

Asylum and migration management

2020/0279(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 322 votes to 266, with 31 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on asylum and migration management.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Global approach to asylum and migration management

Under the new Regulation, joint actions by the Union and the Member States in the area of asylum and migration management are based on the principle of solidarity and fair sharing of responsibilities enshrined in Article 80 of the Treaty on the Functioning of the European Union, on the basis of a global approach, and are guided by the principle of integrated policy-making, in compliance with international and Union law, including fundamental rights.

National and European strategies

Member States should have national strategies to ensure their capacity to effectively implement their asylum and migration management systems. These strategies should include preventive measures to reduce the risk of migratory pressure as well as information on contingency planning and relevant information as regards the principles of integrated policy-making and of solidarity and fair sharing of responsibility. To ensure that the national strategies are comparable on specific core elements, a common template should be established by the Commission.

The Commission should adopt a long-term European Asylum and Migration Management Strategy setting out the strategic approach to ensure a consistent implementation of national strategies at Union level.

Annual report

The Commission should annually adopt a European Annual Asylum and Migration Report. The Report should assess the asylum, reception and migratory situation over the previous 12-month period along all migratory routes to and in all Member States, serve as an early warning and awareness tool for the Union in the area of migration and asylum, and provide a strategic situational picture and projections for the coming year. The Report should be accompanied by a decision determining which Member States are under migratory pressure, at risk of migratory pressure during the upcoming year or facing a significant migratory situation.

Annual Solidarity Pool

Each year, the Commission should submit a proposal for a Council implementing act establishing the Annual Solidarity Pool necessary to address the migratory situation in the upcoming year in a balanced and effective manner. That proposal should reflect the annual projected solidarity needs of the Member States under migratory pressure. The share of solidarity contributions to be provided by each Member State should be based on the size of the population (50 % weighting) and the total GDP (50 % weighting).

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

In case of insufficient pledges for relocations, a Member State with persons to be transferred to the responsible Member State as per the responsibility criteria can be requested to take responsibility for examining the applications for international protection if the responsible Member State is a benefitting Member State, instead of contributing with relocations.

The right to apply for international protection will not include a choice by the applicant as to which Member State should be responsible for examining the application or to which Member State they should be relocated.

Rescue

Where the Commission has identified that one or more Member States are under migratory pressure as a result of large numbers of arrivals stemming from recurring disembarkations following search and rescue operations, the Commission should set out the **indicative percentage of the Annual Solidarity Pool** to be made available to those Member States.

In the process of identifying people to be relocated, account will be taken of **vulnerabilities of persons arriving from such disembarkations**, including those of unaccompanied minors.

Responsibility for examining applications for international protection

Asylum seekers should submit an application in the Member State of first entry or legal residence. The agreed rules include additional criteria for determining which Member State is responsible for processing the application for international protection (known as the Dublin rules). Thus, where certain criteria are met, another Member State may become responsible for processing an asylum application. Under the amended regulation, where an applicant is in possession of a diploma (less than six years old) from an educational establishment in an EU Member State, that Member State will be responsible for examining the application for international protection.

Furthermore, the criterion for **grouping applicants** with their family members will be extended to cover, in addition to family members who benefit from international protection, those who reside 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.

A new measure provides for **free legal counselling** in the procedure for determining the Member State responsible may be excluded where the applicant is already assisted and represented by a legal adviser.

To ensure the smooth implementation of the solidarity mechanism, an **EU Solidarity Coordinator** should be appointed by the Commission. The EU Solidarity Coordinator should monitor and coordinate the operational aspects of the solidarity mechanism and should act as a central point of contact.