

**Joined Cases C-310/08 London Borough of Harrow v Nimco Hassan Ibrahim and C-480/08 Maria Teixeira v London Borough of Lambeth and Secretary of State for the Home Department, judgments of 23 February 2010**

**Facts:** The first applicant was a Somali national who travelled to the UK to live with her husband who was a Danish national living there. Following their separation, the applicant lived in the UK entirely dependent on social assistance, and the primary carer of their four children. She applied for housing assistance on the basis of an EU Regulation on the free movement of workers (Regulation No 1612/68) allowing for the children of migrant workers residing in their parents' host State to access the same rights to education as the nationals of that State were entitled to. She was rejected on the basis that she did not satisfy the required conditions to qualify for the right of residence under the European Union law applicable.

The second applicant was a Portuguese national, living in the UK with her husband, and working for a period of time. Following their separation, she lived in the UK with her daughter who was in school. She too applied for housing assistance under Regulation No 1612/68 and was rejected on the basis that she did not satisfy the required conditions to qualify for the right of residence under the European Union law applicable.

**Held:** The children of a citizen of the Union who have installed themselves in a Member State during the exercise by their parent of rights of residence as a migrant worker in that Member State are entitled to reside there in order to attend general educational courses there, pursuant to Article 12 of Regulation No 1612/68. Moreover, the fact that the parents of the children concerned had meanwhile divorced, the fact that only one parent was a citizen of the Union, and the fact that that parent had ceased to be a migrant worker in the host Member State were irrelevant facts, following Case C 413/99 *Baumbast and R* [2002] ECR I 7091.

Furthermore, this entitlement could not be conditioned on the same factors set out in Directive 2004/38, i.e. that the child and the parent have sufficient resources not to become a burden on the social assistance system of the host Member State.