

# YEA Annual Trends 2022



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## INTRODUCTION

Your Europe Advice (YEA) is an EU legal advice service available to citizens and businesses. The service is managed by the European Citizen Action Service (ECAS) under contract with and on behalf of the European Commission.<sup>1</sup> It consists of a team of 59 lawyers who respond to enquiries from citizens in all 24 official EU languages and who are familiar with both EU and national laws across all EU Member States.

In 2022, YEA legal experts replied to **20,071 enquiries**: an increase of 5.6% compared with the previous year.

The enquiries provide an insight into the problems experienced by EU citizens and businesses regarding their personal EU rights, including freedom of movement.

ECAS produces quarterly feedback reports based on the most interesting cases<sup>2</sup> handled by YEA. These reports are used to highlight ongoing issues encountered in the Internal Market.

This YEA Annual Trends Report is based on the 2022 figures extracted from the database of all enquiries and the 2022 quarterly feedback reports. YEA uses a classification system that groups enquiries together under various topics.

The “practical conclusions and suggestions from ECAS” are ECAS’s personal opinions and do not necessarily correspond with the views of the European Commission.

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<sup>1</sup> Further information on Your Europe Advice can be found here: [http://europa.eu/youreurope/advice/about\\_en.htm](http://europa.eu/youreurope/advice/about_en.htm)

<sup>2</sup> A YEA case is considered “interesting” if it represents an infringement, misapplication or ignorance of EC law; a grey area in EC law; or an objective difficulty for citizens to obtain necessary information in order to exercise their rights.

## 1. Nature of the Enquiries

In 2022, after two years of pandemic crisis that drastically impacted mobility within the European Union, citizens began to travel again: for tourism, work and study. The way in which businesses operate has been irrevocably altered: teleworking has become a norm. The war in Ukraine has also had major repercussions on the internal market. These dynamics are reflected in the questions received by YEA.

Citizens experienced obstacles imposed not only by national administrations but also by private entities. Many citizens were well informed, but unable to find a remedy for their situation.

In 2022, YEA received a significant number of social security enquiries (26%), followed by residence rights (19%) and entry procedures (16%). These top three positions are retained from 2021.

By comparison with previous years, there was an increase in issues relating to working in another country; tax, in part associated with new teleworking issues; and questions on consumer law.

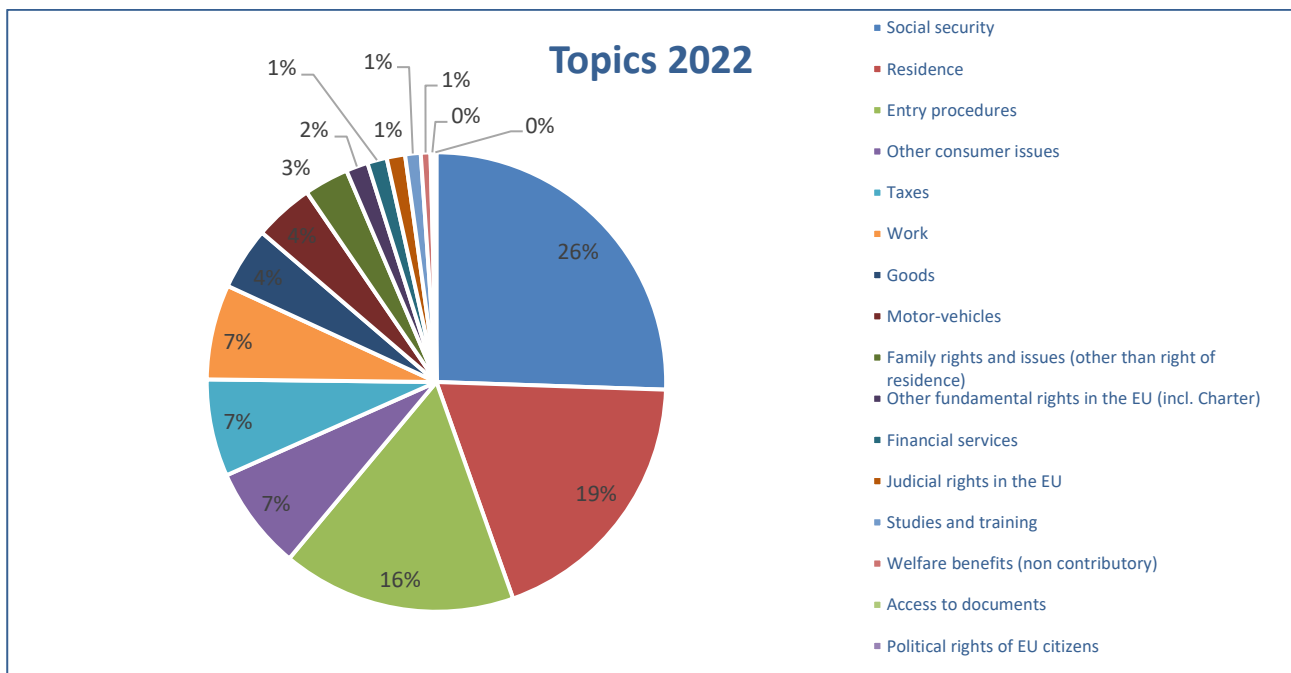


Figure 1: Source YEA Database

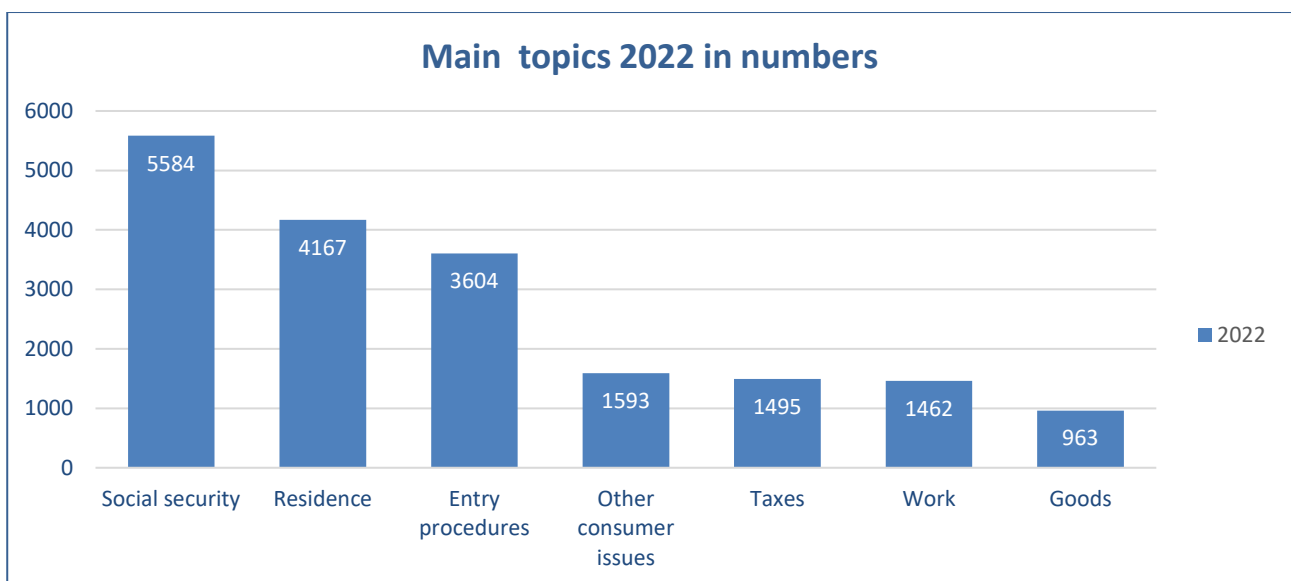


Figure 2: Source YEA Database

YEA received enquiries from citizens from all 27 EU countries, Norway and Iceland and from third-country nationals who were family members of EU citizens. Fourteen percent of enquiries (+3% compared to 2021)

were from third-country nationals. YEA received fewer questions from British nationals by comparison with previous years due to Brexit and significantly more enquiries from Italian, German, Spanish and Romanian citizens.

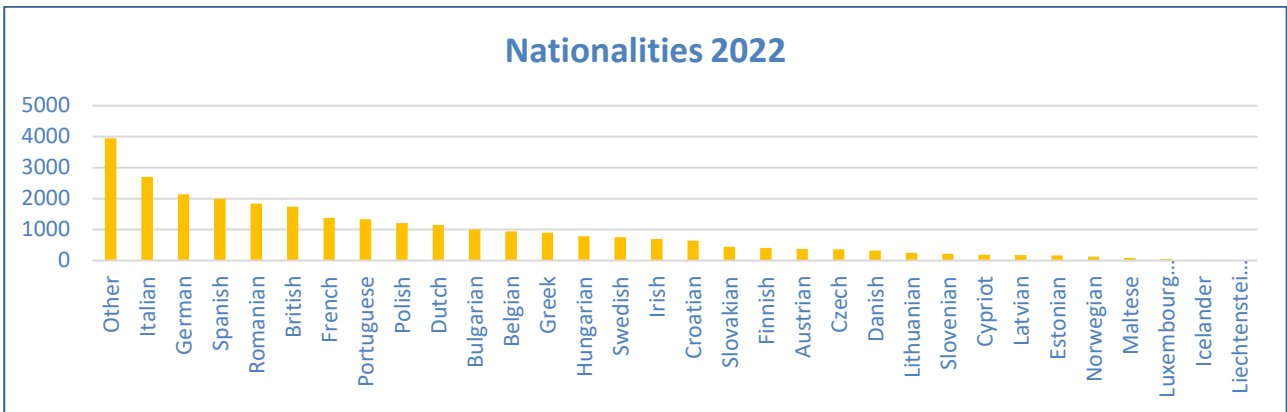


Figure 3: Source YEA Database

The enquiries received related to all 27 Member States as well as the UK, Norway, Iceland and Liechtenstein. YEA received fewer enquiries related to the UK compared with 2021 (now in 9th position compared to 7<sup>th</sup> last year and 5<sup>th</sup> in 2020). An increased number of questions related to Germany, Spain, France, Italy, and Portugal.

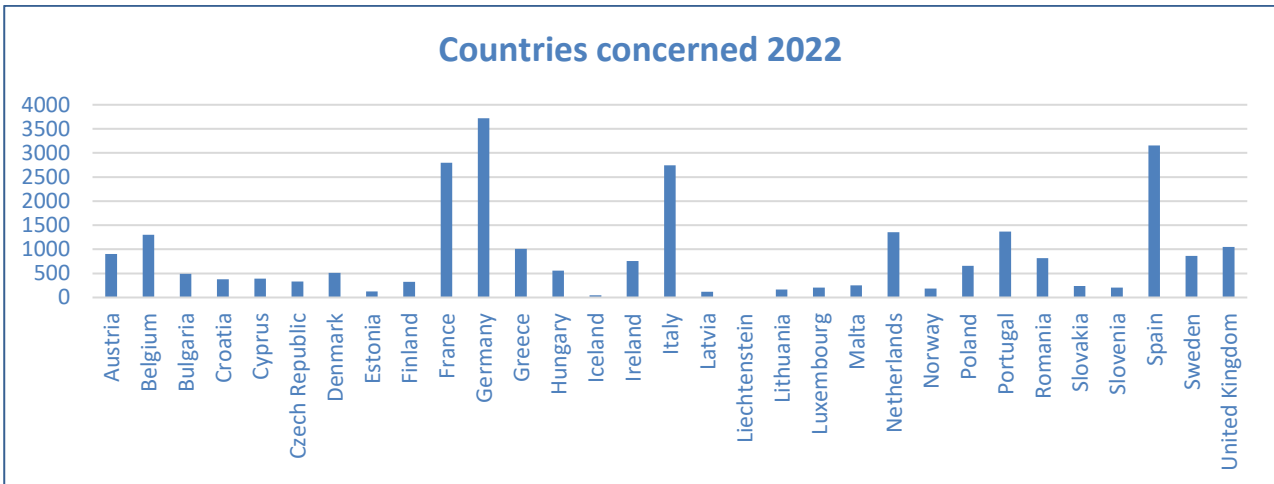


Figure 4: Source YEA Database

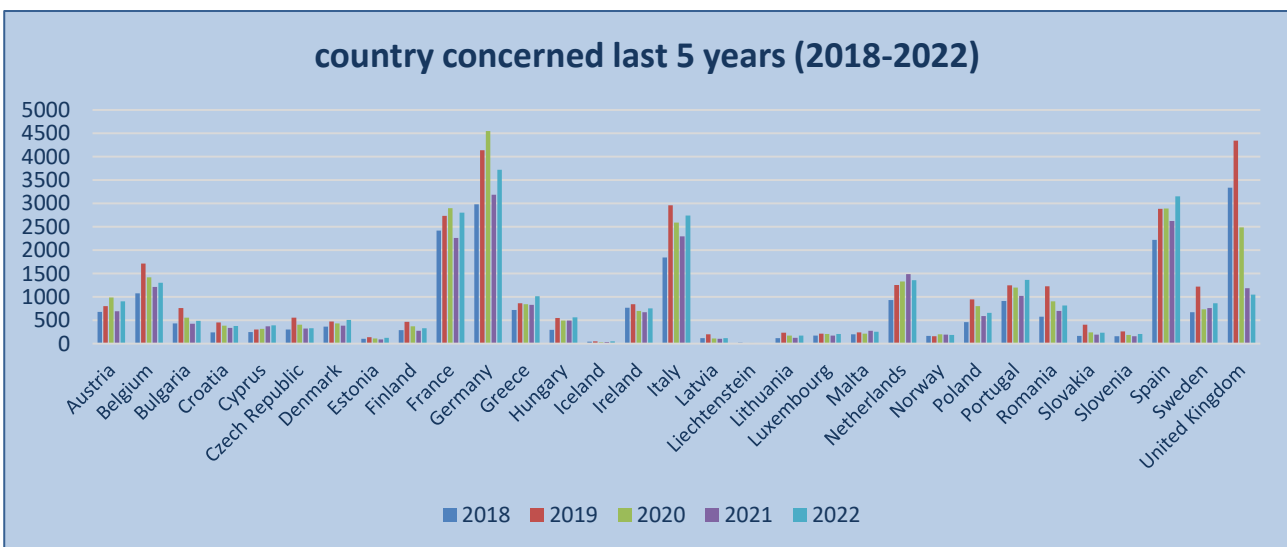


Figure 5: Source YEA Database

Enquiries were received by YEA from diverse socio-economic categories in 2022. Mobile workers represented fifty percent of those using the service. However, enquiries from those who are self-employed and from businesses increased by comparison with previous years.

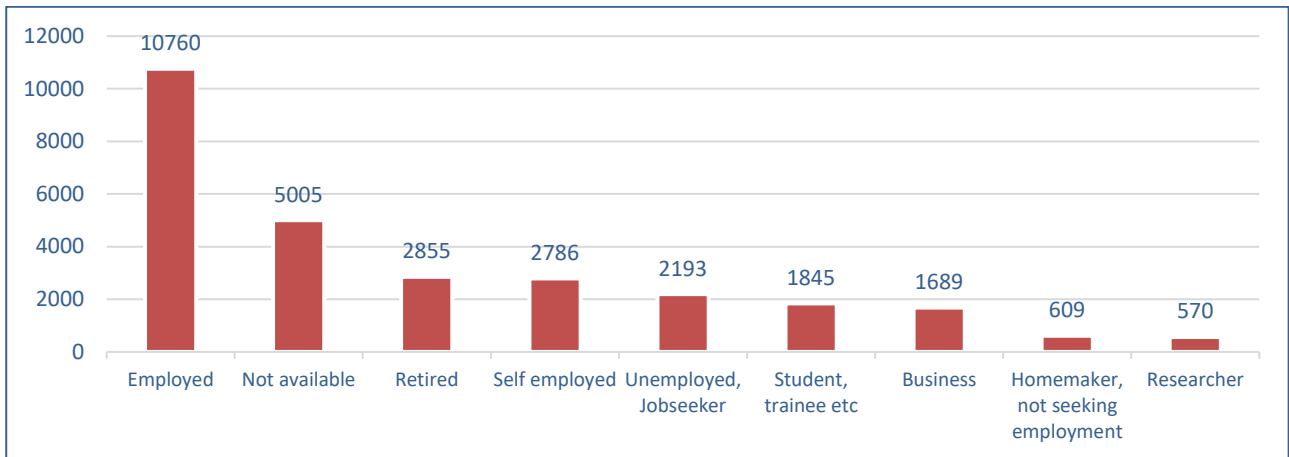


Figure 6: Source YEA Database

## 2. The Five Main Issues In 2022

Each topic is divided into sub-topics. In 2022, three of the five most important sub-topics related to social security:

1. Social security - country of insurance and general management: 2,326 enquiries
2. Residence - family rights: 2,091 enquiries
3. Social security - health care, sickness or maternity (here comprising medical treatment): 1,741 enquiries
4. Entry - long /short term visas: 1,400 enquiries
5. Social security: old-age benefits: 1,280 enquiries

### 2.1 Social Security: 5,584 enquiries

Almost half of the questions received concerning social security related to general management and difficulties determining which country was competent. Citizens did not know where to pay social security contributions when they worked in two countries, lived in one country and worked in another, or retired in a different country. A significant number of enquiries received by YEA reported obstacles concerning access to healthcare and old-age pensions and receipt of sickness or maternity benefits.

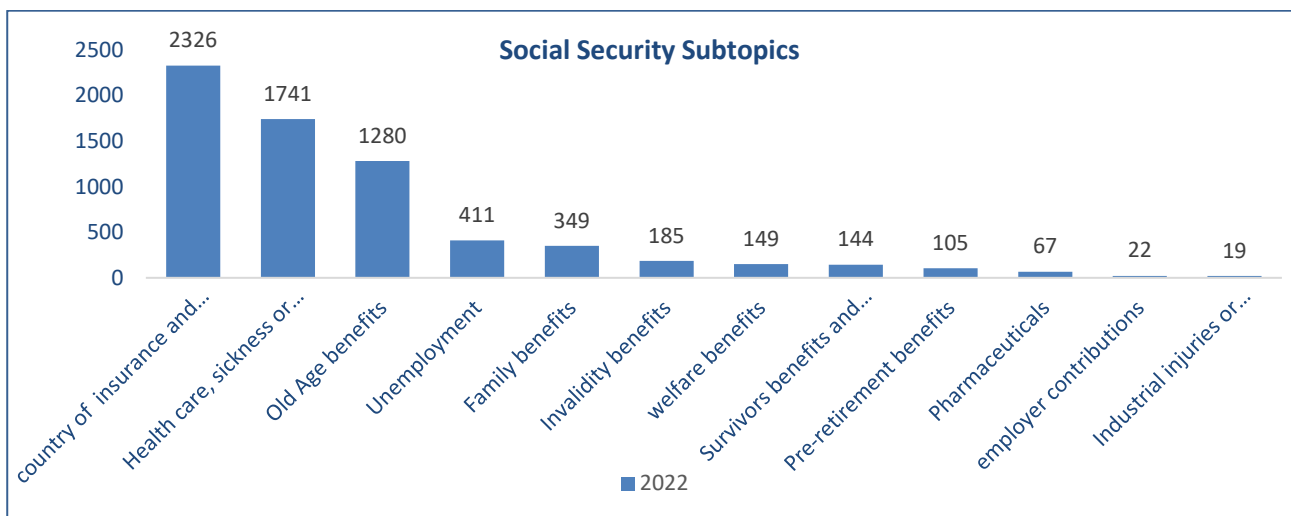


Figure 7: Source YEA Database

#### 2.1.1 Country of insurance and general management (2,326 enquiries)

Articles 11 and 13 of Regulation (EC) No. 883/2004 provide that EU citizens are covered by the legislation of only one country at a time. The Member State in which a citizen pursues gainful activity is competent for social security coverage. Specific rules are provided for certain categories of workers, such as civil servants, who can be insured in the Member State of the employing administration and workers who are employed or self-employed in several EU countries. However, the complexity of the rules; the lack of information and training among national authorities; and insufficient co-ordination between Member States often mean that it is difficult to determine which Member State is competent. Citizens do not know where to pay social security contributions when they work in two countries, live in one country and work in another, or retire in a different country. Some Member States refuse to accept responsibility and declare that they are not competent even when they are. Others declare themselves competent when they are not. This is a recurring issue and concerns most EU countries. The Court of Justice of the EU has consistently held that the purpose of the rules on the

coordination of social security is to prevent citizens from losing social protection when exercising their right to free movement in the EU.<sup>3</sup> Yet, citizens continue to experience problems in maintaining social security coverage when they move from one country to another and frequently encounter a persistent lack of co-operation between national authorities.

During 2022, a substantial number of enquiries indicated that the situation regarding the law applicable to social security coordination after 31 December 2020 remains unclear for many EU and British citizens. Relevant and correct information is difficult to locate.

#### Examples:

A French citizen received an offer of employment in Brussels which permitted her to reside and spend most of her time in Paris. However, a few days before signing her contract, she was informed that, for tax, insurance and social security purposes, the company would treat her as a Belgian employee, implying that she would spend most of her time in Brussels. The case demonstrates a lack of awareness among employers of how to regularise the situation of employees who are not resident in the country of employment.

An American citizen was resident in Germany where he was in possession of a permanent residence visa. He was offered a job based in Belgium but negotiated a contract under which he could work entirely remotely from Berlin and never physically work in Belgium. He experienced extreme difficulties in sourcing relevant information on the competent country for social security.

A Portuguese citizen resided in Luxembourg and worked as a dentist in Belgium and Portugal. She paid social security contributions in both countries where she worked. When giving birth, she developed serious health problems which the Luxembourg hospital was unable to manage. She was transferred to a hospital in Paris. The citizen contacted all three social security authorities (Luxembourg, Belgium, and Portugal). None could advise on her State of affiliation or which State was competent for payment of her medical care costs.

A Dutch citizen who moved from the UK to Germany and became unable to work was unable to obtain any social security benefit from either the UK, Netherlands or Germany, which all denied responsibility. The citizen's situation was complicated as he became ill in the UK and lost his employment due to COVID. He received no assistance following his permanent work incapacity. It was unclear which law applied to his situation.

An Irish worker applied to register with the French social security system. While awaiting registration, he was unable to access the French healthcare system. More than a year later, he still had not received a social security card. The French social security authority requested numerous documents several times, and claimed that a minor name discrepancy between the citizen's passport and his birth certificate was the cause of the delay.

A German professor lectured at a British university while living in Germany as a cross-border commuter. She had settled status in the UK. She queried whether she could retain her cross-border commuter status even though she had settled status in the UK and whether Brexit affected her tax and social security situation. Her status of living and working in two countries should not alter due to the continued coordination of systems in the Trade and Cooperation Agreement.

A Finnish citizen worked in Germany since 2020 but ceased working in July 2022 before commencing study in the Netherlands. She queried which country's social security system and EHIC card would cover her during her stay in the Netherlands. Neither the Finnish nor German authorities were able to advise.

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<sup>3</sup>C-2/89 *Kits van Heijningen*, para 12: "Those provisions are intended not only to prevent the simultaneous application of a number of national legislative systems and the complications which might ensue, but also to ensure that the persons covered by Regulation No. 1408/71 are not left without social security cover because there is no legislation which is applicable to them." See also Case C-196/90 *De Paep*, para 18; Case C-619/11 *Dumont de Chassart*, para 38; Case C-140/12 *Brey*, para 40.



#### Practical conclusions and suggestions from ECAS:

Administrative cooperation between national authorities must be improved. Regulation (EC) No. 883/2004 on the coordination of social security schemes provides for such cooperation. National authorities must be trained in the applicable social security rules when citizens move within the EU.

Requests for information should be attended to without delay and, in any event, within three months. In exceptional situations, when it is not possible to respond within three months, the competent authority should indicate deadlines and provide updates.

#### 2.1.2 Health care, sickness or maternity (1,741 enquiries)

The provisions of Regulation (EC) No. 883/2004 are based on the notion that insured persons and their family members are entitled to receive health insurance benefits and maternity or paternity benefits regardless of their circumstances and where they reside. EU citizens have a right to access healthcare in any EU country and to be reimbursed for care abroad by their home country. Decision 2003/751/EC introduced the European Health Insurance Card (EHIC), which enables EU citizens to effectively access healthcare in other Member States.

As in previous years, a significant number of enquiries received by YEA reported obstacles concerning access to healthcare and receipt of sickness or maternity benefits. Citizens experienced issues with recognition and coverage of the EHIC; lack of knowledge of the applicable legal framework; and difficulties in obtaining a Form S1 when moving to another Member State. These obstacles and delays can have a negative impact on citizens' mobility and their health and can also place them in difficult financial situations.

#### Examples:

A Slovak lorry driver, insured in Germany, fell ill in Slovakia, where he lived. He attended a doctor there, but experienced problems in obtaining sickness benefits as he did not know the correct form to claim benefits from the German health insurance institution .

The Finnish social security authorities insisted that a Finnish citizen residing and working in Finland should apply for maternity benefits in Sweden because she was working remotely for 20 % of her time for a Swedish university.

The French health insurance authority failed to acknowledge that it was competent to issue a Form S1 to the citizen who was a frontier worker insured in and in receipt of a pension from France. The French authority erroneously directed the citizen to Switzerland where he had last worked.

An Italian citizen residing in Finland contracted COVID-19 during a stay in Italy. He requested a free COVID-19 test but was refused on the basis that free COVID tests were available only to Italian residents.

A 94-year-old Italian citizen waited more than six months for the French social security authority to process her Italian Form S1. As a consequence, she experienced difficulties in accessing healthcare in France.

**Recommendation:**

Raise awareness among citizens and national authorities about use of a EHIC to obtain healthcare cover.

Raise awareness of patients' rights to reimbursement (independently of possession of an EHIC) for cross-border healthcare to ensure that everyone who needs care knows their options.

### 2.1.3 Social security – Old-age benefits (1,253 enquiries)

Most of the problems reported concerning access to social benefits concerned old age pensions. Article 6 of Regulation (EC) No. 883/2004 recognises the principle of aggregation of periods, which means that when competent authorities are considering a claim for benefits in one Member State, they must consider periods of insurance, employment, self-employment and residence in another Member State. Some enquiries demonstrate the difficulties that citizens experience in receiving clear and correct information about the aggregation of periods of insurance in different Member States. Article 7 of Regulation (EC) No. 883/2004 provides that pension payments should not be subject to any reduction, amendment, suspension, withdrawal or confiscation because the beneficiary or the members of his/her family reside in a Member State other than that in which the institution responsible for providing benefits is situated. A persistent lack of cooperation between national authorities, despite the obligation of cooperation imposed by the Regulation, may have serious consequences for the lives of citizens who experience problems and delays in claiming the pension rights they have acquired in different EU countries and are sometimes left without income. This is a common issue encountered in most EU countries. There are still numerous questions from citizens worried about the consequences of Brexit on their pensions and acquired rights.

**Examples:**

A Bulgarian citizen applied for her pension in Bulgaria. She had previously worked for seven years in Cyprus. However, the Cypriot authorities delayed for three years providing the necessary social security information to Bulgaria. As a result, the citizen was left for three years without a pension.

A Portuguese citizen applied for an old age pension in Spain. The Portuguese social security authority failed to advise him on his entitlement and the citizen had still not received a pension one year after submission of his application. Consequently, the citizen was experiencing financial difficulties.

An Irish citizen worked briefly in Ireland before moving to Malta where she paid most of her contributions for her State pension. The Maltese social security office refused to take account of her year of contributions in Ireland.

A retired Finnish citizen resided in Finland. He claimed pensions from both Belgium and France. The Finnish authorities contacted the Belgian and French social security bodies, but neither responded.

An Italian citizen worked for seven months in Germany and in Italy for more than 41 years. When he applied for a pension in Italy, the local Italian social security institution was unaware of how to treat the seven months worked in Germany.

A Polish national applied in Poland for a pension from Poland and the UK. Even though his entitlement to a UK pension was confirmed, it had not been paid after more than a year. The Polish authorities sent reminders, but to no avail.

A Romanian citizen applied for his pension having previously worked in Italy and Romania. He had not received any response after a period of seven months.

#### Recommendations:

Pensioners need quality information both from the sending country before departure and the receiving country upon and after arrival. The obligation of communication and cooperation between Member States as stated in Article 76 of Regulation (EC) No. 883/2004 should be reinforced by the European Institutions.

#### 2.1.4 Other recurring and country specific issues linked to social security:

As in previous years, YEA received cases showing that the Romanian authorities do not recognise proof of health insurance contributions in another Member State. Citizens are not even asked to prove that they were subject to another Member State's social security system. The Romanian authorities do not accept portable documents issued by other Member States. They also deprive Romanian citizens, who are not residents in Romania, of their social security rights, even though they may have paid social contributions for many years in Romania.

#### Example:

Romanian citizenship is evidenced with a valid ID which cannot be renewed unless the citizen is resident in Romania. A Romanian passport is not an acceptable means of proof. A Romanian pensioner residing in Germany was required to renounce her Romanian identity card when she obtained a Romanian passport. She had a serious eyesight condition. She applied for a disability pension in Romania where she had worked for 10 years. She was refused the pension because she no longer had a Romanian identity card, even though she was in receipt of a pension from Romania.

Romania refuses to issue EHCs to Romanian students studying in another Member State. Consequently, they are obliged to obtain private health insurance cover in the host Member State where they are studying.

#### Example:

A Romanian student commenced studies at Heilbronn University in Germany. The University required proof of health insurance. The student was advised by the Romanian authorities that he was no longer insured in Romania because he was no longer a student there and the competent State was now Germany. The German authorities advised that he remained insured in Romania as a student and must present an EHC issued in Romania. He was left without any healthcare coverage.

YEA continues to receive cases concerning the right of residence which, under Directive 2004/38/EC, is subject to proof of health insurance to ensure that citizens do not become a burden on the social assistance system of the host Member State during their period of residence. While this proof can be demonstrated by several means, e.g., an EHC or private health insurance, some Member States refuse to recognise any form other than the Form S1<sup>4</sup> or the grant of certain benefits is subject to proof of residence, such as a residence permit. For many years, this has been an issue in Sweden, but it is now a recurring problem in Bulgaria, Denmark, France, Romania, and Germany.

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<sup>4</sup> The S1 form is a certificate of entitlement to healthcare if an EU citizen doesn't live in the country where he/she is insured. It is useful for posted workers, cross-border workers, pensioners and civil servants and their dependants.

### Examples:

A Polish worker resident in Sweden was unable to obtain medical assistance or go to hospital. He did not have a personal number even though he worked and paid taxes and social security in Sweden. He was unable to obtain a Form S1 or EHIC from Poland as he was no longer insured there.

A Romanian citizen resided in France for ten years. From 2016 until 2021, she received family benefits in respect of her four children born in France. In 2021, the French competent institution stopped payment because, in their words, "a residence permit was not provided".

### Recommendations:

The EHIC (European Health Insurance Card) should be recognised in each EU country as evidence of comprehensive healthcare coverage.

Private health insurance taken out by citizens should, in practice, be accepted as evidence of comprehensive health insurance.

## 2.2 Residence rights: 4,174 enquiries

Forty percent of the enquiries on residence rights concerned family members of EU citizens. This has always been a critical issue, to which Brexit contributed. Citizens queried the implications and impact of Brexit on the residence rights of their family members.

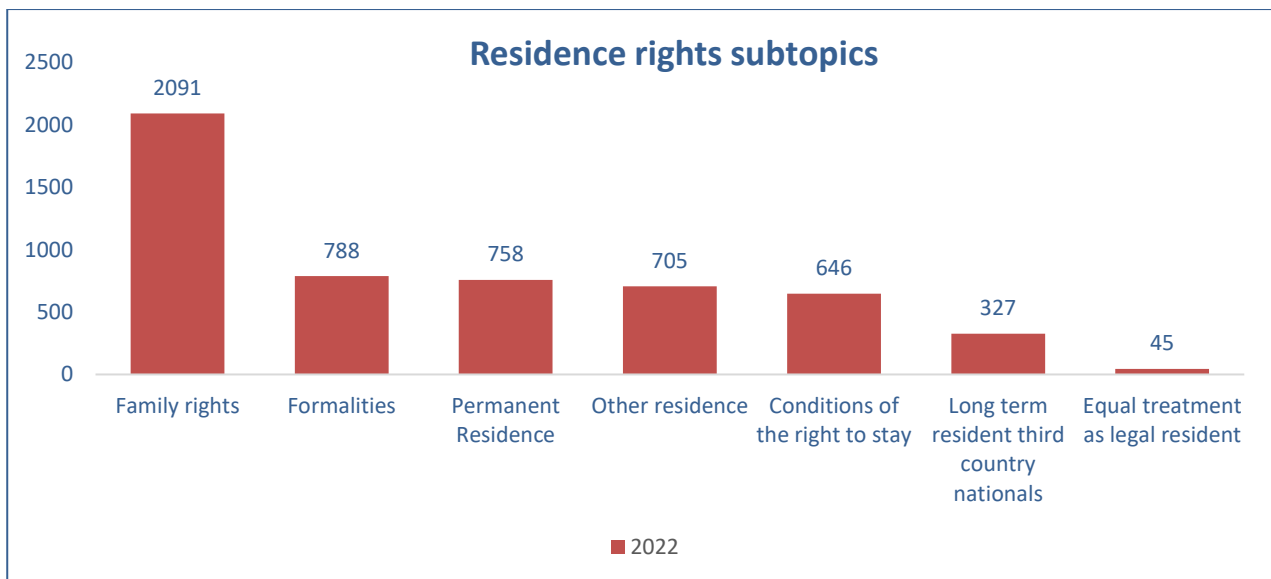


Figure 8: Source YEA Database

### 2.2.1 Residence: family rights (2,091 enquiries)

Under Directive 2004/38/EC, EU citizens' family members are included in the scope of the right of free movement if they are dependents of an EU citizen. The right is limited to the host EU country in which the EU citizen is exercising Treaty rights (by living, working, or studying there). A family member is defined as a spouse or registered partner; children under 21 and those who are older than 21, but still dependent (e.g., students supported by their parents); and the dependent parent(s) of the EU citizen or their partner. There is a second category of extended family members who are not included in the definition of family members under this

Directive, and who therefore do not enjoy an automatic right of entry and residence in the host Member State. They should be examined by the host Member State on the basis of its own national legislation. This category includes dependent relatives (e.g., siblings), dependent household members and unmarried or unregistered partners in a "durable relationship".

Many EU citizens who contact YEA know their free movement rights but are worried about a family member (economically dependent EU citizen, or non-EU citizen). In some Member States, there is a general lack of information on the right of residence for family members. Citizens experience numerous bureaucratic impediments to having their rights recognised. These include having to prove a durable relationship (for which no definition has been provided) or 'legalise' marriage certificates to obtain a residence card. Applicants for residence cards may also have to prove they have sufficient resources or may be subjected to language requirements. They may have their passport retained by the national authorities until a residence card is issued. Restrictions have also been placed by Member States on their own nationals returning home with family members having exercised free movement rights. These are common issues encountered in most EU countries.

During 2022, Brexit also had a bearing on the questions received. Citizens queried the implications and impact of Brexit on the residence rights of their family members. National authorities remain unfamiliar with rights deriving from the Withdrawal Agreement.

#### Examples:

A Dutch citizen lived with her Eritrean husband in Stockholm for two years. He had already been living in Stockholm for eight years. The Swedish government refused to issue a Swedish personal number to the Dutch wife. As an alternative, the husband applied for family reunion even though he was a family member of an EU citizen. Family reunion was also refused.

The French authorities issued a permanent residence card valid for only 5 years (rather than 10) to the Algerian spouse of a Belgian citizen who had acquired a right of permanent residence. No explanation was provided for issue of the short-term card.

A Croatian citizen, self-employed in Italy, who had previously lived and worked in Malta with his Serbian wife, was required to provide "proof of suitability of accommodation" to support his wife's application, in June 2021, for a residence card. The document presented by them was not accepted by the Italian authorities.

The Mexican wife of an Italian citizen studying in Sweden did not receive a residence card for twenty months from submission of her application. Her visa expired and she was unable to leave Sweden until issue of the card.

The Indian spouse of a Spanish citizen was issued with a single-entry visa to enter Ireland and then advised by the Irish authorities that she should apply for a residence permit rather than a residence card. She was also advised by the Irish authorities that she was not permitted to work pending issue of her residence permit.

The French certificate of application for a French residence card held by a British family member of an Irish citizen expired while the family member's application for a residence card was being processed. The family member was unable to obtain information about how to renew the certificate of application to facilitate their ongoing residence in France .

British nationals' resident in Denmark ignored the fact that they should have applied for residence status in Denmark before 31 December 2021. Many British nationals failed to apply before the deadline and queried their status.

#### Practical conclusions and suggestions from ECAS:

Member States should ensure that national legislation is clear and sufficiently detailed to guarantee attainment of the objectives of Directive 2004/38/EC. If necessary, national laws should be supplemented by adequate administrative guidelines providing clear instructions on the application of the Directive.

The definition of “durable relationship” should be harmonised and Member States’ authorities and national administrations should be trained to appropriately apply the rules. It should also be clear to the administrations that non-EU family members are not required to leave the host Member State and re-apply for an entry visa simply because the residence card application process is taking too long.

### 2.2.2 Other recurring and country specific problems linked to residence rights

Administrative practices are often clearly in conflict with EU law. Excessive and worrying delays and formalities were again reported in obtaining residence. Additional documentation to support applications for residence cards was required. Some administrations question whether the conditions of the right to stay have been met and treat both EU citizens and their non-EU family members as though they are newcomers.

For more than two years, YEA has received a substantial number of complaints about the impossibility of scheduling appointments with the Portuguese Aliens and Borders Service (SEF) to obtain or discuss issues relating to a residence card for non-EU family members of EU citizens. Similar problems have been reported from other Member States where the local authorities are unable to cope with the demand for residence cards and it is impossible to schedule an appointment, even online. Complaints on this issue have been received in respect of France, Spain and Sweden.

#### Examples:

The Brazilian spouse of an Italian citizen complained that it was impossible to schedule an appointment with SEF to obtain a non-EU family member residence card. She was pregnant and was experiencing problems in accessing ante-natal care as a consequence of not having a residence card.

A Portuguese citizen attempted to book an appointment to obtain a residence card. It appears that SEF discriminates between Spanish and other European citizens. Spanish citizens can book an appointment by calling the public authority directly. Other EU citizens are required to use software that does not show any available appointments for three months.

Again in 2022, Dutch municipalities refused to register EU citizens if they could not present a birth certificate and a lease or purchase contract for their accommodation. These EU citizens are obliged to pay social security contributions in the Netherlands for many years but cannot claim benefits because they are not registered there. The authorities require them to remain registered in their country of origin where they are also not entitled to social security because they pay contributions in the Netherlands.

### 2.3 Entry: 3,601 enquiries

Travel documents for EU citizens’ family members are a recurrent problem. Visas are not issued under an accelerated procedure and free of charge. Delays are unusually long. In particular, many complaints concerned difficulties in scheduling an appointment. A significant number of enquiries concerned the travel rights of

British citizens and the possibility to remain in EU countries for longer than three months without having to obtain a visa.

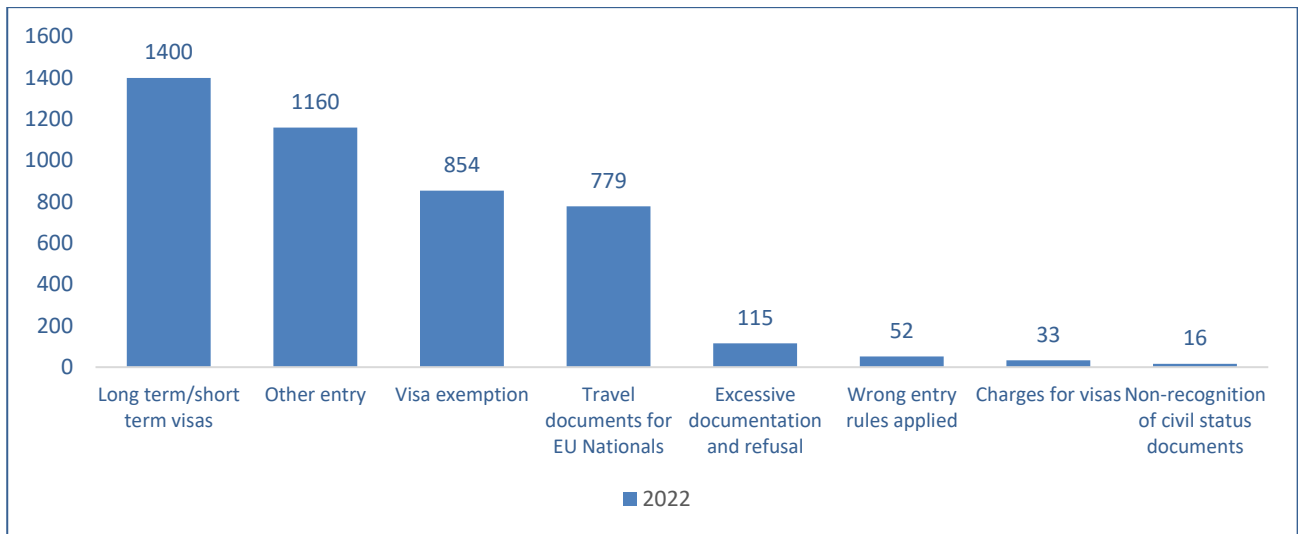


Figure 9: Source YEA Database

### 2.3.1 Entry - Long/short term visas (1,400 enquiries)

Article 5(2) of Directive 2004/38/EC obliges EU Member States to support family members of EU citizens to obtain the necessary visas for short or long-term stays, free of charge and through an accelerated procedure. As the right to be issued with an entry visa is determined by the family link with an EU citizen, Member States may only require presentation of a valid passport and evidence of a family link (also dependency, serious health grounds and durability of the partnership, where applicable). No additional documents, such as proof of accommodation, sufficient resources, an invitation letter, or a return ticket are required.

Unfortunately, the enquiries received by YEA show that family members of EU citizens continue to experience difficulties in obtaining visas for several reasons. For faster processing of applications not made in person, consular services may outsource the service to an external provider. These service providers ignore the rules of the Directive: procedures are protracted; extra documentation is required; and the service is not free of charge. These are common issues encountered in most EU countries. Applicants should always have the option to deal with the consular services directly and personally if they prefer.

#### Examples:

The Japanese spouse of a Czech citizen applied for visa to visit Finland. She complained that a service fee was charged. The service fee is apparently imposed if the visa is applied for through a service centre. However, the Finnish Consulate did not offer the possibility to apply directly for a visa at the Consulate.

The Mexican wife of a Spanish citizen was charged for a visa to enter Denmark because she applied through a visa processing agent and was not provided with an opportunity to obtain a visa free of charge through the Danish Consulate or Embassy. She subsequently obtained only a partial reimbursement of the fee due to exchange rate variations.

The Egyptian husband of a Greek citizen complained that the Italian Consulate in Australia refused to operate an accelerated procedure in respect of his Schengen visa application. The family member was requested to provide supporting documents beyond those permitted under Directive 2004/38/EC.

The Irish Embassy in France repeatedly requested a Yemeni refugee to provide further documentation to support his visa application, even though he was a family member of a French citizen. In addition to his marriage certificate and passport, the applicant was required to present his wife's employment contract, proof

of funds at their disposal, etc. The Irish authorities also insisted that the applicant provide "*proof that the EU/EEA/Swiss citizen is exercising free movement rights in Ireland, for example, proof that the EU/ EEA/Swiss citizen already resides in the State or a declaration or statement of confirmation that the EU/EEA/Swiss citizen will be exercising those rights at the time of the applicant family member's arrival in Ireland*".

#### Recommendations:

Member States should put in place an effective, harmonised and efficient system of complaints against refusals to issue visas and establish a supervisory body to oversee the work of visa service providers and ensure correct application of the EU rules.

Positive action is required at EU and national level to find a solution that strikes a balance between preventing abuse and ensuring that EU free movement rules are respected so that family members of EU nationals are issued entry visas on the basis of an accelerated procedure.

### 2.3.2 Other recurring and country specific problems linked to Entry

In 2022, a significant number of citizens living and working legally in the United Kingdom queried the implications and impact of Brexit on their mobility rights. British citizens resident in other Member States asked about the consequences of Brexit on their rights in their host Member State. Some administrations are unfamiliar with the Withdrawal Agreement. As a consequence, difficulties and excessive delays have been reported in obtaining relevant information.

#### Examples:

A British national residing in Italy as a beneficiary of the Withdrawal Agreement, queried if he was exempt from the stamping of passports when travelling in the Schengen area. He was concerned about proving his residence for the purposes of travel to other EU countries in the Schengen area.

Excessive delays by the Italian Consulate in London in processing applications for passports and renewals were reported. This appears to be a long-standing systemic problem in the UK. As a result, the dual Pakistani/Italian one-year old child of an Italian citizen living in the UK required a Schengen visa to travel to Italy because the child was unable to obtain a passport.

Many EU citizens with settled status in the UK queried the documents for re-entry into the UK and whether their passports should have a minimum remaining period of validity when travelling to the EU and returning to the UK.

British citizens complained that Hungarian border guards systematically stamp British citizens' passports on entry and exit, even though they are resident in an EU country as beneficiaries of the Withdrawal Agreement.

#### Practical conclusions and suggestions from ECAS:

Many obstacles to entry and residence rights for EU nationals and their non-EU family members are caused by grey areas in Directive 2004/38/EC. ECAS welcomes the upcoming EC Communication which should provide up-to-date guidelines to the Member States and contribute to improving implementation of the Directive at national level for the benefit of EU citizens.



## 2.4 The War in Ukraine and its implications: 234 enquiries

Russia's invasion of Ukraine in February 2022 created one of the largest humanitarian crises in Europe's recent history, with the ongoing war causing increasing numbers of casualties, destruction and displacement within and outside Ukraine's borders. More than seven million Ukrainians have fled to other European countries.

In a Resolution adopted during an extraordinary Plenary on 1 March, Parliament welcomed the activation of the Temporary Protection Directive ([Directive 2001/55/EC](#)) for the first time since it entered into force in 2001. The Directive aims to grant immediate temporary protection in the EU to people fleeing the war in Ukraine for an initial period of one year, including Ukrainian citizens, people from outside the EU, stateless people or people with residence permits in the country.

This allows displaced people to benefit from the same rights across the EU, such as resident permits, the possibility to work, housing, access to social welfare and medical assistance. MEPs also agreed to allow Ukrainians with temporary protection status to continue to use their driving licences in the EU.

Nearly **5 million** Ukrainian refugees have registered for EU temporary protection or similar national protection schemes in Europe.

The questions received by YEA related mainly to entry rights (whether visas are required) and residence rights (how to settle in the host country). Some enquiries were a mix of both entry and residence, relating mainly to temporary protection status ([Directive 2001/55/EC](#)). Citizens queried how they could apply for temporary protection status; the deadline for application; and the items they could bring with them from one country to another.

YEA also received questions from Russians, often resident in the EU, who complained about the sanctions; their difficulties in travelling within the European Union; and family reunification.

### Examples :

A Ukrainian citizen's passport expired in November 2021. In Poland, she was advised by a refugee support centre that her Ukrainian passport continued to be valid for a year beyond expiry. As the citizen intended to travel to Spain, she queried if the Spanish authorities would permit Ukrainian citizens to enter with an expired passport.

A Ukrainian national was granted temporary protection in France. She queried whether she could enter and transit other EU countries such as Hungary and Romania when travelling back and forth between Ukraine and France.

YEA received a number of enquiries from non-EU nationals (not Ukrainian) who were students in Ukraine and had travelled to Poland. They claimed that they experienced difficulties accessing support or gaining temporary protection in Poland.

A Ukrainian citizen who graduated from the Maritime Academy in Ukraine with a Master's Degree in Navigation was now in Bulgaria and queried how to have his qualifications recognised there.

A Ukrainian national had "temporary protection" status in Bulgaria until 23 February 2023. He was aware that Ukrainian citizens with "temporary protection" could extend the period of stay of their vehicle in Bulgaria or leave before the expiry of six-months. He queried how the six months were calculated.

The publicly available information on the categories of Russian citizens who were allowed to enter Finland was unclear. It was difficult to discern if transit traffic through Finland was permitted for family members of EU citizens and the documentation required to show a family relationship. The Finnish border guards confirmed that transit was possible for EU citizens' family members, especially if they had family member visas. It remained unclear whether transit was possible in cases where family members were in possession of another type of Schengen visa.

## CONCLUSION

In conclusion, 2022 has been another challenging year for YEA. New trends have emerged and the enquiries received from citizens involve increasingly complex issues. Problems associated with the COVID pandemic were still evident during the early months of 2022. The consequences of Brexit and lack of clear information available to those affected, continued to give rise to numerous multi-faceted enquiries. The ongoing war in Ukraine has resulted in a large number of refugees being accommodated within the European Union. This displacement has given rise to different and difficult questions which show no sign of abating.

European businesses have also been trying to cope with the economic crisis triggered by the conflict in Ukraine. Many contacted YEA with technical queries about product sales in the EU, security issues, obligations towards consumers and the conditions to establish themselves in another country.

YEA has proved adaptable to the ever-changing geo-political situation in Europe. Equipped with regular knowledge updates, our legal experts continue to advise and guide European citizens, their family members and European businesses through the jungle of information which is not always correct or adapted to their specific needs and situation. When provided with legal information and signposting by YEA, they are in a stronger position to enforce their rights and ultimately ensure better application of EU law across the EU. Undoubtedly, YEA provides an invaluable service to citizens and to national administrations and advisory bodies which rely on the service.

Feedback received from citizens and businesses who submitted enquiries to YEA during 2022 has been extraordinarily encouraging, with 98% of those who contacted the service after receiving a response to their enquiry submitting positive comments. Those who provided feedback commented specifically on the usefulness, completeness and clarity of the responses they had received. A small selection of examples of comments received from satisfied citizens and businesses are set out below:

*"Thank you for your comprehensive reply. I found so much conflicting information online, as you can imagine. Once again thank you for the clarity. Regards , G."*

*"Hi! I wanted to let you know that I am sincerely grateful for your quick and informative reply. I have had emailed you a few months ago about an issue I had, and I got such good and informative reply from you back then, too. On behalf of everyone I'd like to thank you for willing to help every single person out and thank you so much for the time that you spend on us. Not everyone is able to do what you do, not everyone is as caring, as thoughtful, and as attentive as you are. That is very kind. Thank you and have a great day! B."*

*"Thank you very much for your concise and explanatory reply. It is excellent. The extraordinary information that you sent me is not generally available on the internet, more the shame but thanks to organisations like yourselves I now have what I need. Kind regards (and keep up your good work!). L."*

*"I don't know if you'll see this or not, but I just wanted to say thank you so much, your response was incredibly helpful. All the best, D."*

*"Dear all, When I wrote email I had little expectation that the reply I would get will be so detailed and clear. I really appreciate your time and promptness. It has been very helpful since it was so difficult to find clear direction but this means a lot and I'm so thankful for that. and if I have any queries in future I will sure contact you guys again. Thanks, S."*

*"This is the most complete and comprehensive answer I have ever received following an online query. I have ADHD and panic disorder and you have just been so structured and detailed in your response with all the links that my brain has calmed down for the first time in a while. Thank you, honestly, I expected signposting, not this level of step by step guidance and you even included the steps I need to take. Warmest regards, C."*

*"Thank you for your reply and your advice! I really appreciate that we have such a useful Your Europe Advice to help EU citizens. I wish you good work. Kind regards, M."*

*"Hola, Muchísimas gracias. Estoy muy agradecido por vuestro respuesta. I cannot express my gratitude to your help and your efficient reply. Many thanks, I."*

*"Dear Sir/Madam, Thank you for your prompt and comprehensive reply. Now everything is clear. Have a nice day! Sincerely yours, M."*

*"Dear Sir/Madam, Thank you very much - this is very useful information to me and thank you for explaining and supporting it so well. Very best wishes, T."*

*"Thanks a million for your assistance, you're the only one who got back to me with a positive email and who cares about the trouble we are going through. We truly truly appreciate it 🙏 Kindest regards, K."*

*"This is precisely what I needed, thank you so much for your precise and swift response. Have a wonderful day. A."*

*"Good afternoon, I'd like to thank you for your help and professional advice which is very helpful. I deeply appreciate your quick response and clarify my situation. My kind regards E."*

*"Dear Sir/Madam, I would like to express my gratitude to the detailed directions, invaluable information which will greatly aid me and my family during the admission process. Respectfully, O"*

*"Hi Your Europa Advice guys, I just want to say thanks a million! This is the first direct and useful advice I have received so far. Clear and easy to understand. I'll be honest, I wasn't sure I would actually get an answer but this has been great! Thank you so much. F."*

*“Hello, I'm not sure if you'll receive my response, but I wanted to thank you for the thorough and clear explanation. This is exactly the information I was looking for. Thank you so very much! Best wishes, S.”*



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