Asylum and migration management

2020/0279(COD) - 22/05/2024 - Final act

PURPOSE: to establish criteria and mechanisms for determining the Member State responsible for examining an application for international protection registered in one of the Member States by a third-country national or a stateless person, and the establishment of a solidarity mechanism to support Member States in addressing situations of migratory pressure.

LEGISLATIVE ACT: Regulation (EU) 2024/1351 of the European Parliament and of the Council on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013.

CONTENT: this Regulation is a pillar of the Pact on Asylum and Migration. It determines **which Member State is responsible for examining applications for international protection** and introduces for the first time a **fair sharing of responsibilities** between Member States.

Criteria and mechanisms for determining the Member State responsible

The Regulation replaces the current Dublin Regulation. The latter lays down rules determining which Member State is responsible for examining an asylum application. The new Regulation clarifies the responsibility criteria and the rules for determining the Member State responsible for examining an asylum application.

Under the new Regulation, asylum seekers must submit an application in the Member State of first entry or legal residence and are obliged to remain there until the Member State responsible is determined. They must cooperate fully with the competent authorities of the Member States for the collection of biometric data, in particular by submitting as soon as possible all elements and information at their disposal which are relevant for determining the Member State responsible. If these obligations are not met, applicants will not be able to benefit from full reception conditions and their basic needs will only be met.

The new rules include **additional criteria** for determining which Member State is responsible for processing the application for international protection. Thus, when certain criteria are met, another Member State may become responsible for processing an asylum application.

According to the Regulation, where the applicant is in possession of a **diploma** (registered less than six years) or qualification issued by an education establishment established in a Member State, that Member State will be responsible for examining the application for international protection. In addition, the criterion for grouping applicants with their **family members** has been extended to cover not only family members enjoying international protection, but also those residing in a country under an EU long-term resident's residence permit - and who have become citizens of a Member State, as well as children born after the arrival of the family member on the territory of the Member States.

For **unaccompanied minors**, the Member State responsible will be the Member State where a relative or sibling of the unaccompanied minor is legally present, unless it is shown that this is not in the best interests of the child. If a relative of an unaccompanied minor is legally present in another Member State and it is established that this relative can take care of the child, that Member State will be the responsible Member State, unless it is demonstrated that this is not in the best interests of the child.

The Regulation provides for the provision of **free legal advice** during the procedure to establish responsibility at the administrative stage, including an enhanced right to information during all stages of

the procedure. The best interests of the child will be a primary consideration for Member States in all proceedings under the Regulation. Procedures involving minors will be given priority.

Preventing abuse and secondary movements

The Regulation limits the grounds for **cessation or shifting responsibility** between Member States. This reduces the possibilities for applicants to choose the Member State to which they submit their application and thus discourages circumvention of the rules and obstruction of procedure.

The new regulation modifies the **time limits** during which a country is responsible for processing an application: (i) the Member State of first entry will be responsible for the asylum application for a period of 20 months; (ii) where first entry occurs following a search and

rescue operation at sea, the period of responsibility is 12 months; (iii) if a Member State rejects an applicant as part of the border procedure, its responsibility for that person will end after 15 months.

To simplify the current take-back procedure, which aims to transfer an applicant back to the Member State responsible for his/her application, the new Regulation introduces a simple and faster take-back notification.

National and European strategies

Member States should put in place national strategies to ensure that they have the capacity to manage an effective asylum and migration system that complies with EU law and international legal obligations. To ensure a coherent approach to national plans, the Commission will develop its own five-year European strategy for managing asylum and migration.

Mandatory but flexible solidarity

The new regulation introduces a permanent, compulsory and needs-based solidarity mechanism.

Each year, the Commission will adopt:

- an **annual report** on the migration situation in the EU as a whole and in all EU Member States;

- an implementing decision determining whether a given Member State: (i) is subject to migratory pressure, (ii) is exposed to a risk of migratory pressure in the coming year, or (iii) is facing a significant migratory situation;

- a Commission proposal for a Council implementing act identifying the total annual numbers of required relocations and financial contributions for the Annual Solidarity Pool at Union level, which shall be at least: (a) **30 000** for relocations; (b) **EUR 600 million** for financial contributions.

Based on these elements, the Council should adopt, on an annual basis, before the end of each calendar year an implementing act establishing the **Annual Solidarity Pool**, including the reference number of required relocations and financial contributions for the Annual Solidarity Pool at Union level and the specific pledges that each Member State has made for each type of solidarity contribution.

Member States will be obliged to contribute to this solidarity pool, but will be able to choose which types of solidarity measures they wish to use, namely: (i) relocation of asylum seekers and beneficiaries of international protection; ii) financial contributions for actions in EU Member States or for actions in or concerning third countries; iii) other solidarity measures such as deployment of personnel or capacity building measures.

To ensure the smooth implementation of the solidarity mechanism, an **EU Solidarity Coordinator** should be appointed by the Commission.

ENTRY INTO FORCE: 11.6.2024.

APPLICATION: from 1.7.2026.