

CHECKLIST FOR SCHENGEN VISA
**RELATIVES OF EUROPEAN UNION/EUROPEAN ECONOMIC
AREA/SWITZERLAND CITIZENS OR UK NATIONALS (FAMILY MEMBERS WHO
BENEFIT FROM THE WITHDRAWAL AGREEMENT)**

Personal details of the applicant (as per the passport)
Name: _____ Surname: _____ Passport number: _____ Date of birth: _____
Contact details of the applicant
E-mail address: _____ Telephone no.: _____
<p>Please carefully read the following information:</p> <ul style="list-style-type: none">• Submit the documents in the exact order given below.• Do not staple any document.• All supporting documents must be in A4 size paper. <p><u>EU Free Movement Directive 2004/38/EC</u> European Union (EU) Member States (MS) shall grant third-country nationals who are family members of citizens of the EU, the European Economic Area (EEA) - Liechtenstein, Norway, Switzerland - and the United Kingdom (under the Withdrawal Agreement), who are covered by Directive 2004/38/ CE, all facilities for obtaining their visas. Nationals of third countries who are family members of EU citizens are only required to hold an entry visa, in compliance with Regulation (CE) n.º 539/2001.</p> <p>This checklist describes the documents that are required, alongside a Schengen visa application, to core family members of a citizen of the EU, the EEA -Norway, Iceland and Liechtenstein- and Switzerland or UK nationals whose family members benefit from the Withdrawal Agreement (WA) and who envisage a trip to Portugal with them or to join them in Portugal. According to the Article 2(2) of the EU Free Movement Directive (EC) 2004/38, core family members are:</p> <ol style="list-style-type: none">a. the spouse;b. the partner with whom the EU citizen has contracted a registered partnership, <u>on the basis of the legislation of any Member State</u>, if the legislation of the host EU Member State treats registered partnership as equivalent to marriage;c. descendants who are under the age of 21 or who are <u>dependant</u> as well as those of the spouse or partner as defined above; ord. the <u>dependant</u> ascendants and those of the spouse or partner as defined above. <p><u>Dependent family members</u> are required to present documentary evidence that over the last 12 months the EU citizen has transferred money or born expenses in a quantity that the effective financial dependence can be assessed. Evidence may be adduced by any appropriate means as long as the dependency is genuine and structural in character.</p> <p>Visa applications for relatives of citizens of the EU, States that are part of the EEA (Norway, Iceland and Liechtenstein), Switzerland and of UK nationals whose family members benefit from the</p>

Withdrawal Agreement are **free of charge**. **The processing of these visa applications will have preferential status.**

Joining family members of beneficiaries of the UK Withdrawal Agreement (WA) in Portugal

1. Family members who are eligible to join after the end of the transition period - Article 10 WA

Article 10(1)(e)(ii) and (iii) and Article 10(4) of the Withdrawal Agreement define which family members have the right to join the Withdrawal Agreement beneficiary in the host State after the end of the transition period, that is, after 31 December 2020.

Essentially those are:

- Family members who were directly related to the Withdrawal Agreement beneficiary and resided outside the host State at the end of the transition period and who fulfil the relevant conditions of Article 2(2) of the EU Free Movement Directive 2004/38/EC **at the moment they seek residence** under the Withdrawal Agreement in order to join the beneficiary in the host State;
- Children born to, or adopted by, a Withdrawal Agreement beneficiary after the end of the transition period; and
- those who were durable partners and resided outside the host State before the end of the transition period and whose relationship continues at the time they seeks residence in the host State.

Those family members have the right to themselves become Withdrawal Agreement beneficiaries in the host State (or, in the case of durable partners, the right to have their residence as Withdrawal Agreement beneficiary facilitated in accordance with national law) **at any point in time** after the end of the transition period. Member States' Withdrawal Agreement residence schemes must thus be open for applications of such family members.

2. Visits of family members in the form of short stays are not covered by the Withdrawal Agreement

Importantly, the concept of family members joining the Withdrawal Agreement beneficiary means that they want to become Withdrawal Agreement beneficiaries themselves. This results from the wording of Article 10(1)(e)(ii) and (iii) and Article 10(4) WA. All three provisions have terminology making clear that what is at issue is those family members **seeking residence in the host State under the provisions of the Withdrawal Agreement** in order to join the Withdrawal Agreement beneficiary there.

As a corollary, the **Withdrawal Agreement does not govern short stays of family members of Withdrawal Agreement beneficiaries in the host State for the purposes of visiting the beneficiaries**. This is consistent with the purpose of the Withdrawal Agreement, which was not intended to regulate future movement of persons between the UK and the EU. Family members of Withdrawal Agreement beneficiaries who want to enter the EU for a short stay therefore have to comply with the regular entry conditions for non-EU nationals, which are set out in the [Schengen Borders Code](#) (see in particular its Article 6(1)).

3. Visa facilitations for joining family members – Article 14(3) WA

Article 14(3) of the Withdrawal Agreement provides for visa facilitations for third-country national family members who join the UK national Withdrawal Agreement beneficiary after the end of the transition period and who are, based on their nationality, submitted to a visa obligation.

Visa facilitations for family members of Withdrawal Agreement beneficiaries are essentially the same as those under Directive 2004/38/EC. Therefore, family members of Withdrawal Agreement

<ul style="list-style-type: none"> • Travel authorisation from the parent who is not travelling with the minor describing the full itinerary (return ticket) duly legalised in public notary, except in cases of a parent having sole custody or guardianship of the minor, in which case a court order or other proof of sole custody or guardianship must be provided (and duly legalised by a public notary). <p>In case of deceased parent(s), it is necessary to attach a death certificate duly legalised (with Hague Apostille*).</p>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • If the minor is travelling alone (without parents) or with a third party: Travel authorisation form signed by both parents (duly legalised by a public notary) or by the parent having sole custody or guardianship of the minor, in which case a court order or other proof of sole custody or guardianship must be provided (and duly legalised by a public notary), and: • Identification of the person (of legal age) travelling with the minor, as well as a copy of the valid visa or other document authorising that person to travel (without a visa). 	<input type="checkbox"/>	<input type="checkbox"/>
<p>Additional documents the applicant wants to submit (please note that VFS is not authorized to refuse acceptance of documents the applicant wants to submit but are not mentioned on the checklist):</p>		
<p>General remarks of the Consular Section of the Embassy of Portugal in New Delhi:</p> <ul style="list-style-type: none"> • Submission of the above-mentioned mandatory documents does not guarantee that a visa is granted. The required documents have to be submitted with the visa application (documents sent through e-mail or post to the Embassy of Portugal in New Delhi are not accepted, unless if required). • The Consular Section of the Embassy of Portugal in New Delhi reserves the right to ask for additional documents and/or for a personal interview. The Consular Section of the Embassy of Portugal in New Delhi is not however obliged to ask for submittal of documents already mentioned on this list before rejecting an application. • Submission of incomplete documentation may result in the rejection of an application. • Please note that the standard processing time of a Schengen visa application is 15 calendar days. This period starts counting only when the application reaches the Consular Section of the Embassy of Portugal in New Delhi (the visa application will need up to two working days to reach the Consular Section Embassy of Portugal in New Delhi) and that public holidays 		

of the Embassy of Portugal in New Delhi as announced on its website will not count as working days.

- This period can be prolonged by the Consular Section of the Embassy of Portugal in New Delhi if deemed necessary for a personal interview, scrutiny of bank documents, verification of letter of invitation, among other reasons.
- Visa applications should be submitted in advance to ensure time for competent authorities to deliver a decision.
- A booked flight ticket does not result in a preferred processing of the application.
- All documents, forms and declarations must be submitted either in Portuguese or English. All documents, forms and declarations not in Portuguese or English have to be submitted with proper Portuguese or English translation. Failing to provide proper translation will result in the document, form or declaration considered "missing".
- The refusal of the visa application does not entail the reimbursement of the visa fees.
- Consult the legislation in force at the following hyperlink:
<https://vistos.mne.gov.pt/en/short-stay-visas-schengen/eu-legislation>

Declaration of the visa applicant (to be signed by the parent(s) submitting the application if applicant is a minor)

I have taken note of the general and special remarks as mentioned on checklist.

I have been informed that VFS Global does not have any influence on the decision about a visa application and only the information provided by the Consular Section of the Embassy of Portugal in New Delhi must be taken as official.

I confirm that the VFS officer has noted all documents submitted by me and that I want the application in its present form to be forwarded to the Consular Section of the Embassy of Portugal in New Delhi.

I am aware that original documents not submitted with a copy will be kept by the Consular Section of the Embassy of Portugal in New Delhi.

Date:

Name, Surname of the applicant:

Passport number:

Signature of the applicant:

Confirmation of VFS on the day of submittal

Date of submittal: _____

VFS VAC in _____

Application submitted:

I confirm that above this checklist has been filled out together with and signed in front of me by the applicant at today's appointment at the above VAC.

VFS Officer Full Name:

Signature: