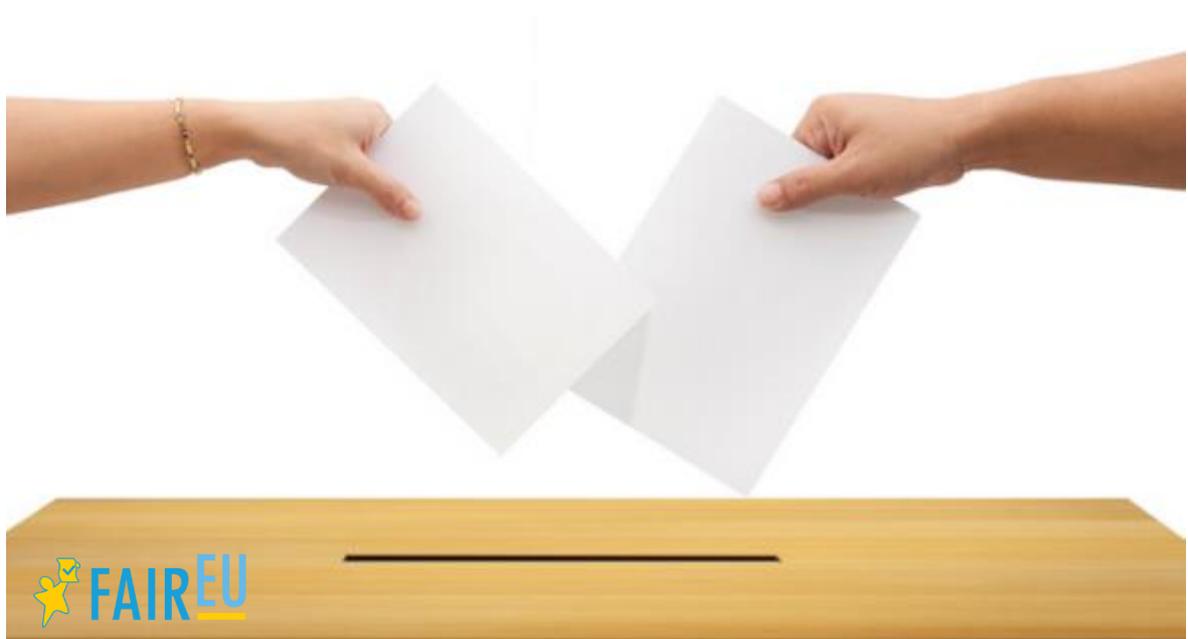


OBSTACLES TO FREEDOM OF MOVEMENT AND POLITICAL PARTICIPATION OF MOBILE EU CITIZENS



The synthesis report

ECAS Brussels, March 2019

Synthesis report on the obstacles to freedom of movement and their impact on the political participation of mobile EU citizens

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Introduction

EU citizens have the right to freely work and reside in another EU country and to enjoy equal treatment with nationals in access to employment, working conditions, and all other social and tax advantages.¹ The free movement is one of the most supported EU rights and 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 also gives every EU citizen the right to vote and stand as candidate in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State. This right is enshrined in Article 22 of the Treaty on the Functioning of the European Union and is also a fundamental right laid down by Article 40 of the Charter of Fundamental Rights of the European Union.

The number of EU citizens of voting age has been steadily increasing in the EU but many of them are unaware of their electoral rights and experience challenges when trying to get involved. As a result, political participation of mobile EU citizens in local and EU elections in their host Member States remains limited.

The aim of this report, written in the framework of the FAIR EU project², is to provide 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.

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, and the effective exercise of political and civic rights is dependent on successful implementation of the EU rights related to free movement. This hypothesis was tested and discussed during six focus groups which were organised between October 2018 and January 2019 in Belgium, France, Luxembourg, Portugal, Ireland and Greece.

The obstacles to freedom of movement and political participation in these Member States, as well as the link between the two, are analysed in this report. The outcomes of the focus groups' discussions are complemented with information based on the quarterly feedback reports of Your Europe Advice service³.

Taking into account all the challenges experienced by mobile EU citizens in Belgium, France, Greece, Ireland, Luxembourg and Portugal, the final chapter provides several recommendations for enhanced electoral inclusiveness, equality, integrity and participation of mobile EU citizens.

¹ <https://ec.europa.eu/social/main.jsp?catId=457> (accessed on 15 March 2019)

² <https://faireu.ecas.org/> (accessed on 15 March 2019)

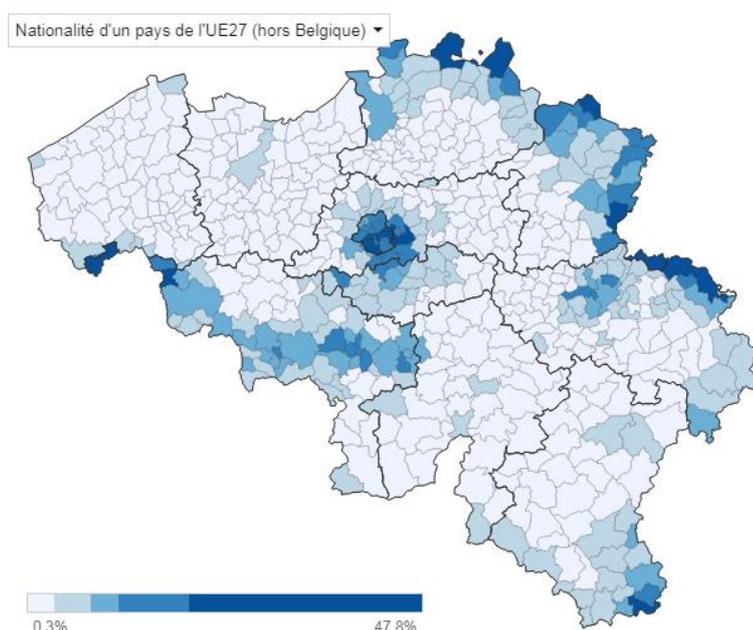
³ Your Europe Advice is an online EU advice service provided by legal experts from ECAS operating under contract with the European Commission. It consists of a team of about 60 lawyers who cover all 24 official EU languages and are familiar both with EU law and national laws in all EU countries. Your Europe Advice replies to questions from citizens or businesses on their personal EU rights. The experts respond to the questions within one week, free of charge and in the language chosen by the user.

Obstacles in Belgium

By 2017, foreigners represented almost 14% of the total population. Up to 66% of them (890,388) originated from other EU Member States⁴. Countries mostly represented include: France (12%), Italy (12%), the Netherlands (12%), Romania (6%), Poland (5%), Spain (5%), Portugal (3%), and Germany (3%)⁵.

Figure 1 shows the map of Belgian municipalities by the percentage of non-national EU citizens over the total population, based on the 2011 Belgian Census data⁶. As observed, demographic share of EU mobile citizens is much higher in the region of Brussels (nearly 20%) than in Flanders (5%) and Wallonia (7%).

Figure 1: Share of non-national EU citizens over the total population in Belgian municipalities (2011)



Source: Census 2011, Direction générale Statistique- Statistics Belgium, SPF Economie, http://www.census2011.be/data/fresult/foreigners-h_fr.html

Freedom of movement

EU citizens face various barriers in exercising their right to free movement in Belgium with respect to their residence rights and access to social security and healthcare. Many of the obstacles are related to administrative burdens and bureaucracy (e.g. long delays, excessive requirements for documentation, etc.).

Mobile EU citizens are usually required to make an appointment in order to receive their residence card. The delays depend on the municipality the mobile EU citizens live in and each administration is

⁴ Russo L., FAIREU Key Country Report: Political Participation In Belgium, 2018, available at: https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU_Belgium-Key-Country-Report.pdf (accessed on 1 March 2019)

⁵ https://www.myria.be/files/MIGRA2018_FR_C2.pdf (accessed on 1 March 2019)

⁶ http://www.census2011.be/data/fresult/foreigners-h_fr.html (accessed on 1 March 2019)

free to set their own procedures. Depending on the size of the commune and the number of applications, the delays may vary from 1 month (e.g. Woluwe St. Pierre) to 6 months (e.g. Brussels)⁷.

While waiting for their appointment and residence card, European citizens and members of their family do not receive any (temporary) residence document, which may complicate the exercise of their right to free movement, including the opening of a bank account, registration at *mutuelle* (mutual health-insurance provider), access to a job, etc.

Regular verifications of residence of EU citizens and their family members conducted by the Police have been found intrusive for some mobile EU citizens⁸.

Belgian authorities often apply 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. This is particularly problematic for job-seekers, the self-employed and students. According to Directive 2004/38, Member States may deny EU nationals the right to residence if they are no longer workers or self-employed persons; if they do not have sufficient resources and become an “unreasonable burden” on their social assistance system⁹. However, any such decision must be examined individually and cannot be based solely on the fact that an EU citizen seeks social assistance.

Despite this, EU nationals and their family members continue to have their residence rights denied and to be threatened with expulsion on economic grounds. This is still an ongoing problem in Belgium¹⁰, where several jobseekers reported being told to leave or being served with an expulsion order if they did not find a job in a certain period of time.

In 2016, 1918 mobile EU citizens received an expulsion order¹¹ on the basis of a lack of sufficient economic resources. The problem of expulsions was subject of parliamentary questions¹² and various articles written by Belgian and international press¹³.

⁷ Information provided by the public officials present at the FAIR EU focus group in Brussels

⁸ Obstacles to the right of free movement and residence for EU citizens and their families. Country report for Belgium. Study requested by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs and Committee on Petitions and was commissioned, overseen and published by the Policy Department for Citizens' Rights and Constitutional Affairs. June 2016, available at:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556969/IPOL_STU\(2016\)556969_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556969/IPOL_STU(2016)556969_EN.pdf) (accessed on 1 March 2019)

⁹ Art. 7 of Directive 2004/38

¹⁰ Quarterly feedback report from Your Europe Advice, Q1 2013, Quarterly feedback report from Your Europe Advice Q4 2013

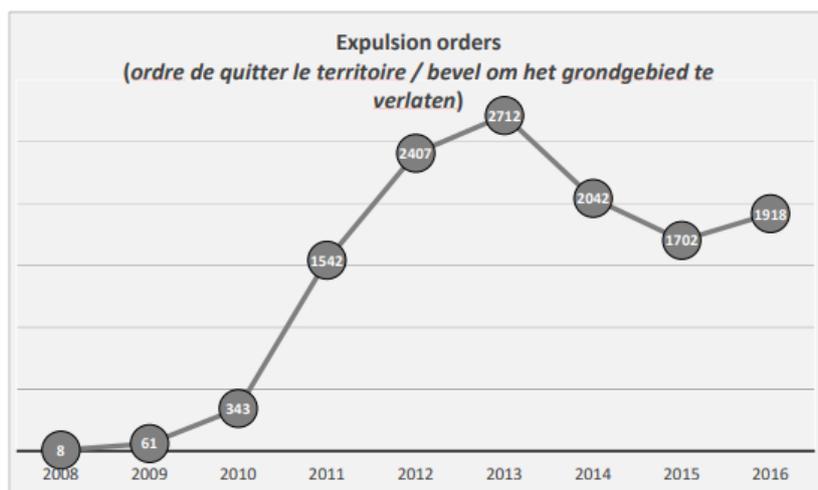
¹¹ FEANTSA, Fitness Check Report for Belgium A review of the state of compliance of Belgium's implementation of Directive 2004/38 on residence rights of EU citizens and their family members, 2018, available at:

https://www.feantsa.org/download/prodec-legal-fitness-check_belgium1860392861562691280.pdf (accessed on 1 March 2019)

¹² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2014-000335+0+DOC+XML+V0//EN> (accessed on 1 March 2019)

¹³ <https://www.euronews.com/2016/03/11/belgium-says-jobless-europeans-not-welcome>, <https://www.italymagazine.com/news/italian-citizens-among-those-expelled-belgium-being-burden-welfare-system> (accessed on 1 March 2019)

Figure 2: Expulsion orders in Belgium between 2008 and 2016



Source: 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

As the participants of the focus group in Brussels emphasized, the expulsions should be analyzed in the context of a wider discussion on solidarity ties between the Member States. Mobile EU citizens in difficult life situations are threatened with expulsions, despite having the right to stay and access certain social benefits, while Belgians in the same situation can count on the state's help without any consequences.

While it is true that mobile EU citizens continue to face obstacles, which very often undermine their right to free movement, non-EU family members of EU citizens experience even more serious problems. In 2013, the European Commission launched infringement proceedings against Belgium. One of the grounds for the procedure concerned the fact that Belgium did not facilitate the entry and residence rights of third country national family members of Union citizens. In particular, it did not facilitate the issuing of their visas and residence cards.¹⁴

A number of barriers have been reported concerning the entry of family members of EU citizens, particularly regarding delays in issuing visas and residence documents, excessive requirements and unjustified reason for denying visas. Under Directive 2004/38, visas to third-country nationals who are family members of a migrant EU citizen and who want to accompany or join him/her in the host country must be delivered under an accelerated procedure and free of charge. Yet, embassies often provide incorrect information and apply normal visiting rules instead of the facilities established by the Directive. Consequently, excessive documentation and fees are required and some applications are refused on invalid grounds¹⁵.

EU mobile citizens reported also that long delays in visa applications have hindered their travel and family plans¹⁶:

¹⁴ Meurens N. et al., Obstacles to the right of free movement and residence for EU citizens and their families. Country report for Belgium, 2016, available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556969/IPOL_STU\(2016\)556969_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556969/IPOL_STU(2016)556969_EN.pdf) (accessed on 1 March 2019)

¹⁵ Quarterly feedback report from Your Europe Advice, Q1 2017

¹⁶ Ibid.

- A Dutch national living with his Kenyan wife in Belgium wished for her two minor daughters to visit Belgium over the Christmas holidays. The Belgian authorities have taken more than 60 days to process their visa application leading to cancelled travel plans and financial loss.

Other problems reported by citizens and mentioned during the focus group in Brussels include discriminatory treatment of national authorities. In particular, EU mobile citizens are not informed by the authorities to renew their Belgian identity card when the expiry date is approaching. Belgians, on the other hand, receive a letter from their municipality. This practice was considered unequal treatment by the Federal Ombudsperson in 2013¹⁷ and appropriate modifications were supposed to be introduced, but it seems that the issue hasn't been resolved yet.

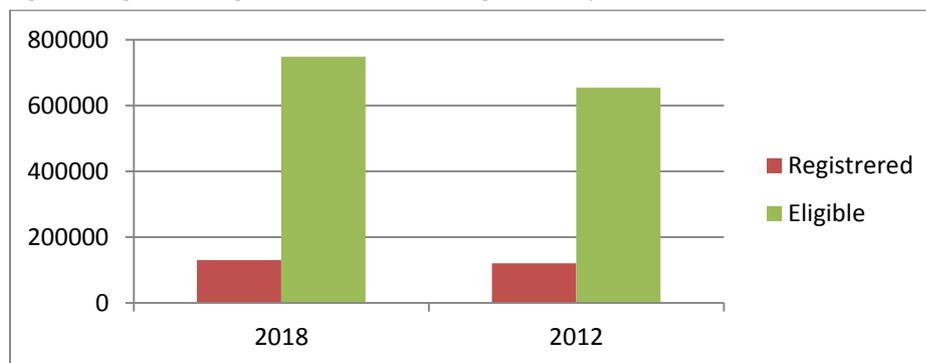
Political participation

In October 2018, Belgium held its municipal elections. Both European Union and non-European Union citizens were allowed to vote if they registered at the municipality where they are residents, but different conditions applied:

- European Union citizens can register irrespective of how long they have lived in Belgium;
- Non-European Union citizens can vote in municipal elections after five years of uninterrupted residence.

For the last municipal elections, 748,267 European Union citizens were eligible to vote. Figure 3 illustrates the number of European Union citizens who registered for 2018 and 2012 local elections. The proportion of EU citizens who registered on the local electoral roll decreased from 18.5% in 2012 to 17.45% in 2018. A positive trend was however registered in Brussels-Capital region, where an increase of 23 percent was recorded¹⁸.

Figure 3: Eligible and registered voters for the Belgian municipal election 2018 and 2012



Source: Own figure based on the IBZ data, <https://elections.fgov.be>

The interest in the European elections among EU mobile citizens is even lower. In the 2014 elections to the European Parliament only 10% of mobile EU citizens registered on the electoral roll¹⁹.

¹⁷ Le Médiateur fédéral, Rapport annuel, 2013, available at:

http://www.federaalombudsman.be/sites/1070.b.fedimbo.belgium.be/files/rapport_annuel_-_jaarverslag_-_2013.pdf (accessed on 1 March 2019)

¹⁸ <https://elections.fgov.be> (accessed on 1 March 2019)

¹⁹ 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 (accessed on 1 March 2019)

One of the most commonly mentioned obstacles to political participation in Belgium is compulsory voting. It has existed since 1893²⁰ and applies to all levels of government and elections for the European Parliament. 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 specifically ask to be cancelled from the registry. The Minister of Justice has the power to punish non-voters with a fine of 30-60 euros, but no one has been fined since 2003²¹. Despite that fact, compulsory voting has been frequently mentioned as a disincentive by the participants of the focus group in Brussels.

Another key obstacle to political information is related to the lack of information regarding the registration process. The federal government has made efforts to encourage the voter registration of mobile EU citizens by posting information online regarding the conditions²², but usually it is only available in French, Dutch and German. The language barrier at both registration and voting phases has been recognised as an important obstacle, especially for EU mobile citizens who have just arrived to Belgium.

Therefore, the responsibility for organising awareness campaigns is almost entirely in the hands of Belgian municipalities. For the past local election in 2018, the level of involvement of municipalities varied substantially: while some of them have been very proactive in terms of incentivising the electoral registration of mobile EU citizens, also in cooperation with NGOs, others took a more passive role of simply providing information on the procedure and conditions under which foreigners can register to vote²³.

An important incentivising role was played by Belgian and European organisations which launched awareness-raising campaigns, including:

- VoteBrussels by Migration Policy Group, co-funded by the Brussels Region and European Commission as part of FAIR EU project²⁴
- «Think European Vote Local» by Brussels Commissioner for Europe²⁵
- Objectif targeting non-EU citizens²⁶
- “Ik Stem Ook” by Minderhedenforum targeting Flemish-funded organisations²⁷

As participants of the focus group emphasized, Belgian politicians fail to reach foreigners even in the municipalities where EU mobile citizens constitute a significant part of the population, e.g. in Etterbeek, EU mobile citizens constitute 36.7% of the overall population, as compared to 23% in Brussels-Region in general.²⁸

Another obstacle to political participation is related to the fact that EU citizens living in Belgium are very mobile. They change countries frequently and stay in Belgium for a limited period of time, thus they may not consider political participation or political inclusion relevant. Many foreign citizens, who travel frequently for work, do not know if 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.

²⁰ Russo L., FAIREU Key Country Report: Political Participation In Belgium, 2018

²¹ <https://brussels-express.eu/wp-content/uploads/2018/07/magazine-be-2018.pdf> (accessed on 1 March 2019)

²² Russo L., FAIREU Key Country Report: Political Participation In Belgium, 2018

²³ Ibid.

²⁴ <https://www.vote.brussels/> (accessed on 1 March 2019)

²⁵ <http://www.commissioner.brussels/i-am-an-expat/121-communal-elections-2018/678-political-participation-678> (accessed on 1 March 2019)

²⁶ <http://www.allrights.be/5-ans-de-sejour-legal> (accessed on 1 March 2019)

²⁷ <http://www.ikstemook.be/> (accessed on 1 March 2019)

²⁸ http://ibsa.brussels/fichiers/publications/bru19/ibsa_cc_Etterbeek.pdf (accessed on 1 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 related to their freedom of movement may have a negative impact on political inclusion and willingness to participate in the local elections.

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

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

Obstacles in France

According to Eurostat, there were 1,504 million mobile EU citizens residing in France in 2015. They represented 2.3 percent of the total resident population of about 66 million.

According to the French National Office for Statistics and Economic Studies, the main countries of origin of mobile EU citizens resident in France in 2015 were Italy (4.5%), Portugal (4.3%), the UK (4.3%), Spain (3.6%) and Romania (3.2%)²⁹.

Freedom of movement

One of the most persistent obstacles for mobile EU citizens in France is related to the residence documents. There is no requirement for EU mobile citizens resident in France to register with the national authorities, but French law provides that they can apply for a residence document if they wish, and the EU law gives them the right to obtain a permanent one after they have lived in France lawfully for five years or more. However, French prefectures often refuse to issue residence documents to EU nationals, even to those who have lived in France long enough to qualify for a permanent document. The reason given is that EU nationals are not required to have one³⁰. This has created difficulties for migrant EU citizens who need to prove that they reside in France in order to, for instance, receive family benefits, disability benefits or the guaranteed minimum income.

The access to certain social benefits for EU mobile citizens is also hindered due to absence of communication and cooperation between national authorities and/or difficulties to determine the competent State.

- An EU citizen has reported that he wasn't able to receive his family benefits for 3 years because the French authorities did not cooperate with the competent body of the other Member State and required extra documentation.³¹

EU mobile citizens often face delays and excessive requirements in order to receive their residence documents or to access to certain social benefits. This problem was also confirmed by a participant of the focus group in Paris, who gave an example of a Spanish citizen who failed to receive her unemployment benefits as result of serious difficulties she experienced with unemployment office in France.

EU citizens and their family members wishing to study abroad are confronted with discriminatory practices concerning tuition fees, access to education and the recognition of academic diplomas.³² EU citizens from Bulgaria and Romania reported discrimination as regards access to certain jobs, including public function jobs (police, taxes, justice, and defence). According to GISTI (Groupe d'information et de soutien des immigrés – information and support group for immigrants), Bulgarians and Romanians find it more difficult to secure employment because of their nationality³³.

Third-country family members of EU citizens face serious difficulties when trying to enter or reside in France. In particular, it has been reported that embassies do not give direct access to visa applicants who are family members of EU citizens. Family members of EU citizens have also experienced

²⁹ <https://www.insee.fr/fr/statistiques/3633212> (accessed on 5 March 2019)

³⁰ Nicolaou A., Freedom of Movement in the EU: a Look Behind the Curtain, 2018, available at: <https://ecas.org/wp-content/uploads/2018/03/ECAS-Long-report-final.pdf> (accessed on 5 March 2019)

³¹ Ibid.

³² Quarterly feedback report from Your Europe Advice, Q1 2014

³³ Leigh V. et al., Obstacles to the right of free movement and residence for EU citizens and their families: Country report for France, 2016, available at: <http://www.statewatch.org/news/2016/sep/ep-study-free-movement-france.pdf> (accessed on 5 March 2019)

excessive administrative formalities and significant delays when applying for their residence documents³⁴.

Pursuant to Article 5(2) of Directive 2004/38, those family members who are not visa exempt “shall only be required to have an entry visa in accordance with Regulation 539/2001”. Regulation 539/2001 concerns only short term visas for stays of up to three months and transit visas³⁵. Thus, as the Commission has already clarified in its 2009 Communication, “the authorities of the Member States should guide the family members as to the type of visa they should apply for, and they cannot require them to apply for long-term, residence or family reunification visas”. Yet, France requires non-EU family members who wish to join their EU migrant family member and settle in the host country to obtain a long term, type D, visa³⁶.

Family members of EU citizens face also difficulties in applying for a visa or a residence document if their marriage certificate was issued by a non-EU country³⁷. In order to recognise a non-EU marriage certificate, the immigration authorities or consulates require the certificate to be:

- apostilled and officially translated;
- registered in the country of the EU citizens’ nationality; and/or
- recent, not older 3 months old.

These requirements are not always clearly specified and they add an administrative step that is complicated, costly and sometimes impossible to fulfil, as some countries (e.g. the UK) do not have a registry of marriages³⁸.

As a result, non-EU family members in this situation cannot obtain a visa quickly and for free in order to travel to the EU country to join their EU spouse and they face significant delays in obtaining the residence card.

Political participation

Local elections in France are held every 6 years and the last one took place in March 2014. In May the same year, also the EU elections were organised. EU citizens who wish to exercise their electoral rights in France must register on two electoral rolls, which are separate from the main registry of national voters. They may choose to register on only one or on both registries, through separate procedures.³⁹

The registration for local and European elections can be made in person at the local city hall, by mail or electronically. The forms must be submitted together with a valid identity card and a document proving that the person is either “domiciled or continuously resides” in the municipality where the registration is made.

The latter point is particularly difficult to fulfil considering that in France it is not compulsory or sometimes not possible, as elaborated above, to receive residence documents. In the absence of a formal residence document, EU citizens should submit an alternative document where the name and

³⁴ Quarterly feedback report from Your Europe Advice, Q2 2017

³⁵ Nicolaou A., Freedom of Movement in the EU: a Look Behind the Curtain, 2018

³⁶ Quarterly feedback report from Your Europe Advice, Q1 2014, Quarterly feedback report from Your Europe Advice, Q2 2014

³⁷ Quarterly feedback report from Your Europe Advice, Q3 2017

³⁸ Nicolaou A., Freedom of Movement in the EU: a Look Behind the Curtain, 2018

³⁹ Arrighi J-T, Report on Political Participation of Mobile EU Citizens: France, 2018, available at: https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU_France.pdf (accessed on 5 March 2019)

the address of the citizen is mentioned, e.g. an electricity, gas or telephone bill, a notice of tax assessment, confirmation of flat insurance, a salary slip, etc.⁴⁰

According to a study of the French Statistical Office, only 278,000 (23%) of EU mobile citizens were registered for the municipal ballot and 245,000 (20%) for the European ballot in 2014. Nine in ten were Portuguese, British, Italian, Belgian, Spanish or German⁴¹.

Registration rates were the highest for Danes (43% for both elections), followed by Dutch citizens (42% in the local elections and 38% in the European elections) and Belgians (41% and 39% respectively). The higher participation rates for Belgians and Dutch citizens could be explained by the fact that voting is compulsory in Belgium and it was compulsory in the Netherlands until the 1970s, so these mobile EU citizens may have a greater awareness and sense of civic responsibility. Rates above the average were also observed for Luxembourg nationals (34% and 32% respectively), where voting is also compulsory⁴².

Figure 4: Number of EU citizens who registered for the local (pink bars) and EU elections (green bars)



Source: <https://www.insee.fr/fr/statistiques/1379723#graphique-figure1>

The two key obstacles to political participation for mobile EU citizens in France are related to complex and cumbersome electoral registration procedures and the lack of pre-registration campaigns conducted by national and local authorities specifically targeting EU mobile citizens.⁴³

Prior to the elections, some information campaigns are run by the national, regional and local authorities. For examples, for the upcoming 2019 EU elections, the French government launched a special website with information on eligibility rules and procedures. However, the website incorrectly indicates that one has to be French in order to participate in the elections. It only says that EU citizens living in France can vote under certain conditions, which are not further elaborated.

⁴⁰ <https://www.demarches.interieur.gouv.fr/particuliers/inscription-listes-electorales-quel-justificatif-domicile> (accessed on 5 March 2019)

⁴¹ <https://www.insee.fr/fr/statistiques/1379723#tableau-figure1> (accessed on 5 March 2019)

⁴² Ibid.

⁴³ Arrighi J-T, Report on Political Participation of Mobile EU Citizens: France, 2018

Figure 5: EU elections: when and how? Information provided by the French government on the eligibility rules



Source: <https://www.gouvernement.fr/ouijevote>

Some local administrations are more pro-active when it comes to mobilising EU mobile citizens. In 2013, the Ile-de-France region funded a project led by the nongovernmental organization ICOSI (Institut de Coopération Internationale) aimed at encouraging EU voters to participate in the municipal and EP elections. The so-called Citoyens Européens Actifs (i.e. Active EU citizens) campaign⁴⁴ brought together EU mobile citizens' organisations active in the Paris region, such as Cap Magellan, Italia in Rete, the Association of Polish Students (AEP), and the Association of Spanish Emigrant centres (FACEEF).⁴⁵

In 2018, the Paris City Hall launched a project "INCLUDE", in cooperation with the European Civic Forum and the Young Europeans- France, which aims at promoting the rights of EU citizens and better include non-national EU citizens in the "Parisian civic life"⁴⁶. Among other initiatives, in December, a European Consultative Council was created. It is composed of 61 mobile EU citizens and works in close cooperation with elected officials of the City of Paris, to whom it proposes opinions and recommendations.

While there are some examples of projects and campaigns successfully targeting mobile EU citizens, they are usually limited in scope and time. As the participants of the focus group in Paris underlined, information and educational campaigns should be run on a regular basis and target various socio-economic and age groups.

Obstacles to freedom of movement and political participation

As explained above, EU mobile citizen and their non-EU family members face persistent obstacles and delays when requesting their residence documents or trying to access their 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.

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

⁴⁴ http://www.citoyensactifs.eu/citoyensactifs.eu_2014_archives/index_archives.html (accessed on 5 March 2019)

⁴⁵ Arrighi J-T, Report on Political Participation of Mobile EU Citizens: France, 2018

⁴⁶ <https://www.paris.fr/projetinclude> (accessed on 5 March 2019)

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. 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.

Obstacles in Luxembourg

In 2018, according to Statec, among a population of 602,005, 313,777 were Luxembourgers (52%) and 288,234 non-nationals (48 %). Non-national citizens represent nearly 170 different nationalities⁴⁷. 244,400 were non-national EU-citizens (40.6%). Among the non-national EU-citizens, 96,500 are Portuguese, 45,800 are French, 22,000 Italians, 20,200 Belgian and 13,600 German.⁴⁸

Figure 6: Population change in Luxembourg

Recensement de la population	1991	2001	2011	2018 ¹
				x 1 000
Population totale	384.4	439.5	512.4	602.0
dont: Femmes	196.1	223.0	257.4	299.4
Luxembourgeois	271.4	277.2	291.9	313.8
Étrangers	113.0	162.3	220.5	288.2
dont: Portugais	39.1	58.7	82.4	96.5
Français	13.0	20.0	31.5	45.8
Italiens	19.5	19.0	18.1	22.0
Belges	10.1	14.8	16.9	20.2
Allemands	8.8	10.1	12.0	13.1
Autres pays de l'UE	13.3	17.2	30.9	46.7
Autres non UE	9.2	22.5	28.7	43.8
Étrangers en %	29.4	36.9	43.0	47.9

¹ basé sur le Registre national des Personnes Physiques au 1^{er} janvier

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

Freedom of movement

Based on Your Europe Advice Quarterly Feedback reports, Luxembourg does not seem to be particularly problematic as regards freedom of movement of EU citizens, especially if compared to other Member States.

However, there are some issues that may make EU mobile citizens' life difficult. For instance, some EU citizens reported facing excessive requirements throughout the process of obtaining residence documents. In particular, self-employed citizens or students were asked to provide evidence of sufficient resources, tenancy agreements, statements of accounts stamped by an accountant, evidence of divorce, etc. For instance, an Irish jobseeker in Luxembourg had to provide a certificate of celibacy from Ireland, which was impossible to obtain as Ireland does not issue such certificates⁴⁹.

Due to lack of cooperation between national authorities, some mobile EU citizens cannot access certain social benefits. The following cases were reported:

- A German frontier worker, living in Germany and working in Luxembourg (with her husband working in Germany), was expecting twins and wanted to know in which country she has to

⁴⁷ <http://www.cefis.lu/resources/RED22.pdf> (accessed on 5 March 2019)

⁴⁸ <https://statistiques.public.lu/catalogue-publications/luxembourg-en-chiffres/2018/luxembourg-chiffres.pdf> (accessed on 5 March 2019)

⁴⁹ Nicolaou A., Freedom of Movement in the EU: a Look Behind the Curtain, 2018

apply for child benefit. It was impossible to receive the right information and the two national authorities contradict each other⁵⁰

- Lack of coordination between social security offices of Luxembourg and Portugal: the citizen was waiting 3 years for his old age pension to be allocated⁵¹.

Some EU mobile citizens reported problems with access to healthcare in Luxembourg: excessive formalities were imposed on a British student wanting to register for healthcare. She was asked to produce an attestation that she was no longer covered by the UK system, but the UK authorities do not issue such attestation.⁵²

During the focus group in Luxembourg, the participants discussed an obstacle related to the interpretation and application of the notion of "sufficient resources" in connection with the registration of European citizens in the municipalities. Although a guide has been distributed to the municipal administrations, difficulties regularly appear to correctly apply this criterion.

Some mobile EU citizens experienced discrimination and obstacles to access employment or setting own business in Luxembourg. For instance, a British citizen claimed that Luxembourg imposed a language obligation for the setting up of a business providing a service aimed specifically at English-speaking clients. In Luxembourg, if an activity is a regulated profession, beneficiaries of the recognition of professional qualifications should have knowledge of one of the three national languages of the Grand Duchy of Luxembourg to the extent that such knowledge is necessary for the exercise of the profession. For services aimed specially at English-speaking clients, knowledge of said languages should thus not be necessary, under Luxembourg law, for the exercise of the profession.⁵³

Political participation

In order to participate in the local elections, EU mobile citizens must have resided 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.⁵⁴

EU mobile citizens can vote and stand as candidates in the EP elections in Luxembourg. Since the electoral law of December 2013, there is no clause of previous residence to register for voting for EP elections.⁵⁵

Voting is mandatory for all voters registered on the electoral roll, regardless of their nationality (Luxembourg nationals, EU nationals and others). Voting can be done in person with a poll card at the polling station designated to the voter by the communal administration or by postal vote.

In the last EU elections in 2014, 21,650 mobile EU citizens registered on the electoral roll. The graph below shows a clear progression compared to the elections 2009 (+23%), then from 2014 to 8 October 2016 the number of registered fell by 17% to 18,002, probably due to the naturalization of resident adults in Luxembourg to a large extent⁵⁶. Finally, between October 8 2016 and July 14, 2017, the enrolment rate increased by 2,658 people to reach 20,660 registered.

⁵⁰ Quarterly feedback report from Your Europe Advice, Q1 2014

⁵¹ Quarterly feedback report from Your Europe Advice, Q3 2013

⁵² Quarterly feedback report from Your Europe Advice, Q3 2015

⁵³ Quarterly feedback report from Your Europe Advice, Q4 2014

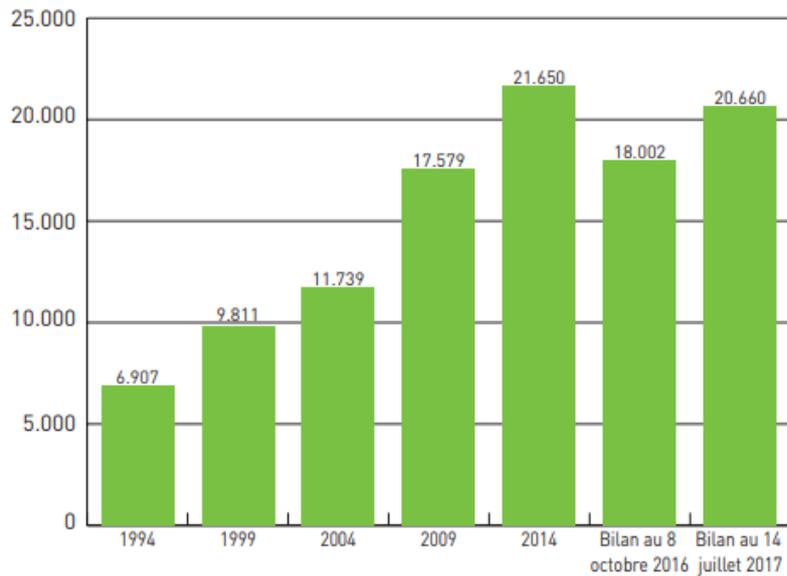
⁵⁴ Besch S. et al., Report on Political Participation of Mobile EU Citizens: Luxembourg, 2019, available at: https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU_Luxembourg.pdf (accessed on 5 March 2019)

⁵⁵ Ibid

⁵⁶ <http://www.cefis.lu/resources/RED22.pdf> (accessed on 5 March 2019)

However, the potential remains significant since out of 135,365 mobile EU citizens over 18 years old in Luxembourg, only 20,660 mobile EU citizens have registered, constituting 15% of the eligible population, while 114,705 could still do so.

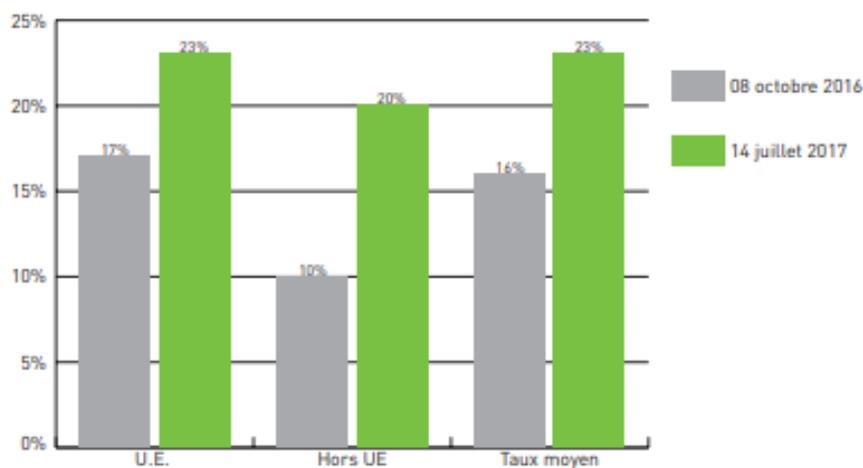
Figure 7: Registrations of EU mobile citizens for EU elections, 1994-2017



Source: <http://www.cefis.lu/resources/RED22.pdf>

Last local elections in Luxembourg were held in October 2017. By 14 July 2017, the closing date for registration on the electoral roll, 31,288 mobile EU citizens (23%) registered on the electoral roll. Mobile citizens from Austria and the Netherlands have the highest registration rates (above 30%).⁵⁷

Figure 8: Registrations rate for the local elections for UE and non-EU citizens and average rate



Source: <http://www.cefis.lu/resources/RED22.pdf>

⁵⁷ <http://www.cefis.lu/resources/RED22.pdf> (accessed on 5 March 2019)

One of the main obstacles to political participation in Luxembourg is complicated electoral system and compulsory voting. The voting can take different forms: list voting, nominative intra-list voting or nominative inter-list voting (panachage). In addition, with regard to local elections, EU citizens can be confronted with elections according to the majority or the proportional system, depending on the size of the commune⁵⁸.

Another obstacle is related to the language barrier. Multilingualism is a part of everyday life for the population of Luxembourg. Legally and socially, different sectors of Luxembourg use French, German, and Luxembourgish. While information and raising awareness campaigns are done in different languages, the political debate and discussions between political parties as well as in the municipality councils are done mostly in Luxembourgish, representing a barrier to political involvement⁵⁹. What is more, European citizens settling in Luxembourg have trouble penetrating the political environment, often still governed conservatively (the use of Luxembourgish in public debates, in the Chamber of Deputies and in municipal councils remains) and, as a result, do not develop adherence to and an interest in Luxembourgish politics.

Other barriers to political participation are related to a relatively low visibility of foreign candidates in the elections; foreigners are little present in the candidatures and almost absent among the elected representatives (270 foreign candidates in the 2017 local elections, i.e. 7.6% (total 3,575)⁶⁰.

The residence clause for local elections can be considered an obstacle, particularly for those foreigners who stay in the Grand Duchy of Luxembourg only for short periods. As a result, they may leave the country before being even given a chance to vote.

Finally, registration procedure may be complicated for some mobile EU citizens. In addition to language barrier, the EU citizens need to register at latest 87 days before the upcoming elections⁶¹. The registrations close before the launch of the electoral campaigns, so long before the EU citizens could inform themselves of the candidates and their programmes.

Obstacles to freedom of movement and political participation

Participants of the focus group in Luxembourg mentioned that the negative experience, 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 the lack of the 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.

⁵⁸ Besch S. et al., Report on Political Participation of Mobile EU Citizens: Luxembourg, 2019

⁵⁹ Ibid.

⁶⁰ <http://www.cefis.lu/resources/RED22.pdf> (accessed on 5 March 2019)

⁶¹ Besch S. et al., Report on Political Participation of Mobile EU Citizens: Luxembourg, 2019

Obstacles in Portugal

Between 2008 and 2017, the number of EU citizens residing in Portugal grew from 84,727 to 136,886. Among the EU citizens residing in Portugal, the most represented nationalities are from Romania (30,750 residents, representing 22.5% of the total EU citizen residents in Portugal), United Kingdom (22,431 residents), France (15,319), Italy (12,925) and Spain (12,526).⁶²

Freedom of movement

Similar to France, EU nationals and their family members, whose marriage or birth certificates have been issued by a non-EU country, have been facing serious difficulties when trying to apply for a residence document for their non-EU family members in Portugal. Systematic additional formalities are imposed through requests for registration of marriage certificates⁶³. For instance, Portuguese authorities require the certificate to be legalised and registered in the country of the EU citizen, and, in addition, they often demand that it is not older than 3 months. The procedures are not only costly and time consuming, but they also make EU citizens and their family members' lives difficult: without residence certificates family members are not able to work and sometimes even to rent an apartment.

Also EU citizens have reported obstacles regarding their residence rights. A UK citizen in Portugal failed to obtain his certificate of registration due to a lack of fixed accommodation in Portugal. Estate agencies request a Portuguese tax number to execute a tenancy agreement and Portuguese tax authorities refuse to issue a tax number without a certificate of registration.⁶⁴

Discrimination based on nationality has been also reported. For instance, some EU mobile citizens were asked to pay a 15 EUR fee for a new residence document, after the change of their address, while Portuguese nationals in the same situation were charged only 3 EUR and also have the option of making the change online for free⁶⁵.

Due to delay in the communication between Portugal and another Member State, some mobile EU citizens faced problems in access to certain social benefits. The communication between national authorities for confirmation of employment periods remains weak and citizens complain about misinformation, delays and burdensome administrative formalities⁶⁶. For instance, there have been recurrent complaints about the failure of the Portuguese authorities to recognise periods of contribution in another Member State for the purposes of calculation of the Portuguese old-age pension.⁶⁷ The following case was reported to Your Europe Advice:

- A citizen had worked in Portugal for 7 years and was in receipt of a pension from France. He applied to the Portuguese social security authority for a pension but was told that he would not be entitled to it as he did not work in the country for the minimum 15 calendar years. This

⁶² 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 (accessed on 7 March 2019)

⁶³ Quarterly feedback report from Your Europe Advice, Q1 2017

⁶⁴ Quarterly feedback report from Your Europe Advice, Q1 2015

⁶⁵ Ballesteros M. et al., Obstacles to the right of free movement and residence for EU citizens and their families Comparative Analysis, 2016, available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571375/IPOL_STU\(2016\)571375_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571375/IPOL_STU(2016)571375_EN.pdf) (accessed on 7 March 2019)

⁶⁶ Quarterly feedback report from Your Europe Advice, Q4 2013

⁶⁷ Quarterly feedback report from Your Europe Advice, Q3 2016

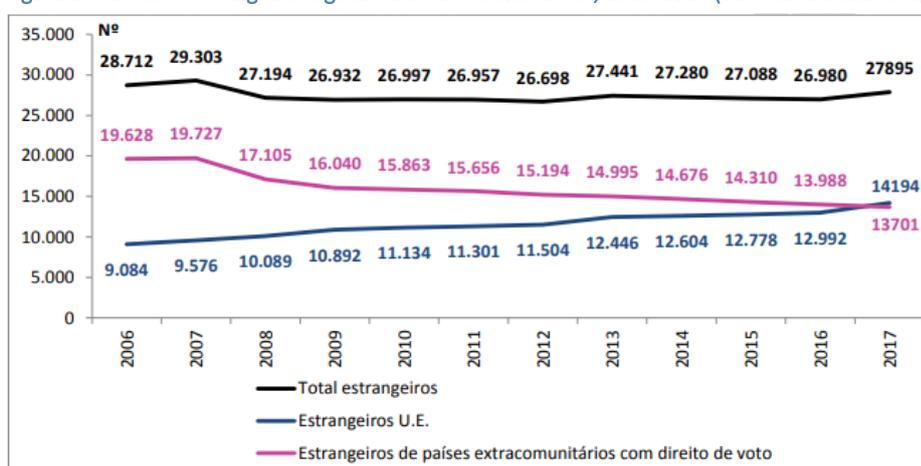
is not compliant with the EU law which requires that periods of insurance completed in other countries will be taken into account.⁶⁸

Political participation

The registration for the electoral roll for both EU and local elections in Portugal is not automatic. In order to register EU citizens must submit a valid identity document and provide proof of legal residence in Portugal, in the form of an EU citizen registration certificate or an EU citizen permanent residence certificate.⁶⁹ Once the registration is active for the first time, there is no need to renew it in subsequent elections, as long as the citizen has not changed the residence address.

In 2017, there were 14,194 EU mobile citizens, 12.3% of eligible population, registered on the electoral roll in Portugal. As the figure below demonstrates, the number has been increasing in a constant way since 2006.

Figure 9: Number of foreigners registered on the electoral roll, 2006-2017 (EU mobile citizens represented by the blue line)



Source: DGAI/MAI - Administração Eleitoral (prepared by Oliveira and Gomes, 2018)

As Figure 10 demonstrates, among EU citizens, Germans reflect the highest registration rate (22%), followed by Luxemburgers (19.7%), Dutch (17.2%), Belgians (17.1%) and Spanish (16.2%). In contrast, EU citizens residing in Portugal with the lowest registration rate are Bulgarians (4.4%), Romanians (2.9%) and Polish (2.1%).⁷⁰

Lack of automatic registration has been considered as one of the key obstacles that explain low more political engagement of mobile EU citizens in Portugal.⁷¹ The electoral registration itself is not complicated but EU mobile citizens need to register 60 days before the elections, at the latest, so long before the actual political campaigns and debates start.

Lack of systematic and regular informative campaigns designed specifically to target EU citizens in Portugal for EP is also considered a challenge. The participants of the focus group in Lisbon pointed out that Portuguese political parties and local authorities lack initiative to promote political rights and conduct information campaigns targeting EU mobile citizens.

⁶⁸ Quarterly feedback report from Your Europe Advice, Q4 2015

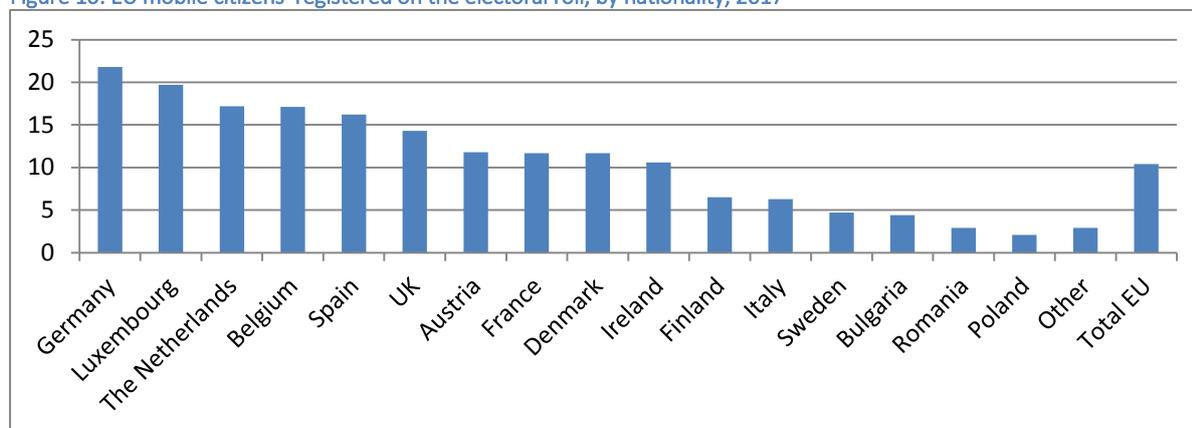
⁶⁹ Oliveira C.R. et al., Report on Political Participation of Mobile EU Citizens: Portugal, 2019

⁷⁰ 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)

⁷¹ Oliveira C.R. et al., Report on Political Participation of Mobile EU Citizens: Portugal, 2019

In 2013, Portugal participated in a European campaign - Campaign Operation Vote - targeting EU citizens specifically to participate in local and EP elections, but since then no similar examples have been found⁷².

Figure 10: EU mobile citizens registered on the electoral roll, by nationality, 2017



Source: Own figure based on DGAI/MAI - Administração Eleitoral (prepared by Oliveira and Gomes, 2018)

Obstacles to free movement and political participation

Frustrating experiences with 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, difficulty to receive residence documents for non-EU family documents may have a direct influence on lives of EU citizens. Without residence documents, it is impossible to start working or even 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 future rather than on getting involved in local political life in Portugal.

⁷² Ibid.

Obstacles in Ireland

The non-Irish portion of the population stands at 11.6% of the total, or 535,475 persons in 2016. Of these there were 408,098, or 76.2%, EU mobile citizens. The main groups of non-national EU citizens are UK, Polish, Lithuanian and Romanian nationals⁷³.

Freedom of movement

The participants of the focus group in Ireland discussed the current housing crisis in Ireland and agreed that it may affect vulnerable mobile EU citizens disproportionately and constitute an obstacle to their EU rights. The Department of Housing requires that those seeking social housing should be able to demonstrate that they have 52 weeks of employment before being accommodated. As many EU citizens seeking housing cannot fulfil this requirement, a significant number elect to leave the country and return to their home country. This was evident among the Polish community in Ireland.

While EU nationals are not required to register in Ireland, complaints have been made that they face difficulties in obtaining a permanent residence card. They are subjected to excessive requirements and delays in getting their residence cards⁷⁴.

Non-EU family members face significant problems obtaining visas and residence documents. Enquiries regarding delays in granting visas in Ireland account for 3/4 of all YEA citizen enquiries received between 2015 and 2017. According to the Irish Naturalisation and Immigration Service, the current processing time for most visas is 8 weeks. However, family members of EU nationals have reported significantly longer delays, and between January 2015 and June 2017, YEA has received at least 153 enquiries concerning Ireland.⁷⁵ Some citizens reported delays longer than a year⁷⁶

Family members experience delays in issuing residence documents and complain about excessive documentation requirements, e.g. a non-EU spouse of an EU citizen employed in Ireland had to provide evidence of employment, tax slips, electricity bills, rental contract, etc., in order to obtain a residence card⁷⁷.

The delays create difficulties for both the third-country national and the EU spouse as they prevent them from having a normal life: working, receiving vocational training or a language course. The passports are sometimes withheld throughout the process, hindering the right to travel in the EU.⁷⁸

⁷³ 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 (accessed on 7 March 2019)

⁷⁴ ECAS, Comparative study on the application of Directive 2004/38/EC of 29 April 2004 on the Right of Citizens of the Union and their family members to move and reside freely within the territory of the Member States, 2009, available at: http://www.euoparl.europa.eu/RegData/etudes/etudes/join/2009/410650/IPOL-JURI_ET%282009%29410650_EN.pdf

⁷⁵ Nicolaou A., Freedom of Movement in the EU: a Look Behind the Curtain, 2018

⁷⁶ Quarterly feedback report from Your Europe Advice, Q4 2016

⁷⁷ Quarterly feedback report from Your Europe Advice, Q2 2015

⁷⁸ Quarterly feedback report from Your Europe Advice, Q3 2015

Political participation

In Ireland all people legally residing enjoy at least some electoral rights. Residing Irish nationals are entitled to vote for and stand in Presidential elections and to vote in referendums. Residing Irish citizens and UK nationals can vote for Dáil elections (the lower house of parliament). EU mobile citizens are entitled to vote and stand for EP elections. All residents, regardless of nationality, are entitled to vote and stand for local elections⁷⁹.

In order to make an application for inclusion in the register, an individual must submit a Form RFA 1 to the relevant registration authority. Information required by the form includes the name, address and nationality of the applicant. EU mobile citizens who want to be registered for the EU elections must fill out an additional form (EP 1) to facilitate information sharing amongst national electoral authorities to check for instances of double voting. The Form EP 1 must be completed and submitted with a document in which EU citizens declares he/she will not vote in European Parliament elections in another Member State. The Statutory Declaration must be witnessed and signed by a member of Police (Garda Síochána)⁸⁰.

The availability of data regarding the participation of mobile EU citizens is limited. In the 2014 European Parliament elections, of the 323,460 EU mobile citizens resident in the state, 71,735 were registered to vote. Of these 51,490 were British citizens⁸¹.

The Register of Electors for local elections gives a general overview of number of citizens registered but does not provide breakdown by citizenship⁸². According to the European Commission's report on the right to vote and to stand as a candidate in municipal elections, in Ireland, 24,7% of mobile EU citizens registered to vote in municipal elections⁸³.

The participants of the focus group in Dublin emphasized that mobile EU are very active at civic level. They shared examples of many civic activities that mobile EU citizens get actively involved in, including volunteering, signing petitions and participating in demonstrations.

While the registration process for the electoral roll is relatively straightforward and does not pose excessive requirements, the fact it is not automatic constitutes an obstacle. In addition, the involvement of the Police for witness purposes can be discouraging, especially for those EU citizens who have had negative experience of the police in their home Member State⁸⁴.

In the run-up to the EU elections 2019, some civil society organisations have been conducting information campaigns, e.g. Immigration Council of Ireland (ICI) is running a voter registration campaign⁸⁵.

There is also poor engagement by political parties with migrant communities and with mobile EU citizens in particular. There is no party closely associated with migration related issues, nor, in

⁷⁹ Coutts S., Report on Political Participation of Mobile EU Citizens: Ireland, 2018

⁸⁰ <https://www.immigrantcouncil.ie/vote> (accessed on 8 March 2019)

⁸¹ Coutts S., Report on Political Participation of Mobile EU Citizens: Ireland, 2018

⁸² <https://www.housing.gov.ie/sites/default/files/migrated->

<files/en/Publications/LocalGovernment/Voting/FileDownload%2C37371%2Cen.pdf> (accessed on 8 March 2019)

⁸³ European Commission, Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The Application of Directive 94/80/EC on the Right to Vote and to Stand as a Candidate in Municipal Elections, 2018, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018DC0044> (accessed on 8 March 2019)

⁸⁴ Fanning B. et al, New Irish Politics Political Parties and Immigrants in 2009, available at: http://www.ucd.ie/mcri/resources/new_irish_politics_report_final.pdf (accessed on 8 March 2019)

⁸⁵ <https://www.immigrantcouncil.ie/vote> (accessed on 8 March 2019)

contrast to other European states, is there a party that might be considered the natural home of migrants⁸⁶.

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 political life in their host country. Participants of the focus group 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.

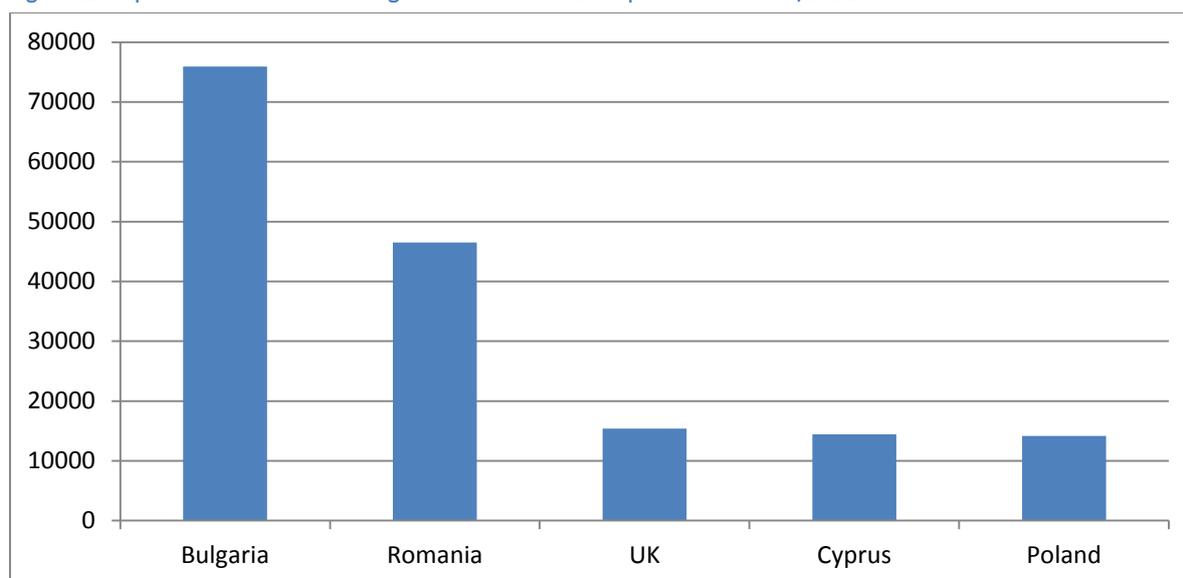
⁸⁶ Golubeva M. et al., Do mobile citizens engage? A Study on the Participation of Polish, Lithuanian and Latvian Citizens in Ireland, 2016, available at: http://www.diversitygroup.lt/wp-content/uploads/2016/08/Energizing_citizens_Survey_report_final.pdf (accessed on 10 March 2019)

Obstacles in Greece

Freedom of movement

According to the National Census results of 2011, there were 199,121 mobile EU citizens residing in Greece. The top five countries of origin with the most citizens present in Greece are illustrated in the figure below. These five states add up to a total of 166,422 citizens, representing 84% of the number of the citizens of other EU Member States.⁸⁷

Figure 11: Top five countries with the highest number of citizens present in Greece, 2011



Source: https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU_Greece.pdf

Among the key obstacles to freedom of movement, the participants of the focus group mentioned the requirement for mobile EU citizens to prove the possession of a minimum amount of 4000 € on a bank account for the residence purposes. This is usually enforced by the Police even though the provisions of Directive 2004/38/EC (art.8 par.4) prohibit Member States from laying down a fixed amount which they regard as “sufficient resources”. The representatives of the Ministry of Foreign Affairs, present during the focus group, confirmed that there are a lot of cases where the Police, responsible for the issue of registration certificates for EU citizens, do ask for that kind of proof of sufficient resources. For instance, in 2013, a self-employed British citizen who resided legally in Greece since 1993 was requested to possess 4000€ for the entire year in order to receive a permanent residence document⁸⁸.

Some other obstacles reported in Greece are related to the denial of the right of residence on invalid grounds. For instance, a case was brought by an EU citizen who was legally residing in Greece for over

⁸⁷ 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 (accessed on 10 March 2019)

⁸⁸ Quarterly feedback report from Your Europe Advice, Q1 2013

ten years. He lost his job in 2010 but found another one in 2013. However, the renewal of his residence permit was refused by the Greek authorities⁸⁹.

As in case of France and Portugal, also in Greece, non-EU family members face difficulties in their visa or residence application processes if they present a marriage certificate issued by a non-EU country. Sometimes, as a consequence, visa or residence documents are being refused and mobile EU citizens are unable to reunify with their family members⁹⁰.

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 new Law 4555/2018 (FEK 133/A/19-7 2018), they also have the right to participate in the regional elections in Greece⁹¹.

According to the most recent statistical data, 19,102 mobile citizens registered on the electoral rolls for the local elections and 13,098 for the European Parliament elections⁹².

EU nationals from the neighbouring Balkan States (Bulgarians and Romanians) represent two-thirds of the total number of non-national EU citizens residing in Greece. "A considerable number of Romanians and particularly Bulgarians residing in Greece belong to excluded social strata (mostly Roma) with disproportional difficulties of social integration in the country. This factor might also partly explain the particularly low turn-out of EU citizens residing in Greece in the EP elections"⁹³.

Voter registration for municipal elections is not automatic, so voters should be registered before each and every election.⁹⁴ To register, EU citizens must present themselves to the municipal authority of their place of residence, have a valid identity document (passport or ID card) and fill out a relevant formal declaration form⁹⁵. For the 2019 EU elections, the deadline for the registration was 28 February 2019.

The Greek authorities provide information on the political rights of mobile EU citizens and related procedures in English, but no campaign at national level has been identified. Local authorities seem to be more active in this regard. For instance, Municipality of Nea Smyrni is involved in the Approach project⁹⁶, while Municipality of Vrilissia is implementing the IMPEU⁹⁷. Both projects aim, among others, at improving political participation of mobile EU citizens, by providing them with required knowledge and information tools.

The main obstacle to political participation in Greece is linked to the lack of automatic registration on the electoral roll. What's more, EU mobile citizens have to re-register before each and every election.

⁸⁹ European Parliament, Comparative study on the application of Directive 2004/38/EC of 29 April 2004 on the Right of Citizens of the Union and their family members to move and reside freely within the territory of the Member States, Brussels, March 2009

⁹⁰ Quarterly feedback report from Your Europe Advice, Q1 2014, Quarterly feedback report from Your Europe Advice, Q2 2016

⁹¹ <https://www.lawspot.gr/nomikes-plierofories/nomothesia/nomos-4555-2018> (accessed on 10 March 2019)

⁹² Christopoulos D. Report on Political Participation of Mobile EU Citizens: Greece, 2018

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ <http://www.ypes.gr/en/Elections/ElectionsEuropeanParliament/ElectionsforEuropeanParliament/polites/> (accessed on 10 March 2019)

⁹⁶ <https://www.project-approach.eu/> (accessed on 10 March 2019)

⁹⁷ <https://ecas.org/impeu/> (accessed on 10 March 2019)

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. verification of sufficient resources, are not only against the EU law but may also discourage mobile EU citizens' involvement in the 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.

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

Recommendations

The six countries analysed in the context of this report differ in terms of size, administrative structure, socio-economic situation, etc. However, they were all selected based on the two criteria:

- Member States with the lowest percentage of EU citizens registered to vote in municipal elections and
- EU cities in those Member States with the largest share of EU mobile citizens in the population

While bearing in mind their differences, the following recommendations can be proposed in order to enhance political participation and political inclusion of mobile EU citizens.

Electoral registration

In all the six countries, EU citizens need to register themselves if they want to participate in the elections (both for municipal and European elections). This means, therefore, that they need to be pro-active if they want to cast their vote. If the information on the registration procedure is not clear, this can have a daunting effect on potential voters.

For some countries, like Ireland, it is possible to register online, but in the others it is not a standard procedure. Introducing online registration would not require big legislative changes, but it could have an important impact on the number of mobile EU citizens who register for the elections. This could be especially true for the Member States, where EU mobile citizens experienced problems (delays, excessive requirements) with public authorities. EU mobile citizens who had negative experience will probably refrain from contacting or visiting public authorities unless really necessary.

All the participants in the focus groups recommended introducing automatic voter registration for mobile EU citizens in local elections across Europe (for the EU elections the citizens should be able to choose whether they want to vote for candidates in their home or their host country). If this is not feasible for some reasons, e.g. compulsory voting in Belgium or Luxembourg, EU mobile citizens should have the opportunity to register on the electoral roll the first time they approach public authorities, e.g. during the residence application process. Another possible solution would be to give resident EU citizens the opportunity to opt-out from registration, rather than opt-in.⁹⁸

Outreach and information campaigns

The lack of information campaigns and outreach to mobile EU citizens were considered an obstacle by the participants of all the focus groups.

They underlined above all that mobile EU citizens should be provided with more information, in several languages, on electoral rights and voter registration. National governments usually limit themselves only to providing general information about the requirements and procedures. It is usually the competence and responsibility of the local authorities to conduct awareness raising campaigns, as they are closer to and have easier access to citizens. Outreach should be carried by public authorities in cooperation with civil society organisations

The participants suggested that public authorities should intensify and conduct their information campaigns on a regular basis, not only before the actual elections. In Belgium, given its particular administrative division (589 communes, 19 only in Brussels-Capital Region), it was suggested that

⁹⁸ Ostling A. et al. FAIR EU: Policy Recommendations, 2019, available at: https://faireu.ecas.org/wp-content/uploads/2019/02/FAIREU_Policy-Recommendations-1.pdf (accessed on 15 March 2019)

various local authorities should join forces and create common information and awareness-raising tools and campaigns.

More intense and better streamlined information campaigns can help to fill the existing knowledge gap, which participants of the focus group identified as an important obstacle to political participation.

In all the analysed Member States, outreach of political parties towards mobile EU citizens was very limited. A few positive examples were given, e.g. in Brussels, where foreigners were included high on the lists, but generally speaking, it seems that many political parties ignore the existence of mobile EU citizens in their constituencies. Therefore, the participants agreed that political parties should be more pro-active in their outreach process.

In term of outreach forms, EU mobile citizens in some Member States, e.g. Belgium, receive letter from their local authorities and/or national ministries informing them about approaching elections. Participants of the focus group believe that more innovative ways should be used in order to reach mobile EU citizens. Campaigns on social media channels, short videos, animations and personalised e-mails were frequently mentioned.

A relatively easy and inexpensive measure that could be implemented systematically across Member States is to place basic electoral information in multiple languages on the websites of national and local authorities⁹⁹. While the majority of the Member States already have such websites, they could be furtherly improved by, for instance, providing information in English and other frequently used languages.

The role and responsibility of embassies and consulates shouldn't be also neglected. Some Member States require their citizens living abroad to sign up on a special registry, e.g. Italy. Based on that, the embassies have all the necessary contact details, so they could contact their citizens and provide them with information on the upcoming elections in a given Member State.

Participants of the focus groups in France and Belgium pointed out that there isn't sufficient funding available for local authorities and civil society organisation to run information campaigns and outreach on a regular basis. Some local authorities, e.g. Etterbeek in Belgium or Paris in France, were able to implement the campaigns thanks to the support from the European Commission. However, as one of the participants explained, the disadvantage of this type of activities is their limited duration. Therefore, it was agreed that more funding, from both the central governments and the EU, should be available. At the same time, it was mentioned that smaller municipalities lack capacity to apply for and compete in open calls. Therefore, additional trainings in this regard would also be advisable.

Information on political systems of the host Member States

Many participants of the focus group pointed out that EU citizens often do not understand local political systems. Various administrative divisions, pre-election agreements, multiple parties, various voting methods only add to the confusion for those who have just arrived to a country where nothing looks and sounds familiar.

Therefore, the participants believe that outreach campaigns should also focus on raising awareness on the political systems, the role of the local authorities, etc. Undoubtedly, EU mobile citizens have also a role to play in this regards and they should be more proactively looking for information.

⁹⁹ Ibid.

Involvement of mobile EU citizens in local decision-making, which directly affects their lives, should also be promoted in-between the elections. A positive example was discussed by the participants of the focus group in France. In 2018, the Paris City Hall launched a project “INCLUDE”, in cooperation with the European Civic Forum and the Young Europeans- France¹⁰⁰. Among other initiatives, a European Consultative Council was created. It is composed of 61 mobile EU citizens and works in close cooperation with elected officials of the City of Paris, to whom it proposes opinions and recommendations.

Impact of obstacles to freedom of movement on political participation

The relation between freedom of movement and political participation of mobile EU citizens was discussed by the participants of all the focus groups.

While the obstacles faced by EU citizens are different and more or less persistent depending on the country analysed, there are a few common recommendations that could potentially help to improve political inclusion of mobile EU citizens.

In particular, participants of the focus groups in all the Member States mentioned that bad experience, obstacles and discrimination EU mobile citizens encounter when dealing with local authorities may have a negative impact on their sense of belonging and on the integration process. Civil servants present during the focus groups admitted that they are often overburdened, do not have enough time to provide quality service and often lack necessary knowledge on EU citizens’ rights.

Therefore, provision of appropriate training to civil servants could potentially improve freedom of movement and, in turn, enhance political participation of mobile EU citizens. The training could focus on the following issues:

- Right to freedom of movement and related procedures for entry and residence
- Access to social security and healthcare
- Political participation (eligibility rules, registration procedures, required documents, etc.)

EU citizens wishing to travel or move to France or Portugal with their non-EU family members face difficulties in applying for a visa or a residence document for their non-EU family members if their marriage certificate was issued by a non-EU country. This issue was analysed more in details in the ECAS’ study “Freedom of Movement in the EU: A Look behind the Curtain”¹⁰¹ and several solutions were proposed.

It was recommended that positive action at EU level is necessary to ensure that only an apostille stamp (and a certified translation) should be required for a non-EU marriage certificate to be accepted as proof of a family link. At the same, any additional requirements should only be imposed in cases where there is reason to suspect abuse, not as a general policy.

Third-country family members of EU citizen reported long delays in issuing entry visas in various Member States. While Ireland seems to be taking the lead in this regard with delays of more than a year reported, citizens in other Member States, including Belgium or Portugal, have also reported similar problems. Therefore, positive action is needed at the EU and the national level to find a solution that strikes a balance between preventing abuse and ensuring that EU free movement rules

¹⁰⁰ <https://www.paris.fr/projetinclude> (accessed on 15 March 2019)

¹⁰¹ Nicolaou A., Freedom of Movement in the EU: a Look Behind the Curtain, 2018

are respected so that family members of EU nationals are issued entry visas on the basis of an accelerated procedure¹⁰².

Conclusions

Out of 17 million EU citizens residing in an EU country other than their own (Eurostat 2017), around 15 million have a right to participate in local and EU elections. EU citizens are increasingly mobile, meaning that also population of mobile EU citizens with a right to vote is becoming more and more relevant. However, many of them are either not aware of their electoral rights and procedures, or encounter obstacles when they want to engage.

This report has provided an overview of problems and challenges EU citizens face when moving to or residing in another EU member State, and trying to be politically active. It is based on the outcomes of the focus groups in six Member States and an additional analysis of Your Europe Advice Quarterly Feedback Reports.

In the existing research, a limited involvement of mobile EU citizens in political life of their host Member States has never been analysed in the context of obstacles to freedom of movement. These two rights, while both important and complementary, have been usually studied in separation from each other.

However, as our analysis has shown, the rights to free movement and political participation are related, and the effective exercise of political and civic rights may be dependent on the proper implementation of the EU rights related to free movement. In particular, obstacles experienced by EU citizens and their family members, and negative experience with local authorities may have a negative influence on citizens' propensity to participate in the local elections.

Therefore, in addition to recommendations focusing strictly on eligibility, electoral registration and informational outreach, several suggestions have been made on how to overcome the obstacles and facilitate freedom of movement of mobile EU citizens.

¹⁰² Ibid.

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