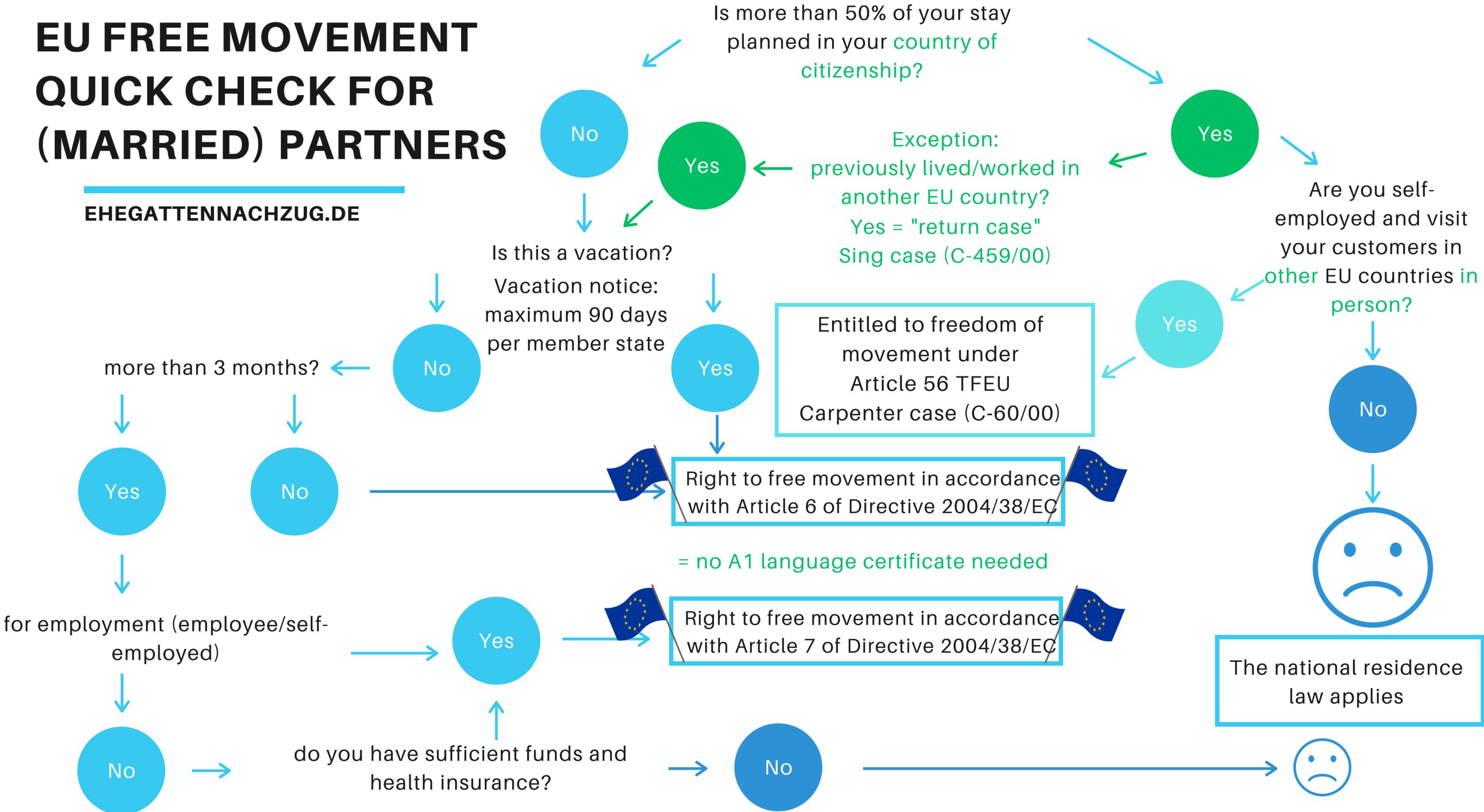


EU FREE MOVEMENT QUICK CHECK FOR (MARRIED) PARTNERS

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EU FREE MOVEMENT

What happens next?

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Basic requirement: exercise of the right to free movement in accordance with Article 7 of Directive 2004/38/EC for a stay of more than 3 months



Old-age pension: Previously long-term employee or self-employed?



worked at least 12 months before retirement and stayed at least 3 years?
or
Permanent residence for at least 3 years?



Exceptions due to e.g. inability to work?



Regulation 1251/70 (EEC)
Directive 75/34/EEC

Custody of children?

Children are EU citizens or born in the host country



Right to remain according to Art. 13 para. 2 lit. b Directive 2004/38/EC



Spouse (partner) of a Union citizen?

3 years married/partner
Residence min. 1 year



Right to remain according to Art. 13 para. 2 lit. a Directive 2004/38/EC



Uninterrupted residence of at least 5 years in the host country

EU citizen or family member



Right of permanent residence pursuant to Art. 16 para. 1 of the Directive 2004/38/EC



Uninterrupted residence of at least 5 years in the host country + Employed/self-employed or sufficient means of subsistence + Health Insurance



Right of permanent residence in accordance with Art. 16 para. 2 of Directive 2004/38/EC



Residence at least 10 years



Special protection against expulsion in accordance with Art. 28 of Directive 2004/38/EC

Right of permanent residence according to Art. 17 of Directive 2004/38/EC



EU FREE MOVEMENT Card Validity

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Basic requirement: An EU residence card or an EU permanent residence card has been issued on the basis of Directive 2004/38/EC

You are leaving the host Member State

Relocation to another Member State with permanent residence?

"Continuous" residence in another member state for more than 6 years

Note: After 6 years of residence in another member state, a new right of permanent residence should already have been acquired there!

important reason such as pregnancy and childbirth, serious illness, studies or vocational training or professional secondment for a maximum of 12 months

more than 12 months

more than 6 months per year

another reason?

Fulfillment of military duties?

Exception: relocation to another member state for a maximum of 2 years

for a maximum of six months per year

CARD REMAINS VALID

CARD LOSES VALIDITY



IMPORTANT: Even if the card is invalid, there may still be a right to freedom of movement regardless of this!

SCHENGEN VISA SHORT STAY

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Default Case

Direct line: spouse
(partner), children

- Visa must be valid **ONLY** upon entry at an **EXTERNAL BORDER**
- Visa **CAN** also be issued directly at the **EXTERNAL BORDER** (not recommended)
- max. 90 days per member state
- Internal border crossing **ALSO** possible with **EXPIRED** visa
- Proof of family relationship required (marriage certificate/birth certificate)
- Return ticket not required (reservation recommended!)
- Proof of accommodation not required
- Incoming health insurance not required (but recommended!)

Schengen visa for family members of EU citizens Spouse (partner)/family visits together with the EU citizen and mainly (!) in another(!) EU Member State of which the EU citizen is not a citizen

Extended: parents, siblings including parents and siblings of non-EU citizens if they are married to an EU citizen

- Alimony is "necessary" and is paid OR has lived with the EU citizen in the home country OR serious personal reasons make care necessary
- The amount of alimony is not decisive
- **Exceeding the period of validity is not recommended**
- **Health insurance recommended**
- **Return ticket recommended**
- Otherwise see standard case on the left

Normal Schengen visa
Friend, tourist visits the home country of the inviting person

- Visa **MUST** be valid, otherwise **NO** entry and penalties/entry bans
- max. 90 days per 180 days for the entire Schengen area
- Willingness to return required
- wide discretionary power of the authorities
- Outward and return ticket required
- Proof of accommodation required
- Declaration of commitment may be required
- Incoming health insurance required

Stay more than 90 days in one member state

ONLY possible for family members who are employed/self-employed or have sufficient means of subsistence and health insurance

REGISTRATION REQUIRED