

Asylum and migration management regulation

In September 2020, as part of the EU pact on migration and asylum, the European Commission adopted a proposal on asylum and migration management. It would replace the 2013 Dublin Regulation that determines the EU Member State responsible for examining asylum applications. While the proposal 'essentially preserves' the current criteria for determining this responsibility, it would also make additions to the existing regulation, in particular on solidarity and responsibility-sharing for asylum-seekers among Member States. During the April I plenary session, the European Parliament is due to vote its first-reading position on the December 2023 agreement resulting from interinstitutional negotiations.

Background

The proposal on asylum and migration management was submitted after an unsuccessful attempt to [reform](#) EU asylum policy following the 2015 migration crisis. At that time, the two most controversial issues preventing EU Member States from reaching a compromise were: (i) the principles of solidarity and fair sharing of responsibility for asylum-seekers, and (ii) the reform of the [Dublin Regulation](#). While the migratory context has since changed, both in terms of [arrivals](#) and the [composition of flows](#), the migration situation remains fragile, as evidenced by [pressures](#) on national asylum systems and continual [disembarkations](#) after search and rescue ([SAR](#)) operations.

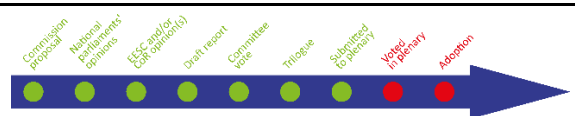
European Commission proposal

The Commission [proposed](#) a structured and flexible solidarity mechanism, based on different solidarity contributions, to assist Member States under migratory pressure: relocation of asylum-seekers, return sponsorship of illegally staying third-country nationals, and other contributions aiming to strengthen Member States' capacity in the field of asylum and migration. Separate rules govern general migratory pressure or risk of pressure, on the one hand, and disembarkations after SAR, on the other. The proposal also seeks to enhance the system's capacity to determine the Member State responsible for examining an application, by adjusting the existing criteria while maintaining the key criterion of the first country of entry. It also addresses the issues of abusive applications and applicants' unauthorised movements within the EU, by allowing certain material benefits to be withheld in cases of non-compliance.

European Parliament position

Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) adopted its [report](#) on 28 March 2023. The report preserves some key elements of the proposal, including the hierarchy of criteria for determining the Member State responsible for examining an application. However, the Dublin rules are slightly changed, as the first entry criterion would not apply to people disembarked after SAR operations. The report also introduces the new criterion of 'meaningful links' with another Member State as grounds for allocation of responsibility. Furthermore, the report has removed a separate solidarity mechanism for disembarkation after SAR; instead, one solidarity mechanism applies to all situations of migratory pressure. It has also removed return sponsorship as a form of solidarity. A [compromise](#) text agreed in trilogue was endorsed in the Council and approved in the LIBE committee on 14 February 2024.

First-reading report: [2020/0279\(COD\)](#); Committee responsible: LIBE; Rapporteur: Tomas Tobé (EPP, Sweden). For further information see our 'EU Legislation in progress' [briefing](#).



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