'Bürgeramt', 'Bürgerbüro' or 'Kreisverwaltungsamt'), if you have not done so yet. You will be issued with a registration certificate (Meldebestätigung). Find your registration office here: www.melderegister-auskunft.de/deutschland

Every UK national who has exercised their free movement rights in Germany before 1 January 2021 and continues to live in Germany will be eligible for the residence document (Aufenthaltsdokument-GB).

UK nationals who have exercised their free movement rights in Germany for five continuous years, will have the right to permanent residence and can request that the word 'Daueraufenthalt' is added to their Aufenthaltsdokument-GB. If you don't meet these conditions right now, you can always request the addition of permanent residence whenever you do meet the conditions in the future.

Once acquired, you will only forfeit your right to permanent residence if you leave Germany for more than 5 years. UK nationals who have lived in Germany for less than five years, can have temporary absences of up to 6 months in any 12-month period or a single absence of up to 12 months for important reasons (such as

pregnancy, serious illness, study or a posting abroad) without losing their right to residence. See: www.gov.uk/guidance/the-withdrawal-agreement-what-uk-nationals-need-to-know-about-citizens-rights

UK nationals who hold dual nationality with another EU member state do not require a new residence document (Aufenthaltsdokument-GB).

FAMILY MEMBERS

Family members of UK nationals living in Germany before 1 January 2021, including from non-EU countries, also retain their right to residence. They have until the end of 2021 to exchange their existing residence permit for a new residence document (Aufenthaltsdokument-GB).

UK nationals living in Germany and protected by the Withdrawal Agreement have the right to bring existing close family members to Germany in the future. UK nationals living in Germany and protected by the Withdrawal Agreement will also have the right to bring existing close family members with them to the UK if they chose to return to the UK before 29 March 2022. After this date, UK immigration law will apply to UK nationals bringing non-UK family members to the UK.

Existing close family members are defined as:

- ✔ spouses or registered partners where the relationship started before 1 January 2021 and continues
 - ✔ dependant children or grandchildren, including those born after the UK left the EU
 - ✔ dependant parents or grandparents
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HEALTHCARE

UK nationals living in Germany continue to have life-long healthcare rights.

UK nationals employed in Germany can continue to access healthcare by paying contributions to a German health insurer (Krankenkasse). Germany-issued European Health Insurance Cards (EHICs) continue to be valid for travel, including to the UK.

S1 form holders who moved to Germany before 1 January 2021 continue to have life-long healthcare rights via their S1 form. Their UK-issued EHICs continue to be valid for travel across the EU. An expired UK EHIC can be replaced at www.nhs.uk/ehic.



UK nationals who lived in Germany before 1 January 2021 but who are yet to reach state pension age will have the right to apply for a UK S1 and a UK-issued EHIC once they start drawing their UK state pension, if they meet the eligibility requirements for a UK-issued S1 form. Eligible individuals will also get a UK-issued EHIC for travel and access to planned treatments in other EU countries.

Students who were living in Germany and whose studies began before 1 January 2021 can continue to use their UK-issued EHIC to access healthcare for the duration of their course.

PENSIONS

The Withdrawal Agreement protects the access to pensions for UK nationals who were living in Germany before 1 January 2021 and still live here.

UK state pensions exported to UK nationals living in Germany will continue to be uprated for as long as the individual continues to live in Germany.

If you are in scope of the Withdrawal Agreement and have not yet reached pensionable age, your future UK state pension payments will be exportable and uprated for as long as you remain living in Germany.

The Withdrawal Agreement also protects past contributions made in the UK, Germany, another EEA member state or Switzerland, as well as the associated aggregation rules. This means that years of contributions to state or statutory pensions across the UK, EEA and Switzerland are added up to determine eligibility for state pensions (See case study 6).

For information about private pensions please contact your provider.

You should sign up for email alerts on updates to the Living in Germany guide at www.gov.uk/livinginGermany

BENEFITS

UK nationals who were living in Germany before 1 January 2021 have the same access to benefits in Germany as EU citizens for as long as they continue to live here.

For information on access to benefits please see:

www.eu-gleichbehandlungsstelle.de/eugs-en/eu-citizens/information-centre/social-security/unemployment

Local authorities should not request that you show the new residence document in order to continue payment of your benefits before 30 June 2021.

The Withdrawal Agreement also protects UK nationals' right to continue to export any benefits you are eligible for from the UK. If you plan to export any benefits from the UK in the future, ensure that you retain evidence of your residence in Germany prior to 1 January 2021.

See our guidance:

www.gov.uk/guidance/benefits-and-pensions-for-uk-nationals-in-the-eea-or-switzerland

DRIVING



UK nationals should exchange their UK driving licence for a German one within six months of moving to Germany. If you were living in Germany before 1 January 2021, you can use your UK photocard licence to drive in Germany until 30 June 2021, provided that it remains valid in the UK.

Driving licences are issued at local authority level in Germany. Your local Bürgeramt can advise you where you can go to exchange your licence. You will not be required

to take a theoretical or practical driving test to exchange your licence. An International Driving Permit is not a suitable alternative to exchanging your licence.

You will be allowed to drive on your German licence when visiting the UK or other EU countries.

For more information, please see: www.gov.uk/driving-abroad



RIGHT TO WORK

UK nationals living in Germany and in scope of the Withdrawal Agreement continue to have the same access to the German labour market as EU citizens for as long as they continue live in Germany.

This includes the right to work, be self employed and run or establish a business in Germany. UK nationals who were living in Germany before 1 January 2021 and continue to live here also have the right to equal treatment with German nationals.



Before 30 June 2021, UK nationals do not need to show a proof of residence to work in Germany. In the future, you will be able to use your new residence document (Aufenthaltsdokument-GB) as proof to employers that you are allowed to undertake economic activity in Germany.

See the German government's information for employers (in German): www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/migration/brexit-informationen-arbeitgeber.html

The Withdrawal Agreement also protects the rights of frontier worker – individuals who live in one EU country but work in another. Frontier worker rights will be protected if they were working across borders on 31 December 2020, for as long as they retain the status of a frontier worker.

If you live in Germany and were regularly commuting to work in another EU or EFTA country before January 2021, you may need a frontier worker permit in the countries where you work to show you are a frontier worker. You will also need to get the new residence document (Aufenthaltsdokument-GB).

If you were living in another country and regularly commuting to work in Germany before January 2021, you must apply for a new frontier worker document (Aufenthaltsdokument Grenzgänger-GB) at the Foreigners Authority at your place of work.

PROFESSIONAL QUALIFICATIONS

Rules for the recognition of professional qualifications from the UK changed on 1 January 2021.

Recognition decisions made before 1 January 2021 remain valid.

Recognition applications submitted, but not completed, before 1 January 2021 by UK nationals living in Germany will be assessed according to current EU rules, even if the decision is made after 1 January 2021.

Future applications for recognition are subject to different rules.

Find more information at www.anererkennungindeutschland.de

Rules for the recognition of academic qualifications (Bachelors, Masters, PhDs) are not affected by the UK leaving the EU.



EDUCATION

If you are covered by the Withdrawal Agreement, you will continue to have the same access to German universities as before. You will not be required to pay any tuition fees, even if the state where you choose to study charges fees for non-EU students. This also applies to new courses you may start in the future for as long as you live in Germany.

Your access to student finance in Germany (BAföG) will depend on your length of stay in Germany. If you, your spouse, partner or parent has permanent residence, you retain the right to financial support in Germany. If you obtain permanent residence in the future, you will become eligible for financial support at that point.

You can find more advice on studying in Germany here:

www.study-in-germany.de/en/

If you were resident in Germany before 1 January 2021 and choose to return to the UK to study, you will remain eligible for home-fee status (meaning you will be charged the same fees as students who live in the UK) for the duration of any course that starts before 1 January 2028.

In order to be eligible for home-fee status during this time, you must have lived in the EU, EEA EFTA countries, Switzerland, Gibraltar or the UK for at least the 3 years before your UK course starts and have lived in the EU, EEA EFTA countries, Switzerland, Gibraltar or the UK continuously between 31 Dec 2020 and the start of your course.



You can find more information here: www.gov.uk/guidance/living-in-europe

TRAVEL AND PASSPORTS



Passports

Rules for travel to Europe have changed. From 1 January 2021, you must have at least 6 months validity left on your UK passport to travel to most countries in Europe, and your passport must be less than 10 years old in total. This does not apply for travel to Ireland, nor the UK.

There is no minimum passport validity requirement for UK nationals who are covered by the Withdrawal Agreement for travel to and within the Schengen Area.

Check your passport validity before you book travel:

www.gov.uk/check-a-passport-travel-europe

To renew your passport from Germany: www.gov.uk/overseas-passports

Burgundy coloured UK passports displaying the words 'European Union' remain valid until their expiry date.

UK nationals who hold dual nationality with another EU member state should use their EU passport when travelling to EU countries.

German residence documents

You will also need to carry your German residence document (Aufenthaltsdokument-GB) when entering the Schengen area. If you do not yet have a residence document, you should carry other documentation that proves you are resident in Germany. This could be a certificate of application (Fiktionsbescheinigung) issued by your local Foreigners Authority or other evidence such as a registration certificate, rental or employment contract or a utility bill.



Visiting EU countries

UK nationals can travel to other Schengen area countries for up to 90 days in any 180-day period without a visa for purposes such as tourism, visiting family or friends, or attending business meetings. This applies across the Schengen Area, so if you are travelling to more than one country without a visa make sure your whole trip is within the 90-day visa-free limit.

To stay for longer, to work or study, or for business travel, you must meet the entry requirements set out by the country you are travelling to. This could mean applying for a visa or work permit.

Check entry requirements for your destination country on our Travel Advice pages: www.gov.uk/foreign-travel-advice

Personal imports between the UK and the EU

The rules on personal imports between the UK and the EU have changed. For example, there are new rules regarding medication and food products. Find more information on our Travel Advice pages. www.gov.uk/foreign-travel-advice

Coronavirus

It is possible that you will be subject to additional entry restrictions if you are undertaking international travel during the coronavirus pandemic. Check our Travel Advice pages for the latest information on coronavirus-related restrictions before you travel:

www.gov.uk/foreign-travel-advice

PET TRAVEL

Different rules apply to pet travel from 1 January 2021.

If you have a pet passport issued by an EU Member State, you can use it to travel with your pet to Great Britain and elsewhere in the EU.

A GB-issued EU pet passport is not valid for travel to the EU or Northern Ireland. You should speak to your vet before you travel to get the necessary pet travel documents

Please check www.gov.uk/government/news/new-rules-for-pet-travel-from-1-january-2021



RETURNING TO THE UK

UK nationals have a right to return to live in the UK at any time without needing to meet UK immigration rules. For information on family members please see the earlier chapter on family members.

If you are returning to the UK permanently you should:

- ✔ deregister (abmelden) at your local registration office
 - ✔ inform your health insurance provider (Krankenkasse)
 - ✔ inform any local service providers (telephone company, utilities providers, etc.)
 - ✔ inform your bank
-

DUAL NATIONALS

Deciding whether to apply for citizenship is a personal choice.

The UK has no restrictions on dual nationality. Germany only allows dual nationality in exceptional cases, including for EU citizens or for those whose parents have different nationalities. For information on acquiring German nationality please contact the German authorities.

If you already hold both, UK and German nationalities you will not be asked to renounce either.

UK nationals who hold dual nationality with another EU member state do not require a new residence document (Aufenthaltsdokument-GB) and should use their EU passport when travelling to EU countries.

CASE STUDIES

Jenny is a UK national who came to Germany in 2017 to study at Hanover University. After graduating in 2018, she found work in Berlin. Now Jenny has the prospect of a job offer in Paderborn later in the year.

What does Jenny need to do to secure her rights under the Withdrawal Agreement?

As any UK national living in Germany, Jenny should report her residence to her local Foreigners Authority (Ausländerbehörde) in order to get her residence document (Aufenthaltsdokument-GB). This has to be done at her place of residence. As Jenny is considering a move, she should contact her old and new Foreigners Authority for advice. She will also need to register with her new registration office (Meldebehörde) when she moves.

Jenny will have until 30 June 2021 to report her residence. As she is in scope of the Withdrawal Agreement she has the right to unrestricted labour market access, therefore changing her job does not affect her rights.

Dev is a UK national who has been living in Munich since June 2018. He now has the opportunity to go and study for a Masters in the Netherlands in 2021.

However, he is worried that by moving to the Netherlands he might lose his rights to residence under the Withdrawal Agreement in Germany.

As Dev has been living in Germany for less than 5 years, absences of up to 12 months are allowed for important reasons such as studying, without losing the rights under the Withdrawal Agreement. Dev should request the new residence document (Aufenthaltsdokument-GB) and consult his Foreigners Authority before leaving Germany. He will also need to check whether he needs a visa for the Netherlands.

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Kerry is an Australian citizen working in Cologne, where she has lived with her British husband Chris for the past eight years. They now have two young daughters with dual British-Australian nationality. Kerry has previously been granted a permanent residency permit for non-EU citizens on the basis of her marriage to Chris.

Is Kerry covered by the Withdrawal Agreement, and what does she now need to do to secure her rights? The family are considering relocating to Spain or moving back to the UK in 2021. What are their options?

As Chris's spouse, Kerry qualifies as a family member of a UK national residing in Germany under EU law before the end of the transition period, so like Chris and their daughters her right to live in Germany will be protected by the Withdrawal Agreement. Chris and his daughters will have until 30 June 2021 to report their residence to their Foreigners Authority in order to receive the new residence document (Aufenthaltsdokument-GB). Kerry will be able to simply exchange her EU permanent residency title for the Aufenthaltsdokument-GB by 31 December 2021.

For any potential move to Spain in the future, the family will need to check Spanish immigration rules.

If Chris and Kerry wish to relocate to the UK with their children, they could do so up until 29 March 2022 under current rules. Thereafter, Kerry would need to apply for leave to remain in the UK under the UK's domestic immigration rules.

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Sinead is a UK national who currently lives in Germany and will be reaching state pension age in 2035. As the majority of her social security contributions have been made in the UK, she will then become eligible for a UK-issued S1 certificate –

will she be able to receive an S1 at that time?

Yes. As long as Sinead remains covered by the Withdrawal Agreement (for example, continues to live in Germany) and is eligible for a UK-issued S1, she will be able to apply for and receive a UK-issued S1 in 2035.

4

Ted is a UK national in his 50s who currently lives in Germany and plans to retire here. He has worked in Germany since the late 90s, but spent the first part of his career in UK, where he paid national insurance contributions and, before coming to Germany, worked in France for eight years.

Are all his past social security contributions protected?

Yes. When Ted is about to retire, he should contact the German Statutory Pensions Authority (Deutsche Rentenversicherung). They will get in touch with the relevant authorities in the other countries and he will receive a German, UK and French pension, if he meets the eligibility criteria for all. His exported UK state pension will also continue to be updated.

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Duncan is working for a German company, paying contributions to a German Krankenkasse. He has a Germany-issued EHIC. When travelling in France Duncan breaks his leg.

Can he receive care for his injuries using his EHIC?

Yes. Duncan's Germany-issued EHIC entitles him to receive necessary medical treatment when visiting France. He should carry his new residence document in conjunction with his UK passport and his EHIC for any travel within the Schengen Area.

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Ayesha is a UK national who moved to Germany in March 2020 for her new job. She is working for a German employer and paying German social security contributions. Ayesha and her partner are planning to start a family in 2022.

Will she be entitled to Elterngeld and Kindergeld?

Yes. UK nationals in scope of the Withdrawal Agreement have access to German benefits, as long as they meet the qualifying conditions.



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