

**C-200/02 Chen [2004] ECR I-09925**

**Facts:** Mrs. Chen and her husband were both Chinese nationals who worked for a Chinese company in China. Her husband travelled to the UK frequently, on business. Her second child was born in Belfast while she was travelling, which, under Irish law, gave the child the right to acquire Irish nationality. Mrs. Chen had taken up residence in the island of Ireland in order to enable the child she was expecting to acquire Irish nationality and, consequently, to enable her to acquire the right to reside, should the occasion arise, with her child in the United Kingdom. It was clear on the facts that the child was totally dependent on her mother. The Secretary of State for the Home Department refused to grant a long-term residence permit to the two applicants in the UK, as it was argued that the EU national child was not exercising any Treaty rights. In other words, the decision to refuse the permit hinged on the fact that this was a wholly internal situation.

**Held:** This was not a purely internal situation, even though neither the baby nor the mother had ever lived in another Member State. The baby had a right to keep her main carer within the EU. Under international law, it is for each Member State, having due regard to Community law, to lay down the conditions for the acquisition and loss of nationality and it is not permissible for a Member State to restrict the effects of the grant of the nationality of another Member State by imposing an additional condition for recognition of that nationality with a view to the exercise of the fundamental freedoms provided for in the Treaty.