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Judgment of the Court in Case C-97/24 | Minister for Children, Equality, Disability, Integration and Youth and Others

Right to asylum: A Member State may not plead an unforeseeable influx of applicants for international protection in order to evade its obligation to cover asylum seekers' basic needs

A failure to fulfil that obligation may trigger the liability of the Member State concerned

Two asylum seekers – an Afghan national and an Indian national – were forced to live for a number of weeks in precarious conditions in Ireland after that Member State refused to provide them with the minimum reception conditions required by EU law. Although the Irish authorities issued each of them with a single voucher for €25, they did not allocate them housing, pleading a lack of available accommodation in dedicated reception centres, notwithstanding the availability of individual temporary housing in Ireland. Without having such accommodation, the two asylum seekers were not eligible for the daily expenses allowance provided for by Irish law. They therefore slept on the streets or, occasionally, in precarious accommodation. They have indicated that they went short of food, were not in a position to maintain their personal hygiene and were placed in a situation involving distress in view of their respective living conditions and the instances of violence faced by each of them. They have brought proceedings before the High Court (Ireland) in order to obtain compensation for the damage which they claim to have suffered as a result.

The Irish authorities acknowledge that there has been an infringement of EU law but plead a situation of *force majeure*, which they claim consists of the temporary exhaustion of the housing capacity normally available in the territory of Ireland for applicants for international protection, owing to a mass influx of third-country nationals following the invasion of Ukraine. By contrast, those authorities do not claim to have been objectively prevented from providing material reception conditions covering the basic needs of those applicants. The High Court has put questions to the Court of Justice regarding the possibility of ruling out the liability of the State in such circumstances, despite the obligations derived from the Reception Conditions Directive ¹ and the Charter of Fundamental Rights of the European Union.

In its judgment, the Court recalls that the Member States are required, under the directive, to guarantee applicants for international protection material reception conditions which ensure an adequate standard of living, whether through housing, financial aid, vouchers, or a combination of the three. Those conditions must cover basic needs, including appropriate accommodation, and safeguard the physical and mental health of the persons concerned.

Thus, **a Member State which fails to provide an applicant who does not have sufficient means with those material conditions, even temporarily, is manifestly and gravely exceeding its discretion** with regard to the application of the directive. **Such a failure is therefore capable of constituting a sufficiently serious infringement of EU law, triggering the liability of the Member State concerned.**

Although EU law establishes a strictly delineated derogation system enabling the modalities for reception to be adjusted in the event of temporary exhaustion of the housing capacity normally available for applicants for international protection, the application of that system requires that the situation be exceptional, duly justified, and limited in time. That system applies, inter alia, when a mass, unforeseeable influx of third-country nationals entails temporary saturation of reception capacity. However, **even in this scenario**, the directive provides that **the Member States must** in any event cover the basic needs of the persons concerned, **in accordance with the obligation to respect human dignity enshrined in the Charter of Fundamental Rights**.

In those circumstances, the Court considers that it cannot be accepted that a Member State may plead the event which triggers the derogation system, that is to say, the temporary exhaustion of the housing capacity normally available for applicants for international protection, **in order to evade its obligation to cover the basic needs of the persons concerned**, including where that exhaustion is the result of a significant and sudden influx of third-country nationals seeking temporary or international protection. Similarly, pleading the occurrence of such an event does not enable it to be established that a failure to fulfil the obligations laid down by the directive is not sufficiently serious to be capable of giving rise to a right to compensation. An interpretation to the contrary would deprive that system of its practical effect and would compromise the effective judicial protection of applicants.

Nor is there any element permitting the conclusion, in this instance, that Ireland was objectively prevented from fulfilling its obligations – either by providing applicants with housing outside the system normally provided for accommodating them, as the case may be by taking advantage of the derogation system provided for by the directive, or by granting them financial allowances or vouchers.

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, the abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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¹ [Directive 2013/33/EU](#) of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.