

SUMMARY

ECJ 12 March 2026, Case C-477/24 (Minister for Justice - v- I.T.)

Minister for Justice - v- I.T., Irish case

Summary

Article 7(3)(b) of Directive 2004/38/EC requires a single continuous period of employment or self-employment of more than one year in order for a Union citizen to retain worker status in the event of duly recorded involuntary unemployment. The fact that the Union citizen receives unemployment allowance is not, in itself, sufficient proof of such duly recorded involuntary unemployment. Directive 2004/38/EC, read in the light of the general principle of good administration and Article 47 of the Charter, further requires the competent national authority to grant the third-country national applicant access to the file, if necessary in suitably redacted form, before taking a decision where that file contains decisive information relied upon by the authority and otherwise unavailable to the applicant.

Questions

Must Article 7(3)(b) of Directive 2004/38/EC be interpreted as meaning that the expression “for more than one year” refers to a single continuous period of employment or self-employment, or may that period be made up of several shorter periods accumulated over a number of years?

Must Article 7(3)(b) of Directive 2004/38/EC be interpreted as meaning that the fact that a Union citizen receives unemployment allowance from the host Member State is sufficient to establish that he or she is in duly recorded involuntary unemployment within the meaning of that provision?

Must Directive 2004/38/EC, read in the light of the general principle of good administration and Article 47 of the Charter, be interpreted as requiring the competent national authority to disclose its file, if necessary in redacted form, to a third-country national applicant before deciding on retention of residence rights or on the grant of a residence card, where the file

contains relevant information concerning the former spouse, a Union citizen, and that information is decisive for the refusal decision?

Ruling

Article 7(3)(b) of Directive 2004/38/EC must be interpreted as meaning that the expression “for more than one year” refers to a single continuous period of employment or self-employment of more than one year.

Article 7(3)(b) of Directive 2004/38/EC must be interpreted as meaning that the fact that a Union citizen residing in a host Member State receives unemployment allowance from that Member State is not, as such, sufficient proof that that person is in duly recorded involuntary unemployment within the meaning of that provision.

Directive 2004/38/EC, read in the light of the general principle of good administration and the right to an effective judicial remedy under Article 47 of the Charter, must be interpreted as meaning that the competent national authority is required to communicate its file, if necessary in suitably redacted form, to a third-country national applicant before taking a decision on the retention of residence rights or the grant of a residence card, where the file contains decisive information relied upon by that authority and the applicant cannot otherwise obtain that information.

Creator: Hof van Justitie van de Europese Unie

Verdict at: 2026-03-12

ECLI: ECLI:EU:C:2026:182

Case number: C-477/24

Case Law References: Hv art. 41, Hv art. 47, and Rl. 2004/38/EG art. 7 lid 3 (b)