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Judgment of the Court in Case C-184/24 | [Sidi Bouzid] ¹

International protection: the refusal by an applicant for international protection to be transferred to another accommodation centre cannot justify the withdrawal of all material reception conditions

The Member State may nevertheless impose a proportionate sanction that respects the applicant's dignity and use its powers of coercion to enforce the transfer

AF and his child, BF, who was a minor at the time of the facts, are applicants for international protection residing in an accommodation centre in Milan. In 2023, the Prefecture of Milan ordered the withdrawal of the material reception conditions ² due to AF's repeated refusal to be transferred, with his child, to another accommodation centre, also located in Milan. The transfer had been decided because they were occupying accommodation intended for four people, while the refusal was due to the fact that the child was pursuing his schooling near the accommodation centre where they were present. AF is challenging the decision to withdraw his material reception conditions before the Regional Administrative Court, Lombardy on the grounds that, as a result of that decision, he is no longer able to meet his basic needs and those of his child. That court asked the Court of Justice whether national legislation allowing all material reception conditions to be withdrawn as a result of a refusal such as the one at issue is compatible with the directive on the reception of persons seeking international protection. ³

The Court finds that, in the present case, AF has neither abandoned the accommodation centre, nor withdrawn or implicitly abandoned his application for international protection ¹, and so the material reception conditions cannot be withdrawn or reduced on those grounds.

However, the directive allows Member States to impose a sanction for serious breaches of the rules of the accommodation centres. A refusal such as the one in the present case, where it is persistent and the applicant objects, without legitimate reason, to his transfer to accommodation appropriate to his circumstances, is liable to jeopardise the accommodation system of the Member State concerned, since the accommodation in question cannot be allocated to other applicants whose family situation it would be better suited to. Consequently, such behaviour may constitute a serious breach of the rules applicable to the accommodation centre that initially received the applicant and, thus, lead to the imposition of a sanction.

That being said, the national authorities must impose a sanction that **is proportionate and respects the dignity of the applicant, which cannot involve the withdrawal of all material reception conditions or, in any other way, deprive him or her of the possibility of meeting his or her most basic needs**, such as housing, food or clothing. That is the case in particular where, as in the present case, the applicants concerned – a single parent and his minor child – are vulnerable persons.

In those circumstances, the Court holds that **the directive precludes national legislation which makes it possible to withdraw**, in a situation such as the one at issue, **all material reception conditions**. However, the directive does not preclude the national authorities, in compliance with the principle of proportionality and the

applicant's fundamental rights and dignity, from using the coercive powers conferred on them by national law to implement the transfer of that person to another accommodation centre.

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. That decision 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, an abstract](#) of the judgment are published on the CURIA website on the day of delivery.

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

² In accordance with [Directive 2013/33/UE](#) of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, material reception conditions are measures that Member States grant to applicants for international protection, including, in particular, 'housing, food and clothing' (Article 2).

³ See endnote 2.