

# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation <a href="#">2020/0279(COD)</a></p>	Awaiting Council's 1st reading position
<p>Asylum and migration management</p> <p>Amending Directive 2003/109 <a href="#">2001/0074(CNS)</a> Amending Proposed Regulation <a href="#">2018/0248(COD)</a></p> <p>Subject</p> <p>7.10 Free movement and integration of third-country nationals 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.10.08 Migration policy</p> <p>Legislative priorities</p> <p><a href="#">Joint Declaration 2022</a> <a href="#">Joint Declaration 2021</a> <a href="#">Joint Declaration 2023-24</a></p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<p><b>LIBE</b> <a href="#">Civil Liberties, Justice and Home Affairs</a></p>	<p> <a href="#">TOBÉ Tomas</a></p> <p>Shadow rapporteur</p> <p> <a href="#">BARTOLO Pietro</a></p> <p> <a href="#">KELLER Fabienne</a></p> <p> <a href="#">CARÊME Damien</a></p> <p> <a href="#">TARDINO Annalisa</a></p> <p> <a href="#">SOFO Vincenzo</a></p> <p> <a href="#">ERNST Cornelia</a></p>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AFET</b> <a href="#">Foreign Affairs</a>	The committee decided not to give an opinion.	
	<b>BUDG</b> <a href="#">Budgets</a>	The committee decided not to give an opinion.	
	<b>EMPL</b> <a href="#">Employment and Social Affairs</a>	The committee decided not to give an opinion.	
	<b>JURI</b> <a href="#">Legal Affairs</a>	The committee decided not to give an opinion.	

Committee for opinion on the legal basis

Rapporteur for opinion

Appointed


[Legal Affairs](#)

01/01/2022


[DURAND Pascal](#)

Council of the European Union  
European Commission

Commission DG

Commissioner

[Migration and Home Affairs](#)

JOHANSSON Ylva

## Key events

23/09/2020	Legislative proposal published	<a href="#">COM(2020)0610</a>	Summary
11/11/2020	Committee referral announced in Parliament, 1st reading		
28/03/2023	Vote in committee, 1st reading		
28/03/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
14/04/2023	Committee report tabled for plenary, 1st reading	<a href="#">A9-0152/2023</a>	Summary
17/04/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
20/04/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71 - vote)		
14/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE759.019 GEDA/A/(2024)000950	
10/04/2024	Debate in Parliament		
10/04/2024	Decision by Parliament, 1st reading	<a href="#">T9-0179/2024</a>	

## Technical information

Procedure reference	2020/0279(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Directive 2003/109 <a href="#">2001/0074(CNS)</a> Amending Proposed Regulation <a href="#">2018/0248(COD)</a>
Legal basis	Rules of Procedure EP 40; Treaty on the Functioning of the EU TFEU 078-p2
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	LIBE/9/04268

## Documentation gateway

Legislative proposal		<a href="#">COM(2020)0610</a>	23/09/2020	EC	Summary
----------------------	--	-------------------------------	------------	----	---------

Document attached to the procedure		SWD(2020)0207	25/09/2020	EC	
Document attached to the procedure		N9-0016/2021 <a href="#">OJ C 099 23.03.2021, p. 0009</a>	30/11/2020	EDPS	
Committee draft report		<a href="#">PE698.950</a>	11/10/2021	EP	
Amendments tabled in committee		<a href="#">PE702.940</a>	09/12/2021	EP	
Amendments tabled in committee		<a href="#">PE702.941</a>	09/12/2021	EP	
Amendments tabled in committee		<a href="#">PE702.942</a>	09/12/2021	EP	
Amendments tabled in committee		<a href="#">PE702.943</a>	09/12/2021	EP	
Amendments tabled in committee		<a href="#">PE702.944</a>	09/12/2021	EP	
Amendments tabled in committee		<a href="#">PE702.945</a>	09/12/2021	EP	
Amendments tabled in committee		<a href="#">PE702.946</a>	09/12/2021	EP	
Specific opinion	<b>JURI</b>	<a href="#">PE732.595</a>	18/05/2022	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0152/2023</a>	14/04/2023	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2024)000950	08/02/2024	CSL	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0179/2024</a>	10/04/2024	EP	

#### Additional information

Research document	<a href="#">Briefing</a>	30/10/2020
-------------------	--------------------------	------------

## Asylum and migration management

**PURPOSE:** to create a common European framework for migration management, while promoting mutual trust among Member States.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the [New Pact on Migration and Asylum](#) represents a fresh start on migration based on a comprehensive approach to migration management.

Since the refugee crisis of 2015-2016, the challenges have changed. Mixed flows of refugees and migrants have meant increased complexity and an intensified need for coordination and solidarity mechanisms. The EU and the Member States have significantly stepped up cooperation on migration and asylum policy. However, inconsistencies between national asylum and return systems, as well as shortcomings in implementation, have exposed inefficiencies and raised concerns about fairness. And at the same time, the proper functioning of migration and asylum policy inside the EU also needs reinforced cooperation on migration with partners outside the EU.

A comprehensive approach is therefore needed which acknowledges collective responsibilities, addresses the most fundamental concerns expressed in the negotiations since 2016 in particular in relation to solidarity and tackles the implementation gap. This approach will build on progress made since 2016 but will also introduce a common European framework and better governance of migration and asylum management, as well as a new solidarity mechanism.

**CONTENT:** the Commission considers that a comprehensive approach to migration management is required to build mutual trust between Member States, to ensure the consistency of the EU approach on asylum, migration management, external border protection and relations with relevant third countries, whilst recognising that the effectiveness of the overall approach depends on all components being jointly addressed and in an integrated manner.

The proposed Regulation endeavours to establish a common framework that seeks to recognise that the challenge of irregular arrivals of migrants in the Union should not have to be assumed by individual Member States alone, but by the Union as a whole.

It also aims at replacing the current [Dublin Regulation](#) and relaunching the reform of the Common European Asylum System (CEAS) through the establishment of a common framework that contributes to the comprehensive approach to migration management through integrated policy-making in the field of asylum and migration management, including both its internal and external components.

Main objectives

In order to effectively address the increasing phenomenon of mixed arrivals of persons in need of international protection and those who are not and in recognition that the challenge of irregular arrivals of migrants in the Union should not have to be assumed by individual Member States alone, but by the Union as a whole, this proposal aims to:

(1) establish a common framework that contributes to the comprehensive approach to asylum and migration management based on the principles of integrated policy-making and of solidarity and fair sharing of responsibility;

(2) ensure sharing of responsibility through a new solidarity mechanism by putting in place a system to deliver solidarity on a continued basis in normal times and assist Member States with effective measures (relocation or return sponsorship and other contributions aimed at strengthening the capacity of Member States in the field of asylum, reception and return and in the external dimension) to manage migration in practice where they are faced with migratory pressure. This approach also includes a specific process for solidarity to be applied to arrivals following search and rescue operations;

(3) enhance the system's capacity to determine efficiently and effectively a single Member State responsible for examining an application for international protection. In particular, it would limit the cessation of responsibility clauses as well as the possibilities for shift of responsibility between Member States due to the actions of the applicant, and significantly shorten the time limits for sending requests and receiving replies, so as to ensure that applicants will have a quicker determination of the Member State responsible and hence a quicker access to the procedures for granting international protection;

(4) discourage abuses and prevent unauthorised movements of the applicants within the EU, in particular by including clear obligations for applicants to apply in the Member State of first entry or legal stay and remain in the Member State determined as responsible.

More specifically, the proposal lays down the following measures as regards the following:

#### Improved solidarity mechanism

This proposal provides for a new solidarity mechanism that is flexible and responsive in design in order to be adjustable to the different situations presented by the different migratory challenges faced by the Member States, by setting solidarity measures from among which Member States can choose to contribute. This new approach to solidarity provides continuous and diverse support to Member States under pressure or risk of pressure and includes a specific process to address the specificities of disembarkations following search and rescue (SAR) operations. In addition, Member States shall be able to offer voluntary contributions at any time.

Member States shall be under the obligation to contribute through a share calculated on the basis of a distribution key based on 50% GDP and 50% population. The share of the benefitting Member State shall be included in the distribution key so as to ensure that all Member States are giving effect to the principle of fair sharing of responsibility.

#### Relocation procedure

The proposed Regulation sets out the procedures to be followed before and after relocation and the obligations of both the benefitting Member State and the Member State of relocation. The obligations of the benefitting Member State include provisions relating to the identification and registration of the persons concerned for the purpose of relocation and the obligation to ensure that the person concerned does not present a danger to national security of public order.

#### Return sponsorship procedure

A Member State that commits to provide return sponsorship has to engage and closely coordinate with the benefitting Member State in order to determine the specific support measures that are necessary for carrying out the return of individually identified illegally staying third-country nationals from the territory of the benefitting Member State. Based on the result of the coordination between the Member States concerned, the sponsoring Member State would take the necessary measures aimed at facilitating and successfully concluding return procedures, for instance by providing support for assisted voluntary return and reintegration. The sponsoring Member States would implement the supporting measures during a predetermined period of time, set at 8 months. This period would start running from the day in which the Commission adopts an implementing act on solidarity in situations of migratory pressure. When despite the joint efforts by the Member States concerned returns have not been successfully carried out, at the expiry of the 8-month period, the third-country nationals would be transferred onto the territory of the sponsoring Member State.

#### Guarantees for minors

The rights of unaccompanied minors have also been strengthened through better defining the implementation of the principle of the best interests of the child and by setting out a mechanism for making a best interests of the child-determination in all circumstances implying the transfer of a minor.

#### Financial support

The proposal provides for financial incentives for relocation. A financial contribution of EUR 10 000 will be given per relocated person (including following return sponsorship if return was not successful). The financial contribution will be EUR 12 000 when the relocated person is an unaccompanied minor. In addition, a financial contribution of EUR 500 will be given to cover the transfer costs of persons in connection with relocation and with the procedures set out in this Regulation.

#### Budgetary implications

The total financial resources necessary to support the implementation of this proposal amount to EUR 1 113.500 million foreseen for the period 2021-2027. This would cover the operational costs including the transfer costs in the form of lump sums for transfers under this proposed Regulation and for transfers in connection with relocation in the context of the solidarity provisions, relating to relocation of applicants for international protection, beneficiaries of international protection and illegally staying third-country nationals.

## Asylum and migration management

---

proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund].

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

#### Aim and subject matter

The amended text stated that in accordance with the principle of solidarity and fair sharing of responsibility, and with the objective of reinforcing mutual trust, this Regulation:

- sets out a common framework for the management of asylum and migration in the Union, and the functioning of the Common European Asylum System;
- establishes a mechanism for solidarity and fair sharing of responsibility.

#### Comprehensive approach to asylum and migration management

The report stated that the Union and the Member States should take common actions in the field of asylum and migration management on the basis of a comprehensive approach including the principle of integrated policy-making, in compliance with international and Union law, ensuring coherence between asylum and migration management policies. This should include granting swift access to fair and efficient procedures for granting international protection on Union territory, including at Union borders and recognition of third country nationals or stateless persons as refugees or beneficiaries of subsidiary protection.

#### A long-term European Asylum and Migration Management Strategy

Members proposed that the Commission adopt a five-year European Asylum and Migration Management Strategy setting out the strategic approach to ensure access to asylum procedures and the functioning and implementation of asylum and migration policies at Union level.

#### Annual situational report

The report stressed that the Commission should monitor and provide information on the asylum, reception and migratory situation over the previous 12 month period as a whole through annual situational reports based on qualitative data and information provided by the Member States, the European External Action Service, the Asylum Agency, the European Border and Coast Guard Agency, the European Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Fundamental Rights, and other relevant bodies, offices, agencies or organisations.

The annual situational reports should include, inter alia: (a) the total number of applications for international protection and the nationalities of the applicants, including the numbers of applications lodged by unaccompanied minors and other vulnerable persons; (b) the reception capacity of the Member States; (c) the number of third-country nationals who have been identified by Member States authorities that do not fulfil the conditions for entry, stay or residence in the Member State, including overstayers; (d) the number of return decisions.

#### Principle of solidarity and fair sharing of responsibility and the duties of the Member States

Member States should ensure that sufficient funding and qualified and well-trained staff is allocated in all circumstances and, where they consider it necessary or where applicable, request support from Union bodies, offices and agencies for that purpose.

#### Cooperation with third countries on asylum, border and migration management

Members stressed that the Union and the Member States should promote and build tailor-made and mutually beneficial partnerships and close cooperation with relevant third countries.

#### Application in an international transit area of an airport

Where the application for international protection is made in the international transit area of an airport of a Member State by a third-country national or a stateless person, that Member State should be responsible for examining the application.

#### Light procedure for the purpose of family reunification

According to the amended text, Member States should apply a special procedure in order to ensure a swift family reunification and access to the asylum procedure for applicants where there are sufficient indicators showing that they are likely to have the right to family reunification.

Procedures including minors should be treated with priority.

#### Solidarity contributions to a Member State under migratory pressure

The report stressed that solidarity contributions for the benefit of a Member State under migratory pressure, including as a result of recurring arrivals by sea, in particular through disembarkations following search and rescue operations and activities or as a result of the arrival of persons in a vulnerable situation, should be provided by a contributing Member State and reflect the needs of the benefitting Member State.

#### Annual solidarity pool

The amended text calls for the establishment by the Commission, led by the EU Relocation Coordinator, of an annual solidarity pool on the basis of the projected annual solidarity needs. In addition, it foresees a Solidarity Forum comprising all Member States, represented at the level of responsibility and decision-making power that is appropriate in order to provide solidarity contributions for the creation of the solidarity pool.

Transparency				
ERNST Cornelia	Shadow rapporteur	LIBE	18/07/2023	EKD-Büro Brüssel / EKD-Office Brussels
TOBÉ Tomas	Rapporteur	LIBE	14/06/2023	Hanns-Seidel-Stiftung

ERNST Cornelia	Shadow rapporteur	LIBE	14/04/2023	EKD-Büro Brüssel / EKD-Office Brussels Pro Asyl Mission Lifeline SeaWatch Sächsischer Flüchtlingsrat
REGO Sira	Shadow rapporteur	LIBE	27/10/2021	Comisión Española de Ayuda al Refugiado
REGO Sira	Shadow rapporteur	LIBE	15/10/2021	Comisión Española de Ayuda al Refugiado
FITZGERALD Frances	Member	21/04/2023	OXFAM INTERNATIONAL EU ADVOCACY OFFICE Oxfam Ireland	
WALSH Maria	Member	10/02/2023	European Network on Statelessness	