

**Judgment of the Court (Grand Chamber) of 1 March 2016 (requests for preliminary rulings from the Bundesverwaltungsgericht — Germany) — Kreis Warendorf v Ibrahim Alo (C-443/14) and Amira Osso v Region Hannover (C-444/14)**

(Joined Cases C-443/14 and C-444/14) <sup>(1)</sup>

*(Reference for a preliminary ruling — Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951 — Articles 23 and 26 — Area of freedom, security and justice — Directive 2011/95/EU — Rules relating to the content of international protection — Subsidiary protection status — Article 29 — Social welfare — Conditions of access — Article 33 — Freedom of movement within the host Member State — Definition — Restriction — Obligation to reside in a particular place — Different treatment — Comparable situations — Balanced distribution of budgetary costs between local authorities — Grounds of migration or integration policy)*

(2016/C 156/13)

Language of the case: German

**Referring court**

Bundesverwaltungsgericht

**Parties to the main proceedings**

Appellants: Kreis Warendorf (C-443/14), Amira Osso (C-444/14)

Respondents: Ibrahim Alo (C-443/14), Region Hannover (C-444/14)

Interested party: Vertreter des Bundesinteresses beim Bundesverwaltungsgericht (C-443/14 and C-444/14)

**Operative part of the judgment**

1. Article 33 of 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, must be interpreted as meaning that a residence condition imposed on a beneficiary of subsidiary protection status, such as the conditions at issue in the main proceedings, constitutes a restriction of the freedom of movement guaranteed by that article, even when it does not prevent the beneficiary from moving freely within the territory of the Member State that has granted the protection and from staying on a temporary basis in that territory outside the place designated by the residence condition.
2. Articles 29 and 33 of Directive 2011/95 must be interpreted as precluding the imposition of a residence condition, such as the conditions at issue in the main proceedings, on a beneficiary of subsidiary protection status in receipt of certain specific social security benefits, for the purpose of achieving an appropriate distribution of the burden of paying those benefits among the various institutions competent in that regard, when the applicable national rules do not provide for the imposition of such a measure on refugees, third-country nationals legally resident in the Member State concerned on grounds that are not humanitarian or political or based on international law or nationals of that Member State in receipt of those benefits.
3. Article 33 of Directive 2011/95 must be interpreted as not precluding a residence condition, such as the conditions at issue in the main proceedings, from being imposed on a beneficiary of subsidiary protection status, in receipt of certain specific social security benefits, with the objective of facilitating the integration of third-country nationals in the Member State that has granted that protection — when the applicable national rules do not provide for such a measure to be imposed on third-country nationals legally resident in that Member State on grounds that are not humanitarian or political or based on international law and who are in receipt of those benefits — if beneficiaries of subsidiary protection status are not in a situation that is objectively comparable, so far as that objective is concerned, with the situation of third-country nationals legally resident in the Member State concerned on grounds that are not humanitarian or political or based on international law, it being for the referring court to determine whether that is the case.

<sup>(1)</sup> OJ C 439, 8.12.2014.