

# EU FREEDOM FOR MOVEMENT: WHAT ARE YOUR RIGHTS?

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A guide for professionals working with destitute mobile EU citizens - UPDATED VERSION



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This guide takes account of EU law as of 2023, following the new Guidance on the right of free movement of EU citizens and their families (C/2023/1392), which replaces the 2009 Guidance on better transposition and application of Directive 2004/38/EC.

A comprehensive overview of the EU legal framework is beyond the scope of this Guide; only the most basic concepts from Court of Justice of the European Union case-law and Directive 2004/38 are presented. The authors are not responsible for the use which might be made of the following information.

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## GLOSSARY

<b>EU</b>	European Union
<b>MS</b>	Member State
<b>NHS</b>	UK National Health System
<b>TCN</b>	Third-country national
<b>UK</b>	United Kingdom

## CHAPTER



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# Who can benefit from EU free movement rights under Directive 2004/38<sup>1</sup>?

- ▶ [Mobile EU citizens](#);
- ▶ [family members](#) of a mobile EU citizen.

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# Which residence periods are taken into account?

- ▶ All EU citizens and family members may stay in the host MS [up to 3 months](#);
- ▶ only EU citizens and family members having a certain status that permit them to regularly reside in the host MS may stay [for more than 3 months and up to 5 years](#)<sup>2</sup>;
- ▶ permanent residents for all EU citizens and family members [after 5 years](#) of regular residence.

1 Directive 2004/38/EC of the European Parliament and of the Council 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 (hereinafter **the Directive**).

2 In some cases, as retirement and permanent incapacity to work, active mobile EU citizens and their family members may enjoy the right of permanent residence even before the completion of a period of 5 years (see Article 17 of the Directive).

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## What is the status that permits EU citizens and family members to regularly reside after 3 months?

- ▶ Economically active:
  - ▶ [workers](#);
  - ▶ [self-employed](#);
  - ▶ [persons who retain the status of workers or self-employed](#);
  - ▶ [jobseekers](#)
- ▶ [self sufficient](#);
- ▶ students;
- ▶ [family members](#).



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# Who are mobile EU citizens and family members?

## What are the conditions to be considered a mobile EU citizen?

There are two cumulative conditions to be satisfied:

- ▶ the person needs to hold EU citizenship, which means holding the nationality of a Member State (MS) of the EU<sup>3</sup>. A person holding the nationality of another country – a so-called “third country national” – is not an EU citizen because they are a national of a country not in the European Union;
- ▶ they must exercise, or have exercised, the right to free movement. This means that
  - ▶ they must have moved from a Member State of which they are national to another Member State – for instance, a Portuguese national who lives in Belgium;
  - ▶ or they must have returned to their Member State of nationality after having resided in a Member State of which they are not a national – for instance, a French national who resided in Germany and then came back to France<sup>4</sup>.

## In which cases does a family member of a mobile EU citizen enjoy the right to free movement?

The right to free movement also applies to family members of a mobile EU citizen. This is particularly relevant for third-country nationals (TCN), but also for EU citizens who do not have an autonomous right to reside in the host

Member State. It is very important to bear in mind that free movement rights are enjoyed by family members only when they accompany or join an EU citizen who has exercised his right to free movement.

3 Note also that, pursuant to the Agreement on the European Economic Area, nationals from Iceland, Liechtenstein and Norway also benefit from free movement rules, as do Swiss nationals under a separate bilateral EU/Swiss Agreement on the Free Movement of Persons.

4 See, to that effect, case C-456/12, O. and B, paragraph 50.



A Cuban citizen joins her/his Belgian wife who lives in Sweden. Free movement applies, and the case is regulated by EU law



The same Cuban joins her/his Belgian wife who lives in Belgium and has never exercised the right to free movement. EU law does not apply, and the case is regulated by national law, which might be stricter. This situation is referred to as reverse discrimination: EU mobile citizens may enjoy more favourable treatment than non-mobile.

Family members can accompany the EU citizen as they move between Member States, join her/him from outside the EU or begin the relationship in the Member State where the mobile EU citizen moved to.

(if the partnership is recognised by both host and home MS);

- ▶ children (also adopted) under 21 years of age or dependent, including the children of the spouse or partner;
- ▶ dependent parents of the EU citizen and those of the spouse or partner;
- ▶ TCN parents who are the primary carers of EU children living in the MS of nationality of the children<sup>7</sup>.

### Does the family member have to be regularly residing?

The European Court of Justice ruled that a TCN who is the spouse of an EU mobile citizen enjoy derivative free movement rights irrespective of when and where their marriage took place and of how the national of a non-member country entered the host Member State (no prior lawful residence is required)<sup>5</sup>.

The entry and residence of other family members (extended) has to be facilitated for:

- ▶ any other family member dependent on, or member of household of, or having serious health conditions requiring personal care by, EU citizens, and for;

### Who is considered a family member?

- ▶ The spouse<sup>6</sup> or registered partner

<sup>5</sup> Case C-127/08, Metock.

<sup>6</sup> In the case of the same-sex spouse of an EU citizen see the case C-673/16, Coman.

<sup>7</sup> This category of family members is not formally recognised by the Directive, but the EU Court confirmed that third Country Nationals may enjoy residence rights in the host MS if their children with EU citizenship depend on them (Case C-200/02, Zhu and Chen and Case C-34/09, Ruiz Zambrano).

- ▶ partners with a durable relationship duly attested (this covers partnership not recognised by host MS).
- ▶ Although extended family members do not have an automatic right to reside with their EU relative, they must be given the opportunity to apply for the facilitation of their entry and residence and the national authorities are under an obligation to undertake

an extensive examination of their personal circumstances<sup>8</sup>.

### When are family members considered dependent?

A family member is dependent when their material support is provided by the EU citizen or by their spouse or partner. This is irrespective to the duration of the dependency or the amount of support.

## Case studies – Family Members

### a. Children under 21 years old



Aziz, 15 years old, Moroccan who resides in Morocco, is the son of a French woman living in Belgium. Aziz can enjoy free movement and join her mother in Belgium.

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### b. Children over 21 years old and not dependant



Karim, 25 years old, Moroccan who resides in Morocco, is the son of a French woman living in Belgium. Karim is not supported by his mother thus not considered dependant on an EU citizen and must rely on the Belgian immigration rules to move to Belgium.

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### c. Dependent parent



Li, a Chinese national, is married to a German and both are residing in Sweden. Ms Jia, mother of Li and Chinese herself, lives in China and relies on the financial contribution from her son and his wife. Ms. Jia, being a dependent family member of an EU citizen, is entitled to a residence permit in Sweden<sup>9</sup>.

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8 Case C-83/11, Rahman.

9 Case C-1/05, Yuning Jia.

### What happens to family members in case of death and departure of the EU citizen or of divorce?

The residence right is retained in case of death or departure of the EU citizen:

- ▶ by EU family members in case of death and departure of the EU citizen;
- ▶ by TCN family members in case of death (but not departure) of the EU citizen provided that they have been residing in the host MS for at least one year before the death;
- ▶ in case of death or departure of the EU citizen by his TCN children and by the TCN parent having the custody until completion of the studies.

The residence right is retained in case of divorce or termination of partnership:

- ▶ by EU family members;
- ▶ by TCN family members provided that the marriage or registered partnership has lasted at least three years (including one year in the host MS) or when the TCN has the children custody or a right to access to a minor child or in case of domestic violence.

Family members who retain a right of residence must, until they acquire a right of permanent residence, be able to demonstrate that they have sufficient resources so as not to become a burden on social assistance and they hold comprehensive sickness insurance.

## CHAPTER



# The first three months: what are the rights and the conditions to be met?

EU Citizens and their family members have the right to move to and reside in another EU Member State for up to three months. However, economically inactive EU citizens may not become an unreasonable burden on the social assistance system of the host MS (Article 14(1) Dir. 2003/48).

### Which documents are required?

EU CITIZENS	TCN FAMILY MEMBERS
Valid identity card or passport	Only passport

### Are there additional requirements?

EU CITIZENS	TCN FAMILY MEMBERS
MS (of exit and of entering) may not require any visa or equivalent formality	Host MS may require TCN family members to obtain an entry visa. Such visa shall be granted free of charge as soon as possible. This does not apply if such TCN family members already possess a valid residence card in an EU MS <sup>10</sup> .

- ▶ A delay of more than 4 weeks for issuing a visa for TCN family members is not reasonable.
- ▶ TCN family members entering without documents or visa may prove their identity or marital ties and must be accepted if there is no risk to public policy<sup>11</sup>.

<sup>10</sup> Case C-203/13, McCarthy.

<sup>11</sup> Case C-459/99, MRAX, paragraph 61.

### Do mobile EU citizens have access to social assistance and student benefits in the first three months?

They are not entitled to social assistance unless they are:

- ▶ [workers](#); or
- ▶ [self-employed](#); or
- ▶ [persons who retain the status of worker or self-employed](#); or
- ▶ [family members](#) of workers or self-employed or of individuals who retain the status of worker.

Access to social assistance for job-seekers is not compulsory and may be lawfully denied during the time they are looking for work.

### Is it possible to exit and re-enter the same MS and enjoying again the 3 months period?

This is not clear. If the person leaves the Member State and comes back again, a new period might start, but this will depend on the circumstances. If the person comes into contact with the national authorities several times over a period of more than 3 consecutive months, this might indicate that the new period of stay may be regarded as constituting a continuation of their previous residence in that country<sup>12</sup>. Some countries like France consider that artificially multiplying short term stays with the goal of maintaining the right to stay may amount to an [abuse of EU rights](#)<sup>13</sup>.

## CHAPTER



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# After the first three months: what are the rights and the conditions to be met?

Mobile EU citizens and their family members may be asked by the host MS to report their presence on the territory within a reasonable period and not less than 3 months from their arrival. If they have to register, national authorities must provide:

- ▶ mobile EU citizens regularly residing with a residence certificate immediately upon request after verification of the conditions and with a validity of 5 years from the date of issue;
- ▶ within 6 months, TCN family members of mobile EU citizens with a residence card that has a validity of 5 years but that might expire in case of prolonged absences. The validity of the residence card cannot be affected by temporary absences not exceeding six months a year, or by absences of a longer duration for duly attested reasons.

## What status allows regular residence beyond three months?

The Directive sets out the categories of people with a right to reside in a host MS for longer than three months:

- ▶ economically active individuals: [workers](#) with a confirmation of engagement from the employer or certificate of employment; [self-employed persons](#); [persons who retain the status](#) of workers or self-employed; [job-seekers](#) with a genuine chance to find a job;

- ▶ self-sufficient persons: economically inactive individuals who have [sufficient resources](#) for themselves and their family members not to become a burden on the social assistance system and have [comprehensive sickness insurance](#);
- ▶ students: who have comprehensive sickness insurance cover and provide a declaration stating that they have sufficient resources for themselves and their family members not to become a burden on the social assistance system;
- ▶ [family members](#) accompanying or joining an EU citizen who has the right to reside.

### Which are the documents required to register?

<b>WORKERS AND SELF-EMPLOYED</b>	<ul style="list-style-type: none"> <li>▶ ID or passport;</li> <li>▶ a confirmation or certificate of employment or proof of self-employment.</li> </ul>
<b>PERSON OF INDEPENDENT MEANS</b>	<ul style="list-style-type: none"> <li>▶ ID or passport;</li> <li>▶ proof of sufficient resources and sickness insurance.</li> </ul>
<b>STUDENTS</b>	<ul style="list-style-type: none"> <li>▶ ID or passport;</li> <li>▶ proof of enrolment and sickness insurance;</li> <li>▶ declaration on sufficient resources.</li> </ul>
<b>FAMILY MEMBERS</b>	<ul style="list-style-type: none"> <li>▶ ID or passport;</li> <li>▶ proof of family relationship;</li> <li>▶ registration certificate of the EU citizen they are accompanying or joining.</li> </ul>
<b>JOBSEEKERS</b>	<ul style="list-style-type: none"> <li>▶ ID or passport;</li> <li>▶ employment office registration;</li> <li>▶ evidence of job-seeking</li> <li>▶ (after 6 months of looking for work) evidence of genuine chance of finding work.</li> </ul>



## Is registration a condition for staying in the host MS?

In principle registration or the possession of a document or of a registration certificate are not conditions for enjoying the right to reside in the host MS. Failure to comply with the registration requirement cannot therefore justify the expulsion of a mobile EU citizen.

## Is the existence of an address a condition to register?

EU law precludes a MS from making the right of residence of an EU citizen in another MS subject to a condition of having a permanent or temporary address. EU citizens who meet the conditions set out in the Directive have a right of residence, irrespective of whether they are homeless or not. The EU Commission has made it clear that being homeless in and of itself cannot be considered as a reason to revoke the right of residence of an EU mobile citizen.

## What happens to those who are not regularly residing after 3 months?

They lose the right to reside and may be expelled or served with an order to leave the territory if they become an [unreasonable burden](#) on the social assistance of the host MS.

## Do mobile EU citizens who have been residing for more than 3 months have access to social benefits?

Workers, self-employed persons and persons who retain these statuses, self-sufficient persons and family members who accompany or join people holding such statuses are entitled to host welfare benefits on the same conditions as nationals. Access to host welfare benefits is not compulsory for job-seekers with a genuine change to find a job, those who do not retain the status of worker and for students.

## CHAPTER IV

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# After five years: what are the conditions to be met?

After five years of legal and continuous residence, after having verified duration of residence, mobile EU citizens are entitled to a permanent residence certificate immediately upon application, and TCN family members are entitled to a permanent residence card no later than 6 months after applying.

Once acquired, the right of permanent residence may only be lost after an absence from the host MS for a period exceeding two consecutive years. Permanent residents no longer have to provide evidence of being economically active nor of having sufficient resources.

### What does legal residence mean?

It means that the person in question has been residing in the host state under one of the statuses for [regularly residing](#) in the host MS after three months.

This may also result in a combination of the statuses for regularly residing. By way of example, if an EU citizen entered the host MS as student or a jobseeker and then found a job, the MS must take into account both periods to calculate the five years of legal residence.

## What does continuous residence mean?

Continuity of residence cannot be affected by temporary absences not exceeding a total of six months a year, or by absences of a longer duration for compulsory military service, or by one absence of a maximum of twelve consecutive months for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a posting in another MS or a third country.

## Do mobile EU citizens who are permanent residents enjoy equal treatment with nationals?

Permanent residents enjoy equal treatment with nationals and have full access to the welfare system on the same terms as nationals. This access is irrespective of the status that they hold.

## CHAPTER

## V

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## Who may enjoy equal treatment with the nationals of the host MS?

The prohibition of discrimination on grounds of nationality under article 18 of the Treaty on the Functioning of the EU entitles mobile EU citizens to equal treatment in the host MS under the same conditions as nationals of that MS. In brief, this principle requires MSs to treat mobile EU citizens and their own nationals equally in terms of benefits (social and tax benefits, education and social welfare).

This principle has been confirmed by article 24(1) of Directive 2004/38/EC that extends the right to equal treatment also to family members who are not nationals of a Member State and who have the right of residence or permanent residence.

### What is the difference between social security and social assistance benefits?

Social security benefits are contributory benefits (paid in return for having made past contributions) such as sickness, maternity, work-related accidents, unemployment benefits and pensions. This includes also universal non-contributory social security benefits (as family and child benefits).

The rules concerning the access to these benefits for mobile EU citizens are contained in Regulation 883/2004/EC.

Social assistance benefits cover any assistance granted by public authorities to destitute persons who do not have re-

sources sufficient to meet their needs (and of their family). These are non-contributory cash benefits paid with no contribution requirements to cover minimum living expenses (as subsistence benefits, social allowances, contribution to accommodation, heating costs, etc.). Where a specific benefit fulfils different functions, if its predominant function is to cover the minimum subsistence costs necessary to lead a life in keeping with human dignity, then it falls under the definition of social assistance<sup>14</sup>.

The rules concerning the access to social assistance for mobile EU citizens are contained in Directive 2004/38/EC. Some of these benefits also fall within the scope of Regulation 883/2004/EC.

### Do mobile EU citizens have access to social assistance and social security in the first three months in the host MS?

Workers and self-employed and persons who retain these statuses, self-sufficient persons and family members who accompany or join people who hold these statuses are entitled to the same social assistance and social security benefits as nationals from the beginning of their

stay<sup>15</sup>. During the first three months of residence the host Member State is not obliged to grant social assistance to economically inactive EU citizens. Neither is it obliged to grant social assistance to first-time jobseekers or jobseekers who did not retain the status of worker or of self-employed person.

### Do mobile EU citizens who have been residing for more than 3 months have access to social assistance in the host MS?

Workers and self-employed and persons who retain these statuses, self-sufficient persons and family members who accompany or join people who hold these statuses are entitled social assistance benefits under the same conditions that apply to nationals.

Economically inactive EU citizens without resources or sickness insurance are in principle not entitled to social assistance benefits, because they do not meet the conditions for having a right of residence. Social services may however decide on the basis of the national rules to provide social assistance to inactive EU mobile citizens who are in need.

<sup>14</sup> Case C-67/14, Alimanovic.

<sup>15</sup> In addition, Regulation 883/04 (article 6) entitles mobile EU citizens to have the periods of insurance, employment and residence they have completed in a Member State taken into consideration for the entitlement to benefits in the host MS.

However, claiming social assistance can give rise to a reasonable doubt on the part of the national immigration authorities that the person may have become an unreasonable burden on the social assistance system or that they lack sufficient resources to support themselves so as not to become such a burden. A Member State may therefore make the grant of a social assistance or special non-contributory benefit to an EU citizen from another Member State conditional upon that citizen demonstrating that they meet the requirements for obtaining a legal right of residence for a period exceeding three months. However, Member States cannot refuse the granting of these benefits automatically to economically inactive EU citizens nor can they automatically consider those claiming these benefits as not possessing sufficient resources and thus as not having a right of residence. Authorities should assess the individual situation considering a range of factors such as the amount, duration, temporary nature of the difficulty or overall extent of the burden which a grant would place on the national assistance system. If, on this basis, authorities conclude that the persons have become an unreasonable burden or that they lack sufficient

resources to support themselves, they may terminate their right of residence.

### Do mobile EU citizens who have been residing for more than 3 months have access to social security in the host MS?

Workers, self-employed and persons who retain these statuses, self-sufficient persons and family members who accompany or join people who hold such statuses are entitled to social security benefits under the same conditions that apply to nationals.

To obtain social security benefits, economically inactive EU citizens have to pass a habitual residence test, proving that they have their centre of interest in the Member State in question. They also have to prove to have a right to reside in the host MS. However, the Court of Justice has previously held that claiming social assistance could be an indication that the person lacks sufficient resources to avoid becoming an unreasonable burden on the social assistance system of the host MS and therefore does not have a right to reside as a person of independent means<sup>16</sup>.

## Do jobseekers who have been residing for more than 3 months have access to social assistance and social security?

Job-seekers are not entitled to social assistance in equal terms with the national of the host MS, even if they have a right to reside and they can demonstrate that they are looking for a job and having a genuine chance of finding one. They may be denied social assistance without the host MS having to carry out an individual assessment of their situation.

However, job-seekers are entitled to benefits aimed at facilitating access to employment in the labour market of the host MS, because the Court of

Justice has held these do not constitute social assistance<sup>17</sup>. In case they have their habitual residence in the host MS, job-seekers may also qualify for social security benefits other than social assistance in the host MS provided they fulfil the substantive requirements (such as family benefits<sup>18</sup>).

In addition, jobseekers may also, under certain conditions, continue to receive unemployment benefits in the host MS from the MS where they became unemployed (the MS of origin) for up to three months, although this may be renewed once at the discretion of the awarding authorities<sup>19</sup>.

<sup>17</sup> Joined Cases C-22/08 and C-23/08 Vatsouras and Koupatantze.

<sup>18</sup> Case C-411/20, S v Familienkasse Niedersachsen-Bremen der Bundesagentur für Arbeit.

<sup>19</sup> For further information [https://europa.eu/youreurope/citizens/work/finding-job-abroad/transferring-unemployment-benefits/index\\_en.htm](https://europa.eu/youreurope/citizens/work/finding-job-abroad/transferring-unemployment-benefits/index_en.htm)

PERIOD OF STAYING	STATUS
FIRST THREE MONTHS	<b>Workers, Self Employed and persons who retain the status</b>
	<b>Inactive EU citizens</b>
	<b>Family members of EU citizens</b>
	<b>Jobseekers</b>
RESIDENCE BETWEEN 3 MONTHS AND 5 YEARS	<b>Inactive with no resources</b>
	<ul style="list-style-type: none"> <li>▶ <i>Not worker or self-employed;</i></li> <li>▶ <i>not retaining that statuses; or</i></li> <li>▶ <i>not still seeking a job or does not have genuine chance of finding a job.</i></li> </ul>
	<b>Jobseekers</b>
	<b>Former Active</b>
PERMANENT RESIDENT (OVER 5 YEARS)	<b>Workers or self-employed</b>
	<b>Self-sufficient persons</b>
	<b>Family Members of EU citizens with a right to reside</b>
	<b>EU citizens and their family members</b>



## ACCESS TO SOCIAL ASSISTANCE IN THE HOST MS

Social assistance and social security benefits under the same conditions as nationals of the host MS.

MS have no obligation to grant them social assistance.

Only family members of workers, self-employed or persons who retain the status are entitled to social assistance during the first three months of staying.

MS have no obligation to grant them social assistance.

MS have no obligation to grant them social assistance.

Social security benefits may be granted if they have their habitual residence and are regularly residing<sup>20</sup> in the host MS, and they meet same eligibility requirements that apply to nationals.

However, claiming benefits can be taken as an indication that the person concerned does not have sufficient resources so as not to become a burden on the country's social assistance system.

Jobseekers up to five years of legal residence in the host MS are not entitled to social assistance, even where the benefit in question appears to be an unemployment benefit.

EU jobseekers are entitled only to claim benefits that facilitate access to the labour market (like job-seekers allowances), but not where the benefit has a social assistance element.

Social security benefits may be granted if they have their habitual residence and are regularly residing in the host MS, and they meet same eligibility requirements that apply to nationals.

Social assistance like national citizens as long as the status of worker or self-employed person is retained.

All social benefits like national citizens.

Social assistance like national citizens, unless they become an unreasonable burden.

Social security benefits may be granted if they have their habitual residence and are regularly residing in the host MS.

However, claiming benefits could be taken as an indication that the person concerned does not have sufficient resources so as not to become a burden on the country's social assistance system.

All social benefits like national citizens.

All social benefits like national citizens.

## CHAPTER

## VI

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## Who can be considered a worker?

The broad interpretation of the notion of workers provided by EU Courts is binding and is not subordinated to national labour law.

The main conditions to be considered a worker are:

- ▶ to carry-out a genuine and effective economic activity, i.e. any work activity that is not marginal or ancillary (also, part-time work; traineeship, apprenticeship, domestic work, au pair work);
- ▶ for a remuneration. The amount is irrelevant (also low-income or even just food and lodging can count as remuneration in kind);
- ▶ for and under the direction of someone else. The employment relationship requires the involvement of two parties;
- ▶ for a certain period, including short-term activities.

### When is the economic activity considered genuine?

EU case law does not set any minimum number of hours, duration of the working relationship, nor level of compensation among the requirements to be considered as a worker. A national rule or policy that automatically provides a threshold of minimum hours or compensation to be considered a worker would be in breach of EU law.

## Case studies: notion of worker



Early case law considered that an activity provided as part of a drug rehabilitation program cannot be regarded as a real and genuine economic activity since the work was designed for persons who, by reason of addiction to drugs, were unable to work under normal conditions<sup>21</sup>.

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The previous decision was partially upheld in a following case where a person employed under a job creation scheme was considered a worker. This was the case of a working contract reserved for recipients of social assistance in order to enable unemployed persons to enter or re-enter the general labour market<sup>22</sup>.

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Work in the context of a reintegration program in the labour market was again confirmed as an activity that could be genuine and real in another decision. A French national living in Belgium who performed for a charity hostel various jobs for 30 hours a week, as part of a personal reintegration programme, in return for which they received benefits in kind (accommodation) and some pocket money can claim a right of residence as a worker if the activity is real and genuine<sup>23</sup>. The Court considered that neither the specific nature of the employment relationship under national law, nor the level of productivity of the person concerned, the origin of the funds from which the remuneration is paid or the limited amount of the remuneration can have any consequence in regard to whether or not the person is a worker.

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A cleaner with a contract of employment of 5.5 hours per week providing them a monthly wage of EUR 175 must be considered as a worker even if the wage covers only partially the minimum necessary for their subsistence, given that the person benefited from labour law protections such as entitlements to paid holidays and paid sick leave<sup>24</sup>.

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21 Case C, Bettray, paragraph 17.

22 Case C-1/97 Birden.

23 Case C-456/02, Trojani, paragraphs 20-24.

24 Case C-14/09, Genc, paragraphs 26-28.



MSs tend to interpret the genuine and effective nature of the activity narrowly in order to exclude EU mobile citizens executing low wage and hour employment from residence rights. Many national public authorities employ hours or earnings thresholds as a means to define what constitutes work. For instance, in Denmark and Belgium work below 10-12 hour is generally considered as marginal and ancillary<sup>25</sup>. It is questionable whether such thresholds comply with EU law.

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A person who bases their income on begging cannot be considered a worker because there is not an employment relationship.

25 <http://ec.europa.eu/social/BlobServlet?docId=15476&langId=en>

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## Who can be considered as a self-employed person?

Self-employed people are those who work in their own business for the purpose of earning a profit. They perform tasks under their own responsibility, outside any relationship of subordination, in return for remuneration and they bear the economic risk of the business.



Sex work may be considered a provision of services for remuneration and therefore may fall within the concept of economic activities<sup>26</sup>. In MS (like Germany and Netherlands) where street and window or club prostitution is regulated, prostitutes may be considered as self-employed persons and therefore having a right to reside if they are able to furnish proofs of their activity (bills, clothes receipts, registration to the public order office).



In the UK, a homeless mobile EU citizen vendor of a newspaper for the homeless was considered by a British Tribunal as a self-employed person and therefore entitled to access housing benefits<sup>27</sup>. However, in another case, a different British Tribunal considered that the vendor could not establish a right to reside on the basis of being a self-employed person given the lack of corroboration of the hours worked each week and the very low level of earnings<sup>28</sup>.

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<sup>26</sup> Case C-268/99, Jany.

<sup>27</sup> Bristol City Council v FV (HB) [2011] UKUT 494 (AAC), CH/2859/11.

<sup>28</sup> DV v SSWP [2017] UKUT 0155 (AAC) - <https://www.gov.uk/administrative-appeals-tribunal-decisions/dv-v-secretary-of-state-for-work-and-pensions-2017-ukut-155-aac>

## In which cases do mobile EU citizens retain the status of worker or self-employed<sup>29</sup>?

STATUS	Temporal inability to work for illness or accident	Involuntary unemployment after having been employed for more than 1 year	Involuntary unemployment after having been employed for less than 1 year	Attending vocational training	Maternity <sup>30</sup>
CONDITIONS		Being registered as jobseekers	Being registered as jobseekers	Unless in case of involuntary unemployment the training must be related to previous employment.	Returning to work or find other employment
DURATION	For the entire duration of their incapacity	Indefinitely	For at least 6 months After 6 months, they may stay in the host MS as jobseekers	For the duration of the vocational training	Within a reasonable time after birth

<sup>29</sup> In case C-442/16 Florea Gusa the Court of Justice confirmed that provisions on retention of worker status also apply to mobile Union citizens who have been self-employed

<sup>30</sup> The Court stated that the list of cases in article 7(3) of the Directive is not exhaustive and recognized maternity as a ground for retaining the status of a worker, provided the person concerned resumes their work within a reasonable period of time after giving birth (Case C-507/12, Saint-Prix as regards workers and C-544/18, Daknevičiute as regards self-employed persons).

### CASE STUDY:

An EU citizen living and working in Germany who loses their job after having worked for less than one year, will initially retain the status of worker for at least 6 months, but after that date, if they cannot find a new job and do not fulfil the condition to be considered a jobseeker they will lose their right to

reside and access to social assistance. However, if that same EU citizen loses their job after working for more than one-year they will retain the status of worker and keep their right to reside in the host member State provided that they are registered as a jobseeker<sup>31</sup>.

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## Who is considered as a job-seeker?

### What are the conditions for job-seekers to enjoy residence rights?

- ▶ During the first six months of residence, they are only required to hold a valid identity card or passport. Member States cannot automatically require a job-seeker to leave as soon as the six months' period expire;
- ▶ After six months they can remain and are protected against expulsion if they can provide evidence of having a genuine chance of being engaged and are actively looking for a job



Some MSs tend to consider that jobseekers have the right of residence without being subject to any conditions or formalities only for a period not exceeding three months. For instance, in Belgium jobseekers need to prove registration with the employment office and to have a genuine chance of being engaged already after three months of staying. However, the Court of Justice has ruled that jobseekers can only be required to demonstrate having a genuine chance of being engaged after having been given a reasonable period of time (usually six months) to find work<sup>32</sup>.

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<sup>31</sup> See for instance Case C-67/14, Alimanovic.

<sup>32</sup> Case C-710/19, G.M.A. v Belgium.

### Who decides whether the individual concerned can be considered a job-seeker?

This varies according to Member States. EU citizens are normally required to register in a job centre as jobseekers but the assessment of the genuine chance to find a job, as a condition for having a right to reside in the host MS, is the responsibility of the national immigration authorities.

### What does “actively looking for a job” mean?

This essentially means that the person must provide evidence of job-seeking. This normally requires being registered with a job centre and actively using the services offered there (such as complying with action plans proposed by the job consultants at job centres), updating their CV and submitting reports on job applications. Alternatively, it requires a jobseeker to show they are actively looking for work by regularly sending out applications.

### What does “having a genuine chance of being engaged” mean?

National authorities must take into account the personal situation of the person concerned, including any diploma that they have obtained, any professional trainings that they have undertaken and the duration of the period of unemployment in order to assess whether the person has a genuine chance to find a job. Registering with the employment office is not sufficient for being considered as having a genuine chance of finding a job. The national authorities must also take into account the situation of the national labour market in the sector corresponding to the occupational qualifications of the jobseeker in question. Intensive personal initiative is required and it must be possible to verify that the individual is actively seeking a position, e.g. through correspondence with potential employers or by way of job interviews and newspaper advertisements. By contrast, the fact that the jobseeker might have refused offers of employment which did not correspond to their professional qualifications cannot be taken into account for the purpose of considering whether that person has a genuine chance of being engaged.



## EXAMPLES OF THE IMPLEMENTATION OF THE GENUINE CHANCE REQUIREMENT

A person who is still looking for work but who provides evidence that they have recently undertaken further training which guarantees them a position as an apprentice upon completion of the training course must be considered as having a genuine chance of being engaged.

An individual who is not registered at a job centre or who systematically refuses to accept any referred suitable employment offer or who does not accept to participate in job training courses and other relevant activities will not be con-

sidered as having a genuine chance of being engaged.

A long period of inactivity may be taken as demonstration that a jobseeker does not have a genuine chance of being engaged.

Taking language classes or engaging in vocational training have not been considered as sufficient to demonstrate a genuine chance of being engaged.

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## Who can be considered as having ‘sufficient resources’?

Having sufficient resources is the only status, besides being a family member or student, that allows economically inactive EU citizens to stay for more than 3 months. The requirement for having a right of residence as an economically inactive EU citizen is for that person to have *sufficient resources* for themselves and their family members so as not to become *a unreasonable burden on the social assistance system*. This means they need to have enough money to live in the host MS without having recourse to social assistance.

### CASE STUDY

In Germany for instance the existence of sufficient means of subsistence can be assumed if no application is made for social benefits. The immigration office can, however, require proof of the existence of sufficient means of subsistence after a stay of 3 months.

### How much money is needed to be considered as having ‘sufficient resources’?

EU citizens are generally considered as having sufficient resources when the level of their resources is higher than the threshold below which social assistance benefits are granted in the host MS (a minimum subsistence benefit or a minimum social security pension). In practice proof of sufficient resources can be demonstrated by any means such as the possession of a credit card or a certification of having funds at a bank or being entitled to social benefits such as pensions or contributory unemployment benefits. The host MS may not impose a fixed amount which they regard as sufficient resources but they must take into account the personal situation of the person concerned.

## CASE STUDY

*In Belgium an amount of €1,314.20 per month corresponding to the threshold below which a single person may be eligible for social assistance has been considered as the minimum level of sufficient resources to have a right to reside. However, a person cannot automatically be denied a right of residence simply because the level of their resources is below this level. Instead, the Belgian authorities must take into account the person's specific situation.*

*For example, a person with a limited amount of resources (for example, a €500 invalidity pension received from another MS) and with free use of accommodation in the host MS provided by friends or family may be considered as having sufficient resources.*

### Is the origin of the resources important?

The origin of resources does not matter; it may come for instance from previous

employment or private savings and do not have to be periodic and can be in the form of accumulated capital. The resources may also come from social security benefits such as old age or invalidity pensions, or from third parties such as family members, from alimony paid by a former partner or also from another person not having a legal obligation to provide maintenance to the beneficiary.

### Can social assistance be considered when assessing 'sufficient resources'?

Sufficient resources must be assessed without considering the social assistance granted by the host MS. Money coming from social assistance awarded by the host MS may not be considered, but money coming from other social benefits, such as pensions or contributory unemployment benefits, must be taken account of.

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## What is a comprehensive sickness insurance?

Any health insurance, private or public, contracted in the host MS or elsewhere that provides comprehensive coverage and which does not create a burden on the public finances of the host MS qualifies as “comprehensive sickness insurance”. Although EU citizens are entitled to affiliate to the public healthcare system, the host MS is allowed to charge a proportionate fee for this in respect of EU citizens who are not working, namely salaried workers, self-employed persons and persons who retain these statuses, as well as their family members<sup>33</sup>.

The European Health Insurance Card offers such comprehensive cover during a short period of stay in the host Member State (when the EU citizen concerned does not move their residence in the host MS and has the intention to return in the home MS, as in the case of students or posted workers).

### Who needs to prove that they have comprehensive sickness insurance?

Students and economically inactive EU citizens. Pensioners fulfil the condition of comprehensive sickness insurance cover if the MS that pays their pension also covering their healthcare costs (as evidenced by holding Portable Document S1).

**Example:** a German national brought his Colombian family to the UK (when it was still a Member State of the EU). They lived off private income and did not rely on social assistance. They also had comprehensive medical cover back in Germany. The UK refused to renew their residence permit because they did not have emergency healthcare cover in UK. The Court of Justice considered that B already satisfied the condition of having medical insurance by virtue of being affiliated to social security in Germany and that it would have been disproportionate to deny his right of residence simply on the ground that his sickness insurance did not cover emergency treatments<sup>34</sup>.

33 Case C-535/19, *A v Latvia* (Public health care).

34 Case C-413/99, *Baumbast*.

In the UK, prior to Brexit, EU mobile citizens could use the public National Health system (NHS) free of charge, but affiliation to the NHS did not count as comprehensive sickness insurance. Inactive mobile EU citizens who could not rely on coverage by their home MS needed additional coverage by contracting private insurance. This policy

was eventually found to be contrary to EU law by the Court of Justice which considered that once EU citizens are affiliated to the public healthcare system in the host Member State, they must be considered to satisfy the requirement for holding comprehensive sickness insurance<sup>35</sup>.

35 Case C-247/20 VI v Commissioners for Her Majesty's Revenue and Customs.

## CHAPTER VII

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# Can MS expel mobile EU citizens and for which reasons?

EU rules allow for expulsions of mobile EU citizens and the members of their families:

- ▶ for reasons related to [public policy or public security](#)<sup>36</sup> (for example due to criminal activity or socially harmful behaviour);
- ▶ for reasons related to [loss of residence rights](#);
- ▶ for reasons related to the person becoming an unreasonable burden on social assistance;
- ▶ for reasons related to [fraud or abuse of rights](#) (falsification of documents or marriage of conveniences).

### What happens to mobile EU citizens once they are expelled?

They can re-enter the territory of which they are nationals without any formality and they can also move to another Member State.

<sup>36</sup> Under the Directive public health is also mentioned as a ground for adopting restrictions on free movement. However, measures can only be taken on public health grounds within the first three months following the date of arrival. In practice this will only justify a refusal of access to the territory of the host MS or to issue a first residence document rather than serve as a ground for expulsion. Once the three-month period has expired, the right of residence cannot subsequently be contested on public health grounds.

In case expulsion is ordered, compliance with this decision requires not only the person to physically leave the territory of the host Member State, but this also requires them to have genuinely and effectively terminated their residence there<sup>37</sup>. This can be demonstrated by the person having made a request for removal from the population register, terminating their lease agreement or moving accommodation, ending contracts for the provision of public utilities (such as water or electricity), or requesting de-registration from a job placement service, as the case may be.

Following such a genuine and effective break in their residence, they can re-enter the MS that expelled them and claim a new right of residence that cannot be regarded as constituting a continuation of their previous residence in that country. This is unless they are the subject of a re-entry ban, which can only be issued on grounds of public policy or public security.

## What should be included in an expulsion order?

An expulsion order must be notified in writing and include:

- ▶ a full justification to understand the reasons of the decision and its implications;
- ▶ the time limit and the court or administrative authority to lodge and appeal;
- ▶ the time allowed for the individual concerned to leave the territory of the MS. Save in cases of urgency, the time allowed to leave the territory cannot be less than one month from the date of notification. In assessing the need to reduce this time in cases of urgency, the authorities must consider the impact of an immediate or urgent removal on the personal and family life (e.g. need to give notice at work, terminate a lease, need to arrange for personal belongings to be sent to the place of new residence, the education of children, etc.).

<sup>37</sup> Case C-719/19, FS v Staatssecretaris van Justitie en Veiligheid.

### What is public policy or public security as a ground for expulsion?

The notions of public policy and security are established at national level by Member States in accordance with their needs, which can vary in time and between different countries.

Public policy aims at preventing disturbance of social order (criminal offences, unlawful possession of drugs, violent action to overthrow the institutions of the state or others socially harmful behaviour) while public security covers internal and external security of the MS. Terrorism, trafficking in human beings, sexual exploitation, drug and arms trafficking, money laundering, corruption, counterfeiting means of payment, computer crimes and organised crime might all be considered as imperative grounds of public security.

### Is the residence period important in the assessment of whether a mobile EU citizen must be expelled on ground of public policy or security?

The longer a person has resided in the host MS the stronger the safeguards against expulsion:

- ▶ less than 5 years: they may only be expelled if their personal conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society;
- ▶ more than 5 years: they may only be expelled on serious grounds of public security or public policy;
- ▶ more than 10 years or minors: they may only be expelled on imperative grounds of public security. Trafficking in narcotics as part of an organised group<sup>38</sup> and sexual exploitation of children<sup>39</sup> have both been recognised as criminal offences covered by the concept of “imperative grounds” of public security.

38 Case C-145/09, Tsakouridis.

39 Case C-348/09, P.I.



## What needs to be considered in the assessment of a threat to public policy or security?

- ▶ The nature and seriousness of the offences;
- ▶ their frequency and time elapsed since the offences (early release for good behaviour or on parole?);
- ▶ the damage or harm caused;
- ▶ the degree of social danger resulting from the presence of the person in that MS.

Past conduct, previous criminal conviction or actual imprisonment cannot in themselves constitute grounds for expulsion and can be considered only as evidence of personal conduct where there is a likelihood of reoffending<sup>40</sup>.

A simple infringement of the social order by breaching the law – such as possessing drugs or prostitution or city begging – is not sufficient, but persistent petty criminality may represent a threat to public policy, even though any single crime, individually, would be insufficient.

Danger of re-offending may be considered greater in the case of drug dependency if there is a risk of further criminal offences committed in order to fund the dependency.

## CASE STUDIES

- ▶ Collective expulsions of mobile EU citizens found to be living in illegal settlements or in abandoned flats, without financial means, are in breach of EU law if adopted without considering their personal conduct and the background of the individuals concerned. Illegal occupation of property is not sufficient to qualify as a threat to public policy;
- ▶ a Bulgarian citizen is sleeping rough in the streets of Copenhagen and is begging to make his ends meet. He is arrested by the police and told he faces deportation. However, such an expulsion must not be automatic: in this case the Foreign Office, in order to assess the existence of a serious and present threat to public policy that might justify an expulsion order, must also take into account the personal conduct and the degree of social integration of the person;

<sup>40</sup> See Cases C-482/01 and 493/01 Orfanopoulos and Olivero (paras 82 and 100) and C-50/06 Commission v Netherlands (paras 42-45).

► A and Z have finished serving their two-year sentence for robbery. This was A's first conviction and since she left prison she has found a job. She does not represent a genuine, present and sufficiently serious threat. For Z, this was her fourth conviction and in less than two weeks, she is caught planning another robbery. Her conduct may be considered a threat to public policy and therefore a sufficient ground for expulsion.

### When is an expulsion order adopted on ground of public policy or security proportionate ?

Once the authorities have established the existence of a threat, they also have to assess whether the expulsion measure is appropriate and whether there are less stringent measures.

MSs must consider the personal situation of the individual concerned and in particular:

- the length of residence and social integration in the host MS (family links, language skills);
- age and health;
- the impact of the expulsion on other

family members who would have a right to remain;

- the links with the country of origin.

### CASE STUDY

The expulsion of a French citizen who was raised in Germany from an early age and who does not speak French may be considered disproportionate because of the lack of ties with the MS of origin and the strong ties with the host MS. On the contrary, the expulsion of a mobile EU citizen, who committed the same crime but who has been living in the host MS only for a few months, could be considered proportionate.

## When are expulsions possible in case of loss of residence rights?

EU citizens may lose their right of residence for a variety of reasons. This could be because they lose their status as workers or self-employed persons. This could for instance happen if a worker or self-employed person voluntarily gives up work without embarking on a course of study. Alternatively, an economically active person could become involuntarily

unemployed but not retain their status as a worker or self-employed person because they do not register with a public employment office.

As regards economically inactive mobile EU citizens, they may also lose their right of residence if they claim social benefits in the host MS because they no longer have sufficient resources.

See table on the following page

**Economically active persons**

(workers, self-employed persons and persons who retain these statuses) and their family members

retain their right of residence as long as they retain their status as workers or self-employed

they can only be expelled if they lose such status

**Economically inactive persons during the first three months**

retain a right of residence as long as they do not become an unreasonable burden on the social assistance system of the host MS

**Economically inactive persons with a right to reside** (students or self-sufficient persons) **after three months**

retain a right of residence as long as they satisfy the conditions of having sufficient resources and comprehensive sickness insurance.

they can only be expelled if they no longer have a right of residence

**Economically inactive persons not regularly residing after three months** (including jobseekers who do not have a genuine chance of being engaged)

can be expelled if they do not have a right of residence on the basis that they do not sufficient resources

can also be expelled if they become an unreasonable burden on the social assistance system of the host MS

expulsions must not be the automatic consequence of recourse by an EU mobile citizen and his family members to the social assistance system of the host MS

if an EU mobile citizen without sufficient resources applies for social benefits, they may be considered a burden

*M, an Italian citizen entered Germany to seek employment and found a job. She and her family members may not be expelled on this ground as long as M keeps the status of worker.*

*However, M may be expelled if she loses her status as a worker, for example if she becomes involuntarily unemployed and does not register with a public employment office.*

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*Jobseekers may not be expelled as long as they demonstrate to have a genuine chance of being engaged.*

*However, under EU law these persons are not entitled to social assistance in that period. Only a repeated and protracted use of social assistance would justify an expulsion measure during the first three months of staying in the host MS. In practice, they are generally not allowed to apply for social assistance.*

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*A homeless person in Berlin has no resources nor health insurance; consequently, they do not meet the conditions for having a right to reside in the host MS. If they are not using any emergency care or shelter in the host MS they cannot be considered to be an unreasonable burden for the social assistance of the host MS and therefore they cannot be expelled on that basis. If they are using emergency care or shelter provided by the host MS or funded by the state, they may be considered to constitute an unreasonable burden and therefore they may be expelled on that basis.*

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### When and how can a MS check if a mobile EU citizen is regularly residing?

The burden of proof is on the national authorities to prove that an EU citizen no longer has a right to reside. They therefore have to prove that the individual concerned does not have the status of a worker or self-employed person or does not have sufficient resources or comprehensive sickness insurance before issuing a removal order. When there is a reasonable doubt, the national authorities may verify if these conditions are fulfilled. This verification of residence rights cannot be carried out systematically.

For instance, a national policy to control and investigate the residence rights of all the mobile EU citizens found to be sleeping rough or claiming social benefits in the host MS would amount to a systematic verification of EU rights that is against EU law.

### When do mobile EU citizens become an unreasonable burden?

In assessing whether an individual who was granted social benefits has become an unreasonable burden, the national authorities must carry out a proportionality test, which features three sets of criteria:

- ▶ Duration:
  - ▶ For how long is the benefit being granted? Is it a case of temporary difficulties?
  - ▶ Is it likely that the EU citizen will get out of the safety net soon?
  - ▶ How long has the residence lasted in the host MS?
- ▶ Personal situation and individual circumstances:
  - ▶ What is the level of connection of the EU citizen with the society of the host MS?
  - ▶ Are there special considerations on age, state of health, family and economic situation?
- ▶ Amount:
  - ▶ What is the total amount of aid granted?
  - ▶ Does the EU citizen have a history of relying heavily on social assistance?
  - ▶ Does the EU citizen have contributed to the financing of social assistance in the host MS?

#### CASE STUDY

A Polish citizen moved to Belgium and

found a job in the construction sector. After 2 months, he was made redundant and lost his job. He then applied for social assistance that was granted. However, the social security authorities sent his details to the Immigration Office, that served him with an order to leave the territory because he did not have sufficient resources and was considered an unreasonable burden on the social assistance system. Even though he was not deported, he was unregistered and lost his social security number and access to health insurance in the host MS.

Belgium is accused of systematically controlling the economic situation of economically inactive EU migrants. Details of EU citizens who have claimed unemployment benefits are routinely passed on by the Belgian National Employment Office to the Immigration Office which then proceeds to determine if action can be taken to put an end to their right of residence. This policy is questionable as a matter of EU law.

### What is fraud or abuse of rights? What can that entail?

Member States may adopt the necessary measures to refuse, terminate or withdraw any residence right in the case of abuse of rights or fraud. This ground

covers artificial conducts, such as marriages of convenience, entered solely with the purpose of enjoying the right of free movement and residence.

### CASE STUDIES

According to French immigration Law<sup>41</sup> a suspicion by the French authorities that the EU citizen is residing in France with the secret aim of benefiting from the welfare system justifies his expulsion. This definition of abuse of rights seems to go beyond the notion of abuse of rights existing under EU law that merely refers to artificial conducts like marriage of convenience and falsification of documents.

In the UK, prior to Brexit, the Home Office introduced the concept of rough sleeping as an abuse of rights in May 2016. Homeless charities had reported a vast increase in the numbers of mobile EU citizens, often legally residing in the UK, being removed on grounds of misuse of right because they were found rough sleeping. That policy was eventually found to be unlawful by the UK High Court. The Home Office subsequently confirmed that no further action would be taken against EU citizens for rough sleeping, and their caseworker guidance was also amended to remove all references to rough sleeping as a misuse of rights<sup>42</sup>.

41 Code de l'entrée et du séjour des étrangers et du droit d'asile - Article L511-3-1.

42 In R (Gureckis) v Secretary of State for Home Department, on 14 December 2017.

PERIOD OF STAYING	STATUS
FIRST THREE MONTHS	Inactive EU citizens receiving social assistance
	All other EU citizens
RESIDENCE BETWEEN 3 MONTHS AND 5 YEARS	Inactive EU citizens without resources:
	Jobseekers
	Workers or self-employed and formerly active persons.
	EU mobile citizens with sufficient resources and insurance
PERMANENT RESIDENT (OVER 5 YEARS)	All EU citizens and their family members
RESIDENCE FOR 10 YEARS OR MORE OR A MINOR	All EU citizens and their family members



## IN WHICH CASES IS EXPULSION POSSIBLE?

On grounds of non-fulfilment of residence conditions if they are considered an unreasonable burden.

On grounds of threatening public policy or public security, or on grounds of abuse of rights.

Only on grounds of threatening public policy or public security, or on grounds of abuse of rights.

On grounds of non-fulfilment of residence conditions if they do not hold sufficient resources or comprehensive sickness insurance.

On grounds of non-fulfilment of residence conditions if they are considered an unreasonable burden following claim of benefits (assessed case by case). The expulsion must not be the automatic consequence of recourse to social assistance.

On grounds of threatening public policy or public security or on grounds of abuse of rights.

If they can show evidence of job-seeking and a genuine chance of being engaged, only on grounds of threatening public policy or public security, or on grounds of abuse of rights

On grounds of non-fulfilment of residence conditions, if they are unable to show evidence of job-seeking or a genuine chance of being engaged after being allowed to look for work for a reasonable period (usually 6 months).

As long as they are economically active or they retain that status, only on grounds of threatening public policy or public security, or on grounds of abuse of rights

On grounds of non-fulfilment of residence conditions if they no longer retain the status of worker or self-employed (for example they do not register as a job-seeker with the relevant employment office after becoming involuntarily unemployed)

Only on grounds of threatening public policy or public security, or on grounds of abuse of rights.

On grounds of non-fulfilment of residence conditions if they no longer hold sufficient resources or comprehensive sickness insurance.

Only on serious grounds of public policy or public security, or on grounds of abuse of rights

Only on imperative grounds of public security, or on grounds of abuse of rights





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