

## Case C-34/09

**Gerardo Ruiz Zambrano**

**v**

**Office national de l'emploi (ONEm)**

(Reference for a preliminary  
ruling from the tribunal du travail de Bruxelles)

(Citizenship of the Union — Article 20 TFEU — Grant of right of residence under European Union law to a minor child on the territory of the Member State of which that child is a national, irrespective of the previous exercise by him of his right of free movement in the territory of the Member States — Grant, in the same circumstances, of a derived right of residence, to an ascendant relative, a third country national, upon whom the minor child is dependent — Consequences of the right of residence of the minor child on the employment law requirements to be fulfilled by the third-country national ascendant relative of that minor)

Opinion of Advocate General Sharpston delivered on 30 September 2010 . . . I - 1179  
Judgment of the Court (Grand Chamber), 8 March 2011 . . . . . I - 1232

### Summary of the Judgment

*Citizens of the European Union — Provisions of the FEU Treaty — Scope ratione personae — Minor child national of a Member State never having exercised his right of free movement — Included*

(Art. 20 TFEU)

Article 20 TFEU is to be interpreted as meaning that it precludes a Member State from refusing a third country national upon whom his minor children, who are European Union citizens, are dependent, a right of residence in the Member State of residence and nationality of those children, and from refusing to grant a work permit to that third country national, in so far as such decisions deprive those children of the genuine enjoyment of the substance of the rights attaching to the status of European Union citizen.

Union, would have to leave the territory of the Union in order to accompany their parents. Similarly, if a work permit were not granted to such a person, he would risk not having sufficient resources to provide for himself and his family, which would also result in the children, citizens of the Union, having to leave the territory of the Union. In those circumstances, those citizens of the Union would, in fact, be unable to exercise the substance of the rights conferred on them by virtue of their status as citizens of the Union.

Citizenship of the Union is intended to be the fundamental status of nationals of the Member States. Such a refusal would lead to a situation in which those children, citizens of the

(see paras 41, 44-45, operative part)