



C/2024/5611

30.9.2024

Reference for a preliminary ruling from Court of Appeal (Ireland) made on 9 July 2024 – Minister for Justice v I.T.

(Case C-477/24, Deldwyn ⁽¹⁾)

(C/2024/5611)

Language of the case: English

Referring court

Court of Appeal

Parties to the main proceedings

Appellant (Respondent at first instance): Minister for Justice

Respondent (Applicant at first instance): I.T.

Questions referred

1. a) Does the expression ‘one year’ in Art. 7(3)(b) of Directive 2004/38/EC ⁽²⁾ (‘the Directive’) contemplate or require that the year in question be a single continuous period?
b) If the answer to (a) is ‘no’, does the fact that the periods of employment making up the year in question may have been accumulated or added together over a period of four or five years bring the EU citizen outside the scope of Art. 7(3)(b) [of the Directive]?
2. Does the fact that the EU citizen was in receipt of Jobseekers Allowance from the Department of Enterprise, Affairs and Social Protection in Ireland mean that he or she is in ‘duly recorded involuntary unemployment’ in the State within the meaning of Art. 7(3)(b) of the Directive?
3. Does the general principle of EU law which reflects Art. 41 of the Charter, or alternatively, does the Directive interpreted in the light of that general principle, require the Respondent to provide its file to the Applicant (if necessary, in suitably redacted form) either:
 - a) before making a decision on retention of residence rights/a Residence card pursuant to Art. 14 of the Directive in relation to arts. 13 and/or 7(3) of the Directive; and/or
 - b) when the applicant seeks to challenge such a decision by way of Judicial Review proceedings?

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any of the parties to the proceedings.

⁽²⁾ OJ 2004, L 158, p. 77.