

**Written evidence submitted by the Ambassador for the Federal  
Republic of Germany to the UK (FRE0123)**

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Embassy  
of the Federal Republic of Germany  
London



The Rt Hon Hilary Benn MP  
Chair of the Committee on the  
Future Relationship with the European Union  
House of Commons  
London  
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**Andreas Michaelis**

Ambassador of the Federal Republic of Germany

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London, 31 July 2020

Dear Chair,

Thank you for your letter inquiring into the progress of the ongoing negotiations between the UK and the EU and the implementation of the Citizens' Rights provisions of the Withdrawal Agreement.

Let me assure you that the rights of EU citizens living in the United Kingdom and United Kingdom nationals living in EU Member States remain a priority for the German Government, as well as the Union, its institutions and all its Member States.

Before answering your questions in detail, I would like to make some general remarks on the current state of play: Part Two of the Withdrawal Agreement on citizens' rights will only apply as from the end of the transition period, with the exception of Article 19. As you are aware, all Member States have, in line with the Withdrawal Agreement, chosen to implement either the constitutive or declaratory residence system. EU Member States will put in place their systems for the issuance of residence documents so that they can start handling applications for a new residence status or a new residence document on 1 January 2021 at the latest.

The European Commission provides continuous support to ensure the uniform interpretation of the Withdrawal Agreement, including its guidance note on Part Two of the Withdrawal Agreement, and to allow for exchange of information and best practices at EU level.

It has also published an overview of the implementation of the citizens' rights part of the Withdrawal Agreement that will be regularly updated to ensure that United Kingdom nationals and their family members are properly informed about their rights under the Withdrawal Agreement in individual Member States (<https://tinyurl.com/y3xhx3xp>).

In addition, I would like to respond to the specific questions you raised in your letter dated 16 July 2020.

**What is your estimate of the number of UK citizens currently living in your country and on what basis have you come to that figure?**

As of 1 January 2020, there were 93,365 UK citizens living in Germany, according to the German Federal Statistical Office (FSO).

**Has your Government decided if it is going to implement a constitutive or declaratory system and has this decision been made public? If not, when will this decision be made and publicised?**

The German Government has opted for a declaratory system and has proposed draft legislation so that British citizens who currently live and work in Germany in accordance with the EU right of freedom of movement, and who wish to continue to do so, will still have comparable rights under the Withdrawal Agreement after the end of the transition period. This bill is currently pending the approval of the German Bundestag and subject to the constitutional participation of the Bundesrat and is set to come into force before the end of the transition period.

More information on the current state of the procedure on that bill, as well as the bill itself, can be accessed on the website of the Bundestag (in German): <http://dipbt.bundestag.de/extrakt/ba/WP19/2625/262543.html>.

**Has your Government published guidance for UK citizens, and their family members, in your country explaining what they must do to secure their rights under the Withdrawal Agreement? If so, could you provide us with a link to the guidance online? If such guidance for UK citizens has not yet been published, by what date does your Government intend to do so?**

Information on the legal status of British citizens after Brexit has been published on the website of the Federal Ministry of the Interior, Building and Community:

<https://www.bmi.bund.de/SharedDocs/faqs/EN/topics/constitution/brexit/faqs-brexit.html>.

The Federal Ministry of the Interior, Building and Community plans to publish a detailed guidance note, which is currently under scrutiny of the Federal ministries, and the Länder (states), in due course and well before the end of the transition period.

**Whatever system your Government chooses to operate, what is the first step that UK citizens have to take, and what are the relevant dates by which they will have to complete this step, and any subsequent steps, in order to secure their rights under the Withdrawal Agreement?**

For those UK nationals who have not already done so, and who occupy a residence in Germany, we advise to register with the residents' registration office (Einwohnermeldeamt) at the place where they live in Germany, preferably as soon as possible and before the end of the transition period. If they hold German or another EU, EEA, or Swiss nationality in addition to their British citizenship, they should inform the registration office about this fact within due course. Otherwise, it would not be known to the German authorities that they are entitled to reside in Germany by virtue of their German or Union citizenship, or based on the citizenship of an EEA state or Switzerland. According to the provisions of the current draft legislation, persons with residence rights under the Withdrawal Agreement will additionally be required to notify their stay within six months after the end of the transition period and then receive residence documents. Third-country nationals who already hold residence documents as beneficiaries of the EU freedom of movement, and who are therefore already registered with the foreigners'

authorities, are not required to register again, but to participate in the exchange of their residence card issued according to the Freedom of Movement Directive to a new document issued according to the Withdrawal Agreement.

**Are lawmakers in your country required to pass any domestic legislation in relation to residency applications made by UK citizens living there? If so, are these laws already in place or scheduled to be considered and in effect by a certain date?**

As indicated above, the German Government has proposed draft legislation for a declaratory system which is currently pending approval by the German Bundestag and subject to the constitutional participation of the German Bundesrat and is set to come into force before the end of the transition period.

**Finally, are there any issues or challenges specific to your country that are currently facing UK citizens who want to confirm their residency rights and what additional impact has Covid-19 had on the wider process?**

The German Government does not currently expect any specific challenges to arise, nor does it believe Covid-19 will have any additional impact on the process.

In closing, I would like to reiterate how much we value the contribution UK nationals make to the German society and that we do our best to minimize procedures necessary for them to enjoy their rights according to the Withdrawal Agreement.

May I avail myself of this opportunity to assure you of my highest consideration.

A handwritten signature in black ink, appearing to read 'Andreas', with a stylized flourish extending from the end.



# Committee on the Future Relationship with the European Union

House of Commons, London, SW1A 0AA

Email: [freucom@parliament.uk](mailto:freucom@parliament.uk) Website: <https://committees.parliament.uk/committee/366/committee-on-the-future-relationship-with-the-european-union/>

16 July 2020

H.E. Mr Andreas Michaelis  
Ambassador of Germany to the United Kingdom

By email

Your Excellency,

The House of Commons [Committee on the Future Relationship with the European Union](#) is inquiring into the progress of ongoing negotiations between the UK and the EU and the implementation of the Citizens' Rights provisions of the Withdrawal Agreement.

The rights of EU citizens living in the UK and UK citizens living in the EU was an important and sensitive issue throughout the Article 50 negotiations with both sides agreeing that it was essential to uphold as far as possible the rights accrued by citizens in both of these categories during the UK's membership of the EU.

The Committee would be very interested in hearing from you about the arrangements your Government is making to ensure that UK citizens living in your country can secure their rights under the Withdrawal Agreement.

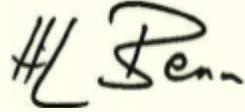
As well as any general observations you wish to make, we would welcome your answers to the following questions:

- What is your estimate of the number of UK citizens currently living in your country and on what basis have you come to that figure?
- Has your Government decided if it is going to implement a constitutive or declaratory system and has this decision been made public? If not, when will this decision be made and publicised?
- Has your Government published guidance for UK citizens, and their family members, in your country explaining what they must do to secure their rights under the Withdrawal Agreement? If so, could you provide us with a link to the guidance online? If such guidance for UK citizens has not yet been published, by what date does your Government intend to do so?
- Whatever system your Government chooses to operate, what is the first step that UK citizens have to take, and what are the relevant dates by which they will have to complete this step, and any subsequent steps, in order to secure their rights under the Withdrawal Agreement?
- Are lawmakers in your country required to pass any domestic legislation in relation to residency applications made by UK citizens living there? If so, are these laws already in place or scheduled to be considered and in effect by a certain date?
- Finally, are there any issues or challenges specific to your country that are currently facing UK citizens who want to confirm their residency rights and what additional impact has Covid-19 had on the wider process?

I am writing in similar terms to the other national Ambassadors of EU Member States to the UK based in London. All replies that the Committee receives will, in due course, be published on its website.

Should you have any questions at all, the Clerk of our Committee, Gordon Clarke, will be very happy to help. He can be contacted at [clarkeg@parliament.uk](mailto:clarkeg@parliament.uk).

I have the honour to be, with the highest consideration, Your Excellency's obedient servant,

A handwritten signature in black ink, appearing to read "H/ Benn". The signature is written in a cursive, slightly stylized font.

**Hilary Benn**  
**Chair of the Committee**