

SUMMARY

ECJ 19 December 2024, C-664/23 (Caisse d'allocations familiales des Hauts-de-Seine), Social Insurance

Caisse d'allocations familiales des Hauts-de-Seine - v - TX, French case

Summary

A Member State cannot deny family benefits to a foreign worker just because their children, born in another country, can't prove they entered legally. Foreign workers who are allowed to work in an EU country must be treated the same as the citizens of that country. The ECJ's summary of the case is available [here](#).

Question

Must Article 12(1)(e) of Directive 2011/98 be interpreted as precluding legislation of a Member State under which, for the purposes of determining the entitlement to social security benefits of a third-country national holding a single permit, the children born in a third country who are dependent on him or her are taken into account only if they prove that they have entered the territory of that Member State lawfully?

Ruling

Article 12(1)(e) of 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 must be interpreted as precluding legislation of a Member State under which, for the purposes of determining the entitlement to social security benefits of a third-country national holding a single permit, the children born in a third country who are dependent on him or her are taken into account only if they can

prove that they have entered the territory of that Member State lawfully.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-12-19

Case number: C-664/23