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Rt Hon Philip Davies MP
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Dear Philip,

Advocate General's Opinion: C-304/14 CS

I wanted to respond following your points of order in the House this morning. The Government is aware of the opinion given by the Advocate General on 4 February regarding the European Court of Justice case of CS. It is the role of the Advocates General to propose to the Court, in complete independence, answers to the questions of law referred by the national court. However this opinion is not binding on the Court. We await judgment of Court, which will be handed down at a later date.

The reference to the Court on this case relates to the specific circumstances of whether a right to reside enjoyed by a non-EU national who has sole custody of a child possessing EU citizenship is capable of being restricted on criminality grounds, where to do so will require the child to leave the territory of the Union, or will otherwise prevent the child from enjoyment of Union citizenship rights (the so-called *Zambrano* doctrine).

The reference does not concern the deportation of EU nationals who pose a threat to the UK public. We are, and will remain, able to deport such criminals.

I would highlight that the case of CS is subject to an anonymity order and proceedings are ongoing in the Upper Tribunal of the Immigration and Asylum Chamber. A determination by the Tribunal will be made following the judgment from the European Court of Justice.

I will place a copy of this letter in the House of Commons Library.

Rt Hon James Brokenshire