



PRESS RELEASE No 80/26

Luxembourg, 4 June 2026

Judgment of the Court in Case C-560/24 | [Besthame] ¹

Union citizenship: a Member State may investigate fraud involving a marriage of convenience and establish its existence even after the person concerned has acquired its nationality

A third-country national settled in Ireland as a student. Shortly before his residence permit expired, he married a citizen of the European Union who had exercised her freedom of movement. Following that marriage, he obtained a residence card as a family member of a Union citizen, and then acquired Irish nationality in 2015, which has since formed the basis of his right of residence. However, the Irish authorities suspected that that marriage was a marriage of convenience and that the rights of residence were obtained fraudulently. The Irish Minister for Justice then adopted decisions finding fraud and an abuse of rights, and considered that the rights derived from the directive on freedom of movement ² must be regarded as having been withdrawn from the outset. The person concerned challenged those decisions, arguing that, having become an Irish citizen, he is no longer subject to that directive.

The Irish court hearing the case asked the Court of Justice whether the directive allows national authorities to investigate and, where appropriate, establish fraud or an abuse of rights committed in the past, even where the person concerned has acquired the nationality of the host Member State and is no longer, at the time of the investigation, subject to the rules of that directive.

In today's judgment, the Court replies, stating that **Member States may investigate past fraud and establish its existence, even if the person concerned has acquired the nationality of the host Member State.**

The Court recalls that the directive is to apply to all Union citizens who reside in a Member State other than the one of which they are a national, and to their family members. It does not, in principle, govern the situation **of a person who has acquired the nationality of the host Member State** and whose residence is now based on national law. However, that person **may remain subject to certain provisions of the directive for the period during which they benefited from those provisions.**

The Court then held that **the rules of that directive relating to the prevention of fraud and abuse of rights** also apply to past situations. They **allow Member States to take measures concerning rights conferred previously, even if the person is no longer, at the time of the authorities' intervention, a beneficiary of the directive.** Any contrary interpretation would undermine the objective of combating marriages of convenience and fraudulent practices, which are often detected belatedly.

Lastly, the Court states that those rules confer on Member States the power to investigate and, where appropriate, establish the existence of fraud or an abuse of rights, without it being necessary to adopt immediately a measure affecting the rights in question. That power, which must be exercised in accordance with the principle of proportionality and the procedural safeguards, may allow consequences to be drawn at a later stage, including the withdrawal of a Union citizen's nationality and, consequently, their status as a Union citizen, provided that the requirements of EU law are complied with.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision. That decision is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment are published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

Stay Connected!



¹ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

² [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.