



Department of Justice, Equality and Law Reform
An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

European Court Judgment on Free Movement of Persons (the "Metock" case)

Recently the Irish High Court referred to the European Court of Justice the question of whether Regulation 3(2) of SI 656/2006 – European Communities (Free Movement of Persons) (No 2) Regulations 2006 (which requires that non EEA family members of an EU citizen who apply for a residence card in the State must provide evidence showing that they had prior lawful residence in another EU Member State) was compatible with Directive 2004/38/EC on the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

On the 25 July 2008 the European Court of Justice held that this requirement was not compatible with the Directive. The full text of the judgment may be found on the Court's internet site –

<http://curia.europa.eu/juris/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=C-127/08>

The Department of Justice, Equality and Law Reform has decided therefore to revoke the requirement in question. Consequently, all applicants who applied since 28 April 2006 for an EU FAM residence card and were refused because they did not have prior legal residence will have their applications for an EU FAM residence card reviewed under Directive 2004/38/EC.

All affected applicants will receive notification of the results of these reviews in due course. It is envisaged that this process will take three to four months to complete.

All affected applicants are asked to advise the Department in writing if their current address or circumstances have changed since their original application. All such communications in these matters should be addressed in writing ONLY (e-mail is not acceptable) and sent via REGISTERED POST ONLY to the EU Treaty Rights Unit, INIS, P.O. Box 10003, Dublin 2 and clearly marked REVIEW-ECJ and quoting their Application Number.

Further information in this matter can be obtained by accessing the EU Treaty Rights webpage at www.inis.gov.ie

**Irish Naturalisation and Immigration Service
Department of Justice Equality and Law Reform**

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