



Ad-Hoc Query on REGISTRATION OF AN EEA CITIZENS CONCERNED TO REPORT THEIR PRESENCE IN A MEMBER STATE

Requested by SK EMN NCP on 1st April 2010

Compilation produced on 28 May 2010

Responses from Austria, Belgium, Estonia, France, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovak Republic, Spain, Sweden, United Kingdom

Disclaimer: The following responses have been provided primarily for the purpose of an information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. However, please note that the information provided does not necessarily represent any official policy of an EMN NCPs' Member State.

1. Background Information




The Slovak Republic is currently applying the **Regulation (EC) No 883/2004** of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems **and its implementing Regulation (EC) No 987/2009** of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems. As regards migration, we would like to examine existing or intended methods for determining residence – centre of interests (Article 11 of Regulation 987/2009) in other Member States. While applying these Regulations, we would like to ask the Member States 4 questions concerning the Article 5 (5) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004.

2. Responses

		<p align="center">Wider Dissemination?</p>	<ol style="list-style-type: none"> 1. Do you require the person concerned to report his/her presence within your territory within a reasonable and non-discriminatory period of time? (Article 5 (5) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004) 2. Do your official authorities issue any <u>confirmation</u> of the presence within your territory to the citizen of other member state (EEA citizen) when registering? 3. Which official authority issues/would issue such confirmation?
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			4. Could you provide us with the web link regarding the specimen or send the specimen of the confirmation per e-mail together with your response?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Belgium	Yes	<p>1. Yes. The EU citizen who does not reside in a hotel or hostel is obliged to report his presence on the Belgian territory to the municipality within 10 days after entry (Article 41bis Aliens Act). EU citizens will receive a "notification of presence" (Annex 3ter). This notification is an administrative requirement which does not affect the legality of the stay. If the presence within the 10 days is not reported, the Immigration Office can give an administrative fine of 200 euro. The notification requirement does not apply when the alien is staying in a hotel, prison or hospital.</p> <p>2. Yes, the EU-citizen will receive a "notification of presence" (Melding van aanwezigheid/Notification de Présence): Annex 3ter</p> <p>3. The municipality</p> <p>4. sample: BIJLAGE 3TER (bijgewerkt 14/05/2008) Koninkrijk België Provincie: Arrondissement: Gemeente: Ref.: MELDING VAN AANWEZIGHEID Afgeleverd aan burgers van de Unie en hun familieleden overeenkomstig artikel 41bis van de wet van 15 december 1980 en artikel 48 van het koninklijk besluit van 8 oktober 1981. De onderdaan, (naam en voornamen) geboren te , op (in) die verklaart in België te zijn aangekomen op en te verblijven in deze gemeente aan het adres heeft zich heden bij het gemeentebestuur aangeboden om zijn aanwezigheid op het grondgebied te melden. Dit document is geenszins een identiteitsbewijs noch een nationaliteitsbewijs. Gedaan te , op Handtekening van de burger van de Unie of familielid, Handtekening van de burgemeester of zijn gemachtigde, STEMPEL</p>
	Estonia	Yes	<p>1. According to Citizen of European Union Act a citizen of the European Union has the right to stay in Estonia on the basis of a valid travel document or identity document. Not later than after three months after the date of entry in Estonia, a citizen of the European Union must register his residence pursuant to the procedure provided by the Population Register Act. The right of stay in Estonia of a citizen of the European Union may be restricted if there is good reason to believe that the person poses a danger to public order, national security or the health of other persons. A citizen of the European Union whose right of stay in Estonia has</p>





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			<p>been restricted shall not be permitted to enter Estonia. A family member has the right to stay in Estonia together with a citizen of the European Union on the basis of a valid travel document for a period of up to three months after the date of entry in Estonia.</p> <ol style="list-style-type: none"> 2. Upon registration of residence, a corresponding certificate shall be issued to the citizen of the European Union if he so desires. 3. The local government. 4. Such specimen is not available.
	France	Yes	<ol style="list-style-type: none"> 1. The person concerned is not required to report his/her presence in France. He/she can voluntarily apply for a residence permit. <p>But, since the Act of November 26, 2003, there is no obligation to hold a residence permit for EU, EEA and Swiss nationals with the exception of Romanian and Bulgarian nationals wishing to exercise an occupation in France (until the end of 2013). The Act of July 24, 2006 transposed the Directive 2004/38/EC recognizing, subject to the necessities of public order, a right of permanent residence on the whole French territory to EU citizens who have resided legally and continuously in France for the previous 5 years (CESEDA, Code on entry and residence of foreigners and right of asylum, Art. L. 211-1 to L. 222-3). An EU national does not need any document to reside in France since he has a right to permanent residence. Nevertheless, he/she can ask for a residence permit.</p> <ol style="list-style-type: none"> 2. When an EU, EEA or Swiss national applies for a residence permit, he is granted a receipt by the French prefectures while waiting for the residence permit to be issued. 3. French prefectures, in charge of granting stay permits and work authorizations, issue these confirmations. 4. We can provide the specimen of confirmation upon your request since we have no direct access to them within the Ministry of Immigration.
	Hungary	Yes	<p>Registration related to entry and as foreseen in Article 5 (5) is not required from EEA nationals.</p> <p>Registration is only required if EEA nationals wish to stay for more than 3 months in the territory of Hungary (Article 8 of the Directive). In this case registration has to take place within ninety-three days from the date of entry and if all the relevant certifying documents are submitted upon registration, the registration certificate is issued immediately on the spot. The registration certificate attests the registration and the date of registration.</p>
	Ireland	Yes	Ireland does not require EEA citizens to register their presence in the State.
	Latvia	Yes	No, Latvia does not require registration according to Art. 5 (5).
	Lithuania	Yes	Lithuania doesn't apply the obligation to report according to the Article 5 (5) of the Directive 2004/38.
	Luxembourg	Yes	<ol style="list-style-type: none"> 1. A EEA citizen who intends to stay for a period exceeding three months have to ask for the delivery of a registration confirmation to the local administration where he or she is living within a delay of three months after arrival (Article 8(1) of the Luxembourg freedom of movement and immigration law of August 29th, 2008) 2. When presenting the required documents to the local administration, the EEA citizen receives immediately the registration confirmation



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			<p>(Article 8(3) of the Luxembourg freedom of movement and immigration law of August 29th, 2008)</p> <p>3. The local administration delivers the registration confirmation.</p> <p>4. Please find attached to the email a specimen of the confirmation. On the back of the confirmation are written down:</p> <ul style="list-style-type: none"> - Number of reference - Date of registration - Last name - First name(s) - Address <p>(specimen is available upon request)</p>
	Netherlands	Yes	<p>Ad 1.</p> <p>No, the Netherlands have not implemented the possibility under article 5(5) of Directive 2004/38/EC to require the person concerned to report his/her presence within their territory within a reasonable and non-discriminatory period of time.</p> <p>Because of this answer there is no need to respond to the other questions.</p>
	Poland	Yes	<p>1. EEA citizens in Poland are obliged to register in voivod's office (regional authorities) after 3 months of residence in Poland</p> <p>2. Confirmation is issued within 3 weeks after lodging an application with specified documents enclosed (such as passport copy, medical insurance document, information on ability to cover living expenses, employment contract or any kind of document confirming employment – if applicable)</p> <p>3. Confirmation is issued by voivod's office</p> <p>4. Specimen of confirmation can be provided upon your request</p>
	Portugal	Yes	<p>1. According to law (Law n.º 37/2006, of 17th October), a family member who is not a national of a Member State must inform of his/her presence in the national territory and non compliance to this obligation shall be punished according to the law that rules the entry, permanence, exit and expulsion of foreigners.</p> <p>2. No. Citizens of the Union are entitled to reside in national territory for an up to three months period without any other conditions and formalities than a valid identity card or passport.</p> <p>3. Citizens of the Union whose staying in national territory lasts more than three months must register in order to formalise their right of residence, during a period of 30 days after the three months of entry in the national territory. This register mentioned is made at the municipal council of the area of residence or on the Immigration and Borders Service.</p> <p>4. http://dre.pt/pdf2sdip/2006/10/200000000/2219822200.pdf</p>
	Romania	Yes	<p>1. According to provision stipulated by art.9 from GEO 102/2005 on the free movement of citizens of the Member States of the European Union and the European Economic Area on the Romanian territory, act who implements into national legislation the provisions of Directive 38/2004/CE on the right of citizens of the European Union and their families to move and reside freely within the territory of the Member States, within 15 days from the entry date on Romanian territory, the European Union citizens or their family members have to present themselves to the nearest territorial branch of Romanian Police, Romanian Border Police or Romanian Immigration Office, in order to declare their presence in Romania.</p> <p>2. The EU/SEE citizens are not issued with any confirmation of their presence on Romanian territory. In 3 months starting from the date of their entry on the Romanian territory, EU/EEA citizen are compelled to address themselves to the competent territorial</p>



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			<p>branch of the Romanian Immigration Office in order to be register and to be issued a Registration Certificate. The Registration Certificate proves that the EU/SEE citizens exercise their residence on Romanian territory for o period over 3 months in one of the situation stipulate on art. 13, paragraph 1, lit. a-d from GEO 102/2005, specifying the name, surname, address on Romanian territory. The document is issued for unlimited period.</p>
	<p>Slovak Republic</p>	<p align="center">Yes</p>	<ol style="list-style-type: none"> 1. The Slovak Republic allows voluntary “registration of first permit” for an EEA citizen. 2. On the day of filing an application for registration of the first permit, a police unit shall issue a confirmation of the first permit registration, specifying the name, surname and permanent residence of the registered person and the date of the registration. (Should the application for “registration of a subsequent permit” be granted, only a certificate of residence shall be issued to the applicant.) 3. In the Slovak Republic a Police Corps department issues such confirmation. 4. The Slovak Republic can provide the specimen of confirmation upon your request
	<p>Spain</p>	<p align="center">Yes</p>	<p>1 and 2. If European Union citizens or members of their families have made arrangements to stay for up to three months, it will not be necessary to report their presence; their current, valid passport or identification document (which confirms their nationality) will be sufficient(Article 4(1) of Royal Decree 240/2007 of 16 February 2007 on the entry, free movement and residence in Spain of citizens of the Member States of the European Union and of the other States that are a party to the Agreement on the European Economic Area”) to enter Spain. If the family members are not nationals of one of the Member States of the European Union, they may enter using a current, valid passport, and they will also need the appropriate entry visa, pursuant to <i>Regulation (EC) 539/2001, of 15 March 2001, listing third countries whose nationals must be in possession of visas when crossing the external borders and those nationals who are exempt from that requirement to a visa obligation.</i></p> <p>However, if they intend to stay for more than three months, Union citizens must be registered in the Central Register of Foreign Nationals whereupon they will be issued with a certificate of registration. On the other hand, the family members of this Union citizen, who are not nationals of one of the Member States of the European Union, must apply for a "residence card for a non-community family member of a Union citizen” in order to reside temporarily in Spain, and they will be issued with a card.</p> <p>The time limit for both applications is three months from the date of enteringSpain, which is considered to be a reasonable and non-discriminatory time limit.</p> <p>3. Both the certificate and the card are issued by the Immigration Office in the province where the person intends to reside, or, in default, the relevant <i>Comisaría de Policía/ police headquarters</i>, (Articles 12 and 13 of the Communities Regulation, on processing and deciding applications and on issuing cards and certificates and their duration, pursuant to Articles 7, 8, 10 and 11 of said Regulation).</p> <p>4. Both documents have a similar format to the foreign nationals’ card and Spanish legislation has incorporated Council Regulation 1030/2002, of 13 June 2002 into its legislation (Through Organic Law 2/2009, of 11 December 2009, amending Organic Law 4/2000, of 11 January 2000, on the rights and freedoms of foreign nationals in Spain and their social integration, Official State Gazette no. 299 of 12 December 2009.).</p>

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	Sweden	Yes	1. Swedish legislation does not require an EEA citizen to report his or her presence on Swedish territory in accordance to Article 5 (5) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004. 2.-4. As no registration is necessary, no confirmation is issued by any authority.
	United Kingdom	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
