



## PRESS RELEASE No 205/24

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Judgment of the Court in Case C-664/23 | Caisse d'allocations familiales des Hauts-de-Seine

### **A Member State cannot exclude from the benefit of family allowances a foreign worker whose children, born in a third country, cannot prove that they have entered its territory lawfully**

*Third-country nationals who have been admitted to a Member State for the purpose of working there lawfully must enjoy equal treatment with nationals of that Member State*

In 2008, an Armenian national entered the French territory unlawfully, with his wife and two minor children born in Armenia. In 2011, the couple gave birth to a third child in France. In 2014, the father applied for family benefits for his three children. Although he held a temporary residence permit authorising him to work, the Caisse d'allocations familiales des Hauts-de-Seine (Hauts-de-Seine Family Allowance Fund, France) (CAF) refused his application in respect of his two children born outside of France.

That refusal, which he challenged before the Tribunal des affaires de sécurité sociale de Nanterre (Social Security Court, Nanterre, France), was based on the lack of documents proving the children's lawful entry into France. <sup>1</sup> After a favourable judgment, the Cour d'appel de Versailles (Court of Appeal, Versailles, France) confirmed the refusal. The Cour de cassation (Court of Cassation, France), however, overturned the judgment in 2022, emphasising that the Cour d'appel had not responded to the Armenian national's arguments regarding the Single Permit Directive, <sup>2</sup> which ensures equal treatment between workers who are nationals of third countries and EU citizens. The case was referred back to the Cour d'appel, which decided to refer the matter to the Court of Justice of the European Union. It wishes to know whether a Member State may refuse to take into account children born in a third country and dependent on a single permit holder where they have not entered the territory under a family reunification procedure or where the parent has not provided documents proving the lawfulness of their entry into the territory.

The Court responds that it is contrary to EU law to **subject** the right to family benefits of third-country nationals legally residing in France to an **additional requirement**, consisting in the proof that the children in respect of whom the family benefits have been applied for have entered the French territory lawfully. The Court considers that imposing such a requirement provides third-country nationals with **less favourable treatment** than that enjoyed by nationals of the host Member State.

It recalls that EU law provides for equal treatment between third-country nationals residing lawfully in the territory of the Member States and nationals of those Member States.

Where the lawful residence of the third-country national in a Member State is established, it is for the Member States to ensure equal treatment between those workers residing in their territory and their own nationals by strictly limiting derogations from that right.

**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, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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

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<sup>1</sup> In this case, it was necessary to produce either a prefectural certificate stating that the child had entered France at the latest at the same time as one of his or her parents admitted to stay, or a medical certificate issued under a family reunification procedure.

<sup>2</sup> [Directive 2011/98/EU](#) of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.