

Your Europe Advice Annual Trends 2018



19,194 enquiries handled by ECAS' legal experts on EU rights

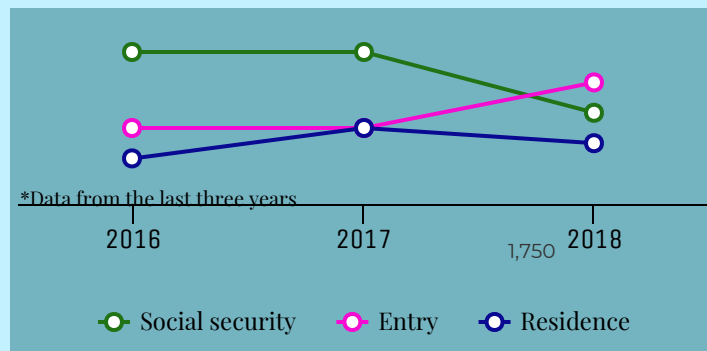
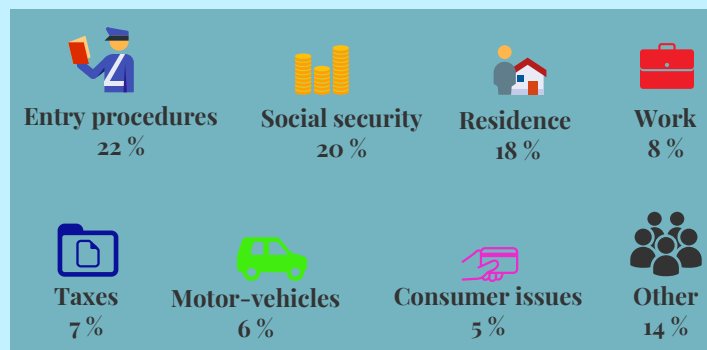


These enquiries provide insight into the problems experienced by EU citizens when exercising their right of free movement.

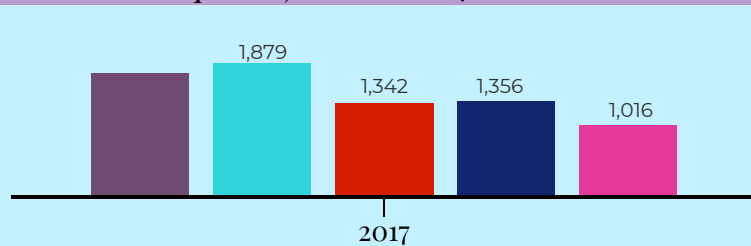
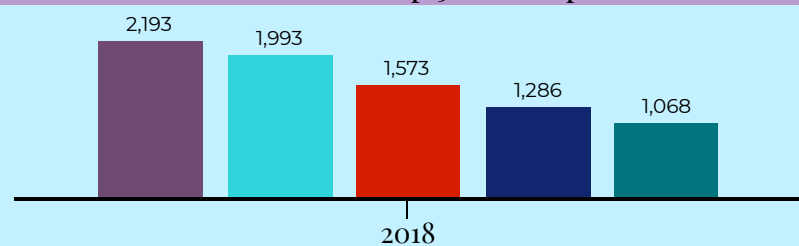


For the first time in the history of the service, 'social security' was not the most common topic. It is now 'entry procedures'.

Topics of the enquiries received (%)



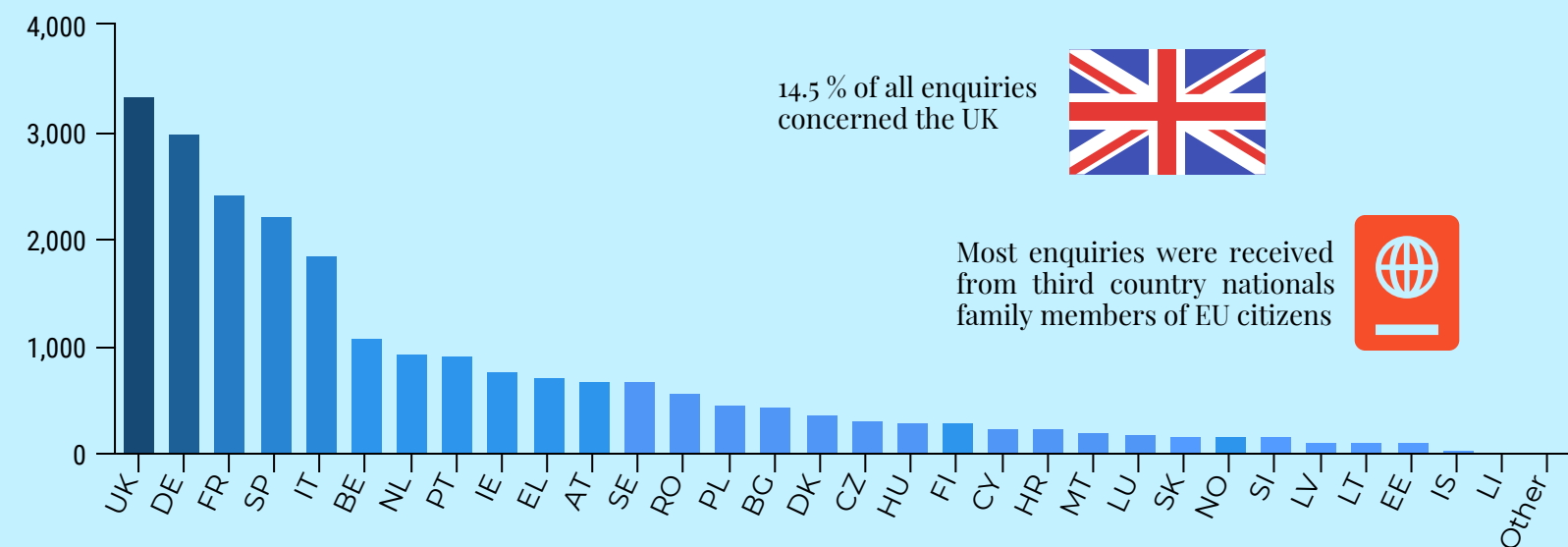
Top 5 Sub-Topics of Concern (Number of Enquiries) 2018 vs 2017



- Entry: long-term/short-term visas
- Residence: family rights
- Entry: visa exemptions
- Social security: country of insurance
- Entry: other

- Entry: long-term/short-term visas
- Residence: family rights
- Entry: visa exemptions
- Social security: country of insurance
- Social security: old age benefits

Number of enquiries per country



Problems and Recommendations



Entry: long-term/short-term visas

Non-EU family members of EU citizens experience difficulties in obtaining visas for several reasons: very long procedures, request of extra documentation, ignorance of the EU rules by the private service providers, illegitimate charging of fees.

Our recommendation

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



Residence: family rights

There is a general lack of information on the right of residence for EU citizens' family members. There are numerous bureaucratic barriers to applying for residence cards, including having to prove a durable relationship, legalising marriage certificates and proving sufficient resources.

Our recommendations

- National legislation should be clear and sufficiently detailed, with clear instructions on the application of the Citizenship Directive (2004/38/EC);
- The definition of "durable relationship" should be harmonised;
- National administrations should be trained to appropriately apply the rules.



Entry: visa exemption

Public authorities are widely not aware of the visa exemptions under the EC Citizenship Directive (2004/38/EC), which allow EU citizens to travel with their non-EU family member within the EU without a visa.

Our recommendations

- Member States should ensure that national authorities provide clear and sufficient information regarding requirements for visas for non-EU family members;
- Terms that cause legal uncertainty, such as "dependents", "unreasonable burden" or "as soon as possible", should be clarified.



Social security: country of insurance

Mobile EU citizens experience problems in keeping their social security coverage, often not knowing which country is the competent country. This is due to the complexity of the rules, lack of information and training of the national authorities and insufficient coordination between Member States.

Our recommendations

- National authorities must improve the administrative cooperation between each other;
- National authorities must be trained on the applicable social security rules when citizens move within the EU;
- Requests for information should be answered within a maximum of three months.



Entry: other

Brexit, inconsistencies in resident document requirements and the misapplication of the family reunification rules under the Surinder Singh case law have led to situations in which, respectively:

- EU citizens don't know the conditions under which they can enter the UK and vice-versa;
- Family members are not being able to freely move around the EU with their EU spouse

Our recommendation

- The guidance given to Member States on how to apply the Surinder Singh rules to their own returning nationals and their family members should be elaborated upon and updated.