

***Regulation (EU) 2024/1350 - The “European Parliament and of the Council of 14 May 2024 establishing a Union Resettlement and Humanitarian Admission Framework”***

« The greatest nations are defined by how they treat their weakest inhabitants. »

– JORGE ROMOS, JOURNALIST AND WRITER

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- **Regulation 2024/1350:** Increases EU contribution to international resettlement and humanitarian aid; Harmonizes admission processes and ensures fairer responsibility-sharing among Member States; Provides durable protection through legal routes to reduce risky, irregular migration.

#### PUBLIC CONCERNED:

- Member States (Implementing Actors)
- Beneficiaries of international protections
- Third-country Nationals or Stateless persons who have been displaced

#### MAIN ISSUE

- Uses resettlement as a tool to **manage and filter** migration flows.
- Shifts border control to third countries, allowing them to act as "**gatekeepers**" before refugees reach Europe.
- The primary (implicit) goal is **reducing irregular entries** rather than just expanding humanitarian aid.
- Allows Member States to **limit obligations** via quotas and "discretionary participation," ultimately discouraging spontaneous asylum claims.

Official Entry into  
force:

11 June 2024

Full effect:

12 June 2026

# LEGAL ENVIRONMENT

## PRIMARY LAW:

- Article 78(2)(g) TFEU – measures for a common European asylum system, including partnership and cooperation with third countries for the purpose of managing inflows of persons seeking protection.
- Article 79(2)(a) and (b) TFEU – common immigration policy, including conditions of entry and residence and measures against irregular migration.
- Article 80 TFEU – principle of solidarity and fair sharing of responsibility between Member States.

## OTHER LEGAL INSTRUMENTS:

- Regulation (EU) 2021/1147 - Asylum, Migration and Integration Fund (AMIF) - amended by 2024/1350 (financial support provisions and definitions). (The text of 2024/1350 contains explicit amendments to 2021/1147).
- Regulation (EU) 2024/1347 - Qualification Regulation (recast) - closely related/complementary (standards for qualification/status used when admitting persons under the Framework).
- Regulation (EU) 2024/1351 - Asylum and Migration Management (new rules including repeal of Regulation No 604/2013) - to be applied together (coherent package on asylum & migration).
- Regulation (EU) 2024/1358 - Eurodac (biometric comparison) - designed “to effectively apply” Regulations 2024/1351 and 2024/1350 (links for identification/data processing).
- Regulation (EU) 2016/679 (GDPR) and Regulation (EU) 2018/1725 - data protection frameworks referred to for processing of personal data under the new Regulation (data protection compliance obligation).
- Regulation (EU) 2021/2303 - EU Agency for Asylum - referenced for cooperation and data-processing responsibilities (complementary).
- Council Directive 2003/86/EC (family reunification), Directive 2004/38/EC (free movement), Council Directive 2003/109/EC (long-term residents) - cited in recitals as part of the acquis and for related rights/status considerations.
- Regulation (EU) No 604/2013 (Dublin III) - repealed by Regulation (EU) 2024/1351 (part of the wider asylum/migration package in which 2024/1350 sits).



# TERMINOLOGICAL APPROACH

## Definition of refugee

Article 1 of the 1951 Convention relating to the Status of Refugees "refugee" to any person who [...] owing to a well-founded **fear of being persecuted for reasons of race, religion, n nationality, membership of a particular social group or political opinion, is outside the country of his nationality** and is unable or, owing to such fear, **is unwilling to avail himself of the protection of that country**, or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, **in unwilling to return to it.** (Art. 1, 1951 Refugee Convention)

## *Difference between resettlement and humanitarian admission*

**While both mechanisms allow entry on humanitarian grounds, humanitarian admission is generally temporary and discretionary and does not necessarily confer permanent international protection, as the resettlement does.**

- **Referral: Resettlement typically requires UNHCR referral; Humanitarian Admission is state-led.**
- **Nature: Resettlement is a "Durable Solution"; Admission is a "Complementary Pathway."**

## Definition of resettlement

Resettlement is the **organized admission** to the territory of a Member state of a third country national or a stateless person from a third country to which that person has been displaced. ( Art. 2, Regulation (EU) 2024/1350)



# I. A REGULATION WITH INSTITUTIONALISED DISCRETION

## The First Filter – International Criteria (Art. 5.1 & 5.2)

- Defines eligible individuals as those needing International Protection.
- Includes Refugees (fear of persecution) and those eligible for Subsidiary Protection (risk of serious harm).

This is the "legal threshold" for entry.

## The Second Filter – State-Selected Vulnerability (Art. 5.3)

- Candidates must also fit into a specific Vulnerability Category.
- Priority groups include women at risk, minors, survivors of violence, and those with medical needs.
- States choose which groups to prioritize, narrowing the field of potential beneficiaries.

The "Double Filter" allows States to choose beneficiaries based on quotas and preferences rather than just humanitarian need. This shifts the focus from a universal right to protection to a discretionary selection process. Humanitarian aid becomes a tool for managed migration.

Q: Does 'Eligible' mean 'Admitted'?"

Ans: **No**, admission depends on State discretion and available quotas.



# II. Resettlement as Migration Control and Externalization

## A clear Migration governance

Even though if presented as a humanitarian tool , it seeks to govern migration, with goals such as **reducing** irregular migration and control who enters the territory:

Art. 1(1) – establishes a framework for admissions  
Art. 3(a) – provides legal and safe arrival to MS

## Participation remains voluntary

Resettlement remains **discretionary** and MS maintain a strong control over who enters their territory. This leads the system to enable MS to limit their commitments while keeping the facade of solidarity.

Art 1 and recital 25 illustrate this fact; there are no clear binding obligations.

## Control admission through quotas

Resettlement works as a **regulator** for admissions; ensuring migration occurs through **predictable and limited** quotas rather than spontaneous asylum arrivals.

Admissions are thus **politically** determined rather than purely on humanitarian basis.

Art 8(1) – Art (3) (a) & (b) – confirm this with the implementation of a Resettlement Admission Plan that determines the total number of persons admitted and the distribution and contributions for each MS.



# II. Resettlement as Migration Control and Externalization

## Resettlement as part of EU's external migration policy

The regulation explicitly links resettlement to cooperation with third countries (art 3 & 4). It may involve cooperation with transit countries, financial support or migration management agreements (ex: EU-Turkey cooperation).

In this sense, resettlement functions as a **diplomatic incentive** offered to third countries in exchange for **cooperation in migration control**.

## Migration deterrence

It aims to **discourage** secondary movement within the EU => recital 37 explicit this idea.

Resettlement thus becomes part of a broader system designed to control movement, prevent irregular entry and maintain a certain geographic distribution of migrants.

## A system of externalization of migration and asylum management

Migration management occurs outside EU territory. Refugees are identified and screened **outside** EU territory and admission decisions are taken **prior to arrival**. Part of the process is shifted to third countries and IO (art. 9(1) & art 2(1)).

Externalization is reinforced through cooperation with 3rd countries controlling access to EU territory.

## Selective admission

Before even entering EU territory, refugees are pre-selected (art 5 – eligible criteria & art 6 – grounds for refusal). It also enables a system of "**chosen migration**", where MS can **prioritize** some cases over others depending on their criteria (art. 9 – family and social links, etc).

Resettlement becomes a **filter** for refugees according to EU policy preferences rather than provide universal protection.



# III. HUMAN RIGHTS ISSUES: THE DEMOCRATIC DEFICIT AND ERASURE OF AUTONOMY

**Non-Mandatory Denials (Art. 6):**  
States gain autonomy through "grounds for denial." Art. 6(2d) allows rejection if a State claims it cannot provide "adequate support" for a specific vulnerability, paradoxically excluding those who need help most.

While Art. 6(3) forbids discrimination, criteria like "integration prospects" and "state capacity" favor those with specific language skills, family links, or employability over those with the highest vulnerability.

The logic favors those who "wait" outside the EU. By prioritizing procedural compliance, the Regulation creates a hierarchy that sidelines refugees forced into irregular routes due to immediate danger.



# III. HUMAN RIGHTS ISSUES: THE DEMOCRATIC DEFICIT AND ERASURE OF AUTONOMY

Refugees cannot apply for resettlement. They are **passive** subjects, dependent entirely on UNHCR identification and referral.(Art. 1(2))

Under Art. 9(6), Member States can decide a refugee's fate based **solely on a paper file**; no interview is required. The refugee is seen but not

Refugees have **zero influence** over their country of destination. Their preferences are ignored in favor of State "matching."

A missed appointment or lack of follow-up is treated as a **refusal** by the refugee, ignoring the logistical chaos of life in a camp or conflict zone.(Art. 7(2))



# III. HUMAN RIGHTS ISSUES: THE DEMOCRATIC DEFICIT AND ERASURE OF AUTONOMY

Resettlement remains strictly **voluntary and non-binding**. A State's "margin of discretion" always outweighs the refugee's vulnerability. (Art. 1(4))  
States are **not required to notify** refugees of a rejection, provide a reason, or offer a path to appeal.



Refugees have **no access** to their own files. They cannot defend their case because they are never told why they were deemed "unfit."

A procedure can be halted instantly if a State decides they have reached their **numerical limit**. Protection is treated as a math problem, not a human right. (Art. 9(11)(a))



# NEXT STEPS



At the national level, EU Member States **had to adapt their legislation** with the provisions of Regulation (EU) 2024/1350 to ensure its **coherent and effective** implementation.



The regulation entered into force on **January 1st, 2026**, without any transitional period. Since this date, the regulation has full effect, become legally binding.

# NEXT STEPS

The framework of the Regulation does not significantly include refugees' voices in the selection process and provides limited procedural safeguards.

Member States still retain broad discretion in selecting candidates and may introduce additional national criteria ☒ This may shift the focus away from vulnerability.

The Regulation does not create a right to apply for resettlement nor binding quotas ☒ making access highly selective.

Although the Charter of Fundamental Rights of the European Union applies in principle, practical enforcement remains uncertain.

**Overall, the Regulation reflects a shift in which refugees are increasingly treated as objects of administrative management rather than subjects of rights.**

# TO GO FURTHER

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