

BOE 7276.

Joint instruction by the Directorate-General for Migration and the Directorate-General of Police determining the procedure for issuing the residence document provided for in Article 18.4 of the Withdrawal Agreement of the United Kingdom of Great Britain and Northern Ireland of the European Union and the European Atomic Energy Community.

On 31 January 2020 the UK ceased to belong to the EU and that exit is governed by the Withdrawal Agreement (WA) that was negotiated and ratified by both parties. This WA came into force on 1 February 2020. However, this WA provides for a transitional period which will, in principle, last until 31 December 2020. During its validity, EU legislation on free movement will continue to apply. Consequently, as determined in the second part of the Agreement (relating to citizens' rights), all rights will be maintained until 31 December 2020 as if the UK was still a member of the EU.

This means that UK nationals will be able to enjoy their rights to free movement in Spain until the end of 2020. So, those who have exercised their right to reside or work in accordance with EU law before the end of the transitional period (31 December this year) and who continue to do so after that period will have exactly the same rights under the WA as those who arrived before Brexit, also being subject to the same restrictions and limitations. The WA identifies the rules governing the conditions of residence and the rights of people falling within its personal scope. Those arriving after the end of the transitional period and who are not already registered as residents will be regarded as third-country nationals and, without prejudice to the application of a special regime of future mobility, shall be subject to the provisions of the general regime for third-country nationals.

Once the withdrawal agreement has entered into force, the following regimes will end: the system of EU citizens, provided for in the Royal Decree 240/2007 of 16 February, on entry, free movement and residence in Spain of citizens of the Member States of the European Union and of other States party to the WA on the European Economic Area; the regime applicable to UK nationals, members of their families and any other persons falling within the scope of the WA, which shall be subject to the provisions of the withdrawal agreement (ie the application of EU law on freedom of movement with the specialities and particularities set out) and that of third-country nationals, to which the so-called general foreigner regime will apply and which includes UK nationals who are not beneficiaries of the WA. In Chapter 1 of Title II of Part Two of the WA it sets out the conditions of residence of UK nationals and their family members in the host State and of EU citizens in the UK, as well as the aspects relating to their documentation. This documentation process is intended to differentiate (1) between those who fall within its scope and (2) those who are not because they arrive in Spain after the end of the transitional period. This is because those residing in Spain before

31 December 2020 will have the rights in terms of residence, free movement and Social Security that the WA affords them. Those who arrive after that date will have different rights, either those who are included within the future relationship between the EU and the UK or failing that, those who are recognised by Spanish law.

Article 9 (c) (ii) defines the host State as the state in which the UK national and family members have exercised their right of residence in accordance with EU law before the end of the transitional period and in which they continue to reside after that date. The WA does not require physical presence in the host State at the end of the transitional period (temporary absences that do not affect the right of residence as well as longer absences which do not affect the right of permanent residence) are accepted. According to this definition, Spain is the host State of UK nationals and their family members residing in its territory (as determined in Articles 9, 10 and 13 of the WA).

In order to document UK nationals, members of their families and any other persons residing in Spain in accordance with the conditions laid down in Title II of the WA and on the basis of the two options offered by the WA in Article 18, the Government of Spain has opted for the application of Article 18.4 - 'If the host State chooses to have EU or UK nationals, members of their families and any other persons residing in its territory under the conditions laid down in this Title they do not have to apply for a new resident status under paragraph 1 in order to have legal residence. Those persons with one of the residence rights established in this Title shall be entitled to receive, in accordance with the conditions laid down in Directive 2004/38/EC, a residence document, which may be in digital format, which mentions that it has been issued in accordance with this Agreement', and a documentation process is set out on the basis of the current registration system which further guarantees the right of Article 18.4 to obtain a new residence document.

Therefore, UK nationals, family members and any other persons residing in Spain under the conditions set out in the WA shall not be required to apply for a new residency status or undergo a new documentation process, but they shall have the right to receive, in accordance with the provisions of Directive 2004/38, a residence document expressly collecting their status as beneficiary of the WA. In addition, in accordance with Article 19 of the WA, this residence document is permitted to be requested, voluntarily, during the transitional period. On the basis of this and in order to avoid double requests, a system has been set up in which applications for registration certificates or residence cards of relatives of EU citizens requested during the transitional period by those UK nationals, members of their families and any other persons residing in Spain in accordance with the conditions laid down in Title II of the WA shall be processed as applications for this residence document of Article 18.4 of the WA.

To prevent counterfeit and alterations to documents, in particular, as an aid to border control authorities, the EU member states may implement a period of validity, format and security characteristics to the documents they issue as well as a common declaration to reflect those rights of citizens.

On this basis, Spain has adopted the uniform model of residence permit for third-country nationals provided for in Council Regulation NO 1030/2002 as the model to be used for the issuing of residence documents. Along with this format, it is established that the validity period of the same must be between 5 and 10 years. With regard to validity and, taking into account the provisions on temporary and permanent residence contained in the WA, it has been decided that temporary residence documents shall be valid for 5 years and permanent documents for ten years. In addition, the Regulation specifies a number of elements to be included in those documents. Therefore, in the residence documents the field corresponding to the Type of Permit 'Article 50 TEU' must appear and, in the field corresponding to Observations, it must be recorded that it has been issued in accordance with Article 18.4 of the WA.

Taking into account the aforementioned regulatory provisions and with the aim of a uniform application of those provisions in the issuing of the residence documents of Article 18.4 of the WA, the following Instructions apply -

- 1) Objective. The purpose of these instructions is to lay down the form, requirements and time limits for issuing the residence document referred to in Article 18.4 of the WA.
- 2) Personal scope of application. For the purposes of these instructions, those provided for in the WA shall be addressed in respect of its subjective scope of application, with the application of UK nationals, their family members and any other persons residing in Spain in accordance with the conditions laid down in Title II of the WA.
- 3) Temporary scope of application.
 1. The application for residence documents by UK nationals, members of their families and any other persons residing in Spain in accordance with the conditions laid down in Title II of the WA may be made from 6 July 2020.
 2. For those whose right of residence in Spain begins after the end of the transitional period in accordance with Title II of the WA, the period for submitting the application shall be three months from arrival in Spain or from the time of birth. If applications are submitted after that period, the circumstances and reasons for the non-compliance shall be considered and additional time to submit the application will be granted if the reasons for the non-compliance are considered to be justified.

3. In cases where it is processed in person, an prior appointment must be obtained.

4) The issuing of the residence document provided for in Article 18.4 to UK nationals residing in Spain in accordance with the conditions laid down in the WA.

1. UK nationals may request, in accordance with Article 18.4 a residence document. This residence document shall be issued in accordance with the uniform model of residence permit for third-country nationals provided for in EC Regulation No 1030/2002 and will show in the Type of Permit 'Article 50 TEU' and in Observations it must be recorded that it has been issued in accordance with Article 18.4 of the WA.

2. Applications may be submitted in accordance with the third instruction from 6 July. In the case of those whose right of residence in Spain begins after the end of the transitional period in accordance with Title II of the WA, the period for submitting the application shall be three months from arrival in Spain or from the time of birth, without prejudice to the granting of a sufficient additional period of time for justified reasons.

3. The procedure for obtaining this residence document is established on the basis of whether the UK national - holds a certificate of registration, temporary or permanent or it has not been requested before the date provided for in these instructions or because he/she has arrived in Spain in the period from the date provided for in these instructions (after 6 July) and the end of the transitional period or at a later time.

The UK national can obtain this residence document which, depending on the location of the citizen concerned, will require one step (at the police authorities) following payment of the established fees or in two steps (at the foreign office which will grant the residence document and then to the police authority to issue the document) following payment of the established fees.

Remember that the WA does not require physical presence in Spain at the end of the transitional period and temporary absences which do not affect the right of residence as well as longer absences which do not affect the right of permanent residence must be accepted in accordance with Article 11 of the WA. This element must be considered both for the issuing of the residence document and for its renewal. With regards to permanent residence, the rules on periods of residence prior to Article 15 of the WA remain in force. Applications for registration certificates shall be processed as applications for the residence document of Article 18.4 of the WA and the provisions of this instruction apply. Periods of residence in Spain prior to the application, in accordance with Article 16 of the WA, shall be considered. Therefore, although according to the Commission's decision on implementation, the residence documents issued must be valid for at least five years. Applications for the issue of a new

residence document of a permanent nature will be accepted where the conditions laid down in Article 15 of the WA (including five years of legal residence in Spain) are fulfilled even though the first residence document issued has not expired. It will be presumed that the beginning of legal residence in Spain has occurred on the date of issue of the temporary registration certificate if it has been issued.

(a) If the UK national holds a certificate of temporary registration and has not reached the five years of legal residence in Spain, he may personally apply at the police authorities to be issued with the residence document. At the time of the request, the citizen concerned must provide the following documentation -

- Printed and completed application EX 23.
- Valid passport of the applicant. In the event that the passport is expired, a copy of the passport and the renewal application must be provided.
- Proof of payment of the corresponding fee (model 790, code 012).
- A photograph, in accordance with the requirements established in the regulations on national identity documents.

At the time of collecting the residence document, the citizen must prove to be the valid recipient by presentation of a valid passport.

This residence document will be valid for five years and in the field corresponding to the Type of Permit the term 'Temporary' shall appear. After its validity, it must be renewed automatically in accordance with the provisions of instruction 6.

Those persons who have reached the five years of legal residence in Spain may convert it to permanent residence (as provided for in Article 15 of the WA) before the issued residence document expires, and upon requesting a new residence document at the authorised police units and, after verifying the duration of residence, they will issue it. This new residence document will then be valid for 10 years and in the field corresponding to the Type of Permit the word 'Permanent' shall appear. After its validity, it must be renewed automatically in accordance with the provisions of instruction 6.

b) If the UK national holds a temporary registration certificate and has reached 5 years of legal residence in Spain (without having obtained, prior to the application for this residence document, a certificate of permanent registration) he/she may personally apply, to the authorised police units, to be issued with the residence document after verification of the duration of residence.

At the time of their request, the citizen concerned must provide the following documentation -

- Completed and printed application EX 23.
- Valid passport. In the event that the passport has expired, a copy of the passport and the renewal application must be provided.
- Proof of payment of the corresponding fee (model 790, code 012).
- A photograph, in accordance with the requirements established in the regulations on national identity documents.

At the time of collecting the residence document, the citizen must prove to be the valid recipient by presentation of a valid passport.

This residence document will be valid for ten years and in the field corresponding to the Type of Permit the term 'Permanent' shall be entered. After its validity, it must be renewed automatically in accordance with the provisions of instruction 6.

c) If the UK national is the holder of a permanent registration certificate, he may personally request to be issued with the residence document at the authorised police units.

At the time of request, the citizen concerned must provide the following documentation -

- Completed and printed application EX 23.
- Valid passport. In the event that the passport is expired, a copy of the passport and the renewal application must be provided.
- Proof of payment of the corresponding fee (model 790, code 012).
- A photograph, in accordance with the requirements established in the regulations on national identity documents.

At the time of collecting the residence document, the citizen must prove to be the valid recipient by presentation of a valid passport.

This residence document will be valid for ten years and in the field corresponding to the Type of Permit the word 'Permanent' shall appear. After its validity, it must be renewed automatically in accordance with the provisions of instruction 6.

(d) If the UK national does not hold a registration certificate, he/she may submit an application for this residence document, personally or by his/her representative, to the foreign office of the province in which he resides or intends to establish his residence or by electronic means. Once this has been granted,

he/she must contact the authorised police unit that will issue the document, subject to payment of the established fees.

(i) On proceedings at the Foreign Office – The jurisdiction to resolve these requests rests with the person who is head of the foreign office. Such an application must be submitted in accordance with the provisions of instruction 3a. At the time of application, the following documentation shall be provided -

- Completed and printed application EX 20 (UK WA of Great Britain and Northern Ireland of the EU and the EEA).
- Valid passport. In the event that the passport is expired, a copy of these and the renewal request must be provided.
- Documentation that the applicant is included in the personal scope of the WA, in particular the beginning of his residence in Spain, and any means of proof admitted in law must be accepted.
- Documentation provided for in Article 3 of Order PRE/1490/2012 of 9 July laying down rules for the application of Article 7 of Royal Decree 240/2007 of 16 February on entry, free movement and residence in Spain of citizens of the Member States of the EU and other States party to the WA on the EEA.

In the case of family members of the UK national who are also British nationals, they must prove that the UK national, with whom they are associated, fulfils the necessary conditions. Upon receipt of the application, an acknowledgement of the application for the residence document will be provided immediately, which will be sufficient to prove their legal stay until the delivery of the actual document. Once the application has been registered and, in the event of non-admission to the process, there will follow a detailed explanation as to how the person concerned is required to remedy the faults within ten working days or to forward the required documents, indicating that, if they fail do so, they will be given a decision, on request, which may be subject to an appeal if the person s wishes. If the application satisfies the requirements, the decision on the residence document shall be issued and notified within a maximum period of three months.

(ii) On proceedings at an authorised police unit – Within one month of the notification of the decision on the residence document, he/she must request, in person, that it be issued. At the time of the request, the citizen concerned must provide the following documentation -

- Completed and printed application EX 23.
- Valid passport. In the event that the passport is expired, a copy of the passport and the renewal application must be provided.
- Proof of payment of the corresponding fee (model 790, code 012).
- A photograph, in accordance with the requirements established in the regulations on national identity documents.

At the time of collecting the residence document, the citizen must prove to be the valid recipient by presentation of a valid passport.

This residence document shall be valid for five years for those applicants whose residences do not reach five years and, therefore, in the field corresponding to the Type of Permit, the word 'Temporary' shall appear and ten years for cases whose residences are greater than five years and, therefore, in the field corresponding to the Type of Permit, the word 'Permanent' shall appear. After its validity, it must be renewed automatically in accordance with the provisions of instruction 6.

Those who have reached the five years of legal residence in Spain may access permanent residence (as provided for in Article 15 of the WA) before the expiry of the residence document issued, requesting it personally or by their representative, at the foreign office of the province in which they reside, or by electronic means and be issued with the new residence document. The foreign office shall, in accordance with the procedure laid down in point (d), verify the duration of the residence. Once this has been granted, the applicant must contact the authorised police unit to issue the document, subject to payment of the established fees. This new residence document shall be valid for ten years and in the field corresponding to the Type of Permit the word 'Permanent' shall appear. After its validity, it must be renewed automatically in accordance with the provisions of instruction 6.

5) Issuing of the residence document provided for in Article 18.4 to family members and any other persons, third-country nationals who are residing in Spain in accordance with the conditions laid down in the WA.

1. They may apply, in accordance with Article 18.4 for a residence document. This residence document shall be issued in accordance with the uniform model of residence

permit for third-country nationals provided for in EC Regulation No 1030/2002 and in the field corresponding to the Type of permit 'Article 50 TEU' shall appear and in the field corresponding to Observations, the following sentence shall be included 'issued in accordance with Article 18.4 of the Withdrawal Agreement'.

2. Applications may be submitted in accordance with the third instruction from 6 July. In the case of those whose right of residence in Spain begins after the end of the transitional period in accordance with Title II of the WA, the period for submitting the application shall be three months from arrival in Spain or from the time of birth, without prejudice to the granting of a sufficient additional period of time for justified reasons.

3. The procedure for obtaining this document is established on the basis of whether the family member or any of the other persons, third-country nationals, who are referred to in the scope, holds a temporary or permanent family card as an EU citizen or lacks it because it has not been requested before the date provided for in these instructions or because he/she has arrived in Spain from the period from the date provided for in these instructions (after 6 July) and the end of the transitional period or at a later time. Depending on the location of the citizen concerned, obtaining this residence document will require one step (before the law enforcement agencies that are authorised to issue it, upon payment of the established fees) or two steps (before the foreign office which will grant, where appropriate, the residence document and then before the authorised police unit to issue the document , upon payment of the established fees).

Remember that the WA does not require physical presence in Spain at the end of the transitional period, and temporary absences which do not affect the right of residence, as well as longer absences which do not affect the right of permanent residence, must be accepted in accordance with Article 11 of the WA. This element must be considered both for the issuing of the residence document and for its renewal. With regards to permanent residence, the rules on periods of residence prior to Article 15 of the WA remain in force. Applications for a residence card of a family member of a EU citizen shall be processed and the provisions of this instruction apply. Periods of residence in Spain prior to application in accordance with Article 16 of the WA shall be considered. Consequently, although according to the Commission's implementing decision, the residence documents issued must be valid for at least five years, applications for the issue of a new permanent residence document will be accepted where the conditions laid down in Article 15 (including the five years of legal residence in Spain) are fulfilled even though the first residence document issued has not expired. It will be presumed that the beginning of legal residence in Spain has occurred on the date of issue of the temporary registration certificate if it has been issued.

(a) If the family member or another person, a third-country national, holds a temporary family card as an EU citizen and has not reached five years of legal residence in Spain, he/she may personally apply, at the authorised police units, to issue the residence document. At the time of request, the citizen concerned must provide the following documentation -

- Completed and printed application EX 23.
- Valid full passport. In the event that the document is expired, a copy of the document and the request for renewal must be provided.
- Printed proof of payment of the corresponding fee (model 790 code 012).
- A photograph, in accordance with the requirements established in the regulations on national identity documents.

At the time of delivery of the residence document, the citizen must prove to be the recipient by presenting a valid passport. This residence document shall be valid for five years and in the field corresponding to the Type of Permit the word 'Temporary' shall appear. After its validity, it must be carried out in accordance with the provisions of instruction 6. Those persons who have reached the five years of legal residence in Spain may apply for permanent residence (as provided for in Article 15 WA) before the expiry of the issued residence document, requesting a new residence document at one of the authorised law enforcement agencies and, after verifying the duration of residence, it will be issued. This new residence document shall be valid for ten years and in the field corresponding to the Type of Permit the word 'Permanent' shall be entered. After its validity, it must be renewed automatically in accordance with the provisions of instruction 6.

(b) If the family member or other person, a third-country national, holds a temporary family member card as an EU citizen and has reached five years of legal residence in Spain, he/she may submit the application for this residence document, personally or by his/her representative, to the foreign office of the province in which he/she resides, or by electronic means. Once this has been granted, he/she must contact the authorised police unit to issue the document, subject to payment of the established fees.

(i) On proceedings at the Foreign Office – The jurisdiction to resolve these requests rests with the person who is head of the foreign office. Such an application must be submitted in accordance with the provisions of instruction 3a. At the time of the application the following documentation shall be provided -

- Application form EX 21 as per Art. 18.4 for relatives, NTP, UK nationals.

- Valid passport. In the event that the document is expired, a copy of the document and the request for renewal must be provided.
- Documentation proving entitlement to the document.

Upon receipt of the application, an acknowledgement of the submission of the application for the residence document will be provided immediately, which will be sufficient to prove legal stay until the delivery of the latter. Once the application has been registered and, in the event of non-admission to the process, the person concerned shall be required to remedy the faults within ten working days or forward the required documents, indicating that, if they fail to do so, a decision will be given on request and which may be subject to an appeal to the Delegation or Sub-Delegation of the Government concerned, in accordance with the provisions of Section 2a, Chapter II of Title V of Law 39/2015 of 1 October, of the Common Administrative Procedure of public administrations. If the application satisfies the requirements, the decision on the residence document shall be issued and notified within three months.

(ii) On proceedings at the police unit - Within one month of the notification of the decision on the residence document, the applicant must request, in person, it be issued. At the time of the request, the citizen concerned must provide the following documentation -

- Completed and printed application EX 23.
- Valid passport. In the event that the passport is expired, a copy of the passport and the renewal application must be provided.
- Proof of payment of the corresponding fee (model 790, code 012).
- A photograph, in accordance with the requirements established in the regulations on national identity documents.

At the time of delivery of the residence document, the citizen must prove to be the recipient of the residence document by presentation of his/her valid passport. This residence document shall be valid for ten years and in the field corresponding to the Type of Permit the word 'Permanent' shall appear. After its validity, it must be renewed automatically in accordance with the provisions of instruction 6.

(c) If the family member or another person, a third-country national, holds a permanent family card as an EU citizen, he/she may personally request, at the authorised police units, the issue of the residence document. At the time of the request, the citizen concerned must provide the following documentation -

- Completed and printed application EX 23.
- Full valid passport. In the event that the document is expired, a copy of the document and the request for renewal must be provided.
- Printed proof printing of payment of the corresponding fee (model 790 code 012).
- A photograph, in accordance with the requirements established in the regulations on national identity documents.

At the time of delivery of the residence document, the citizen must prove to be the recipient of the latter by presentation of valid passport. This residence document shall be valid for 10 years and in the field corresponding to the Type of Permit the word 'Permanent' shall be entered. After such validity, it must be renewed automatically in accordance with the provisions of instruction 6.

(d) If the family member or other person, a third-country national, is not the holder of a family card as an EU citizen, he may submit an application for this residence document, either personally or by his/her representative, to the foreign office of the province in which he/she resides, or by electronic means. Once this has been granted, he/she must contact the authorised police unit to issue the document, subject to payment of the established fees.

(i) On proceedings at the Foreign Office – The jurisdiction to resolve these requests rests with the person who is head of the foreign office. Such an application must be submitted in accordance with the provisions of instruction 3a. At the time of the application, the following documentation must be submitted -

- Application form EX 21 for residence document Art. 18.4 for relatives, NTP, of UK nationals.
- Valid passport. In the event that the document is expired, a copy of the document and the renewal request must be provided.
- Documentation of proof, duly translated and apostilled or legalised, of the existence of the family bond, marriage or registered union that grants the right to the residency card.
- Certificate of registration or residence document of the UK national they accompany.
- Supporting documentation, where required, that the applicant for the residence document lives dependent on the UK national of whom he is a family member.

Upon receipt of the application, an acknowledgement of the submission of the application for the residence document will be provided immediately, which will be sufficient to prove their legal stay until the delivery of the latter. In the event of non-admission to the process, a detailed assessment of the documentation required will be forwarded and the person concerned will be required to remedy the faults within ten working days or forward the required documents, indicating that, if they fail to do so, a decision on request and which may be subject to an appeal to the Delegation or Sub-Delegation of the Government concerned, in accordance with the provisions of Section 2a, Chapter II, of Title V of Law 39/2015, of 1 October, of the Common Administrative Procedure of Public Administrations. If the application satisfies the requirements, the decision on the residence document shall be issued and notified within three months.

(ii) On proceedings at the police unit – Within one month of the notification of the decision on the residence document, the applicant must request, in person, that it be issued. At the time of the request, the citizen concerned must provide the following documentation -

- Completed and printed application EX 23.
- Valid passport. In the event that the passport is expired, a copy of the passport and the renewal application must be provided.
- Proof of payment of the corresponding fee (model 790, code 012).
- A photograph, in accordance with the requirements established in the regulations on national identity documents.

At the time of delivery of the residence document, the citizen must prove to be the recipient of the residence document by presentation of valid passport. This residence document shall be valid for five years for those whose residences of the UK national of which he is a family member do not reach five years and, therefore, in the field corresponding to the Type of Permit, the word 'Temporary' shall appear and for ten years for cases whose residences of the UK national of whom he is a family member are more than five years and, therefore, in the field corresponding to the Type of Permit, the word 'Permanent' shall appear. After its validity, it must be renewed automatically in accordance with the provisions of instruction 6.

Those who have reached the five years legal residence in Spain may apply to be issued with permanent residence (as provided for in Article 15 of the WA) before the expiry of the issued residence document, requesting personally or by their representative, at the foreign office of the province in which they reside, or by electronic means. The foreign office shall, in accordance with the procedure laid down in point (d), verify the

duration of the residence. Once this has been granted, he/she must contact the authorised police unit to be issued with the document, subject to payment of the established fees. This new residence document shall be valid for ten years and in the field corresponding to the Type of Permit the term 'Permanent' shall appear. After its validity, it must be renewed automatically in accordance with the provisions of instruction 6.

6) Renewal of the residence document provided for in Article 18.4 of the WA.

1. The renewal of the residence document provided for in Article 18.4 shall be requested when the validity of the residence document expires. (a) In cases where the persons concerned are in possession of a temporary residence document, a residence document shall be issued for ten years, renewable automatically every ten years and in the field corresponding to the Type of Permit the word 'Permanent' shall be entered. (b) In cases where the person concerned holds a permanent residence document, a ten-year residence document, which is automatically renewable every ten years, shall be issued. Failure to submit an application for renewal of the residence document within the time limits laid down in paragraph 2 shall in no case result in the loss of their right to permanent residence.

2. The application shall be submitted in the official model established for this purpose, during the month before the expiry of the residence document and may also be submitted within three months of that expiry date without prejudice to the corresponding administrative penalty.

3. The application for renewal of the residence document in Article 18.4 of the WA shall be accompanied by the following documentation - a) Valid passport. In the event that the document is expired, a copy of the document and the renewal request must be provided. b) Proof of payment of the procedure processing fee. c) A photograph, in accordance with the requirements set out in the national identity document regulations.

7) Provisions common to the issuing of the residence document provided for in Article 18.4 of the WA.

1. The competent authorities for the processing and resolving of applications for this residence document may, exceptionally, collect information on possible criminal records of the person concerned from the authorities of the State of origin or those of other States.

2. Copies of supporting documents other than passports or identity documents may be provided. In specific cases, national authorities may require the original of certain documents to be submitted if there is reasonable doubt as to their authenticity.

3. Decisions issued by the holder of the head of the Foreign Office do not exhaust the administrative route and appeals may be made to the person holding the Delegation or Sub-Delegation of the government concerned, in accordance with section 2 (a) Chapter II of Title V of Law 39/2015 of 1 October, of the Common Administrative Procedure of Public Administrations.

8) Procedures in progress. Administrative procedures initiated before 6 July, concerning the obtaining of registration certificates by UK nationals and residence cards of relatives of EU citizens of those, shall be processed and resolved in accordance with these instructions.

9) Subsidiary and extra application. In all matters not provided for in these instructions, the Spanish legislation on foreigners and immigration and, in particular, the Royal Decree 240/2007 of 16 February on entry, free movement and residence in Spain of citizens of the Member States of the European Union and of other States party to the WA on the EEA will apply, Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, following its reform by Organic Law 2/2009 of 11 December and the Regulations of the same, approved by Royal Decree 557/2011, of 20 April. In procedural matters, it shall be applicable by subsidiary, insofar as these instructions are not provided for and in the rules cited in the previous paragraph, Law 39/2015 of 1 October, of the Common Administrative Procedure of Public Administrations.

The Director General of Migration, Santiago Antonio Yerga Cobos. The Director General of the Police, Francisco Pardo Piqueras.