

Schengen Rules And Free Movement

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It should be noted that various Government & EU departments have given significantly different interpretations of this exact situation & this is only the interpretation of the author & I would encourage readers to do additional research if they are unsure of their own particular situation & I apologise in advance to readers who find this piece complicated & convoluted but the Schengen rules themselves are complicated & convoluted but I have tried to simplify that as much as possible whilst still giving as comprehensive an explanation as possible in the time available.

It is vitally important that people do not confuse Europe which is a continent, with the European Union which is a Customs Union trading block, or with the Schengen Zone which is an area of free (but somewhat limited) movement & not all European Union countries are in the Schengen Zone & not all Schengen Zone countries are in the European Union so in some cases you might need to do some Googling on individual countries such as Switzerland which is in the Schengen Zone but not in the European Union or Romania which is in the EU but not (currently) in the Schengen zone.

<https://www.schengenvisainfo.com/schengen-visa-countries-list/>

The Schengen Zone rules require holders of non EU Member State countries to have either a Schengen Visa or Schengen Visa waiver depending on the exact passport they have & those visas & visa waivers allow the holder to enter & remain in the Schengen Zone for a maximum of 90 in any 180 days which means no more than 90 days in & 90 days out of the Schengen Zone on a rolling year basis & Schengen Visas & visa waivers are for vacation purposes ONLY & do not usually give the holder any right to work & it should be noted that any & all overstays in the Schengen Zone will be noted as all member states share a common database & all passports are scanned in/out of the Schengen Zone & penalties for overstaying and/or working can & often are severe so you have been warned.

<https://www.schengenvisainfo.com/consequences-of-overstaying-in-schengen-area/>

If you have a valid Schengen Zone visa or visa waiver then those 90 days allow free movement within the entire Schengen Zone & do not restrict the holder to any one Schengen Zone country & if unsure of how much Schengen time you have available then the easy way to arrive at the correct answer is to use one of the online Schengen Visa calculators such as the one below.

<https://www.schengenvisainfo.com/visa-calculator/>

It should be noted that there is no allowance for a Schengen Visa to be extended for purposes of additional vacation time but they can be extended for the purposes of urgent or long term medical care & Article 122 para 1 is the legislation for that.

<https://imigrante.sef.pt/en/solicitar/especiais/art122-1-g/>

Those that are tempted to use or perhaps misuse that legislation for to obtain additional time for an extended vacation should bear in mind that committing any false information to any official document can very easily land the person in jail & lose them the right to future residency full details & legislation & examples of that are to be found in dispelling The Myths which is also in the files section of this group.

If you are a resident of a Schengen Zone country then you do not need a visa to enter other Schengen Zone countries & whilst the 90 in any 180 day Schengen rule does not apply to the holder, similarish rules do apply as in the resident can only stay in any one Schengen Zone country for a maximum of 3 months (as opposed to 90 days) before either leaving or applying for residency in that Schengen Zone country.

However, the resident is NOT required to return to their country of residency for 90 days after they have spent the maximum time allowable in another Schengen Zone country which is what the situation would be if the Schengen rules themselves applied to residents of any Schengen Zone country.

It is also advisable for residents who visit other Schengen Zone countries to at least have either the EHIC or GHIC health insurance card whilst in those countries & also to be sure to check the tax laws of the other Schengen Zone countries they spend time in for their own protection.

Also (and veering slightly off topic) UK passport holders who are resident in any Schengen Zone country & who spend time in the UK would be well advised to be cautious of the Statutory Residency Tests which are (unfortunately) at least as confusing as the Schengen Zone rules.

<https://www.gov.uk/government/publications/rdr3-statutory-residence-test-srt>

