

Secondary movements of asylum-seekers in the EU asylum system

SUMMARY

Secondary movements occur when refugees or asylum-seekers move from the country in which they first arrived, to seek protection or for permanent resettlement elsewhere. While most asylum-seekers seek protection in countries close to their countries of origin, some are compelled or choose to move onwards (often in an irregular manner) from or through countries in which they have already, or could have sought, international protection, to other countries, where they may request such protection. Many different factors may influence these movements and the decision to settle in a particular country.

While asylum-seekers in the EU may have very legitimate reasons for seeking asylum in a Member State other than the one responsible for examining their asylum application, secondary movements are seen as a challenge for migration management in the EU. Although no genuine data are available that would provide reliable information about the scale of the phenomenon at the level of EU countries, some of the existing databases can give an indication of the travel routes relating to asylum-seekers' secondary movements.

The aim of the common European asylum system's current instruments has been to limit secondary movements of applicants for international protection between EU Member States. However, the increased inflow of asylum-seekers to Europe in the past decade has shown that the system has been unable to discourage secondary movements. For this purpose, among others, in 2016 and 2020 the European Commission proposed a comprehensive reform in order to harmonise asylum rules and introduce a range of new measures on asylum policy that would address such movements.



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Glossary

Secondary movements: The movement of migrants, including refugees and asylum-seekers, who for various reasons move from the country in which they first arrived, to seek protection or permanent resettlement elsewhere.

Asylum-seekers: Persons having applied for international protection (refugee status or subsidiary protection) in respect of whom a final decision has not yet been taken.

Source: [EMN glossary](#).

From Schengen to the EU pact on migration and asylum

The establishment of the Schengen area without checks at internal borders ([Schengen Agreement and Schengen Convention](#)) has been one of the major achievements of European integration. The Schengen area facilitates the exercise of the [EU freedoms of movement](#), thus adding to the significant economic, social, and political benefits associated with these freedoms.

Prohibition of intra-EU onward movement for specific groups, such as applicants for and beneficiaries of international protection, was to compensate for lifting internal borders for the benefit of EU residents. However, despite these prohibitions, those groups take the opportunity to reunite with family or relatives, seek better jobs or a more prosperous future by moving from a Member States in which they first arrived to seek protection to other Member States.

During the past decade, secondary movements¹ of asylum-seekers have been a key political issue in debates on the reform of the [common European asylum system](#) (CEAS) and the Schengen system. Several Member States have implemented and frequently extended [internal border controls](#) since (what is often referred to as) the EU refugee crisis began to unravel in 2015, claiming fear of asylum-seekers' secondary movements as a primary driving force behind their decision.

The aim of preventing secondary movements has also been a key priority of the [EU pact on migration and asylum](#) presented by the European Commission in September 2020, which resulted in the adoption of several legislative proposals with a view to carrying out a comprehensive reform of EU asylum policy, including to address the phenomenon of secondary movements.

Secondary movements

Migrants – whether they are leaving their country voluntarily or are forced to leave – may transit through several countries before reaching their intended final destination. Different [factors](#) influence such movements and the decision to settle in a particular country.

As the person moves from one country to the other, these factors may change. If possible, individuals will consider all factors known to them and choose their destination based on an evaluation of the particular circumstances, perceived risks, costs and benefits.

While most asylum-seekers seek protection in countries close to their countries of origin, some are compelled or choose to move onwards from or through countries in which they had, or could have sought, international protection, to other countries where they may request such protection. These [secondary or onward movements](#) are often done in an irregular manner, that is 'without the prior consent of the national authorities or without an entry visa, or with no or insufficient documentation normally required for travel purposes, or with false or fraudulent documentation'.

As [underlined](#) by the United Nations Refugee Agency (UNHCR), under international refugee law, refugees do not have the right to choose their country of asylum. They are also not allowed to move irregularly between countries solely in order to benefit from conditions that are more favourable. Refugees and asylum-seekers have duties and obligations to respect national laws and measures to maintain public order. This may involve cooperating with the asylum process, including presenting

oneself to authorities and submitting asylum claims as soon as possible, or adhering to requirements to regularise stay in the country.

However, despite having left their country of origin, refugees and asylum-seekers must in all circumstances be treated in accordance with international human rights law, and any potential need for international protection and related rights under international refugee and human rights law must be satisfied.

Motives for and implications of secondary movements

Interest has been growing among academics and stakeholders in investigating the **reasons** why asylum-seekers prefer to apply for asylum in one country over another, both in Europe and beyond. There is no clear consensus in literature on the [individual factors](#) influencing destination preferences. Research largely concurs that one important element influencing these preferences is employment possibilities in the destination country. Most studies also agree that social networks may have a big impact on where migrants and those seeking international protection want to settle.

According to [Daniel Thym](#), it may be challenging to pinpoint why individuals leave their home countries, how they pick their destination, and how these preferences may change over time, as pull and push factors overlap, and their relative weight always varies depending on the circumstances. Most of the time, migrants and refugees are not very knowledgeable about the nuances of supranational law or the particulars of asylum rules. The specifics of national or supranational asylum laws, which shape the policy discourse, will only partially affect the way decisions are made. Other factors are more crucial: aside from concerns about physical safety, the economic outlook, which includes perceptions of success in the labour market, and overall living circumstances are key. Ethnic and familial networks also have a major role in influencing migrants' travel preferences.

As the [UNHCR](#) highlights, asylum-seekers frequently move on for justifiable reasons, including:

- limits on availability and standards of protection;
- family separation; obstacles to the means of securing documentation;
- lack of comprehensive solutions; barriers to access to asylum procedures, which give rise to the risk of [refoulement](#);
- desire to join extended family and communities;
- lack of access to regular migration channels;
- desire to find opportunities for a better future.

According to some [experts](#), however, asylum-seekers' decisions are not dictated by economic factors (wealth per capita, unemployment rates, access to labour market) or by policies that restrict their economic rights. They argue that other factors, such as the presence of other migrants from their country of origin, the reputation of the destination, language and past colonial links, play a much greater role in attracting asylum-seekers to a particular country.

A 2015 [study](#) on onward movements in Europe concludes that decisions to migrate onwards within Europe do not just depend on asylum procedures, outcomes and standards of reception and waiting conditions, but on future opportunities, in particular. The latter, in turn, depend on existing social networks, knowledge of and familiarity with different European languages and cultures, and on which European country is likely to recognise asylum-seekers' competences and value their skills.

Others argue that asylum-seekers in the EU may have very [legitimate reasons](#) for seeking asylum in a Member State other than that responsible for examining their asylum application in accordance with the [Dublin Regulation](#). They could be escaping from, among other conditions, inhuman and degrading treatment emerging from lack of reception conditions,² sub-standard living conditions, systemic and institutionalised discrimination and xenophobia, and insecure residency status.

As underlined by the [UNHCR](#), asylum-seekers' secondary movements can have **implications** for host countries, including by putting pressure on their reception capacities, asylum systems, economy and security. Multiple asylum applications lodged in different countries can lead to

inefficiencies, administrative duplication, delays and additional costs; they may be perceived as a form of misuse of the asylum system and may thus reduce political and public support for refugee protection.

Such movements also involve additional protection challenges, as asylum-seekers who are in an irregular situation can be exposed to violence and different forms of exploitation. Furthermore, if denied the possibility to stay in the country of destination and subsequent re-entry to a country they previously passed through, asylum-seekers risk being left in limbo or 'orbit', meaning they are shifted from one country to another without having their asylum claim assessed.

Irregular secondary movements can also give rise to security and law-enforcement concerns. As such movements feed human smuggling and trafficking networks, countries have more difficulties in managing their asylum systems. Some respond by restrictive or deterrent measures, such as the construction of [walls and other barriers](#), increased border controls, visa requirements, prolonged detention and deportation. They can also lead to tensions between countries that have diverging interests as 'transit' and 'destination' countries.

A November 2021 [discussion paper](#) by the Council of the EU sees secondary movements as a challenge for both migration management in the EU and the EU's internal security. According to the Council, the ongoing high volume of such movements can put pressure on host countries' reception capacities, asylum systems, economy and security. Multiple asylum applications lodged in different Member States can lead to inefficiencies, administrative over-burdening, excessive costs and delays. Secondary movements are frequently viewed as an abuse of the asylum system – a fact that can negatively influence public and political support for refugee protection. In addition, challenges relating to secondary movements may affect Member States' political positions and viewpoints towards proposed legislation in the area of migration and asylum.

EU context

Secondary movements in numbers

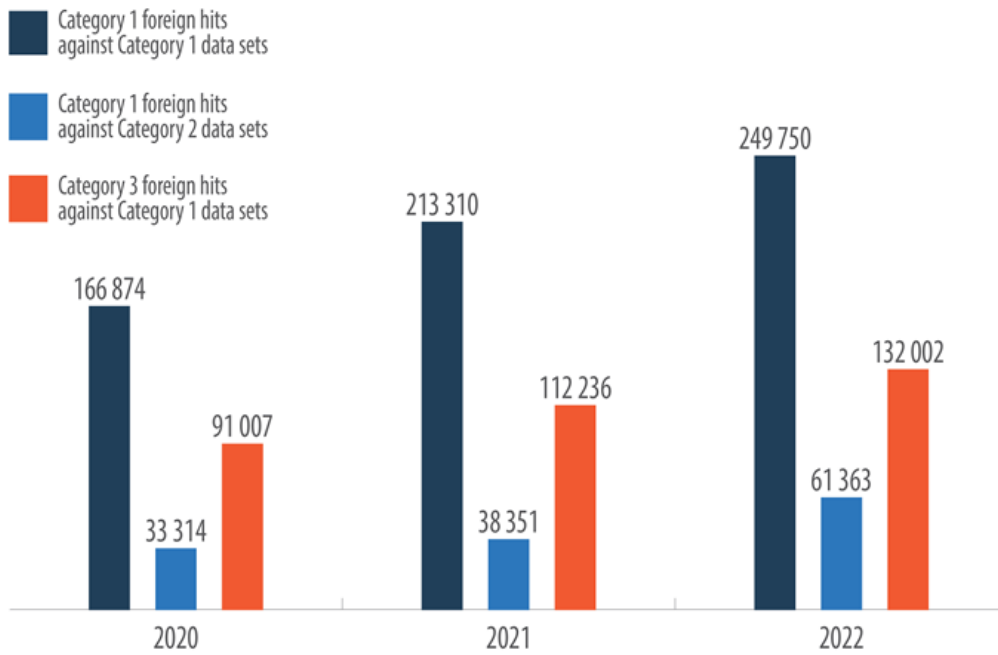
Genuine data that would provide reliable information about the scale of the secondary movements phenomenon at the level of EU countries is lacking.

One measure that allows asylum-seekers' and migrants' movement in the EU to be traced consists of registering their fingerprint data as soon as they enter EU territory. The European dactyloscopy database ([Eurodac](#)), an EU database that matches fingerprints to make it easier for EU countries to determine responsibility for examining an asylum application by comparing fingerprint datasets, can give an indication of international protection-seekers' secondary movements. For monitoring these secondary movements in Europe, three different types of queries are possible in Eurodac:

- 1 asylum applicants who had previously lodged an application in another Member State (Category 1 foreign hit against Category 1 data sets);
- 2 asylum applicants in a certain Member State who had previously been detected irregularly crossing an external border of another Member State (Category 1 foreign hit against Category 2 data sets);
- 3 asylum applicants in one Member State who are found to be irregularly staying in another Member State (Category 3 foreign hit against Category 1 data sets).

According to a report by the EU agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), in 2022, Eurodac processed 950 768 applications for international protection. A quite significant number of these applicants, 249 750, had already made a previous application in another Member State (Category 1 foreign hits against Category 1 data sets). In 2021 and 2020, these numbers were 213 310 and 166 874 respectively (see Figure 1).

Figure 1 – Eurodac hits



Data source: eu-LISA reports [2020](#), [2021](#) and [2022](#); graphic by Stephanie Pradier, EPRS, 2024.

The highest number of foreign hits in all three categories were reported by Germany, which indicates that many persons who applied for international protection in one of the Member State were later found in Germany. Other popular destinations for asylum-seekers who move onwards in an irregular manner, include France, Belgium, Italy, Austria and the Netherlands (see Figure 2).

Figure 2– Member States (MS) with the highest share of foreign hits for each type of query

Category 1 foreign hits against Category 1 data sets, 2022



Category 1 foreign hits against Category 2 data sets, 2022



Category 3 foreign hits against Category 1 data sets, 2022



Data source: eu-LISA report, [2022](#); graphic by Stephanie Pradier, EPRS, 2024.

One of the tasks of European Border and Coast Guard (Frontex) is to gather data on secondary movements, with the aim of identifying various types of vulnerabilities, including in relation to the functioning of Schengen. For instance, Frontex dedicates a [chapter](#) of its annual risk analysis to secondary movements in the EU. Frontex reports that in 2022, Member States and Schengen associated countries³ reported the highest level of secondary movements since 2016. Authorities registered 317 500 detections of third-country nationals travelling within the EU/Schengen area without permission to stay – 92 % more than in 2021.

According to data on [Dublin requests](#),⁴ in 2022, the ratio of outgoing Dublin requests (174 866) to [applications](#) for international protection (873 680) was 18 %. This may imply that almost one fifth of applicants for international protection continued to pursue secondary movements in the EU and Schengen countries.

However, neither Eurodac nor Dublin statistics offer trustworthy information regarding the number of third-country nationals who move irregularly from one country to another within the Schengen area. With Eurodac, individuals who are registered in one or more countries may be counted twice or more. Furthermore, minors are not recorded in Eurodac data; data on people found to be staying in the EU unlawfully are not stored; and information about those who cross external borders irregularly is only retained for a period of 18 months. Each data set has serious shortcomings and falls short in fully grasping secondary movement, since the phenomenon is so unpredictable. Neither Eurodac nor the Dublin system provide information about individuals who failed to register in their first Member State of arrival or who were not detained for unauthorised border crossings or unauthorised stays.

The reform of the CEAS was intended, among other things, to provide data enabling a more accurate analysis of secondary movements in the EU.

Common European asylum system

The CEAS consists of a legal framework covering all aspects of the asylum process. Although the responsibility for examining asylum applications lies with the Member States, the system provides common minimum standards for the treatment of asylum-seekers. It is based on rules determining the Member State responsible for examining an application for international protection ([Dublin Regulation](#)), common standards for asylum procedures ([Asylum Procedures Directive](#)), recognition and protection of beneficiaries of international protection ([Qualification Directive](#)) and standards for the reception of applicants for international protection ([Reception Conditions Directive](#)).

Whereas the main objective of CEAS instruments is to provide a common level of protection, their preambles also state that harmonisation 'should help to limit the secondary movements of applicants for international protection between Member States'.

The Asylum Procedures Directive addresses secondary movements mainly by further aiming to harmonise procedures. According to the Qualification Directive, further harmonisation of protection standards is necessary to reduce secondary movements, to the extent that they are caused by the diversity of national legal frameworks and decision-making practices. Finally, the Reception Conditions Directive seeks to ensure higher standards and harmonisation of national rules on reception conditions in order to limit the secondary movements phenomenon 'to the degree that such movements are generated from diverge national reception policies'.

For this purpose, the three instruments provide for:

- the possibility to withdraw reception conditions from asylum-seekers (Article 20 Reception Conditions Directive);
- the detention of applicants (Article 8 Reception Conditions Directive and Article 28 Dublin Regulation); and
- the reduction of procedural guarantees under certain circumstances (Articles 28, 31 and 33 Asylum Procedures Directive).

Furthermore, the objectives of the Dublin Regulation are to:

- prevent multiple asylum applications, by making one country responsible for an asylum application;
- prevent asylum-shopping by providing clear indications of which country is responsible, irrespective of the asylum-seeker's preference.

The unprecedented inflow of asylum-seekers to Europe in the past decade has exposed weaknesses in the system's design and implementation, including its inability to discourage asylum-seekers' secondary movements between Member States.

The European Commission has [recognised](#) that structural deficiencies of the [Dublin mechanism](#), as well as differing treatment of asylum-seekers including in terms of the length of asylum procedures and reception conditions across Member States, encourage secondary movements. Furthermore, recognition rates of applicants for international protection vary between Member States, and there is a lack of adequate convergence as regards the decision to grant either refugee status or subsidiary protection status to applicants coming from the same country of origin. These divergences can encourage asylum-seekers to move onwards, together with variations in the [duration of residence permits](#), access to social assistance and [family reunification](#). Such divergences result in part from the often discretionary provisions contained in the current Asylum Procedures Directive and Reception Conditions Directive.

As regards the Dublin Regulation, a [report](#) on its evaluation, published by the Commission in 2015, concludes that the hierarchical criteria used for determining the responsible Member State do not sufficiently take into account applicants' interests/needs – a fact that partly causes secondary movements and the lodging of multiple applications. Given that family criteria and the humanitarian and discretionary clauses are seldom used in practice, allocation of responsibility is usually based on which Member State the applicant first enters, which is an irrelevant factor in relation to the person's needs/interests.

Other factors influencing secondary movements include the fact that:

- applicants are not always adequately informed about the application of the Dublin Regulation and the consequences of lodging multiple applications;
- Member States often deviate from the criteria and procedures to be followed when determining the responsible Member State, which weakens the Dublin Regulation's ability to deter applicants from pursuing multiple applications;
- applicants are often highly motivated to apply in a second Member State because of family, friends or existing networks in a different Member State or because of the availability of more generous conditions elsewhere.

Safe country lists

A 2016 [study](#) done on behalf of the European Parliament has shown that large divergences between Member States regarding the use and content of national [safe country lists](#) may result in differences in recognition rates and, consequently, in secondary movements of asylum-seekers. To harmonise the use of the 'safe country of origin' procedure, the Commission proposed in September 2015 a regulation establishing an [EU common list of safe countries of origin](#) for the purposes of the Asylum Procedures Directive. On 12 April 2017, the Council announced the suspension of negotiations on the file. On 21 June 2020, the Commission [withdrew](#) its proposal and included the provisions for an EU list of safe countries of origin in the [revised proposal](#) for a common procedure regulation, adopted in June 2024.

Reform of the CEAS and the EU pact on migration and asylum

In 2016 and 2020, the European Commission proposed a comprehensive harmonisation of asylum rules and a range of measures on asylum policy to discourage secondary movements of asylum-seekers in the EU.

In 2016, with unprecedented numbers of irregular migrants and asylum-seekers arriving in the EU, the European Commission proposed a package of [reforms to the CEAS](#). The reform stalled owing to persistent disagreements among the Member States on how to apply the principle of solidarity in practice and share their responsibilities in the area of asylum in a fair manner. In September 2020, the Commission sought to revive the reform by putting forward a new [pact on migration and](#)

[asylum](#), offering a comprehensive approach aimed at strengthening and integrating key EU policies on migration, asylum and border management.

As a result of the reform, the co-legislators in 2024 [adopted](#):

- three proposals from the CEAS package (a Regulation establishing a [Union Resettlement and Humanitarian Admission Framework](#), a Regulation on [standards for the qualification](#) of third-country nationals or stateless persons as beneficiaries of international protection, and the recast of the Directive laying down [standards for the reception](#) of applicants for international protection); and
- five major reform files from the pact on migration and asylum (a revised [Asylum Procedures](#) Regulation, a revised [Eurodac](#) Regulation, a Regulation on [screening third-country nationals](#) at the external borders, an [Asylum and Migration Management](#) Regulation, and a [Crisis and Force Majeure](#) Regulation).

The aim of the reform is, among other things, to reduce undue pull factors and incentives to move to Europe, and subsequently to other EU Member States. As regards concrete measures under the reform to prevent secondary movements in the EU, the legislative acts lays down the following provisions.

Provisions relating to secondary movements following the reform

The [Asylum and Migration Management Regulation](#) (AMMR) includes clear obligations for applicants to apply in the Member State of first entry and remain in the Member State determined as responsible. To avoid absconding of third-country nationals and stateless persons or their unauthorised movements between Member States, the AMMR provides for **procedural consequences** for the applicant and their **reception conditions**. The applicant is thus not entitled to the reception conditions in any Member State other than that in which they are required to be present. The AMMR furthermore extends time limits leading to **cessation or the shift of responsibility**, where the person concerned leaves the territory of the Member States during the examination of the application or absconds to evade a transfer to the Member State responsible. Where there is a risk of absconding, Member States may **detain** the person concerned in order to secure transfer to the responsible Member State. The regulation also seems to acknowledge that **family relations** are one of the main reasons for engaging in onward movement. It extends the family definition by including the sibling or siblings of an applicant and by including family relations, formed after leaving the country of origin but before arriving on the territory of the Member State. As regards the regulation's solidarity provisions, in its comments on the AMMR, the European Council on Refugees and Exiles (ECRE) [regrets](#) continued absence of an obligation to take into account the applicant's preferences during a solidarity-based relocation procedure, which may continue to generate additional secondary movements.

The [Qualification Regulation](#) confirms that further approximation of rules on the recognition and content of refugee and subsidiary protection status should help to limit the secondary movement of applicants for international protection and **beneficiaries of international protection** between Member States. It also establishes that, in general, whenever a beneficiary of international protection is found in a Member State other than the one that granted this beneficiary international protection, the period following which they are eligible for EU **long-term resident status** should be restarted.

The [Reception Conditions Directive](#) establishes that an applicant should not be entitled to **material reception conditions**, access to the labour market, language courses or vocational training if they are present in a Member State other than the one in which they are required to be present. In all circumstances, however, Member States should ensure access to healthcare and a standard of living for applicants, which is in accordance with EU law and other international obligations. Furthermore, to prevent applicants from absconding, the directive provides for restrictions on asylum-seekers' free movement by allowing Member States to assign applicants a **specific place of residence**,

impose **reporting obligations** and provide material reception conditions only if the applicant is actually residing in the assigned specific place. An applicant may also be **detained** where there is a risk of absconding.

The [Common Procedure Regulation](#) aims to limit the secondary movements of applicants for international protection by streamlining procedures and clarifying applicants' rights and obligations, as well as the consequences of non-compliance with these obligations. According to the regulation, the designation of **safe countries of origin and safe third countries at EU level** should address some of the existing divergences between Member States' national lists of safe countries and thus deter secondary movements. Furthermore, to reduce the risk of absconding and the likelihood of unauthorised movements, 'there should be **no procedural gaps** between the issuance of a **negative decision** on an application for international protection and of a **return decision**'. The regulation also establishes that an **application** must be declared as **implicitly withdrawn and not examined on its merits** where the applicant has lodged the application in a Member State other than the one provided for in the AMMR Regulation and does not remain present in that Member State awaiting the determination of the Member State responsible or the implementation of the transfer procedure. Applicants have maximum 10 days to appeal against that decision.

The scope of the [Eurodac Regulation](#) has been extended in order to give Member States a 'necessary' tool 'to detect secondary movements within the Union and illegally staying third-country nationals and stateless persons in the Union'. It introduces a requirement also to collect and store data on third-country nationals or stateless persons who have been **found irregularly** on EU territory. All information would be recorded as datasets, linking all sequences corresponding to the same third-country national or stateless person. This would permit the **counting of applicants in addition to that of applications**. The Commission explains that gathering statistics on the number of applicants would help to provide an accurate picture of how many third-country nationals and stateless persons request asylum in the EU, and map their possible secondary movements. Under the regulation, the **fingerprinting age** is lowered from 14 to six years of age. According to the Commission, collecting children's fingerprints and facial images would help authorities to query the system to determine whether they have ended up in another Member State.

The regulations are expected to start applying in two years' time. For the Reception Conditions Directive, Member States will have two years to introduce the changes to their national laws.

Outlook

Many experts [agree](#) that the EU asylum law has only limited options to affect a country's attractiveness. At the very least, the idea that EU law alone could stop secondary movements seems exaggerated. According to [Daniel Thym](#), already quoted above, secondary movements are one area among others relative to which changing the laws does not guarantee success on the ground, for the simple reason that Member States and individuals might not comply with statutory obligations. He suggests combining positive incentives (extended definition of a family, introduction of a meaningful link criterion, broader opportunities of mobility for economic purposes) and negative incentives (sanctions), to prevent the CEAS from becoming 'dysfunctional'.

[Hemme Battjes](#) argues that EU law is not able to address the inequalities between Member States in order to diminish the incentive for secondary movements. Similarly, the level of material reception conditions during the asylum procedure may have only limited impact on asylum-seekers' secondary movements.

[Others](#) argue that effectively reducing the ratio of persons who claim asylum in more than one European country is only possible under certain circumstances such as, in order of importance, equal asylum procedures resulting in equal recognition rates, equal future possibilities, and equal reception conditions for asylum-seekers.

[Lyra Jakulevičienė](#) from the Mykolas Romeris University offers several suggestions on how to address secondary movements in EU asylum law. These include introducing the notion of 'justified secondary movements' in cases of family, cultural and linguistic links; in cases of dependency not covered by other criteria; and in cases of particular grounds of vulnerability (i.e. children and elderly). She also suggests launching a study on the benefits of secondary movement of both asylum-seekers and beneficiaries of protection, as well as analysing what motivates asylum-seekers and beneficiaries to stay in less attractive Member States and developing positive incentives at the EU and national levels to reduce the 'need' for unjustified secondary movements.

MAIN REFERENCES

Cortinovis R. and Stefan M., [Secondary movements of asylum seekers in the EU](#), 2019.

Radjenovic A., [Secondary movements of asylum-seekers in the EU asylum system](#), EPRS, European Parliament, 2017.

Thym D., [Secondary Movements: Overcoming the Lack of Trust among the Member States?](#), 2020.

Wagner M., Perumadan J. and Baumgartner P., [Secondary Movements](#), 2019.

ENDNOTES

- ¹ This briefing refers to secondary movements of asylum-seekers mainly in an intra-EU context, where a person who intends to submit or has already submitted an application for international protection moves from one EU Member State to another.
- ² The [European Court of Human Rights](#) and the [Court of Justice of the European Union](#) have ruled that in certain cases and in the presence of specific conditions, sending an applicant back to a Member State of first entry, where reception conditions are sub-standard, may amount to inhuman and degrading treatment according to Article 3 of the European Convention of Human Rights or Article 4 of the Charter of Fundamental Rights of the European Union.
- ³ Schengen associated countries are Iceland, Norway and Switzerland.
- ⁴ The [Dublin III Regulation](#) distinguishes between two categories of requests: take-back and take-charge. A Member State may send a take-back request asking another Member State to take responsibility for an applicant who applied for international protection within the reporting country but had already applied in the first Member State, or because the other Member State previously accepted responsibility through a take-charge request. Conversely, a Member State may send a take-charge request asking another Member State to take responsibility for an applicant who has not applied for international protection in the requesting Member State, but criteria under the Dublin III Regulation indicate that the other Member State should be responsible.

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