



**Ad-Hoc Query on the rights of EU-citizens and their family members to move and reside freely within the territory of the Member State according to Council Directive 2004/38/EC**

**Requested by BE NCP EMN on 26 October 2011**

**Compilation produced on 14 December 2011**

**Responses from Austria, Belgium, Estonia, Finland, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Netherlands, Slovak Republic, Sweden, (13 in Total)**

*Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

## **1. BACKGROUND INFORMATION**

The Council Directive 2004/38/EC does not oblige Member States to require from EU citizens of other MS to register with the competent authorities in their place of residence. However, the Directive provides the possibility to do so for periods of residence longer than three months.

The Belgian Equality Body CEOOR would like to come to know which Member States exercise this option and under which conditions. More specifically:

- 1) Does your Member State require from EU citizens to register with the competent authorities of their place of residence, attested by a registration certificate issued to that effect?


**Disclaimer:** *The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

Yes/No

In the case that your MS maintains such a requirement for EU citizens and/or their family members:







- 2) In which way your MS implements Article 8.2 (“A registration certificate shall be issued immediately”) concerning EU-citizens, namely:
  - a. To which authority the EU-citizen must submit his/her application for inscription?
  - b. Does the EU-citizen receive proof (document) of his/her request for inscription? If yes, which kind of document is delivered?
  - c. How much time elapses between the moment the request of inscription is made, a proof of this request is delivered and the final delivery of the registration certificate?
- 3) In which way your MS implements Article 10.1 (“A certificate of application for the residence card shall be issued immediately,”) concerning family-members of EU-citizens, who are not nationals of a MS, namely:
  - a. To which authority the family member of the EU-citizen must submit his/her application for a residence card?
  - b. Will the applicant receive a certificate of application for the residence card? If yes, what kind of document will be delivered?
  - c. How much time elapses between the moment the request for a residence card is made and the certificate of the application for the residence card is delivered?

**2. Responses**




		Wider Dissemination? <sup>1</sup>	
	Austria	No	1) Yes 2) a) The responsible immigration authorities is the governor of the respective federal state (Landeshauptmann). The governors usually mandate the district commission (Bezirkshauptmannschaft) or the municipalities (Magistrate) with this task. b) As a general rule a confirmation of request of inscription is issued, it is however not subject to any formal requirements. c) Normally the confirmation of request of inscription is issued immediately; the registration certificate is as a matter of principle delivered as quickly as possible, however, at the latest within a period of 6 months. 3) a) The responsible immigration authorities is the governor of the respective federal state (Landeshauptmann). The governors usually mandate the district commission (Bezirkshauptmannschaft) or the municipalities (Magistrate) with this task. b) Yes, normally a certificate of application is issued immediately; it is however not subject to any formal requirements. c) The certificate of application is as a matter of principle delivered as quickly as possible, however, at the latest within a period of 6 months.

<sup>1</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."





**Disclaimer:** The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

	<b>Belgium</b>	<b>No</b>	<p>1) Yes</p> <p>2) a) The EU citizen must address him/herself at the communal authority of the place where s/he has his/her residence.  b) The EU citizen will receive <i>immediately</i> an attestation of his/her request for inscription, called an 'annex 19'. This proof is a paper, format A4, which states for which reason the EU citizen asks his/her inscription: as a worker, work seeker, independent, family member, etc  c) The Belgian Aliens Act indicates that a proof of request has to be issued immediately. In the practice, however, time laps might occur: Some cities, for example, invite the EU citizen to an appointment 3 months after s/he addressed him/herself for the first time at the commune. In consequence the actual start of the application process begins only after 3 months. In the meantime the EU citizen possesses in theory no right to work, social security, etc.  In other cases the obliged timeliness is not reached due to administrative obstacles, with the same consequences for the applicant as described above.  Eventually, once the EU citizen has received 'annex 19', s/he will receive the registration certificate immediately (e.g. workers, independents, etc) or after a maximum of 5 months (e.g. employment seekers, etc).</p> <p>3) a) The non-EU family member of the EU citizen must address him/herself at the communal authority of the place where s/he has his/her residence.  b) The family member will receive <i>immediately</i> an attestation as proof of his application for a residence card, called 'annex 19ter'. This proof is a paper, format A4, which states which documents must be delivered within a time limit of 3 months. After a positive residence inquiry, the family member will also receive an attestation of immatriculation: from this moment the family member has the right to work.  c) Again, the obliged timeliness in issuing a proof of application is in reality not always granted due to the same practices and/or administrative obstacles described under point 2). Additionally to the consequences already described, family members of EU-citizens risking during the waiting time also the expiring of their visa, respectively their legal short stays.</p>
	<b>Bulgaria</b>	<b>Yes</b>	
	<b>Cyprus</b>	<b>Yes</b>	
	<b>Czech Republic</b>	<b>Yes</b>	
	<b>Denmark</b>	<b>Yes</b>	
	<b>Estonia</b>	<b>Yes</b>	<p>1) Yes</p> <p>2) a) In order to obtain the right of temporary residence an EU citizen must contact the local government authority nearest to his or her place of residence and register his or her residence within three months from the date of entering Estonia.  b) Upon registration of residence, a corresponding certificate shall be issued to an EU citizen if he or she so desires.  c) A competent local government authority shall verify, within ten working days as of the receipt of a notice of residence, the compliance of the notice of residence with the requirements and enter the address of the residence in the population register or refuse to enter the address of the residence in the population register.</p> <p>3) a) A family member of an EU citizen must submit a standard format application to the Police and Boarder Guard Board or a representation of the Republic of Estonia who shall forward the application for processing to the Police and Boarder Guard</p>



**Disclaimer:** *The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

			<p>Board.</p> <p>b) For the time of processing an application for temporary right of residence, the Police and Boarder Guard Board shall issue a certificate to a family member staying in Estonia which certifies that the family member's application for temporary right of residence is being processed by the Police and Boarder Guard Board.</p> <p>c) The Police and Boarder Guard Board makes a decision as to whether or not to grant the right of temporary residence within a period of 3 months. A residence card shall be issued to a family member who has been granted temporary right of residence in Estonia and it shall be the document in proof of the family member's temporary right of residence.</p>
	<b>Finland</b>	<b>Yes</b>	<p>1) Yes.</p> <p>2) a) An EU citizen may reside in Finland for a maximum of three months without registering his or her right of residence if he or she has a valid identity card or a passport and he or she is not considered to pose a risk to public order and security. If an EU citizen resides in Finland for more than three months, he or she must register his or her stay with the police department of his or her place of residence within three months of entering the country. b+c) In accordance with Section 159 of the Aliens Act an EU citizen who has provided proof that he or she meets the requirements of registration must be immediately issued with a registration certificate, giving his or her name and address, and the date of registration.</p> <p>3) a) Application must be lodged at the police department. b) Family members of EU citizens who are not EU citizens are, on application, issued with a residence card of a family member of an EU citizen, if the sponsor meets the requirements laid down in section 157 or 158a. A residence card is issued to family members planning to stay in Finland for more than three months. c) N/A</p>
	<b>France</b>	<b>Yes</b>	
	<b>Germany</b>	<b>Yes</b>	<p>1) Yes.</p> <p>2) a) The EU citizen must contact the Aliens Authority responsible for his/her location of residence. However, data and proof required for the justification of his/her rights to free movement may also be accepted from the registry office when registering as required by law and sent on to the Aliens Authority responsible for the applicant. b) The EU citizen will receive a certificate in accordance with § 5, paragraph 1 German Law on Freedom of Movement and as there is no standard national blank form, the certificate is granted on a paper furnished with the letterhead of the authority issuing the certificate. The certificate lists the first name, the family name, date of birth, nationality and address of the citizen of the Union as well as the designation and the serial number of his/her identity document and the time of registration. However, invariably, it does not list the term of validity of the document. Likewise, a certificate stating the right to permanent residence is also issued to citizens of the Union upon application. c) The certificate must be issued immediately.</p> <p>3) a) The family member of an EU citizen must contact the Aliens Authority responsible for his/her location of residence. However, data and proof required for the justification of his/her rights to free movement may also be accepted from the registry office when registering as required by law and sent on to the Aliens Authority responsible for the applicant. b) The family member of the EU citizen will receive a residence permit printed on a national standard form ex officio which is</p>








**Disclaimer:** The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>intended to be valid for five years. Upon application, the member of the family with a right to permanent residence will receive a permanent residence card.</p> <p>c) Once the family member has handed in the required data to establish his/her right to free movement, he/she will receive a corresponding certificate immediately; the residence card will then have to be issued within 6 months. The permanent residence card is issued within six months after application date.</p>
	<b>Greece</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) Yes</li> <li>2) <ol style="list-style-type: none"> <li>a) The EU citizen must address him/herself at the communal authority , that has to do with matters of aliens, , where s/he has his/her residence;</li> <li>b) The EU citizen will receive <i>immediately</i> an attestation of his/her request for inscription, called an 'annex 19'. This proof is a paper, format A4, which states for which reason the EU citizen asks his/her inscription: as a worker, work seeker, independent, family member, etc.</li> <li>c) The EU citizen receive immediately the registration certificate</li> </ol> </li> <li>3) The non-EU family member of an EU citizen addresses to the competent migration authority at regional level (decentralized authorities of the State). TCN family members of an EU citizen will apply for a residence permit (of 1030/2002 format) and will receive immediately an attestation for lodging a complete application. The time for the issuance or renewal of a residence permit for family members varies and is related to the volume of applications. In this spirit, there are general provisions related to the timeframe for the issuance of the permit (indicative timeframe two months).</li> </ol>
	<b>Hungary</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) Yes</li> <li>2) <ol style="list-style-type: none"> <li>a) EEA nationals shall be required to register if wishing to exercise their right of residence for periods of longer than three months at the Regional Directorates of the Office of Immigration and Nationality by reference to their future residence.</li> <li>b) The EU citizen will receive immediately an acknowledgment of receipt of his/her request for inscription. This proof is a paper, format A4 and shall be ensured in all cases with an official seal and with a signature.</li> <li>c) If the request for inscription is complete and correct, the Regional Directorates of the Office of Immigration and Nationality shall issue a certificate for the registration of residence “registration certificate” immediately. The registration certificate shall attest the registration and the date of the registration.</li> </ol> </li> <li>3) <ol style="list-style-type: none"> <li>a) The family members who are third-country nationals shall submit their application for a residence card at the Regional Directorates of the Office of Immigration and Nationality by reference to their future residence.</li> <li>b) The OIN shall immediately issue an acknowledgment of receipt (this is a paper, format A4 and shall be ensured in all cases with an official seal and with a signature) and at the same time the OIN shall issue a certificate of application for the residence card (this is a paper, format A4 and shall be ensured in all cases with an official seal and with a signature) to verify the right of residence of the family member who is a third-country national. Upon receipt of an application for a residence card the competent authority shall issue immediately a certificate of application for the residence card.</li> </ol> </li> </ol>
	<b>Ireland</b>	<b>Yes</b>	
	<b>Italy</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) Yes</li> <li>2) <ol style="list-style-type: none"> <li>a) The competent authority is the Municipality.</li> <li>b) A receipt confirming the application for inscription is released to the applicant.</li> </ol> </li> </ol>






**Disclaimer:** The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>c) The above-mentioned receipt is immediately released as proof of the request, whereas the final delivery of the registration certificate takes place after the verification of residence and accommodation requirements carried out by the Municipal Police.</p> <p>3) a) The competent authority is the Municipality. b) A receipt confirming the application for inscription is released to the applicant. c) The so-called certificate of residence can be requested and immediately released after the verification of residence and accommodation requirements carried out by the Municipal Police. In order to obtain this document, the applicant must be in possession of the appropriate stay permit issued by the competent Authority (Questura). In fact, even if the application for a certificate of residence can be submitted without a stay permit (showing a proof of request or other documentation testifying family ties), the certificate can only be delivered to the foreign citizen in possession of the stay permit.</p>
	<b>Latvia</b>	<b>Yes</b>	<p>1) Yes. 2) a) The EU citizen should apply for a registration certificate in any territorial office of Office of Citizenship and Migration Affairs. b) in case if the registration certificate is issued in the same day, the EU citizen does not receive any other document. In some cases (it depends of workload of the respective office) when the registration certificate is not issued in the same day, the EU citizen receives a document (reference), stating that his/her application has been accepted. This is a paper (A4) document. c) the reference is issued immediately (5-10 minutes to get the document ready). Between the application and the registration certificate are maximum 5-7 days, in most cases the certificate is delivered in the day of application. 3) a) a family member of the EU citizen should apply also in any territorial office of Office of Citizenship and Migration Affairs; b) an attestation as proof of his application for a residence card is issued immediately. It is the same form that EU citizen receives in case if his registration certificate cannot be delivered in the same day. c) According to the regulations, the time period to prepare the decision is up to 30 days. Usually family member gets his/her residence card simultaneously with the EU citizen.</p>
	<b>Lithuania</b>	<b>Yes</b>	<p>1. Yes. 2. a) The EU citizen must submit his/her application to the migration service of his/her intended place of residence. b) The EU citizen receives a registration certificate – a document of A4 format confirming his/her right to reside in Lithuania. If the EU citizen wishes so, he/she can also receive a confirmation of the receipt of the application (see the answer to 3 b), prior to receiving the registration certificate. c) The application is considered to be lodged when it is filled in correctly and it is accompanied with relevant documents (for example, proofs of having sufficient resources). The registration certificate must be issued within 5 working days since the receipt of the application. In case there are serious reasons, the deadline can be extended to 10 working days. The registration certificate is sent to the EU citizen by a registered letter. 3. a) The family member of the EU citizen must submit his/her application to the migration service of his/her intended place of residence. b) If the applicant wishes so, she/he may receive a registration card or a copy of his/her application with a stamp certifying the receipt of the application. The registration card or the stamp contain the title of the institution, the date of the receipt of the application and the registration number, the name and title of the civil servant who accepted the application, and other</p>

**Disclaimer:** The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			information, if needed. c) The certificate of application is issued immediately – at the same time when then application is accepted personally from the applicant. The decision to issue the card itself is taken within 1 month.
	<b>Luxembourg</b>	<b>Yes</b>	
	<b>Malta</b>	<b>Yes</b>	
	<b>Netherlands</b>	<b>NO</b>	<ol style="list-style-type: none"> <li>1) Yes. However, if one does not comply with this requirement there are no sanctions with regard to the right of residence.</li> <li>2) <ol style="list-style-type: none"> <li>a) The authority to which the EU-citizen must submit his application for subscription is the Immigration a Naturalisation Service.</li> <li>b) Yes, the EU-citizen receives proof of his inscription by means of a certificate. This certificate is a sticker which is applied in a passport.</li> <li>c) The certificate is issued immediately.</li> </ol> </li> <li>3) <ol style="list-style-type: none"> <li>a) The authority to which the family member of the EU-citizen submits his application for a residence card is the Immigration and Naturalisation Service.</li> <li>b) Yes, a sticker will be immediately applied in the passport of the family member of the EU-citizen. This sticker states that the family member has got a right of residence during the handling of the application.</li> <li>c) The processing time to handle the application is six months to the utmost</li> </ol> </li> </ol>
	<b>Poland</b>	<b>Yes</b>	
	<b>Portugal</b>	<b>Yes</b>	
	<b>Romania</b>	<b>Yes</b>	
	<b>Slovak Republic</b>	<b>Yes</b>	<p>Please note that the following answers are in compliance with the new Act No. 404/2011 Coll. on Stay of Aliens as amended entering into force on 1 January 2012.</p> <ol style="list-style-type: none"> <li>1) Yes (pursuant to the current Act on Stay of Aliens the answer would be no)</li> <li>2) <ol style="list-style-type: none"> <li>a. EU citizens must submit applications personally, on an official form, at a police unit within 30 days after expiry of 3 months since the date of entry into the Slovak Republic.</li> <li>b. On a day of submission of complete application, a police unit will issue to an EU citizen a registration certificate in which name, surname and address of the registered person and date of registration are stated.</li> <li>c. Registration certificate is issued to an EU citizen upon submission of the complete application for registration. Residence permit will be issued to an EU citizen within 30 days from submission of complete application for registration of stay.</li> </ol> </li> <li>3) <ol style="list-style-type: none"> <li>a. The family member of the EU-citizen must submit application for a residence card at a police unit within 30 days after expiry of 3 months since the date of entry into the Slovak Republic</li> <li>b. On a day of submission of complete application for a residence card, a police unit will issue to a family member of an EU citizen a certificate of application for the residence card in which name, surname and address of the family member of the EU citizen and date of application submission are stated.</li> <li>c. Certificate of application for the residence card for a family member of an EU-citizen is issued upon submission of the complete application for the residence card.</li> </ol> </li> </ol>

**Disclaimer:** The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			A family member of an EU-citizen will be issued upon request within 30 days a residence permit for a five-year period or for a period based on supposed sponsor's stay in case the period is shorter than 5 years.
	<b>Slovenia</b>	<b>Yes</b>	
	<b>Spain</b>	<b>Yes</b>	
	<b>Sweden</b>	<b>Yes</b>	<p>1) Yes</p> <p>2) a) A person who has a right of residence must register with the Swedish Migration Board no later than three months after entering the country. It is possible to submit the application in person to one of the Migration Board's Permit Units; to send it in by post; or to register on the Migrations Board's website. For a right of residence to be registered, you must enclose documents showing that you fulfill the conditions (for a right of residence).</p> <p>b) No receipt or proof is issued.</p> <p>c) In cases where all necessary documentation is present, registration is done immediately and a registration certificate is issued at once – on the same day the application is made. Yet in many cases documentation is insufficient, and the applicant is therefore requested to make his or her application complete by supplementing documents, which can take some time. As soon as a request for registration is complete, a certificate of registration is issued as soon as the workload of the handling unit permits. In some cases it may take several months before a certificate of registration is issued.</p> <p>3) a) A family member of an EU citizen must apply for a residence card at the Swedish Migration Board. The application can be submitted by the applicant in person at one of the Migration Board's Permit Units, or send it in by regular mail. Documents showing that you fulfill the conditions of a residence card must be enclosed.</p> <p>b) A receipt of application is issued immediately. This is document on a paper in A4-format, stating that the applicant has applied for a residence card.</p> <p>c) In some cases a residence card can be issued almost immediately after application. As in the case of registration of EU citizens, documentation is frequently insufficient and time elapses before the application is complete. In some cases a more thorough investigation is done, where there are suspicions of fraud, etc. Some cases may take nearly six months, but the brunt of applications is handled in a much shorter time.</p>
	<b>United Kingdom</b>	<b>Yes</b>	
	<b>Norway</b>	<b>Yes</b>	

\*\*\*\*\*