

Subject-matter concerned	<input type="checkbox"/> 1) non-discrimination on grounds of nationality X 2) freedom of movement and residence - Article 10, Directive 2004/38 <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	12/03/2010
Deciding body (in original language)	The High Court
Deciding body (in English)	The High Court
Case number (also European Case Law Identifier (ECLI) where applicable)	[2010] IEHC 85
Parties	John Mbeng Tagni v Minister for Justice, Equality and Law Reform
Web link to the decision (if available)	http://www.courts.ie/Judgments.nsf/0/67E4CEF1F140317F80257735004AD398
Legal basis in national law of the rights under dispute	Directive 2004/38/EC; European Communities (Freedom of Movement of Persons) Regulations 2006; 1999 Immigration Act

Key facts of the case (max. 500 chars)	<p>Note that this executive summary has the purpose to make us understand:</p> <ol style="list-style-type: none"> 1. the facts of the case (so the “real life story”) <p>The applicant, Mr Tagni, is a Cameroon national and a failed asylum seeker who was married to a Polish national. In February 2006 the couple applied for residency for Mr. Tagni, which was granted initially for one year, and subsequently for another year. In light of the Metock ruling by the European Court of Justice, the Minister for Justice invited Mr Tagni to apply for a five year residency card, subject to the provision of various supplementary documents.</p> <ol style="list-style-type: none"> 2. the legal background against which the case unfolded (what are the relevant legal norms that are applied) <p>During the review proceedings, it emerged that Mr. Tagni’s relationship with his wife had broken down and that they were currently living apart. The Minister decided, on 10 November 2008, to refuse Mr. Tagni’s application for a residence card on the basis of his relationship to an EU national.</p>
Main reasoning / argumentation (max. 500 chars)	<p>As the Minister was proposing to serve a deportation order on Mr. Tagni in accordance with the 1999 Immigration Act, his solicitor requested that the Minister review this decision, and provided the respondent with additional documentation [para. 2.16], emphasising the urgent need to expedite this process. When this did not occur within a reasonable time frame, the respondent’s solicitor sought a judicial review on ten separate grounds [para. 3.1].</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>The Court considered that the invitation to apply for a residency card post-Metock could be considered a fresh application. This was submitted on 9 October 2008, and it was reasonable for the applicant to receive a decision by 9 April 2009. Because the definitive review decision had not been completed before the start of the High Court hearing (15 October 2009), almost 11 months after the commencement of the review, the Court concluded that the Minister failed to review the decision within a reasonable time frame.</p>
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The Court granted a declaration to Mr. Tagni to the effect that the Minister was guilty of failing to render a decision in a timely manner from the commencement of the review procedures, but dismissed all other aspects of the applicant’s claim.</p>

Key quotations in original language and translated into English with reference details (max. 500 chars)	<p>“As of the date of the hearing no decision had been rendered. The Court has criticised this and has expressed the view that the respondent has been guilty of a failure to render his decision on the review within a reasonable time.” [para. 7.12]</p>
Has the deciding body refer to the Charter of Fundamental Rights. If yes, to which specific Article.	<p>The Charter of Fundamental Rights, Article 41, is referenced in the applicant’s pleadings, but not in the substance of the Court’s ruling.</p>