

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by the Immigration Appeals Board dated 19 September 2024 in the case of AO & IM

(Case E-23/24)

A request has been made to the EFTA Court dated 19 September 2024 by the Immigration Appeals Board (*Utlendingsnemnda - UNE*), which was received at the Court Registry on 19 September 2024, for an Advisory Opinion in the case of *AO & IM*, on the following questions:

- a. To what extent can a third-country national's income/resources form part of the assessment of whether the EEA national has "sufficient resources" for himself or herself and his or her family members: see Article 7(1)(b) of Directive 2004/38/EC?**

- b. If the answer to question a entails that the third-country national's resources cannot form the entire basis in order for the EEA national to have "sufficient resources", is it then required that the EEA national make an "own contribution" on a continuous basis in order for the requirement of "sufficient resources" to be fulfilled, or can the EEA national's contribution be limited to a shorter period, for example that the EEA national has gainful employment for one year, subsequently to which the parties rely on the third-country national's income during the following four years?**