

EUROPEAN CITIZENSHIP AND THE FAMILY

Finding love elsewhere in Europe is increasingly common and thanks to European citizenship, starting a European family has never been easier.

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If you are a European citizen, rights linked to mobility, non-discrimination on the job market and fundamental rights of European citizenship apply to your **entire family**. The same still applies even if the members of your family do not have European citizenship on an individual basis. The latter thus benefits from a **secondary right to individual residence**, dependent on the European citizen designated as the “reference person”. The conditions for right of residence remain the same (refer to *Freedom of movement and its limits*), but if you meet them, the right of residence applies to your family as well. This is the “**right to family**”.

SPOUSES' RIGHTS

Thanks to European citizenship, all civil, heterosexual marriages celebrated in the Union **are recognised by all the other Member States**. If you meet the conditions, you can therefore benefit from the same marital rights as the nationals in your host country, whether in terms of tax or social rights.



For example: Liam
(Irish) met Maria (Polish) in Poland, where they had a civil marriage and had a daughter, Lisa. The marriage is recognised in all Member States of the Union. Three years later, they decide to settle in the Netherlands because Liam has found a job in The Hague. As an active European citizen, Liam takes advantage of the right to mobility and residence and this right extends to Maria and Lisa.

Religious marriages are not recognised in all of the countries. If that is the case in your country of origin but not the case in your host country, it may be necessary to obtain civil recognition for your religious marriage, through the civil status administration. In France, a country that does not recognise religious marriage, this would occur through the French consulate in the country in question.

The case of **homosexual marriages depends on each country**. There are three specific cases: full recognition, recognition of the civil union only and no recognition of a homosexual marriage.

However, the European Court of Human Rights condemned Italy in 2015, as it did not set out to legally recognise homosexual couples' relationships. This might give the impression that the recognition of homosexual couples may become the standard all over Europe through European law and particularly through the principles of rights to family and mobility.



IN CASE OF DIVORCE

European citizenship equally provides protection in case of divorce. Since 2003, the **EU facilitates divorces** for couples of different nationality and couples of the same nationality residing in a third EU country. They can now choose the law of the country according to which they want to divorce, as long as it is a country in which they have or have had links. This freedom of choice also applies to civil proceedings, legal separation, marriage annulment and parental responsibility. If they have children, the parent who obtains custody of the children receives social benefits.

MORE DETAILS

To register a marriage in France: www.service-public.fr/particuliers/vosdroits/N142

Toute

l'Europe, Les droits des homosexuels dans l'UE (Homosexuals' rights in the EU), 12 December 2017

e.g.:

Romeo (French) and Giulia (Italian) are married and live in Germany. They would like to divorce. They can freely choose whether they want to divorce according to German, French or Italian law.

RIGHT TO ACCESS SOCIAL BENEFITS

The **members of the European citizen's family** can have **access to social benefits** if the latter, as a worker, is entitled to them. If the children do not live in the same State, the **priority rule** will then apply to define which State is responsible for paying the social benefits. Usually, it is the country in which the European citizen or spouse works: this is the "priority country". However, if one of the parents works in the children's country of residence, that country will pay the allowances. Furthermore, if the allowances of the priority country are less than those of the other country, the latter must make up for the difference between the two countries to ensure the maximum amount is received. In order to obtain family allowances in France, one of the dependent children must have been living in France for at least three months.