In a landmark decision, the Court of Justice of the European Union (CJEU) found that Ireland cannot use an unexpected influx of asylum seekers as justification for evading its obligation to cover their basic needs. The decision follows a preliminary reference from the High Court made in December 2023.

The case was brought by two asylum seekers, an Afghan national and an Indian national, who were forced to live for a number of weeks in precarious conditions after Irish authorities refused to provide them with the minimum reception conditions required by EU law. They were each issued with a single voucher for EUR 25 and told they could not be allocated housing because of a lack of available accommodation in dedicated reception centres. Without 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 say they went short of food, could not maintain their personal hygiene and suffered violence.

Irish government lawyers sought to argue that the breaches of EU law happened in a situation of force majeure following a large increase in international protection applicants following the Russian invasion of Ukraine. However, the court said this could not allow Ireland to avoid liability under EU law.

The Irish Refugee Council's law centre represented the Afghan national.

An FAQ on the case is available here. The CJEU press release is available here. The full decision is available here.

Source(s)

- Irish Refugee Council (1 August, 2025), [Irish Refugee Council Independent Law Centre secures judgment confirming State cannot evade obligations to cover protection applicants' basic needs], https://www.irishrefugeecouncil.ie/news/irish-refugee-council-secures-ecj-ruling-affirming-states-duty-to-people-seeking-protection

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