



C/2024/3899

1.7.2024

**Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Amsterdam  
(Netherlands) lodged on 4 April 2024 – P v Staatssecretaris van Justitie en Veiligheid**

**(Case C-244/24, Kaduna) <sup>(1)</sup>**

(C/2024/3899)

*Language of the case: Dutch*

**Referring court**

Rechtbank Den Haag, zittingsplaats Amsterdam

**Parties to the main proceedings**

*Appellant:* P

*Respondent:* Staatssecretaris van Justitie en Veiligheid

**Questions referred**

1. Is Article 6 of the Return Directive <sup>(2)</sup> to be interpreted as precluding the issuing of a return decision on a date when a foreign national is still lawfully resident on the territory of a Member State?
2. Does it make any difference to the answer to the foregoing question if the return decision contains a date on which the lawful residence ends, where that date is in the near future and, moreover, where the legal consequences of the return decision do not take effect until that later date?
3. Is Article 1 of the Extension Decision <sup>(3)</sup> to be interpreted as meaning that this extension also covers a group of third-country nationals who have already been brought within the scope of the Temporary Protection Directive <sup>(4)</sup> by a Member State via the optional provision of Article 2(3) of the Implementing Decision, <sup>(5)</sup> even though the Member State has chosen at a later point in time to no longer grant temporary protection to that group of third-country nationals?

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<sup>(1)</sup> The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

<sup>(2)</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ 2008 L 348, p. 98).

<sup>(3)</sup> Council Implementing Decision (EU) 2023/2409 of 19 October 2023 extending temporary protection as introduced by Implementing Decision (EU) 2022/382 (OJ L 2023/2409).

<sup>(4)</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ 2001 L 212, p. 12).

<sup>(5)</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection (OJ 2022 L 71, p. 1).