

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Norges Høyesterett dated 3 March 2020 in the case of Kerim v The Norwegian Government

(Case E-1/20)

A request has been made to the EFTA Court dated 3 March 2020 from Norges Høyesterett (the Supreme Court of Norway), which was received at the Court Registry on 3 March 2020, for an Advisory Opinion in the case of Kerim v The Norwegian Government on the following questions:

Which criteria should be the basis for determining whether one is faced with a marriage of convenience covered by the abuse rule in Article 35 of Directive 2004/38/EC? It would be useful if the EFTA Court could especially comment on the following:

- a) Does the EEA citizen's subjective intention for entering into the marriage have any significance for the determination of whether one is faced with a marriage of convenience?**

- b) If the third country national's intention is the key factor for determining whether one is faced with a marriage of convenience within the meaning of the Directive, is it a requirement that the third country national's wish for a right of residence was the sole purpose for entering into the marriage, or is it sufficient that it was the main purpose for entering into the marriage?**