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Judgment of the Court in Case C-158/23 | [Keren] <sup>1</sup>

### **International protection: EU law does not preclude, under certain conditions, beneficiaries of international protection from having to pass a civic integration examination**

*However, failing such an examination cannot be systematically penalised*

Netherlands legislation lays down, particularly for beneficiaries of international protection, an obligation to pass, within a certain period, a civic integration examination. In the event of failure, a fine may be imposed. The Court emphasises the importance of acquiring knowledge, linguistic in particular, for the integration of those persons and notes that the Member States have, under certain conditions, the possibility of making participation in civic integration programmes, and the passing of the related examinations, compulsory. However, the personal and highly variable circumstances in which beneficiaries of international protection find themselves must be taken into account. A fine may be imposed only in exceptional cases, such as those demonstrating a proven and persistent lack of willingness to integrate. In addition, making the beneficiary of international protection bear, in principle, the full costs of the courses and examinations of the integration programme constitutes an unreasonable burden.

An Eritrean arrived in the Netherlands at the age of 17 and was recognised as a beneficiary of international protection. Once he had reached the age of 18, the Netherlands authorities informed him of his obligation to undergo civic integration training pursuant to Netherlands law. Thus, he had to pass, in principle within three years, all of the components of the civic integration examination. That period was extended by a total of one year, on the ground that he had resided on a long-term basis in a reception centre for asylum seekers and had undergone training. However, the young Eritrean did not attend certain courses and examinations and he did not pass those at which he was present.

The authorities imposed on him a fine of €500 and decided that he had to repay in full the loan of €10,000 that had been granted to him by the authorities to enable him to finance the costs of the civic integration programme, on the ground that he had not completed that programme within the period prescribed. He was subsequently relieved of the obligation to pass that programme because he had, at that time, made sufficient efforts to complete it. That relief is, however, without prejudice to his obligation to pay the fine and to repay the loan.

He brought an action before the Netherlands courts and it is the Netherlands Council of State that decided to refer questions to the Court of Justice for a preliminary ruling on the compatibility of the Netherlands system with the International Protection Directive. <sup>2</sup>

In its judgment, **the Court holds that that directive does not preclude, under certain conditions, national legislation which obliges beneficiaries of international protection to pass a civic integration examination.**

In that regard, the Court emphasises **the importance of acquiring knowledge both of the language and of the society of the host Member State in order to promote the integration** of beneficiaries of international

protection into the society of the host Member State and to facilitate their access, in particular, to the labour market and vocational training. Moreover, it notes that the Member States enjoy a certain margin of discretion in that context. However, the need to take into account the personal and highly variable circumstances of beneficiaries of international protection is all the more necessary in view of their particular vulnerability, which is precisely what justifies granting that protection.

Thus, **specific individual circumstances, such as the age, level of education, financial situation or health of the person concerned must be taken into consideration.** Furthermore, the knowledge required to pass a civic integration examination should be set at an elementary level, without exceeding what is necessary to promote integration and taking into account the fact that the persons concerned are not yet settled on a long-term basis in the Member State concerned. Finally, any beneficiary of international protection should be relieved of the obligation to pass that examination if he or she is able to demonstrate that he or she is already effectively integrated.

**In any event, the fact of having failed such an examination cannot be systematically penalised by a fine. Such a penalty may be imposed only in exceptional cases, such as a proven and persistent lack of willingness to integrate.** In addition, such a fine cannot, in any event, be of such a high amount as to place an unreasonable financial burden on the beneficiary concerned, account being had of his or her personal and family situation.

In the case at hand, the fine provided for by the Netherlands legislation applies systematically and can reach €1,250. Such a measure appears to be manifestly disproportionate to the objective pursued by that legislation.

In addition, making the beneficiary of international protection bear, in principle, all the costs of the courses and examinations of the civic integration programme undermines the objective of ensuring that he or she integrates into the society of the host Member State effectively. That obligation places an unreasonable burden on him or her which hinders not only the effective access of that beneficiary to the civic integration programme, but also the exercise of the other rights and benefits which he or she derives from the International Protection Directive.

**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.

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

<sup>2</sup> [Directive 2011/95/EU](#) of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.