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Mobility issues for UK and Spanish nationals post Brexit

Catherine Barnard

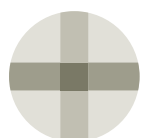


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Mobility issues for UK and Spanish nationals post Brexit

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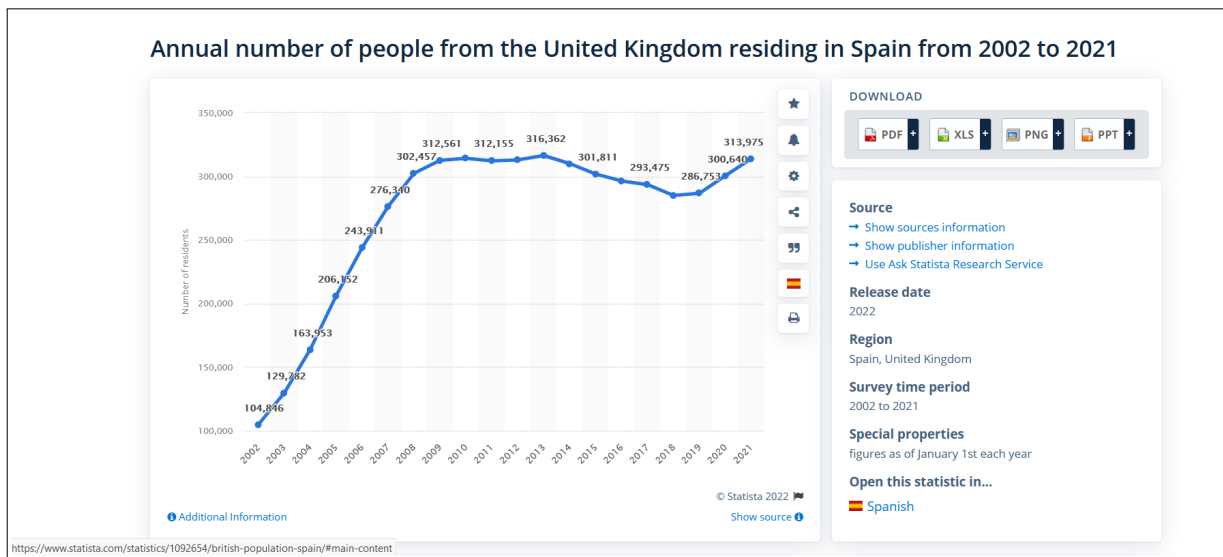
A. Introduction

The withdrawal of the United Kingdom from the European Union has fundamentally changed the architecture of the UK's immigration regime. Throughout its membership of the Union, the UK maintained a two-tier system of immigration under which only highly skilled workers from outside the EU were admitted to the UK, while workers of all skill levels were free to enter from the Member States of the EU. The latter enjoyed free movement rights under the EU Treaties, a cornerstone of the single market. Subject to certain restrictions, the EU free movement regime applied to those who were economically active (workers, the self-employed and services providers) and to the semi-economically active, such as students and retirees, provided they had comprehensive sickness insurance and sufficient resources. Since the 2016 referendum, the British government consistently maintained a pledge to end free movement of persons between the Union and the UK and introduce a controlled migration regime post-Brexit¹.

The pledge has been delivered. The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 put an end to free movement and introduced, at least in theory, a one tier system of migration: that all those coming to the UK after 31 December 2020, no matter where they originate from, would be subject to the same rules and would have to apply for a visa to come for the purposes of long term stay or work. The provisions in the Trade and Cooperation Agreement (TCA) on mobility are only to a limited extent more generous than the bare minimum found in the WTO's GATS (General Agreement on Trade in Services). However, there are more generous provisions under the Withdrawal Agreement (WA), broadly mirroring the rights in the Citizens Rights Directive 2004/38, for those EU citizens/UK citizens and their family members who had moved to UK/Spain by 31 December 2020².

There are still a lot of UK nationals living in Spain (c 382,000 in December 2020) and possibly about a million if shorter-term British nationals living in Spain for part of the year are included³. Figure 1 provides an indication:

Fig. 1: Annual number of people from the UK residing in Spain.



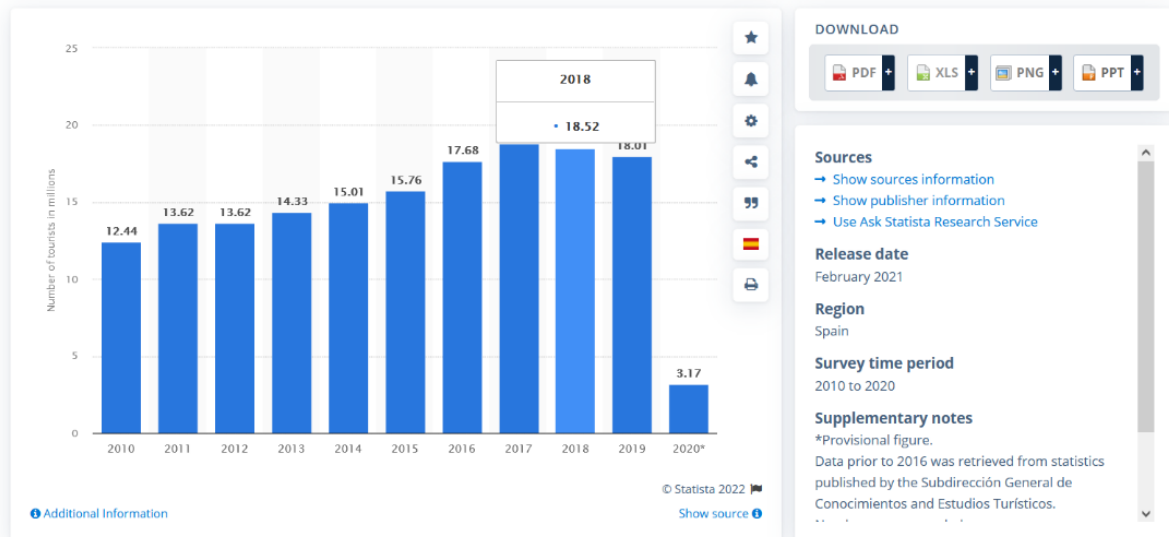
Source: Statista.

- 1 For example, in her Lancaster House speech of 17 January 2017, then-Prime Minister Theresa May stated 'As Home Secretary for six years, I know that you cannot control immigration overall when there is free movement to Britain from Europe'. Full text of the speech available at: <https://static.rasset.ie/documents/news/theresa-may-speech.pdf>, accessed 30 August 2019. See also 'Political Declaration Setting Out the Framework for the Future Relationship between the European Union and the United Kingdom', 22 November 2018, XT 21095/18 <https://www.consilium.europa.eu/media/37059/20181121-cover-political-declaration.pdf>
- 2 There are some exceptions to this – for a full discussion, see *The UK-EU Withdrawal Agreement: A Commentary*, edited by Liefländer, T. Kellerbauer, M. & Segnana-Dumitriu, E. (Oxford, OUP, 2021).
- 3 Acosta, D. 'After Brexit could bilateral agreements facilitate the free movement of persons?' *EPC Discussion Paper*, 7 Sept 2021.

There are a significant number of British tourists who go to Spain each year. Before Covid, there were approximately 18 million a year.

Fig. 2: Annual number of UK tourists in Spain.

Number of residents of the United Kingdom who traveled to Spain from 2010 to 2020
(in millions)



Source: Statista.

Fig. 3: Number of Spanish nationals in the UK.

Number of Spanish nationals resident in the United Kingdom from 2008 to 2021
(in 1,000s)



Source: Statista.

There were approximately 206,000 Spanish residents in the United Kingdom in 2021. The question is whether there is scope for the minimal arrangements currently in place for Spanish-British relations in respect of mobility to be improved upon. There is no chance that in the near or medium term, free movement will be reintroduced in the UK across the EU-27, not least because the EU would no doubt insist that free movement rights would need to be enjoyed as part of a package with membership of the internal market which would mean respecting a role for the enforcers of the single market, namely the Commission and the Court of

Justice. However, in the right political circumstances, there may be appetite for bilateral agreements between the UK and Spain, given that Spain and the UK do have close ties and reciprocal migration interests. As Acosta points out⁴:

Spain is the most important EU destination for British emigrants, and British migrants residing in Spain constitute the latter's third-largest non-national population. In turn, the UK is the most important migrant destination for Spanish nationals worldwide, who represent the fifth-largest migrant group from the EU.

Legally, migration is a matter mainly of domestic competence (albeit that there maybe political pressure from the EU on Member States not to enter into bilateral arrangements⁵) and EU states have agreements on mobility with third countries (see e.g. Andorra and Spain/France; Andorra/Portugal⁶). As Alemmano and Kochenov point out⁷:

... EU law has virtually nothing to say about access to work and residence rights in the territory of EU Member States by third-country nationals who are not family members of EU citizens and who do not fall within the scope of strictly delimited groups, whose residence is regulated by EU law, like the Blue Card holders, for instance. ... This is superb news for UK citizens, since it means that any EU Member State (or EEA country, or Switzerland) can decide to open up its territory for UK nationals willing to settle and work there and stop discriminating them with no breach of EU law or the UK-EU Agreement. Such a state's right is enshrined in International law, and UK citizens already benefit from such rights in the Republic of Georgia, in one example, by a unilateral decision of the latter – as well as on the Svalbard archipelago in northern Norway via a multilateral treaty framework.

There are areas relating to mobility issues where the EU could lay claim to competence, especially in respect of professional qualifications (albeit what qualifications are necessary in order to practise a particular profession may still be regarded as a matter of domestic competence).

In this report I have been asked to consider what may be possible in a UK-Spain mobility agreement. In order to assess this I will first consider the arrangements for migration post Brexit, principally under the Trade and Cooperation Agreement (TCA) and the effect on even temporary migration (section B) and the position on migration to the UK (section C) before going on to consider the possible enhancements to the UK/EU rules in the light of what has been agreed in other Treaties (section D). Section E concludes.

B. An overview of the arrangements post Brexit for EU and UK citizens

1. Introduction

In accordance with its red lines, the UK's two-tier immigration system has ended. Mobility rules post-Brexit have resulted in a three-layered system of rights (see Figure 4). First, there are EU citizens who have arrived in the UK *before* the end of transition period (31 December 2020) and who are covered by the EU Settlement Scheme under the Withdrawal Agreement. They will continue to enjoy rights akin to those of EU citizens. Those who travel to the UK *post*-transition period will fall into one of the following two categories: (i) those

4 Acosta, D. 'After Brexit could bilateral agreements facilitate the free movement of persons?' EPC Discussion Paper, 7 Sept 2021.

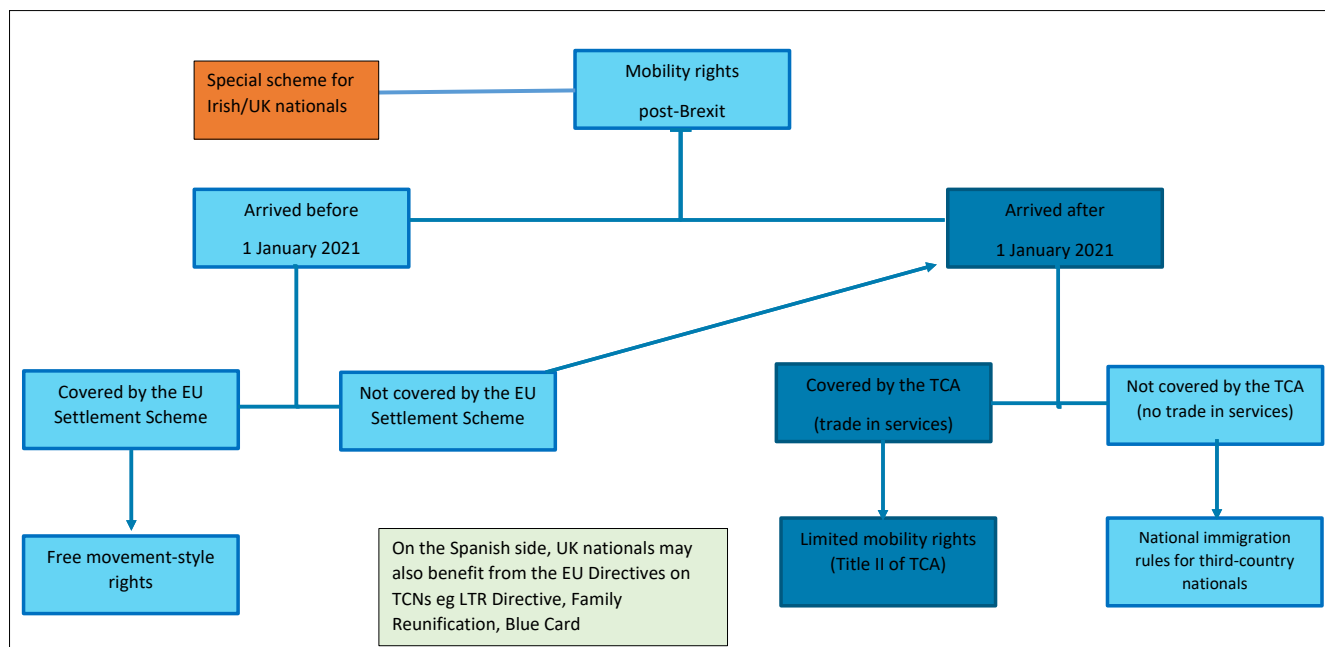
5 See e.g. <https://www.consilium.europa.eu/en/meetings/european-council/2021/05/24-25/>

6 Convénio entre a República Portuguesa e o Principado de Andorra relativo à entrada, circulação, estadia e estabelecimento dos seus nacionais. Available at: <https://app.parlamento.pt/webutils/docs/doc.pdf?path=6148523063484d364c793968636d356c6443397a-6158526c637939595447566e4c305276593356745a57353062334e4a626d6c6a6157463061585a684c7a413159545577596a526b-4c5467314e6a49744e446469595331684e6a597a4c545a6b4e6d5a694d7a6b314f5449355979356b62324d3d&fich=05a50b4d-8562-47ba-a663-6d6fb395929c.doc&inline=true>

7 'Mitigating Brexit through Bilateral Free-Movement of Persons'. *Verfassungsblog on matters constitutional*. Available at: <https://verfassungsblog.de/mitigating-brexit-through-bilateral-free-movement-of-persons/>

covered by the EU-UK Trade and Cooperation Agreement (TCA⁸) who will enjoy limited mobility rights as part of trade in services liberalisation commitments between the UK and the EU; (ii) the rest, standing alongside travellers from other third countries, will have access on the basis of their skills. This new state of affairs is mutual and so free movement rights are no longer available to the British nationals who travel to EU Member States⁹.

Fig. 4: Mobility regime in the new UK-EU relationship.



For a discussion of the first category of mobility rules (i.e. those applicable to EU citizens and British nationals who have moved, respectively, to the UK or the EU before the end of the transition period and whose mobility rights are protected under the Withdrawal Agreement), these are broadly analogous to the rights laid down in the Citizens Rights Directive 2004/38, with the exception of the rights to onward free movement, and have been discussed elsewhere¹⁰.

There are special rules for Irish nationals living in the UK and UK nationals living in Ireland under the arrangements for the common travel area, more recently reaffirmed in the Memorandum of Understanding (MoU). As the MoU¹¹ puts it:

The CTA is a long-standing arrangement involving Ireland, the United Kingdom (“UK”), the Channel Islands and the Isle of Man that facilitates the ability of our citizens to move freely within the CTA. In addition, associated reciprocal rights and privileges have been enjoyed by Irish citizens in the UK, and British citizens in Ireland, since Ireland’s independence.

The provisions of the TCA (Common Travel Area), dating back to the establishment of the Irish Free State in 1922, are not legally binding but are honoured on both sides due to the amendments to domestic legislation.

8 Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22020A1231\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22020A1231(01)&from=EN)

9 Some of this section draws on Barnard and Leinarte, ‘Mobility Rights’ in Fabbrini, F. (ed) *The Law and Politics of Brexit III: The Trade and Cooperation Agreement* (Oxford, OUP, 2021).

10 Barnard, C. & Leinarte, E. ‘Citizens’ Rights’ in Fabbrini (ed), *The Law & Politics of Brexit. Volume II. The Withdrawal Agreement* (Oxford, OUP, 2020).

11 Memorandum of Understanding between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Common Travel Area and associated reciprocal rights and privileges. Available at: <https://www.dfa.ie/media/dfa/eu/brexit/brexitandyou/Memorandum-of-Understanding-Ire-version.pdf>

In addition, UK nationals arriving in Spain both before and after the end of the transition period may benefit from the EU Directives on third country nationals provided the conditions in the Directive are satisfied. These Directives include:

- Directive 2003/109 on long term residents¹².
- Directive 2003/86 on family reunification¹³.
- Blue Card Directive 2021/1883¹⁴.
- ICT Directive 2014/66¹⁵.

Then there are the mobility provisions under the TCA which govern post-Brexit UK-EU relations for those moving after 1 January 2021. The TCA cements the transformation of the UK-EU relationship from one of a union of states tied by a common supranational citizenship to that of an economic partnership. Nowhere is this seen more clearly than in the mobility provisions of the Treaty.

2. The TCA regime

Under the TCA provisions, there no longer exists a stand-alone right to move; instead mobility is a composite part of trade. Trade-related mobility, however, is not new in international relations; in fact, it is a global right. The World Trade Organisation (WTO) which sets global trade rules for its 164 members, including the UK and the EU as well the 27 EU Member States, establishes limited mobility rights under GATS. The TCA builds on the four ‘modes’ of service provision in GATS. We shall focus on how this affects natural persons (mode 4)¹⁶.

2.1. Mobility under Modes 1 to 3

As we have seen, the UK’s withdrawal from the European Union has put an end to free movement of persons. This means that mobility of natural persons is no longer linked to the broad concept of European citizenship. Instead it is subject to a range of multilevel regulation at EU and national levels: trade law (the TCA and to an extent GATS), national immigration law (mainly a state competence), and employment law (all requirements provided for in the law of a Party regarding work and social security measures continue to apply, including on minimum wages and collective wage agreements¹⁷) and EU law in respect of the specific directives for third country nationals. In this subsection we will focus on the TCA’s arrangement which provides for a limited mobility route for those who move in the context of trade in services.

The basic structure of the TCA is that the Parties (UK and EU) make ‘commitments’ to allow service providers access to their markets in particular sectors, commitments which in turn are subject to reservations. In the absence of commitments, all requirements provided for by host state immigration law, regarding the entry and temporary stay of natural persons, will apply¹⁸.

Mode 1 concerns ‘Cross border trade’ from the territory of one member to the territory of any other (e.g. an architect in the UK sending building plans to a client in France). According to Chapter three of Title II,

12 Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. Available at: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32003L0109>

13 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification. Available at: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32003L0086>

14 Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC. Available at: <https://data.consilium.europa.eu/doc/document/PE-40-2021-INIT/en/pdf>

15 Directiva 2014/66/UE del Parlamento Europeo y del Consejo, de 15 de mayo de 2014, relativa a las condiciones de entrada y residencia de nacionales de terceros países en el marco de traslados intraempresariales. Available at: <https://eur-lex.europa.eu/eli/dir/2014/66/oj>

16 What follows in this section draws on and updates Barnard, C. & Leinarte, E., *Brexit and free movement*. Available at: <http://dcubrexitinstitute.eu/working-papers/> and https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3471839; <https://ejls.eui.eu/issues/brexit-negotiations-may-government-special-issue/>

17 Article 140 (2) of the TCA.

18 Article 140(2) of the TCA.

the parties can, in principle, supply services, subject to the significant reservations in Annexes 19 and 20, and provided they comply with the law of the home state and any domestic regulation in the host state on licensing and qualifications¹⁹.

Mode 2, 'Consumption abroad' (i.e. where a consumer goes to another state to receive a service (e.g. a patient travels to receive services abroad), is also covered by Chapter three of Title II. The TCA provides that 'The Parties note that on the date of entry into force of this Agreement both Parties provide for visa-free travel for short-term visits in respect of their nationals in accordance with their domestic law²⁰.' While this is not a commitment to ensure visa-free regime but a mere note on the current state of affairs, UK nationals can travel to the EU and reside there for 90 days out of any 180 days (and vice versa). Accordingly, UK nationals wishing to take some winter sun in Spain, as tourists ('consumption abroad'), can go from October to December but they cannot return until the following April. The Protocol on Social Security Coordination under the Trade and Cooperation Agreement between the EU and the European Atomic Energy Agency, on the one hand, and the United Kingdom of Great Britain and Northern Ireland, on the other hand, provides for healthcare cover with the UK European Health Insurance Card (UK EHIC) or the UK Global Health Insurance Card (GHIC). EU citizens can travel to the UK for holidays or short trips of up to six months with a valid passport and without needing a visa but they do not have a right to work in this period.

Mode 3 on 'Commercial presence' is not relevant for natural persons as it concerns an establishment of a commercial presence by a service supplier of one Party in the territory of the other Party. Liberalisation commitments under Mode 3 therefore attach to the legal person, not a natural person. Mode 3, however, is closely interconnected with Mode 4 as an establishment of a commercial presence will likely require the movement of a natural person (i.e. service supplier) which will in turn trigger Mode 4 commitments.

2.2. Mobility under Mode 4

Mode 4 is the most significant route for mobility of natural persons under the TCA²¹. Mode 4 covers the following categories of people:

- business visitors for establishment purposes (BVEP) (i.e. those moving for the purposes of establishing a commercial presence in the context of Mode 3);
- intra-corporate transferees (ICT);
- contractual service provider (CSS);
- independent professionals (IP);
- short-term business visitors (STBV).

This exhaustive list, which mirrors the EU-Japan EPA, means that those individuals who do not fall into one of the above categories are not entitled to Mode 4 mobility rights (and so will remain subject to domestic immigration law²²), unless for UK nationals in Spain, they can rely on one of the EU's directives on third country nationals, such as students and volunteers, those holding a 'blue card' or seasonal workers or ICTs²³.

The categories of service providers who are covered by the TCA's Mode 4 are subject to a number of conditions related to the type of work, their professional status, experience, employment contracts, remuneration arrangements and the permitted length of stay. A summary of the requirements for each category, the period of residence they are entitled to in the host state, and their other rights, can be found in figure 5.

19 Article 146 of the TCA.

20 Article 492.1 of the TCA.

21 Chapter four of Title II of the TCA.

22 Article 140(1) of the TCA.

23 See further Barnard, C., *The Substantive law of the EU*, (Oxford, OUP, 2019), ch. 10.

Importantly, the position as set out in figure 5 provides only a baseline for the scope of Mode 4. Further restrictions are detailed in the reservations ('non-conforming measures') to the general commitments found in the Annexes, indicated separately for the UK and individual Member States.

To illustrate the limited ambition of Mode 4 mobility under the TCA we should like to draw on the example of the STBV category. The STBV is an additional category over and above those found in GATS and is intended to facilitate temporary mobility provided the individual is not paid in the host state. As can be seen from figure 5, paragraph 8 of Annex 21 lists the activities STBVs can do, including attending meetings and trade fairs, conducting market research, providing after sales service, and acting as tour guides. The list does not capture significant areas of activity, including working as a musician, a point which we discuss in detail in the final section of this chapter. Furthermore, the STBV category is subject to additional restrictions through reservations of the UK and individual Member States. For example, despite the fact that the commitments in Article 142.2 TCA say that STBVs are not subject to work permits nor do they need to satisfy an economic needs test, they will do if they wish to go to Cyprus, Denmark and Croatia for any of the paragraph 8 activities, and for Austria for aftersales service²⁴. Similar Mode 4 reservations are typical under the EU's new-generation FTAs, for example CETA²⁵ and the EU-Japan EPA²⁶. In some cases, the Parties carve out specific sectors from Mode 4 commitments in toto by indicating them as 'unbound'. For example, for tourism personnel, Annex 21 says that in Cyprus, Poland and Spain this is 'unbound' which means these countries make no commitments at all in respect of market access for UK providers. This may actually be different in practice, for, say, tourism personnel in Spain, but there is no legal certainty.

24 TCA p 678.

25 Annex 10-B of CETA.

26 Annex III to Annex 8-B.

Fig. 5: Summary of the rules on mobility of natural persons under the ICA.

Business visitors for establishment purposes (BVEP) (Art. 141)	Intra-corporate transferees (ICT) (Art. 141)	Short term business visitors (STBV) (Art.142)	Contractual service suppliers (CSS) (Art. 143)	Independent professionals (IP) (Art 143)
Permitted activities				
No sectoral limitations	No sectoral limitations	Annex 21 (para 8)	Annex 22 (para 10)	Annex 22 (para 11)
Conditions				
<ul style="list-style-type: none"> - Senior position in home state firm - Responsible for setting up an enterprise for that firm in the host state - No provision of other services or engagement in other economic activity - No remuneration within the host state 	<ul style="list-style-type: none"> - Manager, specialist or trainee employee - Managers and specialists employed/partners for a year previously by company in home state (6 months in the case of trainees) - Reside outside host state at time of application - Temporarily transferred to an enterprise of the company in the host state which is a member of the same group of companies 	<ul style="list-style-type: none"> - No remuneration from within host state - Not engaged in selling goods or services to the general public 	<ul style="list-style-type: none"> - Employed by a legal person in home state which: <ul style="list-style-type: none"> - is not established in host state - has concluded a bona fide contract (>= 12 months), to supply services to a final consumer in the host state - 3 years professional experience + degree or equivalent + professional qualifications - Does not receive remuneration within the host state 	<ul style="list-style-type: none"> - Engaged in supply of services - Established as self-employed in home state - Not established in host state - Concluded a bona fide contract (>= 12 months), to supply services to a final consumer in the host state - 6 years professional experience + degree or equivalent + professional qualifications
Period of stay				
Up to 90 days in any six-month period	Up to 3 years for management and specialists Up to a year for trainees	Up to 90 days in any six-month period	cumulative period of 12-month period or duration of the contract, whichever is less	
Rights				
<ul style="list-style-type: none"> - Entry and temporary stay - No quotas - No economic needs test - Equal treatment with nationals 	<ul style="list-style-type: none"> - Right to employment in host state - No quotas - No economic needs tests - Equal treatment with nationals 	<ul style="list-style-type: none"> - No work permit - No economic needs test or other prior approval - Equal treatment with nationals 	<ul style="list-style-type: none"> - Entry and temporary stay - No quotas or economic needs test (but no more staff than necessary to fulfil contract) - Equal treatment with nationals - No entitlement to use professional title 	

Another feature of the TCA which fundamentally differentiates it from the free movement rights under EU law is rights of family members. These are very limited under the TCA – Article 2 of Annex 23 gives rights of entry and residence to the partners, children and family members of ICTs only²⁷. The provision indicates that the UK will allow the partners and dependent children of ICTs to work for the duration of their visa, in an employed or self-employed capacity, and will not require them to obtain a work permit. Ensuring rights of family members of ICTs was proposed by the UK (see Article 11.9 of the UK draft FTA which addressed rights of accompanying spouse and children). Importantly, the UK's proposal conferred rights of entry, residence and work to same-sex partners. While rights under the TCA are more limited than was initially proposed by the UK, inclusion of Article 2 of Annex 23 is significant given that rights of family members are altogether absent from both Chapter 10 of CETA as well as Chapter 4 of the EU draft FTA.

2.3. The case of musicians

In this section we will discuss the chilling effects of the limited scope of mobility rights under the TCA. I am going to take as a case study touring musicians, a group which has been particularly organised and vocal about the lack of protection of their rights²⁸.

The first question to address is why touring musicians are not covered by the TCA. Categories of persons which could potentially cover touring musicians are short term business visitors (STBVs), contractual service suppliers (CSSs) and independent professionals (IPs)²⁹. None of them, however, are of sufficient scope to accommodate touring musicians.

As we have mentioned above, paragraph 8 of Annex 21 of the TCA lists the activities that STBVs are permitted to engage in. These include attending conferences, training seminars and exhibitions, conducting research or performing repairs³⁰. The list, however, does not cover artistic performing. Furthermore, STBVs are prevented from providing services to the general public – the very essence of the touring musician profession³¹. Finally, STBVs cannot, on their own behalf, receive remuneration from within the host state, yet another significant limitation to independent performers whose earnings are generated from paid tours³².

The CSS and IP categories are equally unhelpful to musicians. First, performing arts are not listed among sectors for CSS and IP mobility commitments and therefore cannot form the basis for touring activities³³. Furthermore, the very nature of the concept of CSS under the TCA is not aimed at assisting individuals. Instead, the purpose of CSS mobility is to facilitate the business of an employer. This flows from the definition of CSS which is conditional on being employed by a legal person which has concluded a contract to supply services to customers in the host state. While musicians who are paid by a UK orchestra or some other association which is in turn is paid by a concert venue within the EU may meet this requirement, independent performers will not. Furthermore, CSSs must have no less than three years of relevant professional experience as well as a university degree or an equivalent qualification. In addition, as is the case with STBVs, CSSs cannot receive remuneration from a source located within the host State which, even if not subject to the other conditions, would exclude musicians who do not perform on a voluntary basis.

27 The EU extends rights of entry and stay of family members under Article 19 of Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third- country nationals in the framework of an intra-corporate transfer.

28 Almost 300,000 signatures have been collected for petition which seeks Europe-wide Visa-free work permit for Touring professionals and Artists. Available at: <https://petition.parliament.uk/petitions/563294>

29 Other categories, namely business visitors for establishment purposes, intra-corporate transferees clearly do not apply to performing artists as they are neither investors, nor corporate workers.

30 Annex 21.

31 Article 142, para 1(a).

32 Annex 22 paras 10 and 11.

33 Richards, S. 'Comment: musicians' *tour visa fears are overstated*. Available at: <https://www.freemovement.org.uk/tour-visa-fears-are-overstated/>

The IP category is of little help either, at least to musicians who are in the early stages of their careers. The TCA requires that IPs have at least six years' professional experience in their craft and a university degree and qualifications in their field of activity. It goes without saying that the nature of the artists' craft is such that not all performers are able to meet these criteria.

Exclusion from the scope of mobility rights under the TCA means that music gigs on which so many artists depend both for income and publicity will become more complex, bureaucratic and expensive. The rules will be different depending on the geographical planning of tours.

EU musicians touring in the UK will likely have to rely on the UK's Permitted Paid Engagement visa scheme³⁴. The scheme allows a stay in the UK of up to one month for a paid engagement subject to proving that the individual has been invited by a UK-based organisation or client as a professional musician – not an easy condition to fulfil for those starting out as a musician. If one month is too short for a tour, a Temporary Worker (T5) visa will need to be obtained. Among other conditions, this rather expensive route³⁵ requires the individual to obtain a certificate of sponsorship from a licensed employer³⁶.

For British musicians touring in the EU immigration requirements will depend on the laws of a particular Member State³⁷. Thus, a touring musician from the UK will have to comply with the laws of the Member State in question, or, in case of international gigs, laws of each Member State in which the tour is to take place. Member States may (and some do, for example Austria and Lithuania) provide for exemptions for artists from a requirement to obtain a work permit for short stay visits³⁸. Nevertheless, an understanding of the laws of the 27 Member States, together with specific rules about taking instruments in and out of the EU, especially if they are made with ivory, will undoubtedly make the logistics of touring much more complex.

3. Preliminary Conclusions

Mode 4 mobility under the TCA is fundamentally different from rights enjoyed under Article 56 TFEU on free movement of services, let alone Article 45 TFEU on free movement of workers. Any UK national who wishes to work *permanently* in another EU state (or EU national in the UK) falls outside the situations listed in Chapter four and so will be subject to national immigration law (visas, work permits and the like). However, the services Chapter is somewhat more generous than pure GATS which would have applied in the event of a 'No deal'. It can also be improved on: Article 126(2) TCA says 'The Parties shall endeavour, where appropriate, to review the non-conforming measures and reservations' set out in the relevant Annexes 'with a view to agreeing to possible improvements in their mutual interest'. The question is whether there is the political will to do this after the tempestuous negotiating that has occurred in the run up to the conclusion of the agreement in 2020. The current position for those travelling to other EU Member States for British citizens has been set out by the government³⁹.

That said, it is worth remembering that Chapter four provides only a baseline for mobility rules post-Brexit. The UK and EU Member States may, at any time, allow for more liberal rules for immigration. Member States' reservations do not prevent them from granting mobility rights on the basis of their domestic law. After all, contrary to the widespread misconception (or rather misinformation) during the debates leading to the Brexit referendum, national immigration policies are shaped by the Member States, not the EU which does

34 For more information, see Permitted Paid Engagement visa page at: <https://www.gov.uk/permitted-paid-engagement-visa>

35 The current application fee for T5 visa is £244 per person which is likely to be a considerable sum for a starting band.

36 For more information, see Temporary Worker – Creative and Sporting visa (T5) page at: <https://www.gov.uk/temporary-worker-creative-and-sporting-visa>

37 Countries which are subject to visa requirements when entering the EU and those which are not are listed in Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

38 'Visa-free short term touring allowed in 20 member states'. *Gov.UK*. Available at: <https://www.gov.uk/government/news/visa-free-short-term-touring-allowed-in-20-member-states>

39 'Travelling to the EU, Switzerland, Norway, Iceland or Liechtenstein for work'. *Gov.UK*. Available at: <https://www.gov.uk/government/collections/travelling-to-the-eu-switzerland-norway-iceland-or-liechtenstein-for-work>

create some space for bilateral agreement. For now, due to the limited architecture of the mobility regime under the TCA significant groups of individuals, even those engaged in the provision of services, will not benefit from mobility commitments.

C. Coming to live and work in the UK and Spain post Brexit

1. Coming to live and work in the UK

As promised, the UK has introduced a new visa scheme which applies to all post 31 December 2021 economic migration, irrespective of where the person comes from (with the exception of Ireland). There are a large number of different visas (see box 1)⁴⁰.

Box 1: The range of visas available in the UK

Long-term work visas

- Skilled Worker visa
- Health and Care Worker visa
- Intra-company visas
- Minister of Religion visa (T2)
- International Sportsperson visa

Short-term work visas

- Temporary Work – Charity Worker visa
- Temporary Work - Creative Worker visa
- Temporary Work – Government Authorised Exchange visa
- Temporary Work – International Agreement visa
- Temporary Work - Religious Worker visa
- Temporary Work - Seasonal Worker visa
- Youth Mobility Scheme visa
- Graduate visa

Investor, business development and talent visas

- Innovator visa
- Start-up visa
- Apply for the Global Talent visa
- Entrepreneur visa (Tier 1)
- Investor visa (Tier 1)

Other work visas and exemptions

- UK Ancestry visa
- Get an exempt vignette
- Frontier Worker permit
- British National (Overseas) visa
- Overseas Domestic Worker visa
- Representative of an Overseas Business visa
- Turkish Businessperson visa
- Turkish Worker visa
- Apply for a Service providers from Switzerland visa

40 Browse: Visas and immigration. Gov.UK. Available at: <https://www.gov.uk/browse/visas-immigration/work-visas>

We shall briefly look at three: the skilled worker visa, the global talent visa and the student visa.

1.1. Skilled worker visa

The most common route to come to the UK is the skilled worker visa⁴¹. In summary, to qualify for a Skilled Worker visa, individuals must⁴²:

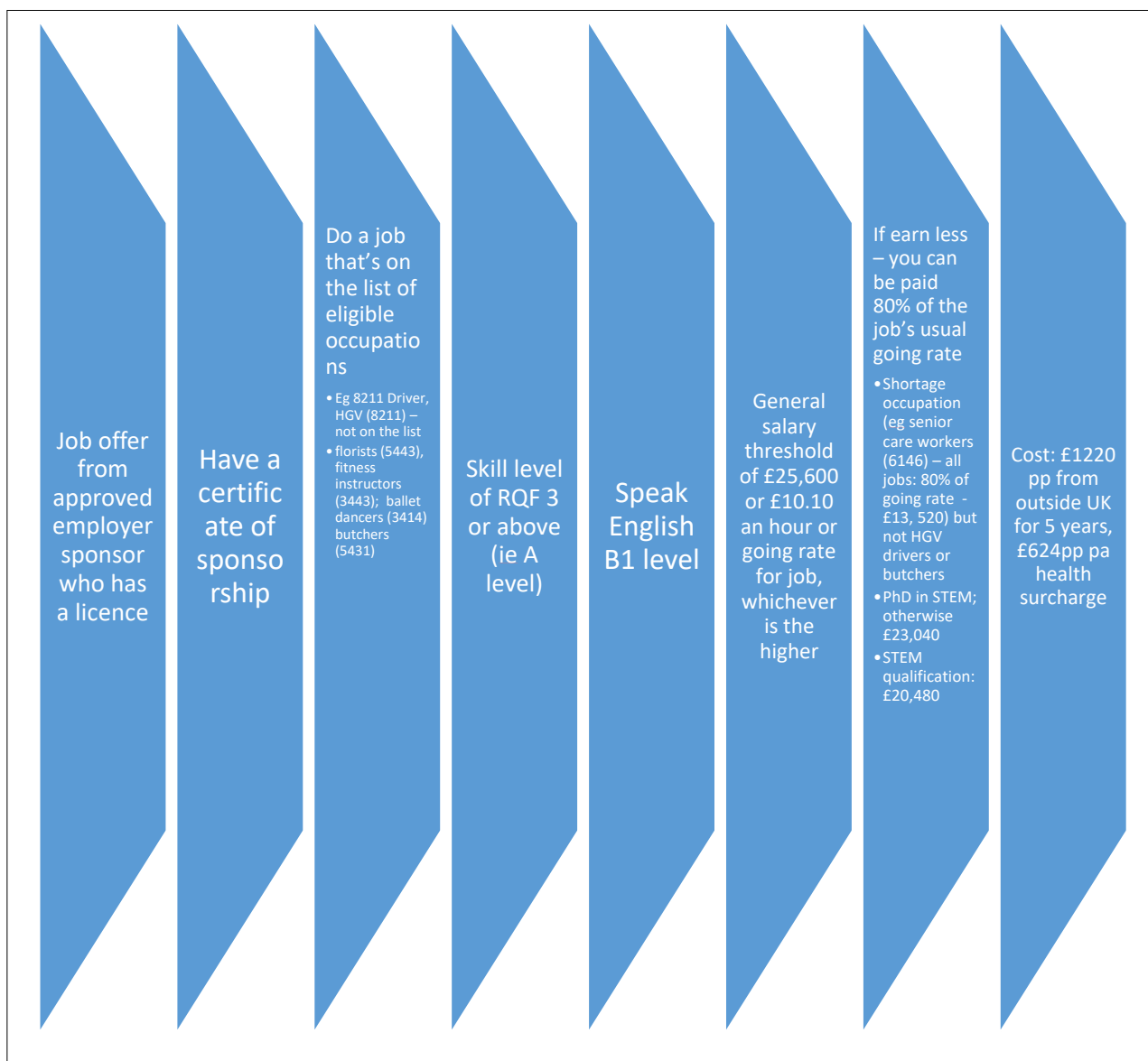
- work for a UK employer that's been approved by the Home Office,
- have a 'certificate of sponsorship' from their employer with information about the role the individuals have been offered in the UK,
- do a job that's on the list of eligible occupations,
- be paid a minimum salary - how much depends on the type of work being done.

This is shown in diagram form in figure 6.

41 'UK visa and immigration policies for EU and EEA citizens'. *UK Parliament. House of Lords Library*. Available at: <https://lordslibrary.parliament.uk/uk-visa-and-immigration-policies-for-eu-and-eea-citizens/>. The top five nationalities who are granted the skilled worker visa are India, Nigeria, Philippines, US and Pakistan: <https://twitter.com/jdportes/status/1496790353298419716>

42 'Skilled workers visa'. *Gov.UK*. Available at: <https://www.gov.uk/skilled-worker-visa>

Fig. 6: The requirements to obtain a skilled worker visa.



1.2. Global talent visa

To apply for a global talent visa, the individual must be at least 18, and be a leader or potential leader in one of the following fields:

- academia or research,
- arts and culture,
- digital technology.

An organisation approved by the Home Office must endorse and confirm that the applicant is a leader or potential future leader in the field⁴³.

1.3. Student visa

As far as students are concerned, they can apply for a Student visa to study in the UK if they're 16 or over and:

- have been offered a place on a course by a licensed student sponsor,

43 'Apply for the Global Talent visa'. Gov.UK. <https://www.gov.uk/global-talent>

- have enough money to support yourself and pay for your course - the amount will vary depending on your circumstances,
- can speak, read, write and understand English,
- have consent from your parents if you're 16 or 17 - you'll need evidence of this when you apply.

Those who have completed their degree course can work in the UK at any skill level for up to 2 years and for those graduating with a doctorate up to three years under a switch to a Graduate visa.

1.4. Brief conclusion

While at one level, the UK scheme is reasonably generous, not least because it is open to those who have (only) the equivalent of 'A' levels (the exam usually taken at 18), the costs involved are significant: for a visa holder coming to the UK for five years with their spouse and two children, under the skilled worker visa route, the costs are about £20,000. Furthermore, the bureaucracy involved in applying for a certificate of sponsorship is significant⁴⁴.

It is thought that about 63% of EU migrants currently living in the UK do not satisfy the criteria for a skilled worker visa.

2. Coming to live and work in Spain

For UK nationals arriving in Spain after 31 December 2020, they are subject to the *Ley de Extranjería*⁴⁵. In summary⁴⁶:

- A visa is required for longer periods of residence than 6 months or to work,
- A permit is needed for work and is only provided for certain occupation and where an economic needs test is met (i.e. no suitable Spaniard or EU national is available to do the work).

44 See government case study: <https://www.gov.uk/government/case-studies/employing-someone-from-outside-the-uk-blooms-florist>

45 Ley Orgánica de Extranjería 4/2000.

46 *Ministerio de Asuntos Exteriores, Unión Europea y Cooperación*. <http://www.exteriores.gob.es/portal/en/serviciosalciudadano/informacionparaextranjeros/paginas/inicio.aspx>

Box 20: Ciudadanos de otros Estados (<http://extranjeros.inclusion.gob.es/es/informacioninteres/InformacionProcedimientos/Ciudadanosnocomunitarios/index.html>)

En este apartado se recogen las condiciones de entrada, estancia, estudios, residencia, reagrupación familiar, residencia y trabajo y otras autorizaciones que puede obtener los ciudadanos extranjeros procedentes de terceros Estados, sin perjuicio de lo establecido en leyes especiales y en los tratados internacionales en los que España sea parte.

- **Estancia en España.** *Permanencia en España por un periodo de no más de 90 días.*
- **Residencia temporal.** *Residencia en España sin realizar actividad laboral.*
- **Reagrupación familiar.**
- **Residir y trabajar en España.**
- **Estudiantes, investigadores, movilidad de alumnos, prácticas no laborales y voluntariado.** *Información sobre estancia para extranjeros que quieran realizar en España alguna de esas actividades y para sus familiares.*
- **Autorizaciones de residencia por circunstancias excepcionales.** *(supuestos de arraigo, razones humanitarias, menores tutelados que llegan a la mayoría de edad sin autorización y autorizaciones para mujeres víctima de violencia de género).*
- **Residencia temporal del extranjero que ha retornado voluntariamente a su país.** *Autorización de residencia o residencia y trabajo que podrán obtener, una vez finalizada la vigencia del compromiso de no regreso, los extranjeros que hubieran retornado a su país de origen voluntariamente o en base a un programa de retorno voluntario.*
- **Modificar una autorización.** *Información sobre modificaciones de autorizaciones.*
- **Residencia de larga duración.** *Autoriza a residir en España indefinidamente y a trabajar en igualdad de condiciones que los españoles.*
- **Autorización de regreso.** *Permite la salida de España y el retorno en un plazo no superior a 90 días.*
- **Menores de edad.** *Información sobre trámites relacionados con extranjeros menores de edad.*
- **Renovación de autorizaciones.**
- **Gestión colectiva de contrataciones en origen.** *La gestión colectiva permite la contratación de trabajadores que no se hallen ni residan en España, seleccionados en sus países de origen a partir de las ofertas genéricas presentadas por los empleadores.*

There are two other routes for those wishing to come to Spain without engagement in economic activity⁴⁷:

Por su parte, quienes deseen residir en España sin ejercer ninguna actividad económica tienen, en general, dos vías disponibles: o bien acreditar unos ingresos mensuales superiores a 2.250 euros (Ley Orgánica 4/2000, arts. 30 bis y 31), o bien invertir 500.000 euros en la compra de una propiedad⁴⁸ (artículo 63, Ley 14/2013 de apoyo a los emprendedores y su internacionalización). En ambos casos hay otros requisitos, tales como tener un seguro médico, y los miembros de la familia deben cumplir otros trámites adicionales.

The full detail of these rules can be found in Annex III.

47 Acosta, D. 'Tras el Brexit: ¿La adopción de un acuerdo de libre movilidad de personas entre España y Reino Unido como modo de gestión de las migraciones?' CIDOB, Barcelona Centre for International Affairs, July 2021.

48 Holleran, M. 'Buying Up the Semi-Periphery: Spain's Economy of "Golden Visas"', Ethnos, DOI: 10.1080/00141844.2019.1687548

D. What is found in other relevant Treaties

Having outlined what is covered by the TCA and by the national immigration regimes, the question is what could be done to improve mobility arrangements between the UK and Spain? I have looked at various Treaties signed by the UK to see how far the UK has been prepared to go on a bilateral basis to date (section 1). I have also looked at what Spain has been prepared to do with its close trading partners (section 2). Acosta has helpfully documented other migration regimes including the Australia-New Zealand Trans Tasman Travel Arrangement, and the MERCOSUR arrangements⁴⁹. However, since these feel too close to free movement for the current UK government, I have focused instead on bilateral agreements already concluded by the UK and Spain with close partners which might provide a realistic template for future closer relations.

1. UK agreements which touch upon mobility issues

In this section I have looked at the UK's more recent agreements to see what mobility provisions have been included.

1.1. Youth mobility scheme

In the most recent UK-Australia trade deal, the mobility provisions are more generous than in the TCA. In respect of youth mobility⁵⁰:

- British nationals aged 18 to 35 will be able to travel and work in Australia with a Working Holiday Maker Visa. Young people will no longer have to work on a farm to use this visa to live and work in Australia.
- Australia will also pilot a new visa scheme for UK citizens, allowing early career workplace exchanges of up to one year for graduates between 21 and 45.

1.2. More generous provision on services: UK/Switzerland

The UK entered a Services Mobility Agreement (SMA) with Switzerland⁵¹. Under that agreement⁵²:

UK suppliers will be able to do business in Switzerland as they do now. There will be no economic interest tests, no work permits and no lengthy processing times needed for the first 90 days. This offer will be open to businesses of all sizes, including the self-employed. The SMA also contains provisions on the recognition of professional qualifications. The agreement will last for two years to ensure continuity immediately after the transition period, though the UK and Switzerland may jointly decide to extend it.

The SMA will allow UK professionals to work in Switzerland for up to 90 days without a work permit. In return, Swiss professionals will be able to deliver contracts in the UK in skilled sectors through the Tier 5 International Agreement visa [12 months in any 24 month period or the time given on your certificate of sponsorship plus up to 14 days, whichever is shorter].

The SMA also establishes a working group, through which the UK and Switzerland aim to develop a comprehensive agreement on the recognition of professional qualifications for service suppliers working in each other's markets. This will complement the 2019 UK-Switzerland Citizens' Rights Agreement.

49 See government case study: <https://www.gov.uk/government/case-studies/employing-someone-from-outside-the-uk-blooms-florist>

50 Mobility in the UK-Australia Free Trade Agreement. Department for International Trade. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040947/uk-australia-free-trade-agreement-fta-mobility-explainer.pdf

51 Temporary Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on services mobility. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947456/uk-swiss-agreement-services-mobility.pdf

52 UK-Switzerland temporary services mobility agreement: explanatory memorandum. Available at: <https://www.gov.uk/government/publications/temporary-agreement-between-the-swiss-confederation-switzerland-and-the-uk-on-services-mobility/uk-switzerland-temporary-services-mobility-agreement-explanatory-memorandum>

1.3. Other agreements which touch on mobility issues

The UK has ‘rolled over’ all of the EU’s FTAs (e.g. with Canada, South Korea, Japan) and has done so on broadly the same terms as for the EU, including concerning mobility. The Swiss Agreement and the UK-Australia agreement have gone marginally further. There are various other agreements which have some connection, albeit indirect, on mobility.

Social security

- UK/Ireland Convention on social security⁵³.

Double taxation Convention

- Most recent example with an EU Member State: UK/Austria⁵⁴ and UK/Cyprus⁵⁵.
- The UK/Spain agreement was signed in 2015⁵⁶.

Education matters

- UK/Panama Agreement for the Establishment and Functioning of Private International Schools of excellence⁵⁷.

The arts

- UK/China: Film Co-production⁵⁸.

Road safety

- UK/Ireland: Agreement on the Mutual Recognition of Driving Disqualifications⁵⁹.

Transfer of prisoners

- UK/UAE Transfer of Sentenced Persons⁶⁰.

Cooperation over sharing of visa information

- UK/USA Exchange of notes to amend the agreement for sharing of visa, immigration and nationality information⁶¹; the original agreement is here⁶².

53 Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland. Dublin, 1 February. Available at: [2019https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/959112/TS_6.2021_UK_Ireland_Convention_on_Social_Security.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/959112/TS_6.2021_UK_Ireland_Convention_on_Social_Security.pdf)

54 UK/Austria: Convention for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion [TS No.2/2019]. Available at: <https://www.gov.uk/government/publications/ts-no22019-ukaustria-convention-for-the-avoidance-of-double-taxation-and-the-prevention-of-fiscal-evasion>

55 Ibid.

56 UK/Spain: Convention for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital [TS No.20/2015]. Available at: <https://www.gov.uk/government/publications/ts-no202015-ukspain-convention-for-the-avoidance-of-double-taxation-and-the-prevention-of-fiscal-evasion-with-respect-to-taxes-on-income-and-on>

57 UK/Panama: Agreement for the Establishment and Functioning of Private International Schools of Excellence [TS No.12/2018]. Available at: <https://www.gov.uk/government/publications/ts-no122018-ukpanama-agreement-for-the-establishment-and-functioning-of-private-international-schools-of-excellence>

58 UK/China: Film Co-Production [TS No.24/2015]. Available at: <https://www.gov.uk/government/publications/ts-no242015-ukchina-film-co-production>

59 UK/Ireland: Agreement on the Mutual Recognition of Driving Disqualifications [TS No.24/2017]. Available at: <https://www.gov.uk/government/publications/ts-no242017-ukireland-agreement-on-the-mutual-recognition-of-driving-disqualifications>

60 UK/UAE: Transfer of Sentenced Persons [TS No.33/2015]. Available at: <https://www.gov.uk/government/publications/ts-no332015-ukuae-transfer-of-sentenced-persons>

61 UK/USA: Exchange of Notes to amend the Agreement for the Sharing of Visa, Immigration, and Nationality Information [TS No.7/2021]. Available at: <https://www.gov.uk/government/publications/ukusa-exchange-of-notes-to-amend-the-agreement-for-the-sharing-of-visa-immigration-and-nationality-information-ts-no72021>

62 UK/USA: Agreement for the sharing of Visa, Immigration, and Nationality Information [TS No.6/2014]. Available at: <https://www.gov.uk/government/publications/agreement-between-the-uk-and-usa-for-the-sharing-of-visa-immigration-and-nationality-information--2>

Voting rights

- Spain, Portugal, Luxembourg and Poland have reciprocal voting agreements in the UK. This means that citizens from these countries, who arrived in the UK after 31 December 2020, will retain their right to stand and vote in local elections⁶³.

2. Spanish agreements

2.1. Nationality

(a) Dual citizenship

The UK allows individuals to hold dual citizenship⁶⁴. Spain does not. For the many UK nationals currently living in Spain under the Withdrawal Agreement this will clearly be an issue. Yes, they can keep renewing their residence but they do not have onward right of free movement as EU citizens⁶⁵. Further, if they have to give up their UK nationality, in order to obtain Spanish nationality this may pose a real dilemma. Consider, for example, the following situation: an ex-UK Spanish national has elderly relatives. They need personal care lasting more than three months. They can travel to the UK under the present visa rules for three months but they cannot return for another three months (see section B.2.1 above). What do they do? Spain does, however, allow citizens from Andorra, Portugal, Equatorial Guinea, the Philippines, or from a Latin American country to have dual nationality. It has been reported recently that Spain and France has reached an agreement on dual nationality⁶⁶. Could this be extended- at a minimum to UK nationals living in Spain prior to 31 December 2020?

(b) Acquiring citizenship

In the UK it is possible to apply for UK nationality after five years of residence⁶⁷. In Spain it is ten years of residence. However, it is only 2 years for those coming from any Latin American country, from Andorra, Equatorial Guinea, Philippines, or Portugal or people of Sephardic origin⁶⁸. It may be possible contemplating a reduction of residence for all UK nationals living in Spain or at least for those who arrived before 31 December 2020.

(c) Other Treaties

Spain has a host of other international agreements which are summarized in Annex II.

3. The (realistic?) wish list

So far I have focused on what has already been done under existing TCA provisions but the UK has shown itself willing to contemplate more generous provisions in bilateral Treaties, especially with a long-standing ally such as Spain. What follows is a discussion of ideas which might be feasible to develop if there was good will on both sides.

63 'Local Voting Rights for EU Citizens Living in the UK'. *Gov.UK*. Available at: <https://www.gov.uk/government/publications/local-voting-rights-for-eu-citizens-living-in-the-uk/local-voting-rights-for-eu-citizens-living-in-the-uk>

64 <https://www.gov.uk/dual-citizenship>

65 See AG Collins' opinion in Case C-673/20 *EP*.

66 In the meantime, you may be interested in the new dual nationality agreement between Spain and France: <https://www.rtve.es/noticias/20210315/espana-francia-acuerdo-doble-nacionalidad/2082353.shtml>.

67 There is a useful summary here of the requirements, including the life in the UK test and fees.

68 *Ministerio de Asuntos Exteriores, Unión Europea y Cooperación*. <http://www.exteriores.gob.es/portal/es/serviciosalciudadano/informacionparaextranjeros/paginas/nacionalidad.aspx>. This seems to be the major route for acquiring Spanish nationality in recent years: ARI El precio de la ciudadanía española y europea. Carmen Gonzalez Enriquez. Investigadora principal de Demografía y Migraciones Internacionales.

(a) More generous mobility provisions, rights to reside, right to work, family reunification provisions and protection from expulsion

The sky is the limit here. For Acosta, he hopes for a broad replication of free movement rights on a bilateral basis ('free movement bilateralism'). He says⁶⁹:

Un acuerdo entre ambos estados debería, como mínimo, incluir el derecho de entrada, residencia y trabajo en igualdad de condiciones con los nacionales. En línea con lo dispuesto por el derecho europeo, ambos países podrían establecer catálogos de profesiones en las que solo pudiesen trabajar los nacionales o en las que los mismos tuviesen preferencia. Se podrían también incluir determinados requisitos adicionales, tales como un seguro médico, para aquellos que quisieran asentarse sin realizar actividad económica alguna. Los estudiantes deberían poder tener el mismo trato que los nacionales en cada estado. También tendría que incluirse la regulación de la reunificación familiar que, sobre todo en el caso británico, se ha vuelto mucho más compleja tras el Brexit.

This may be for the longer term. For the short to medium term, at a minimum an agreement could make it easier for UK nationals to come to Spain to work for a short period (and vice versa) – say up to 90 days in any 180 day period – without having to get a work permit/visa, and, crucially, to get paid. This would help small businesses who have already complained about the current rules, students looking to get a job over the peak summer months while at the same time improving their language skills, and others who would like to enjoy mobility rights akin to free movement but without getting a right to settlement. More ambitiously, immediate family members should be able to accompany the short-term migrant for up to 90 days. At a minimum there should be a more relaxed youth mobility scheme.

As Acosta notes, the two agreements involving Andorra might provide a template. The primary purpose of "facilitating both the movement and the establishment of [their respective] nationals". The right to enter and stay for periods not exceeding 90 days is granted upon the presentation of a valid identity card. Beyond this period, the individual must obtain a residency permit in accordance with national law. Those individuals willing to establish residency "without engaging in gainful activities" must provide evidence of sufficient economic means and sickness, maternity and accident insurance cover. This makes the conditions of residency for such individuals slightly stricter than those that apply for EU nationals under the Citizens' Rights Directive 2004/38⁷⁰.

He also notes that

Andorrans enjoy a very similar treatment in France, Spain, and Portugal as EU citizens, while French, Spanish and Portuguese nationals are offered a privileged status in Andorra. Moreover, both agreements enshrine some provisions on labour rights, as well as incorporate the right to family reunification. Lastly, those individuals "legally residing" in the territory of another State Party may be expelled "only on grounds of public policy, public security or public health, in accordance with the legislation of the host State".

Although this may look too close to free movement for comfort for the current UK government, the advantage of a bilateral agreement is that the relevant states can choose which states' citizens it wishes to give rights to (those on its border/near neighbours, as in the case of CTA), rather than to nationals of the EU-27 as a whole.

(b) Healthcare arrangements

As the UK notes, the TCA ensures that 'UK residents will continue to have access to emergency and necessary healthcare when they travel to the EU, operating like the European Health Insurance Card (EHIC) scheme, from 1 January 2021.' For the UK, the EHIC will be replaced by the UK Global Health Insurance Card (GHIC) which is now available in recognition of the new agreement with the EU. Planned healthcare arrangements will continue; and eligible pensioners, frontier workers and certain other groups – and their family members – will continue to benefit from reciprocal healthcare arrangements covering their healthcare costs. Providers

69 Above n. 53.

70 Above n. 2.

should continue to use the processes already in place to recover these costs from member states⁷¹. Could this be extended beyond emergency healthcare?

(c) Voting rights

In 2019 Spain and the UK signed a reciprocal agreement to secure the rights of their citizens to vote in local elections⁷² (similar agreements now also exist between the UK and Portugal, Poland and Luxembourg). Could this be extended to national elections too – and in this way go further than the existing EU Treaty rights? Under the arrangements between the UK and Ireland, Irish nationals can vote in UK local and general elections and referenda and UK nationals can vote in Irish local and general elections.

E. Conclusions

One of the reasons for the Brexit vote was that free movement was perceived as being damaging to the UK, largely because it was seen as a one way street (the number of EU nationals coming to the UK far exceeding UK nationals coming to the EU). The true story was more complex than that. However, in the case of France and Spain there was much more of two-way flow. This might point to more beneficial bilateral agreements between the UK and Spain (and perhaps France, Netherlands and Denmark) than with other central and eastern European countries. As Alemanno and Kochenov point out⁷³:

Realpolitik could work well here: Spain (just like Ireland already), with the strong British diaspora, could have the full package in the agreement, including political rights, which will be obviously mutually beneficial; the Netherlands or Denmark with strong exchange of highly-educated professionals and students could ensure non-discrimination for those attending schools and the job-seekers on top of self-sufficient employed professionals. Crucially, treating different cases differently should be the fundamental starting point, not the other way round, creating a solid ground for quick progress in the negotiations.

This is where departing from the one-size-fits-all approach of supranational law could be in the perceived interest of the UK. Truth is that not all the citizens of EU Member States benefitted from free movement in the same way. While a ‘balanced’ relationship existed between some countries and the UK, free movement was but a one-way street for others

Spain provides an ideal testing ground for bilateral agreements: the numbers of people affected and the commonality of interest. This report has provided some suggestions as to what could be achieved.

71 UK and EU Trade and Cooperation Agreement and the government's preparation for end of the transition period on 31 December 2020. Available at: <https://www.gov.uk/government/publications/letter-to-the-health-and-care-sector-about-the-uk-eu-trade-and-co-operation-agreement/uk-and-eu-trade-and-cooperation-agreement-and-the-governments-preparation-for-end-of-the-transition-period-on-31-december-2020>

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Annex I

Country	Provisional timing	Likely UK signatory	Status
Iceland (Joint Vision)	May 2020	Minister for Europe	Signed
Estonia (Statement of Intent on Foreign Policy Cooperation)	March 2021	Former Foreign Secretary	Signed
Germany (Joint Declaration on Foreign and Security Policy)	June 2021	Former Foreign Secretary	Signed
Greece (Strategic Bilateral Framework)	October 2021	Foreign Secretary	Signed
San Marino (MOU)	25 November 2021	HMA Rome	Signed
Belgium (Joint Declaration)	30 November 2021	Prime Minister	Signed
Latvia (Joint Declaration)	6 December	Foreign Secretary	Signed
Slovenia (Bilateral Strategy)	31 January 2022	Foreign Secretary	On track for signature during FM visit on 31 January
Lithuania (Bilateral Statement of Intent)	End January	Foreign Secretary	On track to be ready for signature by end January
North Rhine Westphalia, Germany (Declaration of Intent)	Late January / early February 2022	Minister for Europe	
Czech Republic (Statement of Intent)	February 2022 (TBC)	Foreign Secretary	Text circulated to Departments on 13 January. Awaiting FS agreement on timing of signature.
Cyprus (MOU)	Early 2022	TBC	Awaiting MFA input
Denmark (Bilateral Statement of Intent)	Early 2022	Foreign Secretary	Paused while Danes consult internally on scope.
Norway (Joint Declaration)	Early 2022	Foreign Secretary	Signature postponed to 2022 due to C19, FS sighted on shortened draft.
Switzerland (Joint Statement)	Early 2022	TBC	
Bosnia and Herzegovina (Partnership Trade and Cooperation Agreement)	April 2022	HMA Sarajevo	Paused due to lack of Bosnian negotiating capacity
Montenegro (Partnership Trade and Cooperation Agreement)	April 2022	HMA Podgorica	Paused due to lack of Montenegrin negotiating capacity
Italy (Bilateral Cooperation Agreement)	Mid 2022	Prime Minister	Slipped from 2021
Portugal (Bilateral Framework)	June 2022	Foreign Secretary	On track for signature
Croatia	Second half of 2022	Minister for Europe	In early stages
Malta (Bilateral Cooperation Framework)	Late 2022	TBC	Potential Ministerial visit in January to launch talks
Spain (tbc)	2022	TBC	Yet to start

Annex II

Bilateral agreements⁷⁴

Spain participates in different bilateral agreements through the Ministry of Education, Culture and Sport, the main ones being:

FULBRIGHT SCHOLARSHIPS	
Purpose	increase mutual knowledge and understanding between Spain and the United States
Actions	<ul style="list-style-type: none"> • scholarships to pursue or complete studies (Master and PhD programmes) • grants to cover travel expenses • financial support for university teachers and specialists • funding for Spanish language assistant positions • pre-doctoral and post-doctoral research scholarships
Destination	United States (US) of America
Target groups	higher education graduates, Doctors and artists, depending on the action
Requirements	<ul style="list-style-type: none"> • be nationals of Spain or a Member State of the European Union (EU), living in Spain • excellent knowledge of English • others, depending on the actions
Duration	between 3 and 24 months, depending on the action being applied for
Funding	it varies depending on the action, although it normally includes registration/tuition fees, travel expenses (one return journey) as well as accident and health insurance
Health coverage	the US Government covers the costs of the accident and health insurance
Certification	accreditation of the studies/training undertaken at the relevant educational institution
Responsible bodies	Fulbright Commission, made up of both Governments: the US Government through its Department of State, and the Spanish Government through the Ministry of Foreign Affairs and Cooperation and the Ministry of Education and Vocational Training

Source: Drawn up by Eurydice Spain-Spanish Network for Information on Education (National Institute for Educational Evaluation, Ministry of Education and Vocational Training) on the basis of the call.

⁷⁴ Bilateral agreements and worldwide cooperation. Available at: https://eacea.ec.europa.eu/national-policies/eurydice/content/bilateral-agreements-and-worldwide-cooperation-70_en

<u>VISITING TEACHERS (UNITED STATES, CANADA, CHINA, UNITED ARAB EMIRATES AND IRELAND)</u>	
Purpose	provide an opportunity to teach in a country with a different cultural and professional background, where beneficiaries teach Spanish as a foreign language or different curricular areas of the education system of the relevant country
Actions	stays in educational institutions abroad
Destination	United States (US), Canada and United Kingdom (UK) and China
Target groups	teaching staff
Requirements	<ul style="list-style-type: none"> • be a Spanish national • be fluent in oral and written English (B1 for the USA, B2 for Canada and China, C1 for Ireland) • full time teaching experience (1 year for China and the UAE, 2 years for the USA, Canada and Ireland) • not be suffering from any medical conditions which make it impossible for them to teach • other requirements depending on the destination
Duration	1 school year, which can be extended
Funding	<p>the remuneration of selected candidates varies depending on the contracting educational authority, as well as their teaching experience and educational qualifications</p> <p>the contract is formulated under the terms agreed by both parties concerning working conditions and its date and form, in accordance with the labour legislation in the US, Canada, the UK or China</p> <p>the selected candidates will have to bear the costs of travel and transfer for their incorporation, except for candidates assigned to China, who will receive a grant of a maximum of 10,000 yuan (approximately 1,300 EUR) for travel expenses</p>
Health coverage	<p>teachers must take out medical insurance in compliance with the visa regulations</p> <p>the school districts provide them with information on health insurance, leaving it to their choice</p> <p>government-employed teachers abroad who are affiliated to <i>MUFACE</i> (the General Mutual Insurance Society for Civil Servants), as well as their beneficiaries, have insurance through an agreement this Society signs with an insurance company. They may also choose the one offered by their school district</p>
Certification	certificate detailing the services provided by the beneficiary as visiting teacher in the US, Canada, the UK or China
Responsible bodies	the Department for Education of the relevant State in the US, the Ministry of Education of the province of Alberta in Canada, and the Department for Education in the UK, Chinese educational authorities and the Spanish Ministry of Education and Vocational Training.

Source: Drawn up by Eurydice Spain-Spanish Network for Information on Education (National Institute for Educational Evaluation, Ministry of Education and Vocational Training) on the basis of the call.

<u>LANGUAGE ASSISTANTS</u>	
Purpose	promote learning and dissemination of the Spanish language and culture abroad improve the knowledge of the language and culture of Spanish language assistants in the host country
Actions	stays in foreign institutions
Destination	Germany, Australia, Austria, Belgium, Canada, United States, Russian Federation, France, Ireland, Italy, Malta, Norway, New Zealand, United Kingdom, Sweden and Switzerland
Target groups	students in the last year or graduates in the programmes established in the call
Requirements	<ul style="list-style-type: none"> • be a Spanish national • be a final year student or hold one of the qualifications established in the call (Philology, Translation and Interpreting, Teaching with a speciality in a foreign language) issued from the 2016-2017 academic year onwards, or in the 2015-2016 academic year when holding (or studying for) an Official Master's Degree in the Teaching of Spanish as a Foreign Language, in the field of foreign language teaching or qualifying for teaching positions. • not having been a language assistant before • not suffer from any medical conditions which make it impossible for them to undertake their duties as language assistants
Duration	1 school year
Funding	accommodation, subsistence and medical insurance costs it is compatible with other grants, sources of income or resources for the same purpose
Health coverage	depending on the destination country. The European Health Insurance Card provides health coverage in accordance with the legislation of the destination country, taking into account the nature of the benefits and the length of the stay, if it is in territory of the EU, the European Economic Area (EEA) or Switzerland. If the destination is a different country, they are required to have a health insurance plan, which is valid in the host country. In the case of the United States and Canada, the Ministry of Education and Vocational Training will cover insurance costs
Certification	certificate of participation in the Programme
Responsible bodies	the relevant international bodies and the Spanish Ministry of Education and Vocational Training

Source: Drawn up by Eurydice Spain-Spanish Network for Information on Education (National Institute for Educational Evaluation, Ministry of Education and Vocational Training) on the basis of the call.

SPANISH COLLEGE IN PARIS - GRANTS FOR LONG-TERM RESIDENTS	
Purpose	complete at least one year of study in France
Actions	stays to undertake studies and participate in training activities
Destination	French State, in Paris or in the Île-de-France region
Target groups	Resident student, Resident researcher, Resident artist
Requirements	<ul style="list-style-type: none"> • Resident student (<i>Résident-étudiant</i>): - have completed at least the 4th year of university studies, or have obtained the Bachelor degree or its equivalent in France (<i>Master 1</i> or <i>BAC+4</i>) - not hold a PhD - be enrolled in a public or private higher education institution recognised by the French State in order to study, at least, the 5th year of university studies (in France, the equivalent to a <i>Master 2</i>, <i>BAC+5</i> or higher) <ul style="list-style-type: none"> • Resident researcher or post-doc (<i>Résident-chercheur, Post-Doc</i>): - hold a PhD, or be a university teacher or researcher - develop post-doctoral work or a research project that has been accepted by a university or a higher education or research institution <ul style="list-style-type: none"> • Resident artist (<i>Résident-artiste</i>): - carry out artistic, musical or literary studies or research or other cultural creation activities - prove that they have completed 4 years of higher education studies in their discipline - be enrolled in a public or private higher education, research or creation institution of renowned prestige, recognised by the French State <ul style="list-style-type: none"> • Confirmed resident artist (<i>Résident Artiste/professionel de la Culture</i>) - being accepted in a public or private institution of higher education, research or creation of recognized prestige to carry out artistic, musical, literary or other cultural creation research. - justify, by means of a project, the artistic, teaching or training activity.
Duration	<ul style="list-style-type: none"> • Resident researchers, post-doc, and artists: 24 months over a period of 4 consecutive years • Resident students and artist resident students: 30 months over a period of 6 consecutive years.
Funding	residence in the <i>Cité Internationale Universitaire de Paris</i> and/or the Spanish College
Health coverage	the European Health Insurance Card provides health coverage in accordance with the legislation of the destination country, taking into account the nature of the benefits and the length of the stay. Otherwise, they are required to have a health insurance plan which is valid in the host country
Responsible bodies	Spanish College (at the <i>Cité Internationale Universitaire de Paris</i>) and the Spanish Ministry of Education and Vocational Training

Source: Drawn up by Eurydice Spain-Spanish Network for Information on Education (National Institute for Educational Evaluation, Ministry of Education and Vocational Training) on the basis of the call.

Cooperation and participation in worldwide programmes and organisations

Europe

Spanish Service for the Internationalisation of Education

This body, dependent on the Ministry of Education and Vocational Training, is responsible for managing the participation of Spain in the Erasmus+ Programme of the EU.

SEPIE is in charge of the following aspects:

- managing efficiently and transparently the European and national funds for the decentralised actions of the Erasmus+ programme
- disseminating the opportunities of the Erasmus+ programme in order to improve the educational and training capacities of students, teachers and workers at all levels of education
- improving the reception of foreign students, teachers and researchers in Spain, as well as of Spaniards abroad
- enhancing the employability of participants and the internationalisation of education and training organisations.

In addition, it is in charge of the promotion of other European initiatives in education, such as the Euroscola Prize, the European Label for innovative projects in language teaching and learning, the Europass, and the Portfolio.

Council of Europe

The aim of the Council of Europe, founded in 1949, is to find shared solutions to solve the major problems society is currently facing, by developing common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals. It comprises all Member States of the EU.

Spain participates actively in the multilateral activities developed by this international body, which entails attendance to meetings and conferences. Amongst the main current areas of work are education that encourages economic development and inclusion, mobility and the promotion of youth employment.

European Agency for Development in Special Needs Education

The European Agency for Development in Special Needs Education, founded in 1996, is an independent and self-governing organisation founded by the Ministries of Education of its 29 member countries to act as their platform for collaboration in the field of special needs education with the aim of contributing to the improvement of quality in education. This organisation is supported by the European Commission and Parliament.

Some of the initiatives in which Spain participates include the following:

- inclusive early childhood education
- improving the performance of all students in inclusive education
- new technologies for information accessibility
- inclusion in vocational training
- overview of the implementation of inclusive education policies
- accessible information for lifelong learning actions
- teacher training
- assessment in inclusive environments
- inclusive education indicators.

Latin America

Organisation of Ibero-American States for Education, Science and Culture

This is an international governmental body for cooperation among Ibero-American countries in different areas, including education. Its goal is to promote the universal right to education and to improve quality and equity in lifelong learning.

Among the initiatives in which Spain participates, the following can be mentioned: the Ibero-American Intergovernmental Network for Technical Cooperation for Special Needs Education (RIINE), the Ibero-American Education Network for Young People and Adults (RIEJA) and the Ibero-American Network of Information and Communication Technology and Education (RIATE).

Andrés Bello Agreement

The Andrés Bello Agreement is an intergovernmental organisation aimed at promoting the educational, scientific and technological integration of its member countries. Spain has been a member since 1982.

Spain, like the rest of states, contributes to the recognition of basic and secondary education, recognises the qualifications obtained in the member states for access to postgraduate studies, and proposes specific lines for action, which include exchanges for technical assistance, internships, seminars, training workshops and exchanges of experts.

Carolina Foundation

The Carolina Foundation is a public-private institution, established in 2000, which promotes cultural relations and educational and scientific cooperation between Spain and Ibero-American countries.

Among its programmes related to education, it is worth highlighting:

- Training Programme (Grants), whose aim is to facilitate and promote further study in Spain for university graduates from Latin America through grants
- International Visitors' Programme, which intends to create and consolidate bilateral and cooperation relations between Spain and the countries to be given priority for Spanish foreign action
- Living in Spain Programme, which seeks to provide Latin American beneficiaries a deeper understanding of the Spanish reality and allow them to establish links between them, as well as with Spain and the Foundation
- Carolina Network, designed to emphasise and strengthen the exchange, cooperation and learning relations the Carolina Foundation generates through the different programmes.

International

Organisation for Economic Co-operation and Development (OECD)

In 1960, Spain signs an agreement with the OECD, whose task is to promote policies to improve the economic development and social welfare of people around the world.

In the field of education, the following thematic lines are considered:

measurement of results, teaching and learning, development and use of skills, policy development and implementation, and innovation and the future of education.

Among the OECD actions in which Spain is involved, the most important ones are:

- the Programme for International Student Assessment (PISA)
- the Teaching and Learning International Survey (TALIS)
- the Education Systems Indicators Project (INES).

United Nations Educational, Scientific and Cultural Organisation (UNESCO)

Since 1953, Spain takes part in the work of the UNESCO. As regards education, the following broad areas are covered: key elements in education, education systems, educational planning and management, and international action.

When it comes to participation in UNESCO projects, Spain is a member of:

- The UNITWIN/UNESCO Chairs Programme, which is organised around the following themes: citizenship and values education, early childhood education, education for sustainable development, entrepreneurship education, higher education, languages, lifelong learning, inclusive education, the right to education, teacher training, and technical and vocational training, gender equality, education for health and well-being, education in emergencies, education policy and planning, Information and Communication Technologies, literacy, school violence and bullying.
- The UNESCO Associated Schools Project Network (ASPnet). It is global network of more than 9 000 educational institutions in 176 countries. Spain participates with a total of 210 Associated Schools located in most Autonomous Communities.

Annex III

Visados Ley de Emprendedores

La Ley se dirige a los inversores, emprendedores, profesionales altamente cualificados, investigadores y trabajadores que efectúen movimientos intraempresariales, así como a los cónyuges e hijos menores de 18 años.

La ley contempla una agilización de la tramitación, estableciendo con carácter general un plazo de resolución de 10 días para todos los visados que se incluyen en la ley.

El visado de residencia que se expida al amparo de la presente Ley constituye título suficiente para residir en España durante un año sin necesidad de tramitar la tarjeta de identidad de extranjero. La renovación de la residencia podrá efectuarse aún existiendo ausencias superiores a seis meses al año en el caso de visados de residencia y autorizaciones para inversores extranjeros o trabajadores extranjeros de empresas que realizando actividades en el extranjero tengan fijada su base de operaciones en España.

REQUISITOS GENERALES:

- No encontrarse irregularmente en suelo español.
- Ser mayor de 18 años.
- Carecer de antecedentes penales en España y en los países donde haya residido en los últimos 5 años, por delitos previstos en el ordenamiento jurídico español.
- No figurar como rechazable en el espacioterritorial de países con los que España tenga firmado un convenio en tal sentido.
- Contar con un seguro público o un seguro privado de enfermedad concertado con una Entidad aseguradora autorizada para operar en España.
- Contar con recursos económicos suficientes para sí y para los miembros de su familia durante su período de residencia en España (2.130 mensuales para el interesado y 532 por cada familiar que esté a su cargo).
- Abonar la tasa por la tramitación del visado.

Resulta importante señalar que la posibilidad de tramitar el visado de residencia se extiende al cónyuge y a los hijos menores de 18 años, o mayores de edad que no sean capaces de proveer sus propias necesidades debido a su estado de salud, cuando se reúnan o acompañen a los solicitantes. En consecuencia, los mismos podrán solicitar, conjunta y simultánea o sucesivamente un visado de residencia familiar, previa acreditación del cumplimiento de los requisitos señalados anteriormente.

No se requiere la presencia del solicitante del visado, podrán solicitar y recoger el visado de residencia a través de representante debidamente acreditado. No se requiere la toma de datos biométricos.

Los supuestos de visados de residencia a los que se refiere esta Ley son los siguientes:

Visado de Residencia para Inversores de Capital (RIC)

Se entiende como inversión significativa de capital, una inversión inicial por un valor igual o superior a 2 millones de euros en títulos de deuda pública española o por un valor igual o superior a 1 millón de euros en acciones o participaciones sociales de empresas españolas o depósitos bancarios en entidades financieras españolas.

Además de los requisitos establecidos con carácter general, el solicitante deberá acreditar haber realizado la inversión en la cantidad mínima requerida, en un período no superior a 60 días anteriores a la presentación de la solicitud, de la siguiente manera:

1. En el supuesto de inversión en acciones no cotizadas o participaciones sociales se presentará el ejemplar de la declaración de inversión realizada en el Registro de Inversiones Exteriores del Ministerio de Economía y Competitividad.
2. En el supuesto de inversión en acciones cotizadas, se presentará un certificado del intermediario financiero, debidamente registrado en la Comisión Nacional del Mercado de Valores o en el Banco de España, en el que conste que el interesado ha efectuado la inversión a efectos de la norma.
3. En el supuesto de inversión en deuda pública, se presentará un certificado de la entidad financiera o del Banco de España en el que se indique que el solicitante es el titular único de la inversión para un período igual o superior a 5 años.
4. En el supuesto de inversión en depósito bancario, se presentará un certificado de la entidad financiera en el que conste que el solicitante es el titular único del depósito bancario.

Visado de Residencia por Adquisición de Bienes Inmuebles (RIV)

Podrán solicitar este visado los extranjeros que acrediten la adquisición de bienes inmuebles en España con una inversión de valor igual o superior a 500.000.

Además de los requisitos establecidos con carácter general, el solicitante deberá acreditar haber adquirido la propiedad de los bienes inmuebles mediante certificación con información continuada de dominio y cargas del Registro de la Propiedad que corresponda al inmueble. Dicha certificación tendrá que ser emitida dentro de los 90 días anteriores a la presentación de la solicitud del visado de residencia. Si en momento de la solicitud del visado la adquisición de los inmuebles se encontrara en trámite de inscripción en el Registro de la Propiedad, será suficiente la presentación de la certificación en la que conste vigente el asiento de presentación del documento de adquisición, acompañada de la documentación acreditativa del pago de los tributos correspondientes.

El solicitante deberá acreditar disponer de una inversión en bienes inmuebles de 500.000 libre de toda carga o gravamen. La parte de la inversión que exceda del importe exigido podrá estar sometida a carga o gravamen.

Visado de Residencia para Emprendedores y Actividad Empresarial (REM)

Bajo este supuesto tienen cabida tanto los inversores que presenten un proyecto empresarial que vaya a ser desarrollado en España y que sea considerado y acreditado como de interés general, como los que tengan previsto entrar y permanecer en España por un periodo de un año con el fin único o principal de llevar a cabo los trámites previos para poder desarrollar una actividad emprendedora.

En el primer caso el interesado deberá presentar un informe favorable de la Oficina Comercial del ámbito de demarcación geográfica donde el inversor presente la solicitud del visado, para constatar que en el proyecto empresarial presentado concurren razones de interés general.

Debe de tenerse en cuenta que es admisible una inversión significativa de capital cuando la inversión la lleva a cabo una persona jurídica, domiciliada en un territorio que no tenga la consideración de paraíso fiscal conforme a la normativa española, y el extranjero posea directa o indirectamente, la mayoría de los derechos de voto y tenga la facultad de nombrar o destituir a la mayoría de los miembros de su órgano de administración.

En el caso de los Emprendedores, se entenderá como actividad emprendedora aquella que sea de carácter innovador con especial interés para España y a tal efecto cuente con un informe favorable de la Oficina Comercial donde el inversor presente la solicitud del visado.

Visado de Residencia para Profesionales Altamente Cualificados (TAC)

La solicitud de este visado requiere que por parte de la empresa se lleve a cabo la tramitación previa en España de una Autorización de Residencia para profesionales altamente cualificados, tramitación que se realizará en la Unidad de Grandes Empresas y Colectivos Estratégicos. Su concesión corresponderá a la Dirección General de Migraciones.

Visado de Residencia para Formación o Investigación (RIN)

Bajo este visado se contemplan la casuística relativa a extranjeros que desean realizar actividades de formación, investigación, desarrollo e innovación en entidades públicas o privadas. Tales casos son:

1. **El Personal Investigador** al que se refieren el artículo 13 y la disposición adicional de la Ley 14/2011, de 1 de Junio, de la Ciencia, la Tecnología y la Innovación.
2. **El Personal Científico y Técnico** que lleve a cabo trabajos de investigación científica, desarrollo e innovación tecnológica, en entidades empresariales o centros de I+D+I establecidos en España.
3. **Los investigadores** acogidos en el marco de un convenio por organismos de investigación públicos o privados, en las condiciones que se establezcan reglamentariamente.
4. Los profesores contratados por universidades, órganos o centros de educación superior e investigación, o escuelas de negocios establecidos en España de acuerdo con los criterios que se establezcan reglamentariamente.

Visado de Residencia por Traslado Empresarial (TTI)

Podrá ser tramitado por aquellos extranjeros que se desplacen a España en el marco de una relación laboral, profesional o por motivos de formación profesional, con una empresa establecida en España o en otro país.

La solicitud de este visado requiere que por parte de la empresa se lleve a cabo la tramitación previa en España de una Autorización de Residencia por traslado intraempresarial, tramitación que se realizará en la Unidad de Grandes Empresas y Colectivos Estratégicos. Su concesión corresponderá a la Dirección General de Migraciones.

Visado de residencia para familiares (RFI)

La nueva Ley establece que **el cónyuge y los hijos menores de 18 años**, o mayores de edad que no sean objetivamente capaces de proveer sus propias necesidades debido a su estado de salud, que se reúnan o acompañen a él podrán solicitar un visado de residencia.

Además de los requisitos generales deberán de acreditar su relación familiar.

Números Publicados

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Zhang Min and Gong Jialuo

Resumen: El Acuerdo de Retirada preservó, en general, los derechos de los nacionales de la UE y del Reino Unido que ya vivían en el otro país antes del 31 de diciembre de 2020. El Acuerdo de Cooperación y Comercio estableció una disposición limitada para la movilidad de los proveedores de servicios a partir del 1 de enero de 2021, que sólo va un poco más allá de las estrechas disposiciones del AGCS de la OMC. Esto no reproduce en absoluto la libre circulación de personas. Fuera de estos ámbitos, se aplica la legislación nacional en materia de inmigración. Una vez examinadas las disposiciones del Acuerdo de Cooperación y Comercio entre la Unión Europea y el Reino Unido (TCA) y los problemas resultantes, este informe analiza el alcance (realista) de los acuerdos bilaterales que mejoran la base del Acuerdo en materia de movilidad. Se centra en la nacionalidad, la doble nacionalidad, la movilidad de los jóvenes y el derecho de voto.

Abstract: The Withdrawal Agreement generally preserved the rights for EU/UK nationals already living in the other place before 31 December 2020; the Trade and Cooperation Agreement made limited provision for mobility of service providers from 1 January 2021 which only goes a little bit beyond the narrow provisions of the WTO's GATS. This in no way replicates free movement of persons. Outside these areas, national immigration law applies. Having looked at the TCA provisions and the issues which have resulted, this report looks at the (realistic) scope for bilateral arrangements which improve upon the baseline of the TCA in respect of mobility matters. It focuses on nationality, dual citizenship, youth mobility and voting rights.

Palabras clave: Movilidad, ciudadanía, libre circulación, AGCS, voto, asistencia sanitaria.

Keywords: Mobility; citizenship, free movement; GATS; voting; healthcare.



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