

## **Letter of reply containing information on the subject of legal residence of EU citizens in a host member-state**

Dear Mrs. X,

In response to your letter to the Greek Ombudsman registered under n...., we wish to inform you of the following:

The rights of EU citizens to move freely within the borders of the EU, to establish themselves and to work in any EU member-state are guaranteed by the EC Treaty. Nevertheless, EU regulations require that any EU citizen residing in another EU member-state for more than 3 consecutive months should be registered by the relevant authorities of the host state and being issued a “resident’s certificate” (literally, a “certification of registration”). The format and content of the “resident’s certificate” are mainly defined by EU regulations.

In practice, EU citizens are seldom required to fulfill this obligation, since they can travel freely between member-states without any control of their entrance and departure dates from one member-state to another. Furthermore, due to the aforementioned principle of free movement, they can practically exercise most of their rights as EU citizens in any member-state and go through most administrative procedures on the sole proof of their nationality, by exhibiting either an ID card or a passport issued by the member-state of provenance. Only a few administrative procedures remain linked to holders of a “resident’s certificate”, usually when additional proof of a prolonged stay is needed: for example, in order to access to certain social benefits, to obtain a driving license from the host member-state etc. It should also be noted that this “resident’s certificate” is not *per se* a “residence permit”, since EU citizens do not need either a legal justification or an explicit permission by the host member-state to establish themselves in this state, due to the fundamental provisions of EU legislation stated above.

On the contrary, non-EU citizens are subjected to legal restrictions concerning both entrance to an EU member-state (i.e. visa) and residence in this state (i.e. residence permit). Those restrictions usually concern a number of criteria, such as the duration and reason of stay, the financial status of the applicant etc. Some of the legal conditions of entrance and residence are mainly defined by EU regulations (i.e. “Schengen” visa, various “residence permits” for students, long-term residents, family reunion etc.) others are more or less still left to the discretion of each EU member-state but with an increasing EU regulation (i.e. short-term residence and work permits). In general, non-EU citizens do not have a “right” to enter, reside and work in an EU member-state but must obtain legal permission to do so. In order to prove their legal status in an EU member-state and to go through all administrative procedures, non-EU citizens must be holders of an appropriate valid residence permit and/or a valid entrance visa, in addition to a valid passport or an equivalent international travel document.

As regards the facts you are stating in your letter, we note that you have been legally issued an EU citizen “resident’s certificate” by the appropriate authorities, which was in fact necessary for you, being a dutch citizen, in order to obtain a greek driving license. Nevertheless, as an EU citizen you don’t need to have a “resident’s certificate” to open a bank account in Greece: a dutch ID card or passport (even one that has recently expired) would be sufficient. For that reason, the bank should not ask

for your “resident’s certificate” serial number in order to register a bank account under your name. On the contrary, for any non-EU citizen a valid passport and a valid residence permit would *both* be required in order to go through the same administrative procedures with the bank. Should you encounter such a problem in the future, we suggest that you take the matter to the competent independent authority (Hellenic Ombudsman for Banking and Investment Services [www.bank-invest-omb.gr](http://www.bank-invest-omb.gr)).

As regards the possibility of bureaucratic confusion on the identity of holders of “resident’s certificates” and “residence permits” with a similar serial number, for which you expressed concern in your letter, we note that this possibility can be largely avoided if one takes into consideration that the aforementioned legal papers are of a totally different nature, the first concerning exclusively EU citizens and being issued under different conditions and procedures. This fact can also be easily verified by the difference in the form and content of those legal papers. For example, on the copy of your own “resident’s certificate” enclosed in your letter is clearly mentioned “ΒΕΒΑΙΩΣΗ ΕΓΓΡΑΦΗΣ ΠΟΛΙΤΗ ΚΡΑΤΟΥΣ ΜΕΛΟΥΣ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΕΝΩΣΗΣ”, which stands for “certification of registration of a citizen of a member-state of the European Union”. Furthermore, the EU member-state of provenance and relative citizenship are also mentioned and in the appropriate space for the legal reason of your stay is only written “ΔΙΑΜΟΝΗ” (“Residence”), which acknowledges your right as an EU citizen to reside in Greece without having to provide further justification. Were you a non-EU citizen, you would have being issued one of the various “άδειες διαμονής υπηκόων τρίτων χωρών” (“residence permits for third-country nationals”), on which would be stated the appropriate legal justification and valid duration of your residence.

Nevertheless, we note that your concern is reasonably expressed mainly because, in most situations, even EU citizens “resident’s certificates” are customarily called “residence permits” (the term is unfortunately also used in EU official documents due to historical reasons), which may add to the initial confusion when dealing with everyday administrative procedures.

Sincerely,

Andreas Takis