



## Wider Dissemination

**EMN Ad-Hoc Query on Residence Permissions granted and refused under the judgment C-34/09 Gerardo Ruiz Zambrano - v- Office National de l'Emploi**

Requested by IE EMN NCP on 2nd November 2016

### **Residence**

Responses from Austria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Sweden, United Kingdom, Norway (21 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*






### **Background information:**







The Irish Naturalisation and Immigration Service (INIS) would like to launch an ad hoc query among Member States concerning residence permissions granted under the ECJ judgment in Case C-34/90 Gerardo Ruiz Zambrano - v- Office National de l'Emploi. INIS is keen to obtain statistics from other Member States on numbers of residence permissions granted and refused under the terms of the ECJ judgment.





### **Questions**




1. Does your Member State keep statistics on the number of applications for residence granted and refused under the ECJ judgment C-34/09 Gerardo Ruiz Zambrano -v- Office National de l'Emploi?
2. If so, we would be grateful if you could provide statistics on numbers of applications received and numbers of applications granted and refused for each year from 2011 up until the end of October 2016. Please provide your answers in the tabular format attached.

### **Responses**

	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	Austria	Yes	<b>1.</b> No. Source: Federal Ministry of the Interior. <b>2.</b> N/A. Source: Federal Ministry of the Interior.
	Croatia	Yes	<b>1.</b> No <b>2.</b> N/A
	Czech Republic	Yes	<b>1.</b> No <b>2.</b> N/A

	Estonia	Yes	<ol style="list-style-type: none"> <li>1. No</li> <li>2. N/A</li> </ol>
	Finland	Yes	<ol style="list-style-type: none"> <li>1. Although the Finnish Immigration Service does take into account the above-mentioned judgement in its decision-making, there are no statistics on the number of applications affected by the judgement.</li> <li>2. N/A.</li> </ol>
	France	Yes	<ol style="list-style-type: none"> <li>1. No France does not keep such statistics. Generally speaking, France does not keep statistics on reasons for rejecting work / residence permits, especially related to ECJ decisions.</li> <li>2. not applicable</li> </ol>
	Germany	Yes	<ol style="list-style-type: none"> <li>1. The jurisprudence of the European Court of Justice is taken as a matter in the application of the German right of residence in the particular case, but this is not shown in the Central Foreigners Register, on the basis of which a statistical evaluation should be based.</li> <li>2. n./a.</li> </ol>
	Greece	Yes	<ol style="list-style-type: none"> <li>1. NO</li> <li>2. N/A</li> </ol>
	Hungary	Yes	<ol style="list-style-type: none"> <li>1. No, because Hungary's national law applicable since 1 July 2007 (Act I of 2007) already extends the right to free movement to third-country national family members, including ascendants, of Hungarian nationals, so the Zambrano judgement has not affected the immigration law and practice of Hungary. Consequently, we keep no separate statistics on the applications that would be based upon the Zambrano judgement, if the Hungarian law had not applied to those cases already.</li> </ol>

			2. N/A.
	Ireland	No	This EMN NCP has provided a response to the requesting NCP. However, they have requested that it is not disseminated further.
	Italy	Yes	1. No. 2. See answer 1
	Latvia	Yes	1. No 2. n/a
	Lithuania	Yes	1. Yes, however, statistics collected by the Migration department differ from the ones indicated in the ECJ judgment C-34/09 Gerardo Ruiz Zambrano -v- Office National de l'Emploi. In accordance with national laws an alien may be issued a temporary residence permit if his/her child, who is a citizen of the Republic of Lithuania, resides in Lithuania. There is no requirement that the child must be dependent (Law on the Legal Status of Aliens; Article 40; Part 1 and Article 43; Part 1).  2. Please find the attached file.  <b>Applications received, granted and refused under ECJ judgment C-34/09 Gerard Ruiz Zambrano v Office National de l'Emploi</b>

				2011	2012	2013	2014	2015	2016 (end Oct)
			<b>Applications Received</b>	103	131	157	148	151	60
			<b>Applications Granted</b>	100	127	155	151	151	57
			<b>Applications Refused</b>	0	0	0	0	2	1
	Luxembourg	Yes	<ol style="list-style-type: none"> <li>No.</li> <li>N/A.</li> </ol>						
	Malta	Yes	<ol style="list-style-type: none"> <li>"Malta has not received any applications on the basis of such judgment since the date in question."</li> <li>Please refer to question 1.</li> </ol>						
	Netherlands	Yes	<ol style="list-style-type: none"> <li>Yes, see attachment</li> </ol>						

2. See attachment

**Applications received, granted and refused under ECJ judgment C-34/09 Gerard Ruiz Zambrano v Office National de l'Emploi**

	2011	2012	2013	2014	2015	2016 (end Oct)
<b>Applications Received</b>	< 10	< 10	40	80	80	60
<b>Applications Granted</b>	N/A	N/A	< 10	40	20	20
<b>Applications Refused</b>	N/A	N/A	10	30	40	40

Note: All numbers are rounded to tens, by which it can be possible that totals are not corresponding.  
Numbers on the period before 2013, can differ due to interpretation of definitions, new legislation and the usage of a new datawarehouse at the IND.






Portugal

Yes

1. No.

2. N/A.

	Slovak Republic	Yes	<p><b>1.</b> The Slovak Republic does not keep statistics on the number of applications for residence granted and refused under the ECJ judgment C-34/09.</p> <p><b>2.</b> N/A</p>
	Sweden	Yes	<p><b>1.</b> No</p> <p><b>2.</b> Not applicable</p>
	United Kingdom	No	<p>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.</p>
	Norway	Yes	<p><b>1.</b> NA As this judgement concerned a situation where the minor reference person is a citizen of a EU Member State it does not apply to Norway.</p> <p><b>2.</b> NA.</p>