

Residency in the EU Relations Bill – what it actually does

The residency section of the EU Relations Bill does not introduce a wholly new policy. Instead, it translates the treaty framework into Gibraltar law, setting out how residency is evidenced, administered, notified and, where necessary, challenged. The key principle is continuity: eligibility for residence is anchored in Gibraltar's domestic rules as they stand on the date that the treaty takes effect.

New detailed residency qualification criteria is expected from the Government shortly, which will sit alongside this framework. What the bill adds is legal clarity around process, oversight and transition.

1. Residency remains a Gibraltar decision

The bill confirms that residence status continues to be determined under Gibraltar law. In practical terms, this means the criteria in force at implementation become the baseline. There is no automatic import of external (e.g. Schengen) eligibility rules into Gibraltar's system.

2. Proof of residence is formalised

Legal residence will be evidenced by a valid Gibraltar identity card or residence permit. This creates a clear, document-based system for demonstrating status, particularly relevant for interaction with external authorities.

3. A structured notification system is introduced

For residence permits, Gibraltar must notify Schengen authorities before issuing or renewing them.

- A 28-day window applies for objections
- This can be extended by a further 14 days
- If no objection is received, the permit may be issued

This is one of the clearest operational changes: residency decisions remain local, but are now subject to a defined international notification process.

4. Objection and withdrawal mechanisms

If Schengen authorities object within the permitted window, the permit cannot be issued. If concerns arise after issue, Gibraltar must withdraw the permit without delay.

The individual must be informed, including reasons and any available appeal route. This introduces a formalised external check within the system.

5. Existing permits – defined transition

Current residence permits remain valid for a limited period:

- up to two years after implementation, or
- until their natural expiry (if sooner)

This creates a clear transition window rather than an immediate system reset.

6. Ongoing monitoring and risk assessment

The bill provides for periodic information sharing with Schengen authorities, including regular risk assessments. This reflects the broader treaty framework on security and migration cooperation.

7. Future changes – no longer unilateral

One of the most important structural points:

Gibraltar retains the ability to change its residency rules, but not in isolation.

Future amendments must be formally notified through the treaty's joint governance structures.

In practice, this means:

- changes are visible to the other party in advance
- they may be scrutinised or challenged
- unilateral, uncoordinated shifts become significantly harder

This does not remove Gibraltar's control, but it does embed it within a cooperative framework.

Bottom line

The bill is less about changing who qualifies for residency and more about how residency operates in practice under the treaty.

Eligibility remains rooted in Gibraltar law, with detailed qualification criteria expected shortly. The system now includes:

- formal documentation requirements
- structured notification to Schengen authorities
- defined objection and withdrawal mechanisms
- and oversight of future rule changes

For most residents, the immediate impact is limited. The significance lies in the legal framework now sitting behind the system.

That's my interpretation of a very long new Bill.

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26 March 2026