

## RESIDENCY APPLICATION REJECTIONS

A member state is able to issue an instruction to leave to those who do not meet the legal residency requirements under the Withdrawal Agreement (WA). However, the UK government does not agree with the 15 day notice period and takes the view that one month's notice should be given. The issue has been raised with the European Commission, who are discussing the matter with member states.

The Embassy is working with the Spanish Authorities and with relevant partners to ensure UK nationals and their families are able to appeal refused residency requests, should they wish to do so.

### **Information for UK nationals whose registration request has been rejected**

- Information on who is covered by the WA is set out in the [Citizens' Rights explainer](#).
- If the Spanish authorities have rejected a registration request under the WA, the citizen has the right to appeal within one month of the notification. The official correspondence from the Spanish authorities should set out the decision, the reasons for it, and the possible options to appeal. The citizen should read this carefully before deciding how they wish to proceed.
- If they have additionally received an instruction to leave Spain within 15 days, but wish to remain in Spain to pursue an appeal, they or their legal representative must additionally include, within the appeal, a request to remain in Spain and for the instruction to leave to be suspended.
- The appeal process generally involves two main steps. First, the citizen can request an administrative appeal, in which a higher administrative authority reviews the case. If this is unsuccessful, the citizen has the right for their case to be reviewed by the appropriate court.
- Once an appeal is sought, the outcome will be binding, subject to further appeals in the courts or to higher courts. **The Embassy strongly recommends citizens seek independent, specialised legal advice to support them in the appeal process, should they wish to pursue this.**
- You may find the following sources of support useful to find a lawyer and seek legal advice: [FCDO list of English speaking lawyers](#); [Colegio de Abogados](#) (Spanish Bar Association); [free legal assistance](#) (legal aid).
- You can also access help, advice, or make a complaint about how their registration request has been processed, free of charge, via the European Commission's [specialist assistance service](#).
- The UK government continues to liaise closely with partners and the relevant Spanish authorities to ensure the smooth, correct implementation of processes under the WA. However, they cannot get involved in an individual's immigration application, nor provide legal advice, as they do not have the jurisdiction or expertise to do so.
- Should anyone not wish to appeal, or ultimately not be eligible to reside in Spain under the terms of the WA, the citizen will need to consider other options available to them, such as applying for a different immigration status under Spanish immigration law, or returning to the UK.

Useful sources of information:

- Spanish government information for non-EU nationals on [general immigration routes and the criteria to apply](#) for these.
- Spanish government information on obtaining the [right to reside under limited, exceptional circumstances](#), for example for victims of domestic violence or for those who can prove strong links to Spain through family, work or social integration.
- Local Immigration Services connected to your local town hall and/or regional government.
- Specialists in migration, e.g. [ACCEM](#) or [Migrar.org](#) (run by the Red Cross)
- The general directory of organisations on the [Support in Spain](#) website
- Information on [returning to the UK](#)