



PRESS RELEASE No 139/25

Luxembourg, 13 November 2025

Judgment of the Court in Case C-525/23 | [Oti ¹]

Authorisation to reside in the European Union for the purpose of voluntary service: a Member State cannot impose additional conditions for the purpose of proving the existence of sufficient resources

In June 2020, OS, a third-country national, applied to renew his residence permit in Hungary. He wished to carry out voluntary work at the Mahatma Gandhi Emberi Jogi Egyesület (Mahatma Gandhi Association for Human Rights). He stated, in that regard, that his uncle, a British citizen, would guarantee him the necessary resources during the period of volunteering. During the administrative procedure, OS described that financial assistance provided by his uncle sometimes as a loan and sometimes as a gift. The Hungarian authorities rejected the application on the ground that the uncle could not be regarded as a ‘family member’ under national law.

OS challenged that rejection. The Budapest High Court (Hungary) upheld his action, considering that the means of subsistence that the applicant for a residence permit must have could come from legally acquired income or assets, irrespective of whether that income was his own or income made available by a member of his family.

However, the Hungarian Supreme Court set aside that ruling. In its view, even though the necessary resources can be provided by a person who is not a family member, it is necessary to establish whether they constitute income or an asset and to specify the legal basis on which those resources were received and whether the applicant can have them at his or her disposal in a permanent and unrestricted manner as if they were his or her own funds.

Having doubts as to whether these checks imposed by the Supreme Court were compatible with EU law, the Budapest High Court referred the matter to the Court of Justice for a preliminary ruling.

In its judgment, the Court, in the first place, observes that **a third-country national** concerned, having submitted an application for admission to the territory of a Member State, **has the right to an authorisation to reside there if he or she fulfils the general and specific conditions of the directive** on the entry to and residence in the European Union of third-country nationals for the purpose, inter alia, of voluntary service.² Member States **are therefore not permitted to introduce conditions additional** to those laid down in the directive.³

The Court, in the second place, holds that the concept of ‘resources’ must be regarded as an autonomous concept of EU law, interpreted in a uniform manner, and as having a broad scope. **The assessment of the sufficient resources** is to be based on an individual examination of the case, which must be **limited to verifying that the person concerned is in a position to have those resources. The introduction of other specific criteria**, in particular concerning the nature, origin or the manner in which that person has

those resources at his disposal, **would constitute prohibited additional conditions.**

As regards the finding of **inconsistencies in the statements** relating to the resources available to the third-country national concerned, the Court finds that this **cannot suffice to justify the refusal of a residence permit** where it is apparent from the individual examination of the case that that person will in fact have sufficient resources.

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.

Unofficial document for media use, not binding on the Court of Justice.

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.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

Stay Connected!



¹ The name of the present case is a fictitious name. It does not correspond to the real name of any of the parties to the proceedings.

² [Directive \(EU\) 2016/801](#) of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

³ Judgment of 10 September 2014, *Ben Alaya*, [C-491/13](#) (see also Press Release [No 120/14](#)).