

EUROPEAN PARLIAMENT

2004



2009

Committee on Petitions

25.01.2007

NOTICE TO MEMBERS

Petition 0207/2006 by Ms Kelly Welch (British), on lack of answer from Irish authorities to an application for a visa made by her husband, a Nigerian national residing in Belgium

1. Summary of petition

The petitioner, a British citizen currently residing in Belgium, obtained a job in Ireland that she was supposed to start on 31 January 2006. Her husband, a Nigerian national legally residing in Belgium, applied for a visa for Ireland on 30 December 2005, but has yet to receive any answer from the Irish authorities. The petitioner is seeking the European Parliament's assistance.

2. Admissibility

Declared admissible on 13 July 2006. Information requested from the Commission under Rule 192(4).

3. Commission reply, received on 25 January 2007.

Mrs Kelly Welch, a United Kingdom national, legally resided with her Nigerian husband at the time when the petition was lodged in Belgium. As Mrs Welch was supposed to start working in Ireland in February 2006, they lodged a visa application with the competent Irish authorities on 30 December 2005. On 11 February 2006 she complained that the visa was not yet issued and invited the European Parliament to assist her.

Article 18 EC stipulates that every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.

The respective limitations and conditions applicable at the time when the petition was lodged were to be found in Regulation 1612/68 on freedom of movement for workers within the Community and Directive 68/360/EEC on the abolition of restrictions on movement and

residence within the Community for workers of Member States and their families¹.

The above mentioned texts provided that family members of a Union citizen who accompany him when travelling to another Member State may be required to obtain an entry visa depending on their nationality and that the host Member State should afford such persons every facility for obtaining any necessary required visas².

The Commission services are of the opinion that the facilitation obligation required the Member States to issue family members with necessary required visas within weeks at the most.

The Commission services were in contact with Mrs Welch before she lodged her petition and advised on her legal situation.

In light of the petition, the Commission services contacted her once again on 7 September 2006 and asked for an update on her situation. By e-mail of 21 September 2006 the petitioner confirmed that her husband has been meanwhile issued with an Irish entry visa and they are both currently in Ireland.

Given the fact that the entry visa has meanwhile been issued, the Commission services do not intend to pursue this case further.

¹ The Directive and part of the Regulation have been replaced as of 30 April 2006 by Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

² Article 5(2) of Directive 2004/38/EC now provides that the Member States must grant third country family members every facility to obtain the necessary visas. Such visas should be issued free of charge as soon as possible and on the basis of an accelerated procedure.