



## **FAMILY MEMBERS JOINING UNITED KINGDOM NATIONALS WHO ARE BENEFICIARIES OF THE WITHDRAWAL AGREEMENT**

To genuinely allow United Kingdom nationals who are beneficiaries of the Withdrawal Agreement to reside in the host State for their lifetime, the Withdrawal Agreement confers on them a right to be joined by certain family members, even though their family members did not reside with them in the host State by 31 December 2020 (*the end of the transition period*).

Eligible family members are:

- spouses;
- registered partners (*if the host State treats registered partnerships as equivalent to marriage*);
- direct descendants who are under the age of 21 or are dependants; and
- direct relatives in the ascending line

provided the family relationship with the Withdrawal Agreement beneficiary (including via spouse or registered partner) existed on 31 December 2020.

Eligible family members can join the Withdrawal Agreement beneficiary in the host State at any point in time after 31 December 2020, provided they meet the conditions of Article 10(1)(e)(ii) of the Withdrawal Agreement **at the moment they seek to reside in the host State**.

This means, for example, that someone seeking entry as the spouse of a beneficiary in 2035 will be eligible if he/she was married to the beneficiary on 31 December 2020 and is still married in 2035.

A parent of a beneficiary will be eligible to join in 2035 if he/she is dependent on the beneficiary in 2035.

A child of a beneficiary, who was under 21 years of age on 31 December 2020, will be eligible to join in 2035 if he/she continues to be the child of the beneficiary and is under 21 years of age or is dependent on the beneficiary in 2035.

Children born or adopted after 31 December 2020 by a Withdrawal Agreement beneficiary, regardless of whether born/adopted in the host State or outside it, can also join the beneficiary, provided the other parent is also a Withdrawal Agreement beneficiary or a national of the host State or the beneficiary has the sole or joint custody of the child.

In addition, the host State shall facilitate entry and residence of durable partners of Withdrawal Agreement beneficiaries, where that partner resided outside the host State before the end of the transition period, provided that the relationship was durable before the end of the transition period and continues at the time the partner seeks to join the beneficiary.

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 joining family members are covered in section 1.2.3 of the Guidance Note.