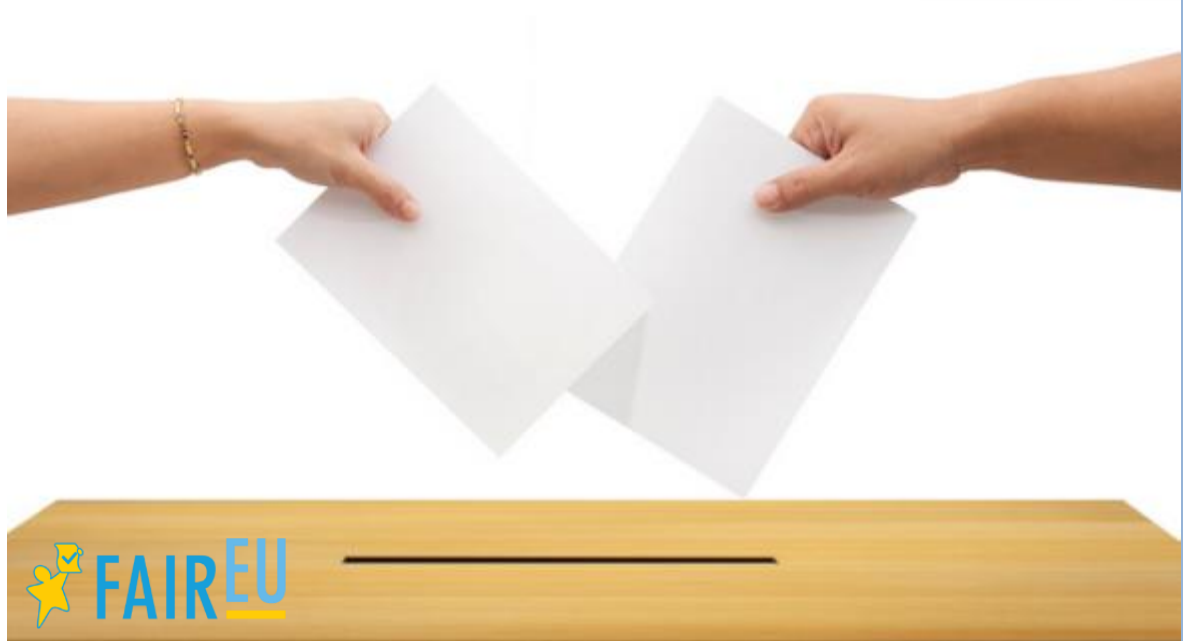


# OBSTACLES TO FREEDOM OF MOVEMENT AND POLITICAL PARTICIPATION OF MOBILE EU CITIZENS



## **Executive summary**

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# Obstacles to Freedom of Movement and Political Participation of Mobile EU Citizens

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## Introduction

The right to free movement is highly supported by EU citizens and it is one of the most cherished accomplishments of the EU. In 2017, there were around 17 million EU citizens residing in an EU country other than their own (Eurostat 2017).

EU citizenship gives every EU citizen the right to vote and stand as a candidate in the European Parliament and municipal elections in their Member State of residence, under the same conditions as nationals of that country. However, as a result of various obstacles and the lack of awareness, political participation of mobile EU citizens in local and EU elections in their host Member States remains limited.

The aim of this document is to provide an executive summary of the “Synthesis report on the obstacles to freedom of movement and their impact on the political participation of mobile EU citizens”. This report, written in the framework of the FAIR EU project<sup>1</sup>, provides an analysis of the obstacles EU mobile citizens experience when moving to or living in another Member State, and when trying to be politically active.

As the approach of the FAIR EU project is based on the assumption that free movement and political rights of EU mobile citizens are closely related, this summary gives an overview of the main challenges to freedom of movement and political rights in Belgium, France, Greece, Ireland, Luxembourg and Portugal – the countries with the largest share of EU mobile citizens in the population (Eurostat 2017) and the lowest percentage of EU mobile citizens registered for the local elections<sup>2</sup>. Six focus groups were organised in these Member States in order to discuss this issue with public authorities, civil society organisations, legal experts and citizens.

Finally, the report also provides recommendations for enhanced electoral inclusiveness, equality, integrity and participation of mobile EU citizens.

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<sup>1</sup> <https://faireu.ecas.org/> (accessed on 15 March 2019)

<sup>2</sup> European Commission, Report on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections, available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018DC0044> (accessed on 15 March 2019)



## BELGIUM

### Obstacles to freedom of movement

In 2017, EU mobile citizens represented almost 8% of the total population in Belgium (Eurostat 2017). Countries most represented include: France (12%), Italy (12%), the Netherlands (12%), Romania (6%), Poland (5%), Spain (5%), Portugal (3%), and Germany (3%)<sup>3</sup>.

EU citizens and their non-EU family members face various barriers in exercising their right to free movement with respect to their residence rights and access to social security and healthcare. The most common issues include:

- Long delays to receive residence documents;
- Regular verifications of residence of EU citizens and their family members conducted by the police;
- Strict interpretation of certain concepts, such as ‘sufficient resources’ and ‘unreasonable burden’ on the social security system, leading to the denial of residence rights and expulsions: in 2016, 1918 mobile EU citizens received an expulsion order on the basis of lack of sufficient economic resources<sup>4</sup>;
- Excessive requirements and unjustified reasons for denying visas for third-country family members of EU citizens.

### Obstacles to political participation in Belgium

In the last municipal election in Belgium, in October 2018, only 17.45% of eligible mobile EU citizens registered on the electoral roll. The interest in the European elections among EU mobile citizens is even lower: just 10% of them registered for the 2014 elections<sup>5</sup>.

The following issues are considered to be the most important obstacles to political participation:

- Compulsory voting: EU mobile citizens who register for the electoral roll for either local or EU elections are required to vote on a regular basis unless they request the cancellation from the registry;
- Limited availability of information regarding the registration process;
- Lack of involvement of Belgian politicians and political parties;
- Requirement to register on the electoral roll a few months before the elections. Many foreign citizens, who travel frequently for work, do not know whether they will be in Belgium on the election day, so committing to vote by registering on the electoral lists months in advance can be constraining.

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<sup>3</sup> [https://www.myria.be/files/MIGRA2018\\_FR\\_C2.pdf](https://www.myria.be/files/MIGRA2018_FR_C2.pdf) (accessed on 15 March 2019)

<sup>4</sup> FEANTSA, Fitness Check Report for Belgium A review of the state of compliance of Belgium’s implementation of Directive 2004/38 on residence rights of EU citizens and their family members, 2018, available at: [https://www.feantsa.org/download/prodec-legal-fitness-check\\_belgium1860392861562691280.pdf](https://www.feantsa.org/download/prodec-legal-fitness-check_belgium1860392861562691280.pdf) (accessed on 15 March 2019)

<sup>5</sup> CSES, Final Report Study on the Conduct of the 2014 Elections to the European Parliament, 2015, available at [https://ec.europa.eu/info/sites/info/files/final\\_report\\_2014\\_ep\\_elections\\_study\\_cses\\_10\\_march\\_2015\\_en.pdf](https://ec.europa.eu/info/sites/info/files/final_report_2014_ep_elections_study_cses_10_march_2015_en.pdf) (accessed on 15 March 2019)

## Obstacles to freedom of movement and political participation

The participants of the focus group in Brussels agreed that some obstacles experienced by mobile EU citizens regarding their freedom of movement may have a negative impact on the political inclusion and willingness to participate in the local elections.

In particular, lengthy appointments, requests for unnecessary documents and delays during the residence permit application may discourage EU mobile citizens and hinder their involvement in the local political life.

The risk of being expelled from the country has also been recognised as a discouraging factor. EU mobile citizens in irregular material and employment situations will refrain from registering in their local municipality, fearing expulsion, and as a result they will not be able to participate in the elections.



### Obstacles to freedom of movement

In 2015, there were 1,504 million mobile EU citizens residing in France, representing 2.3% of the total resident population. Most of them came from Italy (4.5 %), Portugal (4.3 %), the UK (4.3 %), Spain (3.6 %) and Romania (3.2 %) <sup>6</sup>.

EU citizens and their non-EU family members face various barriers in exercising their right to free movement in France. The most persistent issues include:

- Difficulties in receiving residence documents. French prefectures often refuse to issue residence documents to EU nationals, as there is no requirement for EU mobile citizens to register in France. This creates difficulties for those who need to prove that they reside in France in order to receive social benefits;
- Problems to access certain social benefits due to the lack of communication and cooperation between national authorities and/or difficulties to determine the competent State;
- Discriminatory practices concerning tuition fees, access to education and the recognition of academic diplomas;
- Difficulties in applying for a visa or a residence document when the marriage certificate was issued by a non-EU country.

### Obstacles to political participation

In 2014, 23% and 20% of EU mobile citizens registered for the municipal and the European ballot respectively <sup>7</sup>.

The key obstacles to political participation in France identified in the course of the research include:

- Complex electoral registration procedures;
- Lack of pre-registration campaigns run by national authorities;
- Limited availability of information regarding the registration process;
- Limited number of outreach campaigns conducted by local authorities.

<sup>6</sup> <https://www.insee.fr/fr/statistiques/3633212> (accessed on 15 March 2019)

<sup>7</sup> <https://www.insee.fr/fr/statistiques/1379723#graphique-figure1> (accessed on 15 March 2019)

## Obstacles to freedom of movement and political participation

EU mobile citizens and their non-EU family members face obstacles and delays when requesting their residence documents or trying to access social benefits. Given these negative experiences, some EU citizens may not feel encouraged to register on the electoral roll, as they may expect similar burdensome procedures. In addition, EU citizens who face difficulties when trying to reunify with their third-country family members may be too preoccupied about their family life to consider political participation relevant.

EU mobile citizens face difficulties when trying to register as residents in France, as there is no legal requirement for them to do so. At the same time, they need to prove their residence in order to be included on the electoral roll. While French authorities accept other proofs of residence than a residence card, the process and the procedures may be too burdensome for some mobile EU citizens.

## LUXEMBOURG

### Obstacles to freedom of movement

In 2018, there were 244,400 mobile EU citizens resident in Luxembourg. Countries most represented include Portugal (40%), France (18.7%), Italy (9%), Belgium (8%) and Germany (5.6%).<sup>8</sup>

While travelling to or living in Luxembourg goes smoothly for many, there are some mobile EU citizens who experience persistent obstacles, such as:

- Excessive requirements throughout the process of obtaining residence documents, in particular for the self-employed and students;
- Difficulty to access certain social benefits due to the lack of cooperation between national authorities;
- Discrimination and difficulties to access employment or setting up own business.

### Obstacles to political participation

In 2018, only 20,660 mobile EU citizens were registered on the electoral roll for the EU elections, constituting 15% of the eligible population. At the same time, 23% of them registered on the electoral roll for the local ballot.

The following issues were identified to create obstacles to political participation of mobile EU citizens:

- Complicated electoral system (proportional or majority systems, depending on the size of the municipality; different voting forms);
- Compulsory voting;
- Language barrier: multilingualism is a part of everyday life for people living in Luxembourg, legally and socially, as different cantons use French, German, and/or Luxembourgish;
- Low visibility of foreign candidates in the elections;
- The residence clause for local elections: to be eligible to vote, mobile EU citizens must have been residing in Luxembourg for at least 5 years and the last year of residence prior to the application for registration on the list of voters must be uninterrupted<sup>9</sup>;

<sup>8</sup> <https://statistiques.public.lu/catalogue-publications/luxembourg-en-chiffres/2018/luxembourg-chiffres.pdf>

<sup>9</sup> Besch S. et al., Report on Political Participation of Mobile EU Citizens: Luxembourg, 2019, available at: [https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU\\_Luxembourg.pdf](https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU_Luxembourg.pdf) (accessed on 15 March 2019)

- Requirement to register far in advance (EU citizens need to register at the latest 87 days before the upcoming elections<sup>10</sup>).

### Obstacles to freedom of movement and political participation

Participants of the focus group in Luxembourg mentioned that the negative experiences, obstacles and discrimination experienced by EU mobile citizens when dealing with Luxembourgish civil servants may have a negative impact on their feeling of belonging and on the integration process. As a result, EU mobile citizens, who feel unwelcome, will not find political participation relevant.

Due to lack of cooperation between various Member States, some mobile EU citizens risk being deprived from accessing certain social security benefits and, as result, may be left without sufficient resources. Citizens in this situation probably will not consider political participation as a personal priority.



## PORTUGAL

### Obstacles to freedom of movement

In 2017, there were 136,886 mobile EU citizens in Portugal with most of them arriving from: Romania (22.5%), the UK (16%), France (11%), Italy (9%) and Spain (9%).<sup>11</sup>

The most persistent obstacles reported by mobile EU citizens and their non-EU family members are related to residence rights and access to social security benefits, including:

- Difficulties with visa or residence application when the marriage certificate was issued by a non-EU country;
- Excessive requirements for mobile EU citizens to receive their residence documents;
- Discrimination based on nationality;
- Problems in accessing certain social benefits, e.g. pensions, due to delay in the communication between Portugal and another Member State.

### Obstacles to political participation

In 2017, there were 14,194 EU mobile citizens, 12.3% of the eligible population, registered on the electoral roll in Portugal. German citizens reflect the highest registration rate (22%), followed by Luxemburgers (19.7%), the Dutch (17.2%), Belgians (17.1%) and Spaniards (16.2%). In contrast, EU citizens residing in Portugal who have the lowest registration rates are Bulgarians (4.4%), Romanians (2.9%) and Poles (2.1%).<sup>12</sup>

The following issues are considered as the key obstacles to political participation:

- Lack of automatic registration;
- Lack of systematic and regular informative campaigns designed specifically to target EU mobile citizens.

<sup>10</sup> Ibid.

<sup>11</sup> Oliveira C.R. et al., Report on Political Participation of Mobile EU Citizens: Portugal, 2019, available at: [https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU\\_Portugal-1.pdf](https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU_Portugal-1.pdf) (accessed on 7 March 2019)

<sup>12</sup> Oliveira C. et al, Indicadores de Integração de Imigrantes Relatório Estatístico Anual 2018, 2018, available at : <https://www.om.acm.gov.pt/documents/58428/383402/Relat%C3%B3rio+Estat%C3%ADstico+Anual+2018+%E2%80%93+Indicadores+de+Integra%C3%A7%C3%A3o+de+Imigrantes.pdf/00de4541-b1ad-42ed-8ce9-33056321ecdb> (accessed on 7 March 2019)

## Obstacles to free movement and political participation

Frustrating experiences with the Portuguese public administration for both mobile EU citizens and their non-EU family members may influence citizens' propensity to get involved in the local political life.

In particular, difficulties to receive residence documents for non-EU family members may have a direct influence on the lives of EU citizens. Without residence documents, it is impossible to start working or even to rent an apartment. This, in turn, may have an impact on the socio-economic situation of EU mobile citizens, who will focus on securing their family's future rather than on getting involved in the local political life in Portugal.

## IRELAND

### Obstacles to freedom of movement

In 2016, there were 408,098, mobile EU citizens in Ireland. Most of them were UK, Polish, Lithuanian and Romanian nationals<sup>13</sup>.

The following obstacles, with respect to free movement and residence rights, were identified:

- Difficulties to access social housing as a result of the current housing crisis in Ireland;
- Excessive requirements and delays in issuing permanent residence documents;
- Delays in issuing visas for third-country family members of EU citizens (some citizens have reported delays of more than a year);
- Delays and excessive documentation requirements for residence documents for third-country family members of EU citizens.

### Obstacles to political participation

In the 2014 European Parliament elections, 71,735 mobile EU citizens registered to vote. Out of these 51,490 were British citizens<sup>14</sup>.

The following issues were identified as barriers to political participation of mobile EU citizens:

- Lack of automatic registration on the electoral roll;
- Involvement of the police in the registration for the EU elections (EU mobile citizens have to submit a document declaring they will not vote in the European Parliament elections in another Member State, this must be witnessed and signed by a member of the police (Garda Síochána))<sup>15</sup>;
- Limited number of outreach campaigns conducted by national and local authorities;
- Poor engagement by political parties with migrant communities.

### Obstacles to freedom of movement and political participation

Some obstacles experienced by mobile EU citizens in Ireland may have a negative impact on their propensity to get involved in the political life in their host country. Participants of the focus group in

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<sup>13</sup> Coutts S., Report on Political Participation of Mobile EU Citizens: Ireland, 2018, available at: [https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU\\_Ireland.pdf](https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU_Ireland.pdf) (accessed on 15 March 2019)

<sup>14</sup> Ibid.

<sup>15</sup> <https://www.immigrantcouncil.ie/vote> (accessed on 15 March 2019)



Dublin mentioned, in particular, the housing crisis which may have affected vulnerable mobile EU citizens disproportionately and undermined their rights.

Obstacles faced by third-country family members of EU mobile citizens are particularly persistent. Extremely long delays for visas and residence documents make it difficult for both the third-country national and the EU spouse to have a normal life. Thus, EU citizens whose family life is endangered may not consider local political participation relevant.



In 2011, there were 199.121 mobile EU citizens residing in Greece<sup>16</sup>, with most of them arriving from Bulgaria, Romania, the UK, Cyprus and Poland.

The most persistent obstacles reported by mobile EU citizens and their non-EU family members are:

- The requirement to prove possession of sufficient resources (usually a minimum amount of 4000 €) in order to receive residence documents ;
- Denial of the right of residence on invalid grounds;
- Difficulties in applying for a visa or a residence document when the marriage certificate was issued by a non-EU country.

### **Obstacles to political participation**

As in all EU Member States, EU mobile citizens in Greece have the right to vote and stand as candidates in local and EU elections. Since 2019, with the entry into force of the Law 4555/2018 (FEK 133/A/19-7 2018), they also have the right to participate in the regional elections in the country<sup>17</sup>.

According to the most recent statistical data, 19,102 mobile citizens (almost 10%) registered on the electoral roll for the local elections and 13,098 (6.8%) for the European Parliament elections<sup>18</sup>.

Political participation of mobile EU citizens is hindered by the following obstacles:

- Lack of automatic registration;
- Requirement to re-register before each and every election;
- Requirement to register on the electoral roll a few months before the elections, e.g. for the 2019 EU elections, the deadline for the registration was 28 February 2019;
- Lack of systematic and regular informative campaigns by national and local authorities.

### **Obstacles to free movement and political participation**

The participants of the focus group in Athens agreed that some excessive requirements that mobile EU citizens face in Greece, e.g. providing proof of having sufficient resources, are not only against the EU law but may also discourage mobile EU citizens' involvement in local life. Greek authorities verify sufficient resources even for citizens who lived in Greece for a longer period of time. This, in turn, may undermine EU citizens' sense of belonging and decrease their propensity to vote.

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<sup>16</sup> Christopoulos D. Report on Political Participation of Mobile EU Citizens: Greece, 2018, available at:

[https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU\\_Greece.pdf](https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU_Greece.pdf) (accessed on 15 March 2019)

<sup>17</sup> <https://www.lawspot.gr/nomikes-plirofories/nomothesia/nomos-4555-2018> (accessed on 15 March 2019)

<sup>18</sup> Christopoulos D. Report on Political Participation of Mobile EU Citizens: Greece, 2018, available at:

[https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU\\_Greece.pdf](https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU_Greece.pdf) (accessed on 15 March 2019)

The focus group also agreed that excessive administrative requirements faced by third-country family members of EU nationals related to registration certificates, permanent registration certificates and registration cards might be considered an obstacle to the exercise of freedom of movement which, in turn, can influence the political rights of EU mobile citizens.

## Recommendations

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### Electoral registration

Introducing automatic or quasi-automatic voter registration for local elections

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Introducing the possibility to register online for the elections

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Public authorities should inform EU citizens about the possibility to register on the electoral roll when they first meet them, e.g. during the residence registration procedures

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### Outreach and communication

Public authorities should provide EU mobile citizens with more information on electoral rights and voter registration, in several languages

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Information and outreach campaigns should be conducted on a regular basis and target various socio-economic and age groups

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Public authorities should use new ways to engage citizens (social media, online campaigns)

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Embassies and consulates should have a more active role in outreaching to their nationals

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### Citizenship education

Outreach campaigns shouldn't be limited to the registration procedures but should also focus on raising awareness on the political systems, the role of the local authorities, the European Parliament, etc.

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Schools and educational institutes should promote citizenship education

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