

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.: _____

Please carefully read the following information:

- Submit the documents in the exact order given below.
- Do not staple any document.
- All supporting documents must be in A4 size paper.

EU Free Movement Directive 2004/38/EC

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.

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:**

- a. the spouse;
- b. the partner with whom the EU citizen has contracted a registered partnership, **on the basis of the legislation of any Member State**, 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 are dependant as well as those of the spouse or partner as defined above; **or**
- d. the dependant ascendants and those of the spouse or partner as defined above.

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 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 beneficiaries must be put on an equal footing with family members of EU citizens, provided the following cumulative conditions are met:

- the sponsoring UK nationals is actually a Withdrawal Agreement beneficiary;

- the family members requesting a visa are themselves covered by Article 10 of the Withdrawal Agreement; and
- the visa application falls under Article 14(3) of the Withdrawal Agreement.

Regarding the last condition, the first visa application of an eligible family member will generally fall under Article 14(3) of the Withdrawal Agreement. For multiple visa applications (second or more), the following applies:

- If the host EU MS of the UK national (and of the family member) has a **declaratory scheme (as in Portugal)**, multiple short stay visas can be issued as long as the family member continues to have Withdrawal Agreement beneficiary status. In practice, it will be about whether the family member respects the absence rules (for non-permanent residence not more than a total of 6 months of absence in a year or exceptionally one single absence of not more than 12 months; in case of permanent residence, the family member can be absent for up to 5 years).

| <u>REQUIRED DOCUMENTS</u> | YES | NO |
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| <p>If not otherwise noted, submittal of copies of the original document are sufficient. Please note that the Consular Section of the Embassy of Portugal in New Delhi does not return original documents if you do not provide a copy.</p> <p>Please mark on the right column if you submitted the document / form or not</p> | YES | NO |
| <p><u>Schengen Visa original application form</u>, duly filled in and signed by the applicant.</p> <p>The Schengen visa application form is free of charge and can be downloaded from the website: vistos.mne.gov.pt/images/schengen/formularios/application_form_en_092021.pdf</p> <p>Each applicant shall submit a complete and signed application form individually.</p> <p>Minors shall submit an application form signed by the person exercising permanent or temporary parental authority or legal guardianship.</p> <p>Relatives or family members (spouse, dependent descendant or ascendant) of EU, EEA (EEA) - Norway, Iceland and Liechtenstein- and Switzerland or UK nationals (family members who benefit from the Withdrawal Agreement) should not fill in the fields with an asterisk (*) when exercising their right to freedom of movement.</p> <p>Please submit all pages of the application form.</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p><u>Valid national passport:</u></p> <ul style="list-style-type: none"> • Issued within the last 10 years and with at least 3 months validity after the scheduled return. • Passports with observations regarding the front data page (biographical data) will not be accepted. • Passports must have at least two empty pages to affix visa. | <input type="checkbox"/> | <input type="checkbox"/> |

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| <ul style="list-style-type: none"> The Schengen states does not accept Indian handwritten passports or passports that contains a manual entry made after 01/04/2010 where the biographical data (name, place, date of birth and sex) were changed. | | |
| <p>Proof of legal residence:</p> <ul style="list-style-type: none"> If the applicant is not a national of India, Bhutan, Nepal or in the Maldives evidence of his/her legal residence in any of these countries (residence permit) must be submitted. | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>2 passport size pictures:</p> <ul style="list-style-type: none"> White background, not older than 6 months (size 35-40 mm in width, not copied or scanned picture). One picture must be pasted on the application. One picture has to be clipped on the last page of the passport. Stapled or pinned pictures cannot be accepted. For more details refer to: https://www.icao.int/Security/mrtd/Downloads/Technical%20Reports/Annex_A-Photograph_Guidelines.pdf | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Personal declaration letter by the EU/EEA/Swiss citizens or UK nationals (family members benefiting from the Withdrawal Agreement) attesting that they are travelling together or that the family member is going to meet them. If they are travelling together, the travel reservations of all must be added.</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Copy of the passport of the European Union/EEA/Swiss or UK national (family members benefiting from the Withdrawal Agreement). If the family member is Portuguese, a copy of the Portuguese ID (<i>Cartão de Cidadão</i>) must be submitted.</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Proof of family ties with the citizen of the European Union/EEA/Switzerland of United Kingdom nationals (family members benefiting from the Withdrawal Agreement):</p> <ul style="list-style-type: none"> Spouses or partners: Marriage certificate or registered partnership. Only marriage certificates (<i>Assento de casamento</i>) issued by the Portuguese Central Registry Office (CRC – <i>Conservatória dos Registos Centrais</i>) are accepted as evidence of a marriage with a Portuguese national. Please note that affidavits are not considered as official documents in this regard. The exact same spelling of names in all the documents is required. Descendants under the age of 21, document proving filiation: original birth certificate issued by the competent authority in India (in the same state where the descendant was born) and duly legalised with Hague Apostille*. | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |

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| <ul style="list-style-type: none"> • Dependant descendants over 21 years of age: <ol style="list-style-type: none"> a. Original birth certificate issued by the competent authority in India (in the same state where the descendent was born) and duly legalised with Hague Apostille*. b. Evidence of economic dependence (receipts of sending or transferred money, tuition fees, bank transfers). c. Any other kind of dependence if applicable, i.e., disabilities, health issues (duly proved by an original medical certificate). • Dependant ascendants: original document proving the family ties, issued by the competent authority in India and duly legalised with Hague Apostille* as well as evidence of economic dependence, such as receipts of sending or transferring money, payment for studies, bank transfers. <p>* If the applicant is a national of Bhutan, Nepal and the Maldives, the documents attested previously by the correspondent Ministry of Foreign Affairs and the respective embassy in New Delhi to be considered valid.</p> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |
| <u>MINORS</u> | | |
| <ul style="list-style-type: none"> • Original birth certificate issued by the competent authority of the State in India where the minor was born (with Hague Apostille*). <p>* If the applicant is a national of Bhutan, Nepal and the Maldives, the documents attested previously by the correspondent Ministry of Foreign Affairs and the respective embassy in New Delhi in order to be considered valid.</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • Colour copy of the parents' identification documents (Identification Document (ID) or passport (biographical data page): <ol style="list-style-type: none"> a. Identification Document (ID) or passport of the parent(s) who is/are citizen(s) of the European Union/EEA/Switzerland or of UK nationals (family members benefiting from the Withdrawal Agreement). b. Identification Document (ID) or passport of the other parent. c. In case of deceased parent(s), it is necessary to attach a death certificate duly legalised (with Hague Apostille*). | <input type="checkbox"/> | <input type="checkbox"/> |
| <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"/> |

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| <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: