

## **Ad-Hoc Query on tracing the number of EU citizens residing on the territory of Member States**

**Requested by CZ EMN NCP on April 20, 2011**

**Compilation produced on May 27, 2011**

**Responses from Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom (17 in Total)**

*Disclaimer: The following responses have been provided primarily for the purpose of 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. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### **1. Background Information**

Ministry of the Interior would like to know how Member States trace the number of EU citizens temporary residing in the respective Member State. Provision of the data to Eurostat is required by the Regulation No 862/2007 on migration statistics (Article 3).





In case that EU citizen intends to stay in the Czech Republic longer than 30 days, he/she is required to report his/her place of residence to the Foreign Police. EU citizen is entitled, but in no way obliged, to apply for a certificate of temporary residence in the Czech Republic. Both, reporting the place of residence and issuing the certificate is registered. Statistics are based on the number of certificates issued. But since EU citizen is not obliged to apply for the certificate and its validity is unlimited and there is no sanction for not observing the obligation to announce the intent to leave the territory, the data do not necessary reflect the real number of EU citizens residing in the territory of the Czech Republic.

We will very much appreciate receiving your responses by May 20, 2011.

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**2. Responses<sup>1</sup>**




		Wider Dissemination? <sup>2</sup>	<p>1) What is the validity of the certificate of temporary residence issued to EU citizens: limited or unlimited?</p> <p>2) Are EU citizens obliged to announce termination of their stay in your Member State? How do you enforce adherence to the obligation?</p> <p>3) How do you trace the number of EU citizens temporary residing in your country and how much reliable are the data?</p>
	<b>Austria</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Belgium</b>	<b>Yes</b>	<p>1) According to the Belgian implementing law, EU citizens are in the case of a stay of more than 3 months obliged to enlist in the National Register (Rijksregister/Registre National). EU-citizens receive after registration an attestation of inscription corresponding with Art. 8 of Directive 2004/38. The attestation can be obtained by choice in the mode of an electronic form or a written form on paper. The latter one is unlimited valid whereas the electronic form has due to technical reason a period of validity of 5 years except if the concerned person wishes explicitly a shorter duration of his/her stay. However, the majority of EU-citizens chose the electronic form, the so called E-card, which offers several advantages (access to the electronic form of tax declaration, etc.).</p> <p>2) In principal such an obligation exists, but does so only as administrative obligation without any form of sanctioning in the case of violation. The control of adherence is stipulated by Art. 8 of the Royal Decree 9/6/99. According to the law the municipal administration has the duty to control the adherence of the obligation. In the case the municipal administration observed that a EU-citizen left a commune without announcement of his/her move, the person can be discard from the National Register.</p> <p>3) It depends what is meant with "temporary". If temporary means less than 3 months, no reliable data are available. If with temporary is meant residence of more than 3 months, the person concerned should in theory be registered in the population register.</p>
	<b>Czech Republic</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Estonia</b>	<b>Yes</b>	<p>1) If EU citizen registers his or her place of residence in Estonia then he or she is allocated a temporary right of residence for 5 years, which is automatically prolonged for another 5 years, if he or she continues to live in Estonia. An EU citizen who has lived in Estonia on the basis of a temporary right of residence continuously for 5 years (there are exceptions) has the right to a permanent right of residence.</p> <p>2) EU citizens are obliged to announce the termination of their stay in Estonia, but there is no enforcement foreseen.</p>

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."





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			3) Data on EU citizens living in Estonia may be derived from the number of EU citizens who have registered their place of residence in Estonia with the population register and the number of EU citizens who come into contact with the Police and Border Guard Board (e.g. applying for temporary residence right or ID card).
	<b>Finland</b>	<b>Yes</b>	<p>1) In Finland the temporary certificate is valid until further notice, i.e. unlimited if the person is continuously residing in Finland. The temporary certificate is terminated if the person resides elsewhere for a period of over two years.</p> <p>2) They are not obliged to announce the termination of their stay. They are merely suggested to do so. The temporary residence certificate is terminated if the person has permanently moved away from Finland or stayed elsewhere for a period of two years.</p> <p>3) In Finland, we have data on the number of temporary EU residence certificates issued, and apart from that we have the art. 3 data mandated by the 862/2007 Regulation on Migration Statistics, which comes from the National Population Register. The art. 3 data however reliably only shows EU-citizens who have resided in Finland for at least one year. At any given time, the data regarding temporarily residing EU-citizens is not exact, as it is not obligatory to announce the termination of the stay.</p>
	<b>Germany</b>	<b>Yes</b>	<p><b>1. The certificate is constantly issued to EU-citizens without any indicated validity period. If the intended stay of the EU-citizen is designated to be on short-term in the first place a validity period can be registered.</b></p> <p><b>2. EU-citizens are, as well as Germans and third-country nationals, subjected to the Registration Act. Breaches of the Registration Act will be avenged as an administrative offence.</b></p> <p><b>3. The issue of the certification of freedom of movement (residence permit EU) will be registered in the Central Foreigners Register. The number of EU-citizens residing in Germany which is registered in the Central Foreigners Register is ought to be valid, because the certificate is issued after the registration at the registration office ex officio. However, from experience not all EU-citizens will de-register before moving abroad. Taking into account that the granted residence permit is valid for an unlimited period of time the number of the actual EU-citizens residing in the federal territory might be less reliable.</b></p>
	<b>Hungary</b>	<b>Yes</b>	<p>1) If EU citizens stay more than 30 days stay in Hungary, temporary residence permit will not be issued. According to the Section 21 Act of the I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence, EEA nationals shall be required to register if wishing to exercise their right of residence for periods of longer than three months within ninety-three days from the time of entry by communicating their personal data. At the time of registration EEA nationals shall produce or enclose the documents to certify compliance with the requirements prescribed in specific other legislation for residence. Upon evidencing compliance with the requirements prescribed in this Act the competent authority shall issue a certificate for the registration of residence immediately (hereinafter referred to as “registration certificate”). The validity of the registration certificate is unlimited. EEA nationals may enter and stay the territory of the Republic of Hungary with a valid travel document or a personal identification document.</p> <p>2) EEA nationals and their family members shall notify the competent authority when they no longer wish to exercise their right of</p>





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			<p>residence, and he/she can transmit his /her registration certificate.</p> <p><b>3) If EU citizens stay more than 30 days stay in Hungary, temporary residence permit will not be issued.</b></p>
	<b>Latvia</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Registration certificates do not have any term of validity.</li> <li>2. If EU citizen intends to terminate his/her stay in Latvia, s/he is obliged to announce this fact to Office of Citizenship and Migration Affairs. Not observing the obligation is not sanctioned.</li> <li>3. Statistics are based on the number of certificates issued. But since EU citizens are not obliged to apply for the certificate and its validity is unlimited, the data do not necessary reflect the real number of EU citizens residing in the territory of Latvia.</li> </ol>
	<b>Lithuania</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. The validity is limited: the certificate is issued for the intended period of stay in Lithuania, but maximum for 5 years.</li> <li>2. According to the Law on the Declaration of Place of Residence, every inhabitant must report to competent authorities (local branches of municipalities) if s/he is leaving Lithuania for more than 6 months. Non-observance of such obligation is sanctioned by a warning or an administrative fine of 20 to 50 litas (6 to 15 euro).</li> <li>3. We trace the number by the number of issued certificates or by the data of the Residents' Register (if EU citizens intend to reside in Lithuania for more than 3 months in a 6 months period, they must declare their place of residence in Lithuania to the local branches of municipalities). The data is quite reliable, but there may be EU citizens who fail to report about their presence in Lithuania.</li> </ol>
	<b>Luxembourg</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) In Luxembourg, EU citizens need to declare their arrival and obtain a registration certificate (<i>attestation d'enregistrement</i>) from the municipal office (<i>commune</i>) of their place of residence, if they intend to stay for more than 90 days (Art. 8 of the law of 29 August 2008 on the free movement of persons and immigration). The registration certificate is unlimited.</li> <li>2) When the EU citizen decides to end his/her stay in Luxembourg, he/she needs to give notice of departure to the municipal office. The registration certificate should be handed in to the same office. If not handed in, the registration certificate loses validity after a certain period of absence from Luxembourg. In practical terms, however, the verification of the length of stay abroad of a person is difficult.</li> <li>3) Population statistics are based on the numbers of registration certificates issued. Given the general problem of verification of stays (stay abroad of a person, failure to give a notice of departure...), reliability is limited and the data do not necessary reflect the real number of EU citizens residing in the territory of Luxembourg.</li> </ol>
	<b>Netherlands</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. The Netherlands do not grant a certificate of temporary residence to EU citizens. During the first three months of residence only a passport or an identity card is required. If an EU citizens wants to stay for more than three months, he is obliged to register with the relevant authorities. A registration certificate will be issued. This certificate is not a residence permit. It is just a confirmation of the fact that the EU citizen has got a right of</li> </ol>



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			<p>residence at the moment of registration. That is why there is no validity attached to the certificate.</p> <p>2. During the first three months of residence there is no obligation for an EU citizen to announce the termination of his stay. After this period there is such an obligation. In theory violation of this obligation can lead to prosecution and eventually to imprisonment or a fine. However, this right is never exercised.</p> <p>3. If an EU citizen is planning to stay more than three months in the Netherlands he is obliged to register in the so-called Municipal Administration. The Municipal Administration has got the most reliable data. All the more because not every EU citizen applies for a registration certificate.</p>
	<b>Poland</b>	Yes	<p>1) UNLIMITED</p> <p>2) YES/NO. EU citizens are not obliged to announce termination of their stay to the temporary residence certificate issuing authorities. However, they are obliged as well as Polish nationals to register their place of residence to the local authorities and to notify the authorities about a change of address.</p> <p>3) The number of issued certificates of temporary residence in connection with place of residence registration database would give a relatively precise picture of EU-nationals living in Poland on a temporary basis. However, the databases are not coordinated and the duty to register the place of residence is not commonly abided by, which makes it hard to produce reliable statistics. This regards both Polish nationals and other EU-member citizens.</p>
	<b>Portugal</b>	Yes	<p>1. EU citizens who stay in Portugal for more than three months shall register their presence in the manner which formalizes their right of residence. The register is formalized by a registration certificate, valid for five years as from the date of issue or for the anticipated period of residence by the EU, if less than five years.</p> <p>2. No.</p> <p>3. The sources of national statistics on EU citizens are the relevant administrative databases. Estimations are not used for this purpose.</p>
	<b>Slovak Republic</b>	Yes	<p>1. Yes, validity of the certificate is limited. After registration and upon request, a police unit may issue the certificate with maximum validity of 5 years. In case of further permit the certificate is valid for 10 years.</p> <p>2. An EEA citizen must inform a police unit via written notice about the termination of his/her stay in the Slovak Republic. Not observing the obligation is not sanctioned.</p> <p>3. In migration statistics of the Slovak Republic we use registered population. Therefore the Slovak Republic has only data concerning registered EEA citizens since an EEA citizen is not obliged to apply for registration of the first permit.</p>
	<b>Spain</b>	Yes	<p>1. Spain uses the estimates made by its National Statistics Institute (INE) to provide the data in Article 3 of Regulation 862/2007 as opposed to the Central Register of Foreign Nationals (Ministry of the Interior). The INE primarily uses two sources: Municipal population registers (<i>Padrón</i>) and the Population Census. It is compulsory for any individuals establishing their habitual residence in a Spanish municipality to register in the <i>Padrón</i>. A foreign national registers in</p>

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			<p>the <i>Padrón</i> on arrival in Spain. The citizen is obliged to update their details when it is necessary to notify a change of residence. Registration in the <i>Padrón</i> doesn't expire, except in certain cases which don't apply to EU nationals.</p> <ol style="list-style-type: none"> <li>2. Yes, as with all citizens. Fulfilment of this obligation is not controlled.</li> <li>3. As explained in 1, the statistics on the foreign population in general (and of Community citizens in particular) is obtained by methods of estimation primarily based on the municipal population registers. Owing to the underreporting of "Emigrations registered in the <i>Padrón</i> as cancellations due to change in residence with destination out of Spain", the INE conducts an estimate of the outbound emigration flows of foreign citizens. For further information on methods of estimation: <a href="http://www.ine.es/en/metodologia/t20/t2030259_en.htm">http://www.ine.es/en/metodologia/t20/t2030259_en.htm</a></li> </ol>
	<p><b>Sweden</b></p>	<p align="center">Yes</p>	<ol style="list-style-type: none"> <li>1. The validity of the certificate is unlimited, given they belong to certain categories. These categories are the following: economically active persons, persons with own funds, persons studying, and family members regardless of nationality. There are also possibilities for job seekers to stay in Sweden during an undefined period (i.e. about 6 month) trying to find a job, but this category do not get any certificate.</li> <li>2. Those who have received a certificate from the Migration Board register themselves in the population register. EU citizens are to announce their termination of stay in Sweden to the Tax Agency Service, which is the governmental agency in charge of the population register.</li> <li>3. Statistics are based on the number of issued certificates. There are also an unknown number of EU citizens not registered in Sweden, which are not accumulated in the statistics.</li> </ol>
	<p><b>United Kingdom</b></p>	<p align="center">Yes</p>	<p>It is not compulsory for EU nationals to register with the authorities in the UK. They can apply for a registration certificate (after 3 months of initial residence) to confirm that they are exercising a Treaty right in the UK. The UK Border Agency would keep a record of any EEA national who has been issued with a registration certificate.</p> <ol style="list-style-type: none"> <li>1. The registration certificate does not have an expiry date and is not compulsory. EEA nationals may apply for a document Certifying Permanent Residence after they have resided in the UK for a continuous period of 5 years in accordance with the EU Laws relating to Free Movement Rights that were in force during the period of 5 continuous years.</li> <li>2. EU citizens are not obliged to inform the UK Border Agency that they are leaving the UK. However in accordance with EU law, if they have permanent residence but have been absent from the UK for a period of more than two consecutive years they lose the right of permanent residence.</li> <li>3) With regard to Article 3 of the Regulation No 862/2007, the UK provides estimates for the resident population within the UK from the Annual Population Survey (APS) run by the Office for National Statistics. This is based on the Labour Force Survey (LFS) with various additional sample boosts. The APS provides estimates of the UK population (for all UK countries and selected areas within) by nationality and country of birth. The International Passenger Survey (IPS), also run by the Office for National Statistics, is the primary data source for measuring international migration to and from the UK. All estimates are based on responses of randomly selected travellers via air and sea ports and the channel tunnel. However, neither of these surveys can provide data on the actual number of EU citizens temporarily resident in the UK.</li> </ol>

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			<p>The Home Office within the UK is responsible for producing statistics on the movement of individuals into the UK using administrative data. This primarily focuses on Third Country Nationals (non-EEA), as they require permission to enter the UK. However, in addition to the data discussed in question 1 and 2, the UK collects data on some EU nationals (e.g. A8 and A2 migrants) following their recent accession. For instance, between May 2004 and April 2011 the UK Government had in place transitional measures to regulate A8 nationals' access to the labour market (via the Worker Registration Scheme) and this required A8 nationals who took up employment in the UK to apply to register that employment under the WRS within one month of commencing work. However, the requirement to register employment no longer applied if the individual completed 12 months continuous registered employment in the UK or to those who applied to work in a self-employed capacity. These data have been collected between May 2004 and April 2011 only and are published on a quarterly and annual basis.</p> <p>The Accession (Immigration and Worker Authorisation) Regulations 2006 make Bulgarian and Romanian nationals taking employment in the UK after 31 December 2006 subject to a requirement to hold a work authorisation document. Other Bulgarian and Romanian nationals not taking employment but exercising a Treaty right in the UK may seek a registration certificate. This includes: those exempt from the worker authorisation restrictions; highly skilled migrants; those with restricted access to the labour market; and Bulgarian and Romanian family members of main applicants. The data collected on such migrants include the applications for accession worker cards, registration certificates and Seasonal Agricultural Workers cards issued. Such data are published on a quarterly and annual basis.</p> <p>However, none of the data sources listed above are able to provide estimates for the total number of EU citizens residing in the UK on a temporary basis.</p>
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