

**Parties to the main proceedings**

*Applicant:* CK

*Defendant:* Familienkasse Bayern Nord

**Question referred**

Must Article 4 of Regulation (EC) 883/2004 <sup>(1)</sup> (in conjunction with Articles 18, 21 and 45 TFEU) be interpreted as precluding national legislation under which a migrant worker who earns income which is subject to German income tax but who is not in a compulsory insurance relationship with the Bundesagentur für Arbeit (Federal Employment Agency) and is not subject to unlimited income tax liability in Germany does not receive German child allowance?

<sup>(1)</sup> Regulation of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1).

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**Request for a preliminary ruling from the Conseil d'État (France) lodged on 3 May 2022 — Office français de protection des réfugiés et apatrides (OFPRA) v SW**

(Case C-294/22)

(2022/C 276/09)

*Language of the case: French*

**Referring court**

Conseil d'État

**Parties to the main proceedings**

*Applicant:* Office français de protection des réfugiés et apatrides (OFPRA)

*Defendant:* SW

**Questions referred**

1. Irrespective of the provisions of national law according to which, under certain circumstances, foreign nationals can be allowed to stay on account of their state of health, and which where necessary protect them from an expulsion order, must Article 12(1)(a) of Directive 2011/95/EU <sup>(1)</sup> be interpreted as meaning that where a sick Palestinian refugee, after actually availing himself of UNRWA protection or assistance, leaves the State or territory in the area of operations of that agency in which he had his habitual residence because he cannot have sufficient access there to the care and treatment required by his state of health and because that failure to provide care and treatment presents a genuine risk to his life or physical integrity, there is reason to consider that his personal safety is at serious risk and that he is in a situation in which it is impossible for UNRWA to guarantee that his living conditions will be commensurate with the mission entrusted to it?
2. If the answer is in the affirmative, what are the criteria for identifying such a situation, concerning for example the seriousness of the illness or the nature of the care needed?

<sup>(1)</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ 2011 L 337, p. 9).

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