

ECJ ruling: Minimum standards for benefits for asylum seekers (C-621/24)

A bed, bread and soap are not enough

The European Court of Justice ruled on 4 June 2026 (Case C-621/24) that the German cuts to benefits in so-called “Dublin cases” were contrary to EU law, as they provided only a purely physical subsistence minimum. According to the ruling, benefits for healthcare and medical assistance must not fall below a level that ensures a dignified standard of living.



Under EU law, even asylum seekers who are required to leave the country are entitled to an “adequate standard of living”. Provisions in German asylum law stipulating that no cash benefits are granted in Dublin cases are therefore contrary to EU law, according to the ECJ.

A bombshell from Luxembourg

According to a ruling by the European Court of Justice (ECJ), cuts to benefits in Germany for rejected asylum seekers contravene EU law (judgement of 4 June 2026, Case C-621/24). The decision stems from a reference made by the Federal

Social Court in 2024 (Case B 8 AY 6/23 RBSG).

Specifically, the ECJ had to consider a provision in the German Act on Benefits for Asylum Seekers (AsylbLG). This provision—which has since been made even stricter—provided that benefits for persons whose asylum application had been rejected as inadmissible on the grounds that another Member State had jurisdiction (so-called Dublin cases) could be restricted to benefits in kind for food, accommodation (including heating) and personal hygiene and healthcare. Under this provision, they are no longer entitled to clothing or cash be-

nefits to cover their personal living expenses.

Decision contradicts EU law

In the opinion of the ECJ, such a restriction is contrary to Union law, specifically Article 17(2) in conjunction with Article 2(g) of the EU Reception Directive (2013/33/EU). According to these provisions, Member States must ensure that the material benefits provided in the context of reception correspond to an adequate standard of living that guarantees the subsistence and the protection of the physical and mental health of applicants.



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Reference by the Federal Social Court

The European Court of Justice has ruled that this obligation fully applies to asylum seekers required to leave the country under the Dublin III Regulation due to having previously filed an asylum application in another EU Member State.

In this specific case, in 2022, the German authorities in the Bavarian district of Schweinfurt had rejected an Afghan man's asylum application as inadmissible under the Dublin III Regulation. They had also ordered his removal to Romania, where he had already lodged an asylum application.

Under the AsylbLG, the man was only entitled to benefits in kind to a more limited extent. He was provided with food, heated accommodation and basic hygiene and health provisions ("bed, bread, soap"). However, he no longer received cash benefits for clothing and household items.

He subsequently brought a claim before the German social security courts, seeking cash benefits to cover his personal needs. As the Federal Social Court (BSG) ultimately had doubts as to whether the restrictions on benefits provided for under German law were compatible with EU law, it referred the case to the ECJ.

Clothing and cash benefits are "essential"

The Luxembourg court has now ruled in favour of the Afghan man: the judges made it clear that both clothing and money form part of a decent standard of living within the meaning of the directive. Without clothing and financial assistance, daily needs could not be met, the court stated. Clothing, like accommodation, food and personal hygiene, is one of the most basic needs.

Furthermore, cash benefits to cover daily needs are also indispensable in helping the individuals concerned to achieve a minimum level of self-determination. They enable them to acquire, in addition to accommodation, food and clothing, everyday necessities and household consumables. Furthermore, they ensure a minimum level of participation in social and cultural life. Cash benefits thus help to ensure the applicant's livelihood and the protection of their physical and mental health.

Finally, the ECJ clarified that Germany could not justify the refusal of such benefits on the grounds that the asylum seeker was required to leave the country and that an enforceable transfer to Romania had taken place. "The obligations arising from the reception directive on the Member State in whose territory the applicant resides only ceased upon the actual transfer to the requested Member State," the court stated.

The German benefit reduction scheme, which was the specific subject of the court's proceedings, was actually tightened further in 2024: under Section 1(4)(2) of the AsylbLG (formerly Section 1a[7]), benefits may now even be withdrawn entirely once it has been established that another Member State is responsible for an asylum seeker and that they must leave the country. This is now likely to be even less compatible with the guidelines from Luxembourg. "If I am not allowed to reduce benefits, then of course I am certainly not allowed to withdraw them," explained social law expert Constantin Hruschka to the dpa.

Even after the CEAS reform: "Adequate standard of living" remains mandatory

However, the ECJ's ruling relates to a 2013 version of the Reception Conditions Directive, which will soon be a thing of the past. This is because the reform of the Common European Asylum System (CEAS) comes into force on 12 June. The new Reception Directive 2024/1346 will then apply, as migration law expert Prof. Dr Winfried Kluth explained to Legal Tribune Online.

Article 23 of that directive sets out the conditions for the reduction of benefits. According to Kluth, paragraph 4 of that article establishes the minimum level of benefits in the event of benefit reductions. Article 23(4) provides that Member States must guarantee access to health-care and ensure that all applicants enjoy a standard of living "consistent with Union law, including the Charter, and international obligations".

According to Kluth, following the ECJ's ruling, it is likely that recipients will have to make do with a small amount of money at their disposal. Asylum expert Hruschka takes a similar view: "The new regulations also state that a minimum standard in line with EU law must be guaranteed." This includes, for example, the EU Charter of Fundamental Rights.

Sources: Legal Tribune Online; ECJ judgement (Case C-621/24)