

Directive 2004/38/EC¹ on the rights of Union citizens and their family members to move freely within the territory of the Member State

1. VISAS ISSUED:

- fee of charge
- as soon as possible
- on the basis of an accelerated procedure
- granting every facility

2. DOES DIRECTIVE 2004/38/EC APPLY TO THE VISA APPLICANT

- **Is there an EU citizen from whom the visa applicant can derive any rights?**

Directive applies only to those EU citizens who travel to a member State other than the Member State of their nationality or already reside there.

- **Does the visa applicant fall under the definition of “family member”?**
 - The spouse
 - The partner with whom the EU citizen has contracted a registered partnership, on the basis of the legislation of any Member State, if the legislation of the host Member State treats registered partnership as equivalent to marriage;
 - The direct descendant who are under the age of 21 or are dependant as well as those of the spouse or partner as defined above; or
 - The dependant direct relatives in the ascending line and those of the spouse or partner as defined above.
- **Does the visa applicant accompany or join the EU citizen?**
 - Accompany or joins later

3. REFUSAL TO ISSUE A VISA

- The visa applicant failed to demonstrate that he is covered by the Directive
- The national authorities demonstrate that the visa applicant is a **threat to public policy, public security or public health**; or
- The national authorities demonstrate that there was abuse or fraud.

Are exempt from filling field 19, 20, 31, 32, 33 in visa formular.

¹ OJ L 158, 30.4.2004, page 77.