



Luxembourg, 11 March 2025

PRESS RELEASE 04/2025

Judgment in Case E-23/24 AO and IM

**SUFFICIENT RESOURCES FOR PERMANENT RESIDENCE IN EEA STATES
CAN BE PROVIDED ENTIRELY BY THIRD-COUNTRY NATIONAL FAMILY
MEMBERS OF EEA NATIONALS**

In a judgment delivered today, the Court provided guidance to the Immigration Appeals Board (*Utlendingsnemnda*) (“UNE”) on the interpretation of Article 7 of the Free Movement Directive.¹ The referring body asked in essence whether an EEA national and her third-country national spouse have “sufficient resources” within the meaning of that provision if all the resources stemmed from the income of the spouse.

The Court first clarified that UNE qualifies as a “court or tribunal” under Article 34 SCA and that it, therefore, may request an advisory opinion from the Court.

The Court recalled that Article 7(1)(b) of the Free Movement Directive requires that EEA nationals have sufficient resources at their disposal to prevent them and their family members from becoming an unreasonable burden on the social assistance system of the host State. Contrary to UNE’s indication in the request, the Court clarified that these resources may be provided in full by a third-country national.

The advisory opinion is a step in the proceedings pending before the national court. UNE will now resume its proceedings and decide the case pending before it in light of the Court’s interpretation of the Directive.

The full text of the judgment is available on the Court’s website: eftacourt.int/cases/e-2324/.

This press release is an unofficial document and is not binding upon the Court.

¹ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.