



## **RULES FOR UK NATIONALS WHEN ENTERING OR LEAVING THE SCHENGEN AREA**

### Schengen rules

Beneficiaries of the Withdrawal Agreement whose host State is an EU Member State other than Cyprus or Ireland (*for the purposes of this guidance, those 25 Member States are called Schengen Member States and – together with Iceland, Norway, Switzerland and Liechtenstein – they form the Schengen area*) are in principle not subject to the stamping obligation when entering or leaving the Schengen area.

Beneficiaries of the Withdrawal Agreement whose host State is Cyprus or Ireland are subject to the stamping obligation when entering or leaving the Schengen area.

EU law does not prevent border guards from stamping upon entry to and exit from the Schengen area of travel documents of United Kingdom nationals who are beneficiaries of the Withdrawal Agreement who are in possession of a valid residence permit issued by a Schengen Member State. The same applies to their family members in the same situation.

The Commission considers that there is little practical use in stamping passports of Withdrawal Agreement beneficiaries. Stamping a passport serves to establish whether a non-EU national respected the authorised length of a short stay within the Schengen area, but beneficiaries of the Withdrawal Agreement in a Schengen Member State are not required to leave the Schengen area as they legally reside in one of the Schengen Member State. The usual limitation of a stay of 90 days in a 180 days' period in the Schengen area does not apply to them, irrespective of whether their passport has been stamped or not. However, they have no right to stay in a Schengen Member State other than that of their residence for more than 90 days in a 180 days' period.

The Commission recommends – notably as regards beneficiaries of the Withdrawal Agreement – that Member State border guards refrain from stamping. In any case, should stamping nevertheless take place, such stamp cannot affect the length of the authorised long-term stay.

### Residence documents issued under the Withdrawal Agreement

Beneficiaries of the Withdrawal Agreement can use their residence documents issued under the Withdrawal Agreement as well as other means of evidence (*see next section*) at the border to prove their residence status and connected rights, such as not being subject to the maximum duration of stay of up to 90 days in a 180 days' period in their host State.

The Commission recommends that all beneficiaries of the Withdrawal Agreement obtain the appropriate residence document under the Withdrawal Agreement in their Member State of residence and to proactively present it to border guards when crossing a Schengen external border.

### Other documents that can be used when entering or leaving the Schengen area

Withdrawal Agreement beneficiaries who reside in host Member States with declaratory schemes<sup>1</sup> can use residence documents issued under [the EU Free Movement Directive](#) before the end of the transition period as proof of their Withdrawal Agreement beneficiary status, provided that there is no indication that they no longer reside in the host Member State.

They can use other documents that credibly prove that their holders exercised the right to move and reside freely in the host Member State before the end of the transition period and continue to reside there. Documents indicating the address of the person can show continued residence after the end of the transition period. Border guards may ask questions about the domicile in order to establish the residence status and connected rights of the traveller.

Withdrawal Agreement beneficiaries who reside in host Member States with constitutive schemes<sup>2</sup> can use their certificate of application issued under Article 18(1)(b) of the Withdrawal Agreement to prove their residence status and connected rights as long as they have not obtained a final decision on their application.

For more about the Withdrawal Agreement see [Commission Notice — Guidance Note relating to 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 Part Two – Citizens' Rights](#) (C/2020/2939, OJ C173, 30 May 2020, p. 1) that this document supplements, without amending it.

Rules on entry and exit are covered in section 2.2 of the Guidance Note.

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<sup>1</sup> Bulgaria, Czechia, Germany, Estonia, Ireland, Greece, Spain, Croatia, Italy, Cyprus, Lithuania, Poland, Portugal and Slovakia.

<sup>2</sup> Belgium, Denmark, France, Latvia, Luxembourg, Hungary, Malta, the Netherlands, Austria, Romania, Slovenia, Finland and Sweden.