

YEA Annual Trends 2023



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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.¹ 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 2023, YEA received 25,559 enquiries from which YEA legal experts replied to 18,702 eligible enquiries. This represents a decrease of 6.8% compared to 2022.

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 cases² 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 2023 figures extracted from the database of all enquiries and the 2023 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.

¹ Further information on Your Europe Advice can be found here: http://europa.eu/youreurope/advice/about_en.htm

² 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 2023, there was a slight decrease in the number of questions the service received compared to 2022. The number of ineligible questions was high (21%), but stable compared to 2022. Some UK related enquiries are no longer covered by EU law. Enquiries were received from third-country nationals and third-country businesses which were not related to EU law and could not be dealt with by YEA.

A significant number of social security enquiries was received (28%). This was higher than last year both in proportion and numbers, followed by residence rights (19%) and entry procedures (13%). This hierarchy remains unchanged from 2022.

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

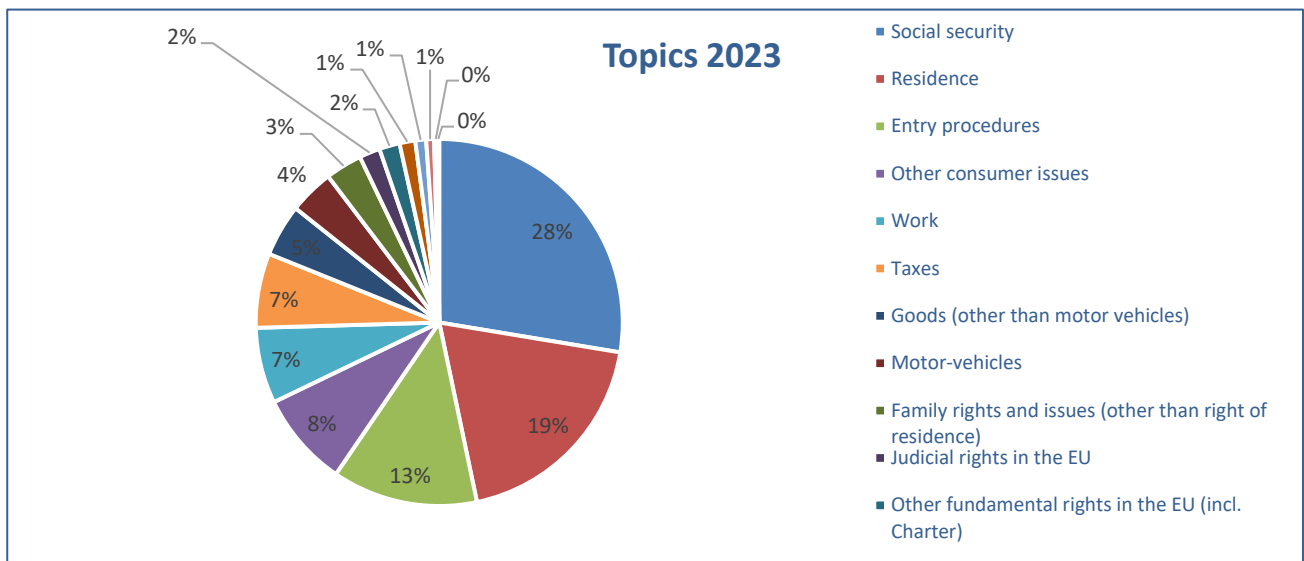


Figure 1: Source YEA Database

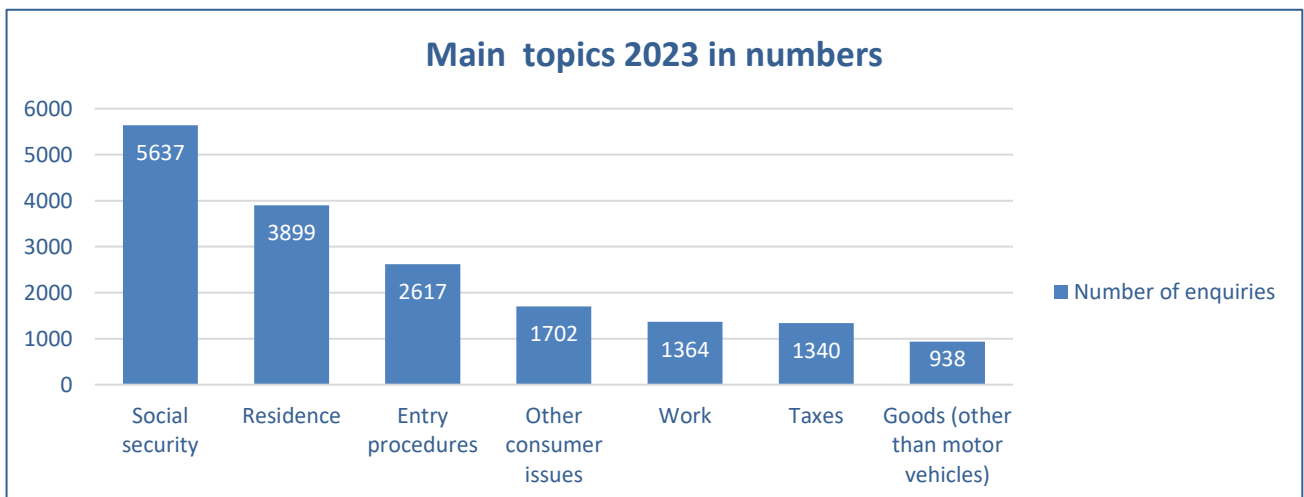


Figure 2: Source YEA Database

YEA received enquiries from citizens from all 27 EU countries and from citizens of Norway and Iceland. Enquiries were also received from third-country nationals who are family members of EU citizens (14%). YEA received fewer questions from British citizens compared with previous years. The top ten nationalities that contact YEA most frequently remain unchanged compared to 2022.

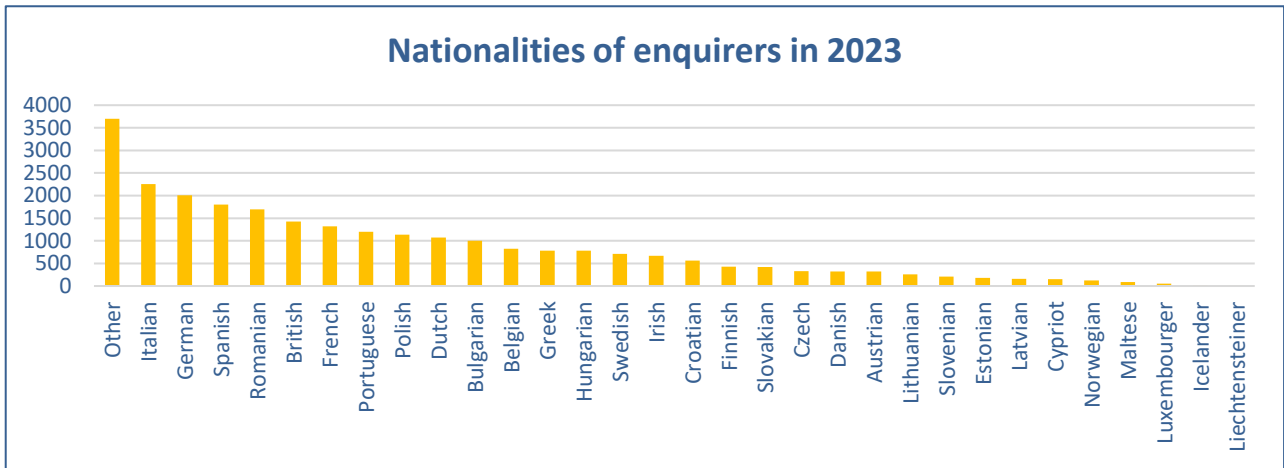


Figure 3: Source YEA Database

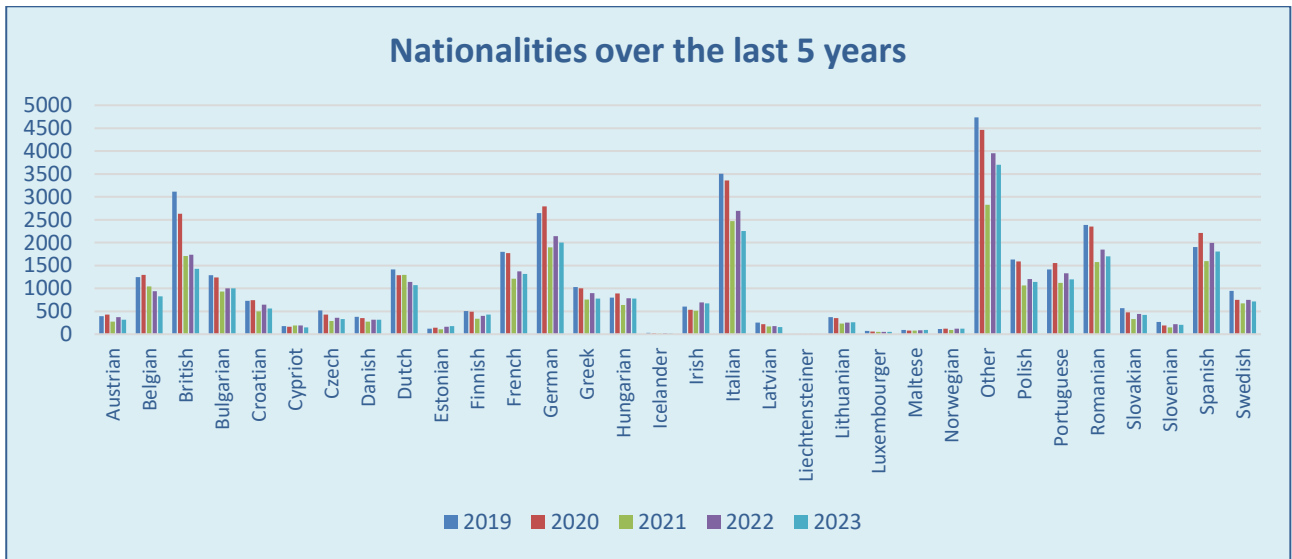


Figure 4: Source YEA Database

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 2022 (now in 13th position, 9th last year and 5th in 2020). There is an increased number of questions related to Germany, Spain, France, Italy and Portugal.

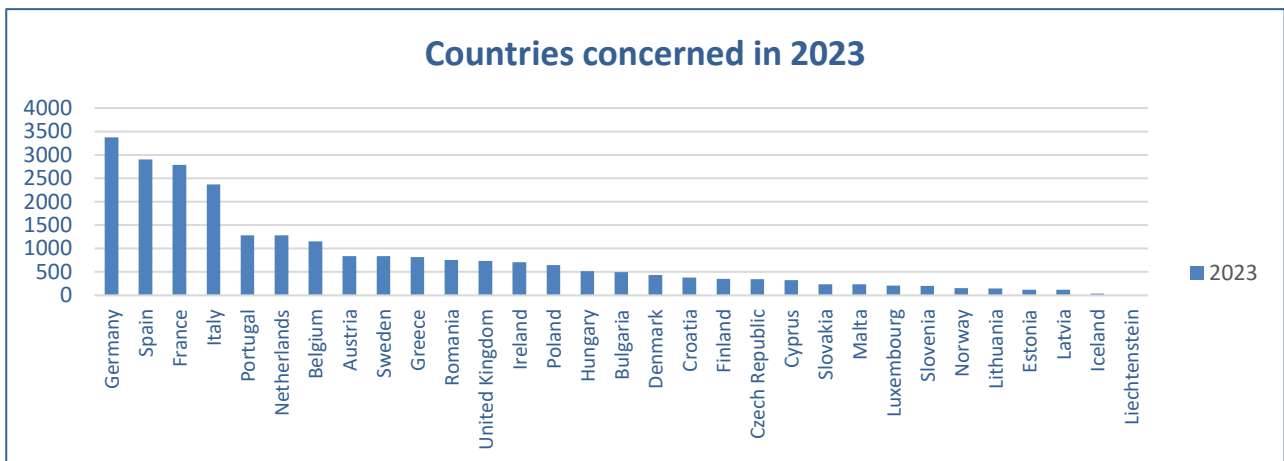


Figure 5: Source YEA Database

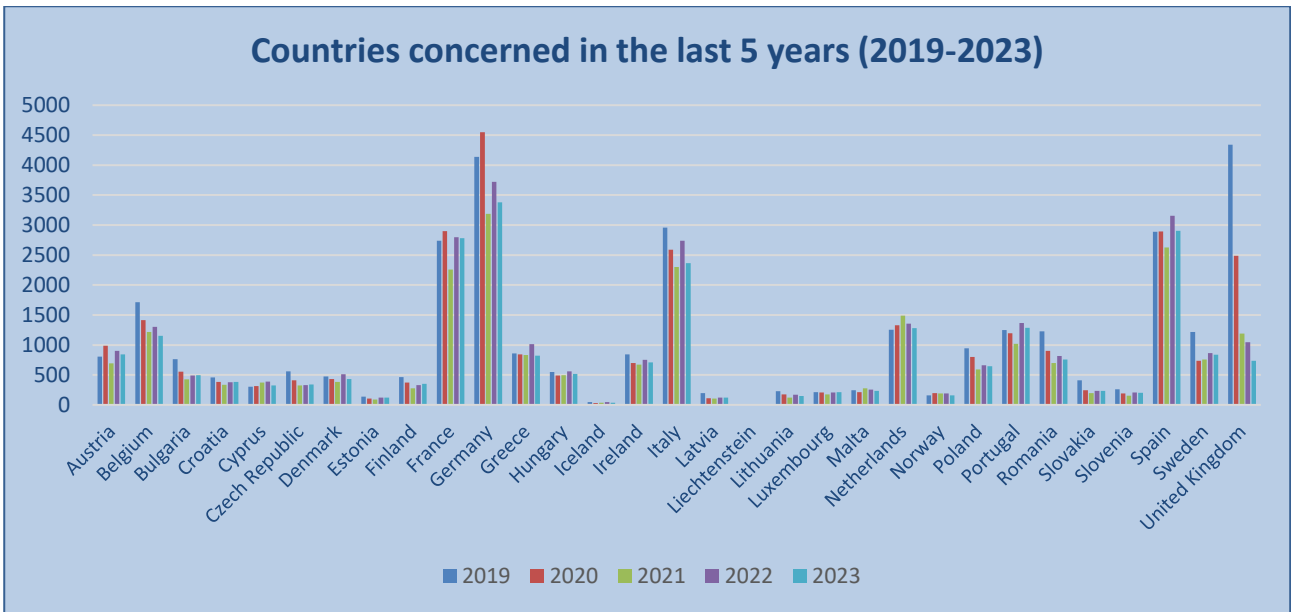


Figure 6: Source YEA Database

Enquiries were received by YEA from diverse socio-economic categories in 2023. Mobile workers represented 39 % of those using the service compared to 50% in 2022. However, enquiries from those who are pensioners or self-employed increased by comparison with previous years.

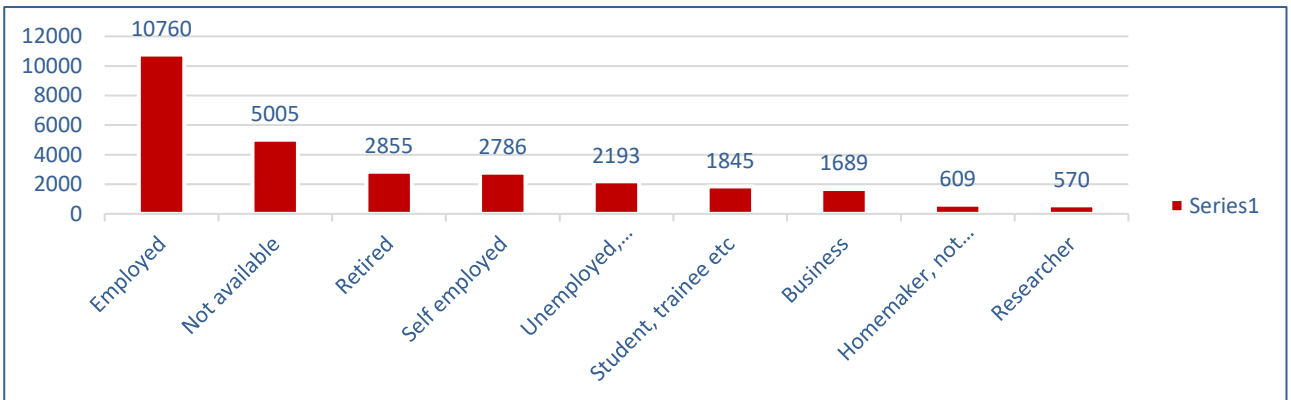


Figure 6: Source YEA Database

2. The Five Main Issues In 2023

Each topic is divided into sub-topics. In 2023, three of the five most important sub-topics related to social security:

1. Social security - country of insurance and general management: 1,955 enquiries
2. Residence - family rights: 1,919 enquiries
3. Social security - healthcare, sickness, or maternity (here comprising medical treatment): 1,699 enquiries.
4. Social security: old-age benefits: 1,326 enquiries
5. Entry - long /short term visas: 1,058 enquiries

2.1 Social Security: 5,637 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.

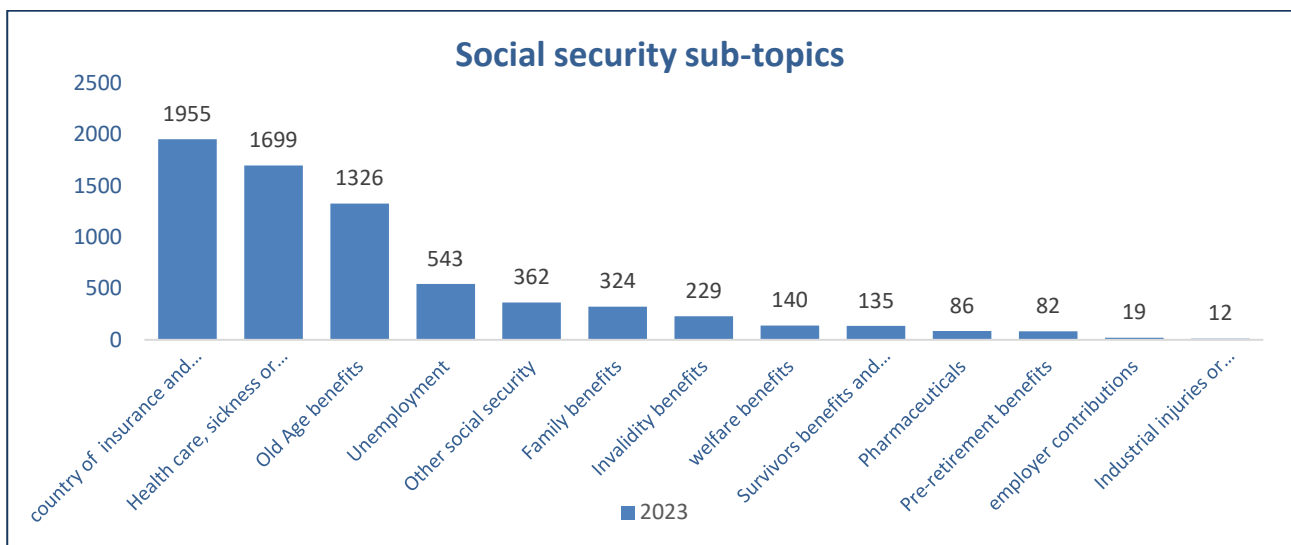


Figure 7: Source YEA Database

2.1.1 Country of insurance and general management (1,955 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 in place 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 of national authorities; and insufficient co-ordination between Member States often makes it 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 occurs in 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.³ Yet, citizens continue to experience problems in maintaining social security coverage when they move from one country to another. They encounter a persistent and pervasive lack of cooperation between national authorities.

During 2023, YEA received fewer enquiries related to Brexit and social security. However, the enquiries received indicate that the situation regarding applicable law in social security coordination after 31 December 2020 remains unclear for many EU and British citizens. Relevant and correct information is difficult to find.

Examples:

A French citizen lived in Belgium for almost two years. On arrival, she attempted to register with the Belgian social security authority. The French authorities were required to forward a specified form to their Belgian counterpart. The French authority (caisse primaire d'assurance maladie (CPAM)) advised that they had done so, but the Belgian authority claimed that they had not received the form. The impasse for two years. At the time she contacted YEA, the citizen was pregnant and was incurring significant medical costs without social security cover. continued

A Hungarian citizen moved from Germany to Hungary where she registered with the Hungarian sickness insurance fund. Even though the citizen and the Hungarian insurance fund informed the German authorities that the citizen was insured in Hungary, the German authorities insisted that she should continue to pay sickness insurance contributions in Germany.

A Dutch citizen lived in Spain while working in the Netherlands. Neither the Dutch nor the Spanish social security authorities would allow her to affiliate to their system. The citizen performed most of her work in the Netherlands and less than 25% of her working time was spent in Spain. SVB Netherlands informed her that she should be affiliated to the Spanish system, but the Spanish authorities refused to affiliate her because she was working in the Netherlands.

A Finnish employer who had an employee based in Italy, was unable to access information on how to pay social security contributions there. He was conscious that there may be other formalities with which he should comply, but was unable to obtain information about these.

A Dutch citizen, living and working in Sweden, was unable to obtain health care insurance from the Swedish National Agency for Social Insurance (Försäkringskassan). According to Försäkringskassan he was entitled to Swedish health insurance, but they were unable to confirm if he was registered for healthcare in Sweden. According to Försäkringskassan, it was going to take six months to obtain confirmation. Meanwhile the Dutch citizen was not insured, as his Dutch health insurance ceased when he commenced working in Sweden.

The Belgian authorities were unable to identify the applicable law in respect of a British national who resided in Belgium, where he was self-employed. He also worked remotely for a UK-based employer. The Belgian social security institution, INASTI, appear to have assessed him as working in the UK when, in fact, he worked remotely from Belgium, where he also resided.

An ill Romanian pensioner returned to Romania where he was in receipt of a German pension. In November 2022, he had a further stroke and was recommended to go into hospital to recover. No Romanian hospital

³C-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.

would accept him because he was not insured in Romania. He was in possession of an AOK health card from Germany. He submitted the S071 form to the Romanian authorities, confirming that he could benefit from health insurance in Romania. The application was submitted in January 2023. By May 2023, no progress had been made. He was unable to receive appropriate treatment even though he was seriously ill.

A Hungarian citizen moved to Austria while continuing to work for her Hungarian employer. She contacted both the Hungarian health insurance authority and an employment lawyer, but received misleading information from both about the legislation which would apply to her .

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 (1,699 enquiries)

The provisions of Regulation (EC) No. 883/2004 are based on the notion that insured citizens 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; 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 health and can also place them in difficult financial situations.

Examples:

It is impossible to register with the local French health insurance body (CPAM) with a Form S1 because the online procedure, which is the only means to obtain an appointment, is available only to those in possession of a French social security number or French health insurance card.

The Hungarian authorities refused to issue an EHIC to a third country national legally residing working in Hungary and who are being sent to Germany on short term assignment on the sole basis of her nationality on the sole basis of her nationality. Since 1 January 2011, Regulation (EU) No 1231/2010 extends EU social coordination rules to third-country nationals legally resident in the EU and are in a cross-border situation.

A Romanian student was offered the opportunity to study in Dublin, but he was unable to obtain an EHIC from the competent Romanian institution for the duration of his studies.

A Spanish citizen experienced difficulties in obtaining an EHIC for her daughter who was going to travel to Portugal. This is a recurrent problem among those attempting to apply for EHICs in Spain where it is not possible to obtain an appointment for the card or order it online.

An Irish hospital refused to recognise an EHIC presented by a Spanish student who was in need of a medical care. The Irish hospital claimed that the EHIC was valid only for tourists and not for students and charged the student for the treatment received.

The Maltese authorities refused to issue a European Health Insurance Card to the non-EU family member of a UK self-employed worker in Malta who was a beneficiary of the Withdrawal Agreement. A dependent family member of a self-employed worker should be able to register for healthcare cover under the national healthcare system and therefore is entitled to an EHIC.

Recommendation:

Raise awareness among citizens and national authorities about the use of an 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 rights and can make informed choices.

2.1.3 Social security – old-age benefits (1,326 enquiries)

Most of the problems reported involving 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. Numerous questions continue to be received from citizens worried about the consequences of Brexit on their pensions and acquired rights.

Examples:

A Bulgarian citizen living in Italy applied for his pension there. The Italian pension authority failed to contact their Bulgarian counterpart, with the result that the citizen had not received any pension payment for more than a year.

A Dutch citizen residing in the Netherlands was entitled to a basic pension from Romania. The social security authority in Romania refused to pay the pension to a Dutch bank account, insisting that the pensioner should have a bank account in Romania to receive the pension.

A Portuguese citizen applied for an old age pension in France. The citizen claimed that the French authorities erred in calculating the amount of her pension. She complained to several authorities in France but received no response for more than a year.

A Romanian citizen was in receipt of a pension from Romania. He had also worked and paid contributions in Italy for five years. To obtain a pension from Italy, the citizen was required to provide documentation relating to the activity performed in Italy. The Romanian authorities refused to consider the documents. As a consequence, the citizen was deprived of his old-age pension from Italy.

A Portuguese citizen had worked in France and subsequently in Corsica for 20 years. He applied for a French old-age pension in 2018 but was refused on the grounds that he was required to be a resident in France to be entitled to a pension. The fact that the citizen was not residing in France should not prevent him from being entitled to a French old-age pension based on his contribution periods there.

A German citizen residing in the UK who had previously worked in both the UK and Germany, queried his acquired social security rights. The citizen wished to know if he could obtain a refund of his German contributions from 2019.

A Bulgarian citizen who previously worked and resided in the UK, experienced a delay of two years by the UK authorities in obtaining social security information (in respect of insurance periods pre-31 December 2020).

Recommendations:

Pensioners need clear and reliable information, since the rules differ from one country to another, it should come 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 a matter of principle, as students staying temporarily in the country where they pursue their studies, they are regarded as still residing in their home country and insured there. This means that they are entitled to all necessary health care in the country where they are studying on presentation of their European Health Insurance Card issued by their social insurance institution, before leaving.

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

Example:

A Romanian citizen complained that she had been deprived of medical cover while studying for her Master's degree in Spain. Although the University of Valencia provided her with private health insurance, she also needed a European Health Insurance Card. As she remained resident in Romania for the duration of her studies, she rightly felt that she should remain insured in Romania, but she was unable to obtain an EHC in Romania because she was no longer enrolled at a Romanian university.

A Romanian student was offered the opportunity to study in Dublin but was unable to obtain an EHC from the competent Romanian institution for the duration of his studies.

YEA continued 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 S1⁴ 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 during 2023, it became evident that it is also a recurring problem in Bulgaria, Denmark, France, Romania, and Germany.

Examples:

A Romanian pensioner moved to Sweden to live with her Swedish daughters. To obtain residence in Sweden, she required a Form S1. She requested the form from the Romanian authorities but they refused to issue it unless she presented proof of residence in Sweden. However, the Swedish authorities would not grant residence without Form S1.

A Dutch citizen living and working in Sweden not able to get health care insurance from the Swedish National Agency for Social Insurance (Försäkringskassan). According to Försäkringskassan he is technically entitled to Swedish health insurance, but they cannot confirm if he actually is registered in Sweden, it will take 6 months to get confirmation according to Försäkringskassan. Meanwhile the citizen is no longer insured, as his Dutch health insurance stopped when he started working in Sweden..

Recommendations:

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

⁴ 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.

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

2.2 Residence rights: 3,899 enquiries

Almost fifty percent (49.2%) of 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.

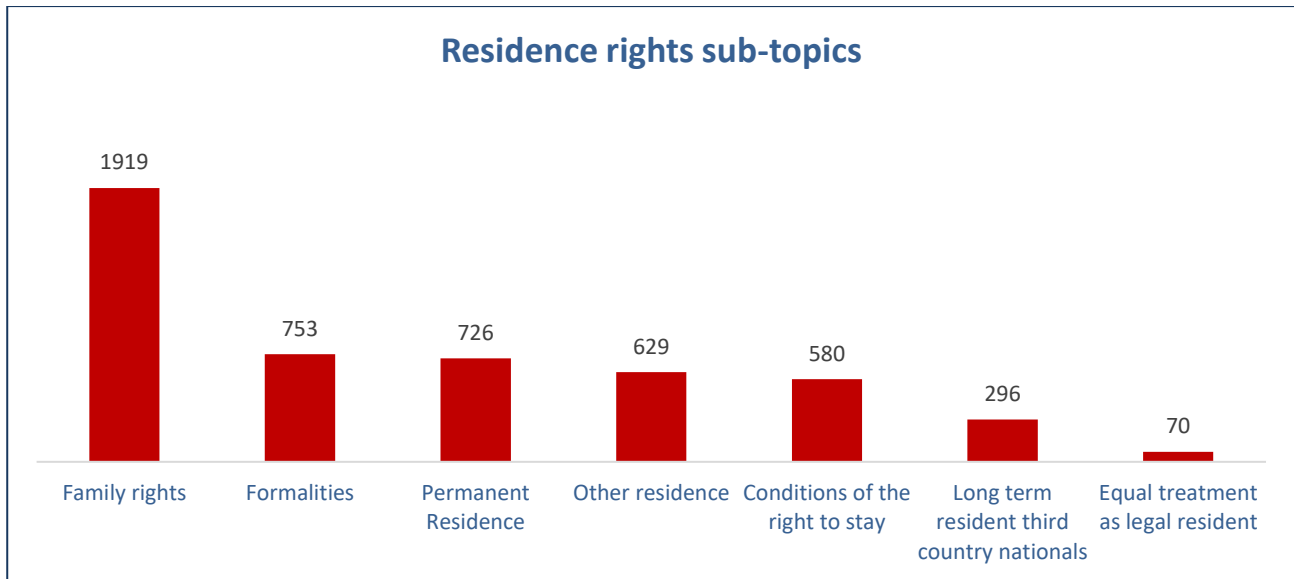


Figure 8: Source YEA Database

2.2.1 Residence: family rights (1,919 enquiries)

Under Directive 2004/38/EC, EU citizens' family members are included within 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 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 2023, 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 remained unfamiliar with rights deriving from the Withdrawal Agreement.

Examples:

A Mexican national moved to France with her Spanish husband upon which she applied for a residence card. After more than one year, no residence card was issued. There was no communication from the authorities and the certificate of application had expired.

The non-EU partner of an Italian citizen was requested by the Irish authorities to provide evidence of the durability of their relationship in addition to their rental agreement. The couple experienced difficulties in obtaining such evidence and were unsure what may be acceptable to the Irish authorities .

The British registered partner of a Belgian citizen waited for more than six months to obtain a decision on his application for a residence card from the French competent authority. As a result, the British partner was unable to travel outside France.

The American husband of a German citizen exercising free movement rights in Portugal, was required to provide a criminal record to apply for a residence card.

The non-EU wife of a dual Portuguese/Brazilian family member applied unsuccessfully for a registration certificate in France. The competent authority directed her to an online application process. However, an online application was not possible because she did not have a registration number. She contacted the Town Hall and was told to send the application and supporting documents by registered letter, which she did. Subsequently, the Town Hall returned the documents, advising that that the application had been rejected as it could not be accepted by courier and should be submitted online. The non-EU wife had a job offer which she was unable to accept as she was not in possession of a valid residence document.

Unreasonable requirements were imposed by the Irish authorities on the non-EU spouse of a Slovakian citizen. The latter had resided in Ireland for 18 years while his wife resided there for 8 years. The Irish authorities insisted on provision of evidence by the EU citizen of his employment/self-employment and private medical insurance for a period of five years in Ireland.

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. The [new guidance on the right to free movement](#), published by the European Commission on the 6th of December 2023, aims to help Member State authorities and national courts to correctly apply EU free movement rules.

The new guidance provides some elements that can establish the existence of a duly attested de facto durable relationship. It also clarifies that “where the entry visa expires while waiting for the issuance of the residence card, non-EU family members do not have to return to their country of origin and obtain a new entry visa”.

Member States’ authorities and national administrations should be informed and trained to appropriately apply the rules.

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 been receiving a considerable number of complaints about the lack of possibility to schedule 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 appointments, even online. Complaints on this issue have been received during 2023 in respect to France, Spain and Sweden.

Examples:

A Dutch citizen moved to Denmark where she had previously briefly worked and sought work there again. She had sufficient resources to live in Denmark. However, the Danish municipality refused to register her because she did not have a work permit or €10,000 to register as an economically inactive person.

A Hungarian citizen applied for a registration certificate in Bulgaria. The national authorities requested her to attach evidence of having comprehensive health insurance. Since her EHIC was not accepted, she purchased one-year renewable health insurance. Her registration certificate was issued for one year rather than five years. When she complained, she was told that she could only be issued with a residence document for five years if she presented health insurance valid for five years. Her British partner experienced the same problem.

An Irish citizen unsuccessfully attempted to schedule an appointment with SEF (Aliens and Borders Service) over a period of 6 months. A French citizen tried to attend SEF in person but was prevented from entering the building. A German citizen unsuccessfully attempted to apply for permanent residence with SEF. The citizen was required to exchange her driving licence in Portugal, but she was prohibited from taking the theoretical exam without having a valid residence certificate.

2.3 Entry: 2,617 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.

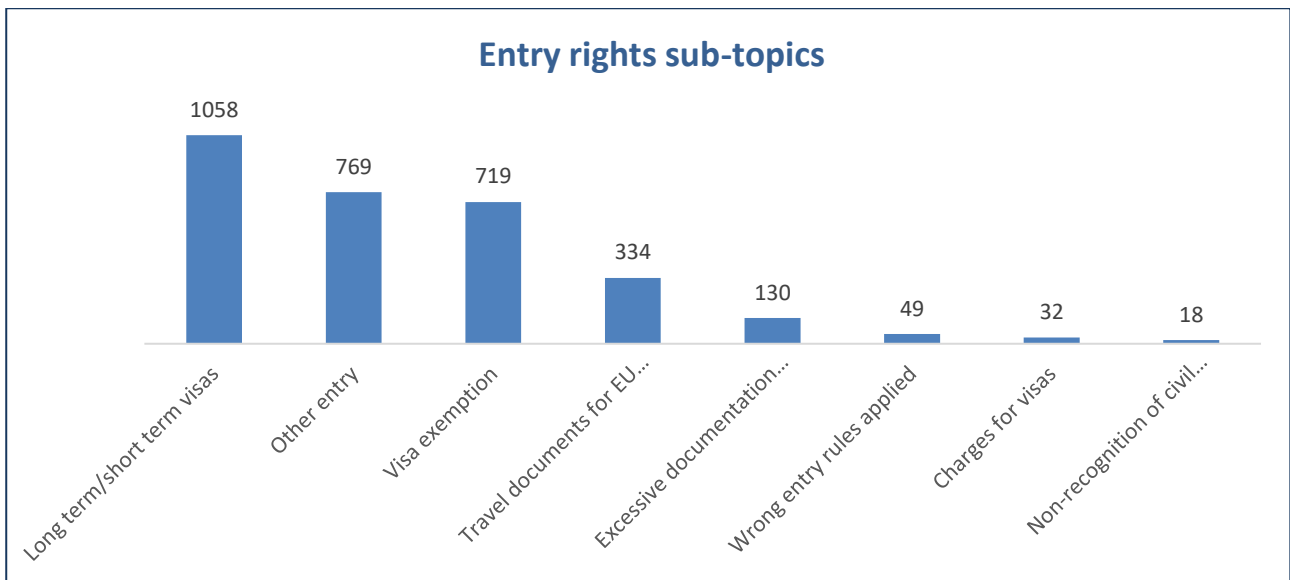


Figure 9: Source YEA Database

2.3.1 Entry - Long/short term visas (1,058 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 should be required.

Unfortunately, the enquiries received by YEA demonstrate 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 Irish authorities refused to recognise an Indian marriage certificate and insisted on evidence of sufficient funds to issue a visa to the Indian husband of a Portuguese citizen.

There was excessive delay by the French authorities in providing appointments for the non-EU wife of a Portuguese citizen to apply for a visa for France. The applicant was unable to secure a compulsory online appointment through the visa processing agent's website before the intended travel date (which was more than a month away). In May 2023, there were no visa appointment slots available before September.

There was no direct access to Italian Consulate in Ireland to permit the non-EU husband of an Irish citizen to apply for a visa to enter Italy. Visa applicants were required to apply through a visa processing agent which had no available appointments before the travel date.

The Filipino partner of a Swedish citizen was refused an entry visa free of charge by the Belgian Consular authorities because he was obliged to apply through a visa processing agent.

The Hungarian Consulate refused to issue a Schengen visa to the Jordanian spouse of a Bulgarian citizen on the basis that the spouse did not attach proof of having travel medical insurance. Family members of EU citizens cannot be required to have medical insurance or to present proof thereof.

The Dutch Embassy in Pakistan refused to issue a visa to the spouse of a Norwegian citizen who wished to accompany her spouse to Finland and Sweden. The reason given for the refusal was that no sufficient justification for the visit was provided, even though the EU Visa Code handbook clearly stipulates that a family member of an EU/EEA national does not have to explain the purpose of the visit.

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 2023, 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 residing in other Member States asked about the consequences of Brexit on their rights in their host Member State. Many administrations were unfamiliar with the Withdrawal Agreement. As a consequence, difficulties and excessive delays have been reported in obtaining relevant information.

Examples:

The British spouse of an Irish citizen was required to present evidence of sufficient resources and a return flight when entering Spain with his wife. The Spanish authorities refused to recognise their marriage certificate from Ireland. The citizen was confused about the procedures to be followed by her British husband to avoid problems on the border and how border authorities can distinguish between stamps in her husband's passport when he travels independently and those inserted in his passport when he travels with her.

With regard to family reunification by British nationals who are Withdrawal Agreement beneficiaries, the Jamaican husband of a British national residing in France, wanted his non-EU child to join them in France. The French authorities required the child to apply for a long-stay category D visa contrary to Article 14 of the Withdrawal Agreement, which provides for the issue of a short stay visa.

Concerning the end of visa facilitation for family members of EU citizens travelling from the UK, the non-EU husband (nationality not specified) of a Polish national (both residing in the UK) queried whether he could apply for a visa under the accelerated procedure under Directive 2004/38/EC to travel to Poland with his spouse.

An enquiry asked for clarification whether a biometric residence card issued to the non-EU wife (nationality not specified) of an Italian national under the EU settlement scheme, exempted the former from the need to hold a visa when the couple travel together to Italy.

Enquiries demonstrate difficulties for British family members of EU citizens to prove that they have not stayed longer than three months in a Schengen State when they are travelling in the Schengen area and staying less

than three months in each State. As there are no border controls, it is difficult for them to obtain stamps evidencing their exit from and entry into other Schengen States.

Practical conclusions and suggestions from ECAS:

ECAS welcomes, the 'Guidance on the right of free movement of EU citizens and their families', as part of a package of measures aiming to strengthen EU citizenship rights. 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

2.4 The War in Ukraine and its implications: 195 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 2023, the European 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.

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

The questions received by YEA during 2023 related mainly to entry rights (whether visas were 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 :

An Irish citizen living in France complained that the French Consulate refused to issue visas to his Russian family members. The European Union has not applied a general ban on the issue of Schengen visas to Russian nationals. Therefore, provided these family members were travelling with or to join their EU family member and were able to demonstrate their family relationship with the EU citizen and presented their passports, their visas should have been issued without delay or charge (Article 5, Directive 2004/38/EC).

A family from Ukraine, where the children and their mother have Ukrainian citizenship while the father has Russian citizenship, were residents in Poland where they were awarded temporary protection. They wanted

to travel to Canada and were required to transit another EU country. They were concerned because they were unable to obtain transit visas. They queried their rights.

A Ukrainian refugee living in Spain queried how to have his professional qualifications recognised in the EU.

A Ukrainian citizen applied for diploma recognition in Belgium. He had a Master's degree in economics, but Naric approved only his undergraduate degree because they were not satisfied with the quality of his Master's thesis. Unfortunately, his Ukrainian university was unable to facilitate his amendment of the thesis. He required recognition of his Master's degree to apply for an employment position.

A Ukrainian self-employed citizen in possession of a residence permit in Poland (he was not a refugee) queried if he could work in Germany as a sub-contractor of a Polish company providing services to a German client. The national authorities were unable to reply to his question.

CONCLUSION

In conclusion, 2023 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 2023. The consequences of Brexit and the unavailability of clear information 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.

Feedback received from citizens and businesses who submitted enquiries to YEA during 2023 has been overwhelmingly 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 feedback received from satisfied citizens and businesses is set out below:

- “Magnifique réponse. Très claire et dans un délai rapide ! Je vous félicite. Maintenant je suis plus serein connaissant mes droits. Belle journée à vous Cordialement”. P. (France)
- “Ehr geehrte Damen und Herren, Ihre Erklarung hat mich zu meiner bisherigen Recherche und EU Meldungen durch meine direkte und indirekte Gesamtschaedigung sehr geholfen. Sie bestätigen damit meine nicht juristische Bearbeitung Erarbeitung. Klasse Arbeit. Diese Informationsmoeglichkeit sollte bekannter und zugänglicher sein und haette mir ein schon länger andauerndesVerfahren auch sehr verkuertzt“. J. (Germany)

- “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. (Slovakia).
- “Ejsan, Tack för snabb svar. Den här information var jätte hjälpsam och jag fick svar på alla frågor jag undra över. Ha en fortsatt trevlig dag :)” M. (Sweden)
- “Un grand merci pour votre réponse. Je suis moins perdu maintenant. Heureusement qu'il y a des institutions comme les vôtres car c'est vraiment le pot de terre contre le pot de fer. Je ne manquerai pas de vous tenir informé”. P (France)
- “Grazie per la vostra disponibilità, la risposta è stata molto utile e complimenti per il vostro lavoro ! Cordiali saluti” D. (Italy)
- “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's very kind. Thank you and have a great day!” B. (Hungary)
- “Beste, Hartelijk dank voor de snelle en heldere reactie. Wij gaan met de informatie aan de slag.
- Vriendelijke groet”, H (Netherlands)
- “ Informațiile sunt de mare folos! Va mulțumesc frumos! Cu respect” A. (Romania)
- “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. (France)
- “As usual a very clear and informative response, many thanks! Best Regards”. P. (Ireland)
- “Thank you very much for detailed reply to my questions. May I commend you for the time and effort it must have taken to compile such a comprehensive report. The information contained has given me all the answers to my questions. Thank you again for your help”. C. (Spain)
- “Dobrý den, děkujeme Vám za obsáhlé vyjádření a budeme podle něho dále postupovat, Budeme Vás poté informovat o vyjádření a postupu německých úřadů.” (A small Czech Company)

- “Good morning, I just want to thank you for your help, I followed your advice. Today someone from the municipality called my husband in order to register me. Again, thank you very much!!!!” J. (Belgium)
- “Good afternoon. Thank you very much for your prompt respond. It is very helpful your email and a lot of information inside. Kind regards”, G. (Bulgaria)
- “Boa tarde, Muito obrigada pelo vosso telefonema e email, esclareceram todas as dúvidas que tinha colocado em e-mail e mais algumas. Irei ler novamente com toda a atenção, espero que com estas informações e conselhos me seja mais fácil a mudança. Cumprimentos e continuação de um excelente trabalho!” B. (Portugal)
- “Wow, thank you for such detailed and extensive answer, I really appreciate it. I will read it again carefully and take actions accordingly. Best wishes,” K. (Croatia)
- Ευχαριστώ πάρα πολύ! Σε μία απάντησή σας πήρα πολλές σημαντικότερες πληροφορίες απ'ότι σε 2 χρόνια επικοινωνίας με τις ελληνικέςπρεσβείες του Μαρόκου και της Σενεγάλης.
- K. (Greece)
- “Va multumesc pentru raspunsul edificator si prompt! Succes in continuare! Cu stima,” R. (Romania)
- “I would like to thank you for your advice. You answered very quickly and in a most informative way. Thanks again for your time and your advice! Sincerely,” C. (Germany)
- “Dear Your Europe Advice Team, Thanks so much for your advice. This is most helpful. I really appreciate your swift help! Best wishes und vielen Dank, “J. (Germany)
- “Thank you for the detail answer. This was the assistance that I was aiming for. Thank you, best regards”, D. (Croatia)



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