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Harmonising the sanctioning of reception conditions when asylum seekers fail to meet their obligations



A recent EUAA report looks at how EU-level and national courts in Member States have shaped the implementation of provisions relating to reducing or withdrawing material reception conditions, such as housing, food, and clothing or financial assistance, when asylum applicants do not comply with their obligations or engage in violent behaviour.

The European Union Agency for Asylum (EUAA) recently published a comparative analysis of EU and national court decisions, issued over the last 5 years, relating to the sanctioning of asylum applicants when they do not adhere to their obligations. The report comes as national authorities have reported an increase in applicants engaging in disruptive behaviour over the past years, as reported in the EUAA Asylum Report 2024.

The analysis is limited to jurisprudence regarding sanctions, reductions or withdrawals of material reception conditions provided to asylum applicants and does not relate to criminal proceedings for acts which may qualify as criminal offences in the Member State concerned.

Given the broad wording in the recast Reception Conditions Directive (RCD), it has long been at the discretion of Member States as to how to interpret the provisions and implement sanctions. However, a 2019 judgment by the Court of Justice of the EU (CJEU) triggered national courts to align practices, resulting in some decisions being overturned by the courts. Most judgments referenced in the analysis, and which can also be found in the EUAA Case Law Database, involve reducing or withdrawing material reception conditions due to serious breaches of accommodation centre rules or seriously violent behaviour.

The resulting jurisprudence has clarified the conditions for sanctions in **four main areas**, including:

- **Proportionality** between the **severity of the violation** and the measure being imposed;
- **Imposing sanctions gradually** and identifying alternatives;
- Assessing the **cumulative impact** of violations by asylum applicants;
- Responsibilities **to provide information** and ensure that applicants are adequately informed of the **consequences of their actions**.

The findings of the report are particularly important given upcoming changes to these provisions under the revised Reception Conditions Directive, which was adopted as part of the Pact on Migration and Asylum. The updated legislation must be transposed into national law by 12 June 2026. The 2024 Directive broadens the scope of when sanctions can be applied, while it also better defines safeguards to uphold a dignified standard of living.

Background

Under Article 20 of the 2013 recast Reception Conditions Directive (recast RCD), Member States may reduce or, in exceptional and duly justified cases, withdraw material reception conditions for applicants for international protection. In this context, national authorities may impose sanctions applicable to serious breaches of the rules of the accommodation centres as well as to seriously violent behaviour.

Any sanctions must be objective, impartial, motivated and proportionate to the particular situation of the applicant and must, under all circumstances, ensure a dignified standard of living; as established in the landmark CJEU judgment Zubair Haqbin v Belgium (C-233/18, 12 November 2019).

Download the report Jurisprudence on Material Reception Conditions in Asylum.

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