

In our meeting we discussed the possibility of exceeding the 90-day stay within a 180-day period in the case of non-European citizens.

According to the law in hand: It is only possible to stay as a tourist during a period of 90 days within a period of 180 days.

Once these days have expired, you must wait until the 180-day period has expired before you can re-enter Schengen territory.

So if you exceed the time limit, you may have problems re-entering the Schengen area.

On the other hand, the sanction or possible sanction is not automatic. It must be initiated by an official. If there is no sanction, you cannot be banned from re-entering the country.

On the other hand, there is the DIRECTIVE 2004/38/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 on mobility in Europe for European citizens and their families, allowing a stay of 3 months and obliging you to start the procedures to obtain residence in case you wish to stay for more than 3 months.

In addition, there can be no entry restriction for citizens travelling or reuniting with their spouse with a European passport.

In very rare cases, an EU country may refuse entry to an EU citizen or his/her family members on grounds of "public policy, public security or public health".

In such a case, the authorities must prove that the EU citizen or his/her family members represent a "genuine, present and sufficiently serious threat".

Therefore, we have on the one hand the general regulations for non-EU nationals and on the other hand the specific circumstances for EU family members.

It is true that it is not possible to stay more than 90 days in a period of 180 days, but it is also possible to accompany your European spouse to settle in an EU country, even exceeding these 3 months.

In all honesty, it is very unlikely that there will be any problems or police checks within the Schengen zone. However, there will always be a risk and you may have to justify the reason for the trip or the excess of days on the visa.

So my opinion is to justify the reason for the trip by looking for or buying a home in an EU country and always carry a marriage certificate proving your relationship.

On the other hand, you can enter and leave Schengen territory (even if they are EU countries).

So in any case, you will have to wait for the decision of the border police on these nuances. Although it is unlikely that there will be problems if you are accompanying a family member or trying to meet the requirements for establishing your residence.

I remain at your disposal for any questions you may have.