

REGULATION 2024/1351 – ASYLUM AND MIGRATION MANAGEMENT REGULATION

« Dublin est mort, vive Dublin ! »

– CONSTANTIN HRUSHCKA, SENIOR RESEARCHER – Max Planck
Institute



Regulation 2024/1351 provides a common framework for asylum and migration management, defining which member states are responsible for the examination of asylum applications and ensuring a better sharing of responsibilities among them.

PUBLIC CONCERNED:

- EU Member States
- Beneficiaries of international protections
- Asylum seekers
- Host communities and local authorities
- Humanitarian organizations and NGOs
- Border and immigration authorities

MAIN ISSUE

Although **Regulation 2024/1351** aims to create a **more structured approach to migration management within the European Union**, its implementation raises significant concerns. The framework risks deepening **legal and human rights issues** by allowing policies that may compromise **migrants' fundamental protections**. Furthermore, the **unequal distribution of responsibilities** among Member States threatens to reinforce existing disparities rather than diminish them, placing **excessive pressure on frontline countries**. Additionally, persistent political divisions and weak enforcement mechanisms undermine the Regulation's effectiveness, potentially leading to **inconsistent application and further fragmentation within the EU**.

Entry into force:
11th June 2024

Full effect:
1st July 2026

LEGAL ENVIRONMENT

PRIMARY LAW:

- Treaty on the Functioning of the European Union (TFEU –articles 4, 78 and 80)
- Charter of Fundamental Rights of the European Union (Article 5)

OTHER LEGAL INSTRUMENTS:

- Modifies Regulation 2021/1147 of the European Parliament and of the Council
- Modifies Regulation 2021/1060 of the European Parliament and of the Council
- Repeals Regulation 604/2013 of the European Parliament and of the Council (Dublin3)



TERMINOLOGICAL APPROACH

Member State responsible

Member States shall examine an application for international protection by a third-country national or a stateless person who applies on the territory of anyone of them, including at the border or in the transit zones. The application shall be examined by a single Member State which shall be the Member State responsible on the basis of the criteria set out in Chapter II or the clauses set out in Chapter III of this Part. (Article 16, 1, AMMR)

SOLIDARIYT MECHANISM

The solidarity mechanism should lead to a fairer **sharing of responsibility**.

The new rules combine mandatory solidarity to support member states dealing with a mass of arrivals with flexibility as regards the choice of the individual member states' contributions, at their own discretion. (European Council glossary)

COMPREHENSIVE APPROACH

In order to reinforce mutual trust between Member States, it is necessary to have a **comprehensive approach** to asylum and migration management which brings together **internal and external components**. The effectiveness of such an approach depends on all components being addressed jointly and implemented consistently and in an integrated manner. (Recital 2, AMMR)

RELOCATIONS

"Relocation" means the transfer of an applicant or a beneficiary of international protection from the territory of a **benefitting Member State** to the territory of a **contributing Member State**; (Article 2, b), AMMR)

TAKE BACK PROCEDURE

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. (EUAA glossary)

TAKE CHARGE PROCEDURE

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 Dublin criteria indicate that the other Member State should be responsible. (EUAA glossary)



LIMITED RESPONSIBILITY REFORMS BURDEN FRONTLINE NATIONS

The Regulation fails to reform the Dublin system with relatively unchanged criteria, and only one new criterion regarding the obtention of a diploma or qualification.

By default, the first country of entry remains largely responsible for the examination of the application.

“The responsibility of Member States is determined only once, unless one of the cessation ground applies” (Recital 52), but the extended delays make the cessation of responsibility more difficult.



LIMITED RESPONSIBILITY REFORMS BURDEN FRONTLINE NATIONS

The Regulation intends to limit the movements. While it goes along with the aim of managing asylum and migration, it also seems to unload the destination states rather than the arrival states.

Obligations and consequences of non-compliance

The new Dublin system is still independent from the wishes of applicants as they have no right to choose their destination.

Conditions of reception can be withdrawn if the applicants are not in the Member State responsible.

More people are subject to the procedure, **significant extended time limits aiming at fighting secondary movements also enhance the responsibility in some states.**



LIMITED RESPONSIBILITY REFORMS BURDEN FRONTLINE NATIONS

Shorter procedural timelines: request to **take charge** must be sent **within two months** by the requesting state and the requested one must reply within **one month**

Simplified take back procedure: simple notification which must be sent within two weeks. The requested state must answer within two weeks too.

Transfer procedure: transfer needs to be done **within six months** of the acceptance of the **“take charge” request** (except in case of **absconding**)



A WEAK SOLIDARITY MECHANISM THAT FAILS TO SHARE THE BURDEN FAIRLY

The **Solidarity mechanism** is mainly built on the **annual migration management cycle** established in Chapter 2, Part II of the Regulation.

→ With the annual migration management cycle, the aim is to come to the adoption of an **Annual Solidarity Pool**

Art. 56

Setting up an annual solidarity pool to which each member state will have to contribute according to its GDP and population.

Art. 57

Member states shall have full discretion in choosing between the different types of solidarity (3 options with equal values).

A WEAK SOLIDARITY MECHANISM THAT FAILS TO SHARE THE BURDEN FAIRLY

RELOCATIONS

Art. 56 and 67

Applicable to beneficiaries of international protection of less than 3 years (with their consent) and applicants have still no right to choose the destination.

RESPONSIBILITY OFFSETS

Art. 63

Responsibility offsets apply on a voluntary or on a mandatory basis. They represent an alternative mechanism to relocation and thus force member states to welcome applicants.

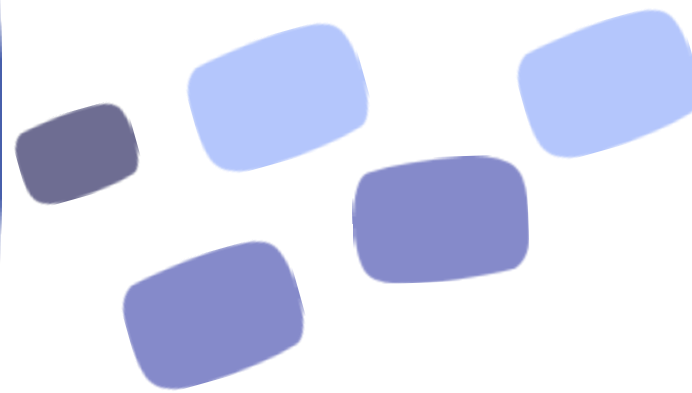




A WEAK SOLIDARITY MECHANISM THAT FAILS TO SHARE THE BURDEN FAIRLY

Financial solidarity and alternative measures represent two options that member states can use for **various purposes**: migration, reception, asylum, pre-departure reintegration, border management and operational support.

It is up to the **benefitting state** to determine the action it wants to **contributions to be used for**.



Financial contributions may also provide support for actions within Third countries if providing a “**direct impact on migratory flows**, improve asylum, reception...”.

POTENTIAL IMPACTS ON MIGRANTS' FUNDAMENTAL RIGHTS

The regulation allows for **expanded use of detention**, including for minors in "exceptional cases"



Accelerated procedures shorten deadlines for asylum applications and appeals, **limiting access to legal aid.**

Rapid transfers between EU states may expose migrants to **poor reception conditions** in some countries.

POTENTIAL IMPACTS ON MIGRANTS' FUNDAMENTAL RIGHTS

Strengthened deportation policies risk returning migrants to unsafe conditions and this could breach the 1951 Refugee Convention and EU Charter of Fundamental Rights.



The regulation **prioritizes border security over family reunification.** Migrants can't choose their destination.

The regulation includes **tougher measures** against smuggling, but it might **criminalize humanitarian aid workers** who assist migrants.

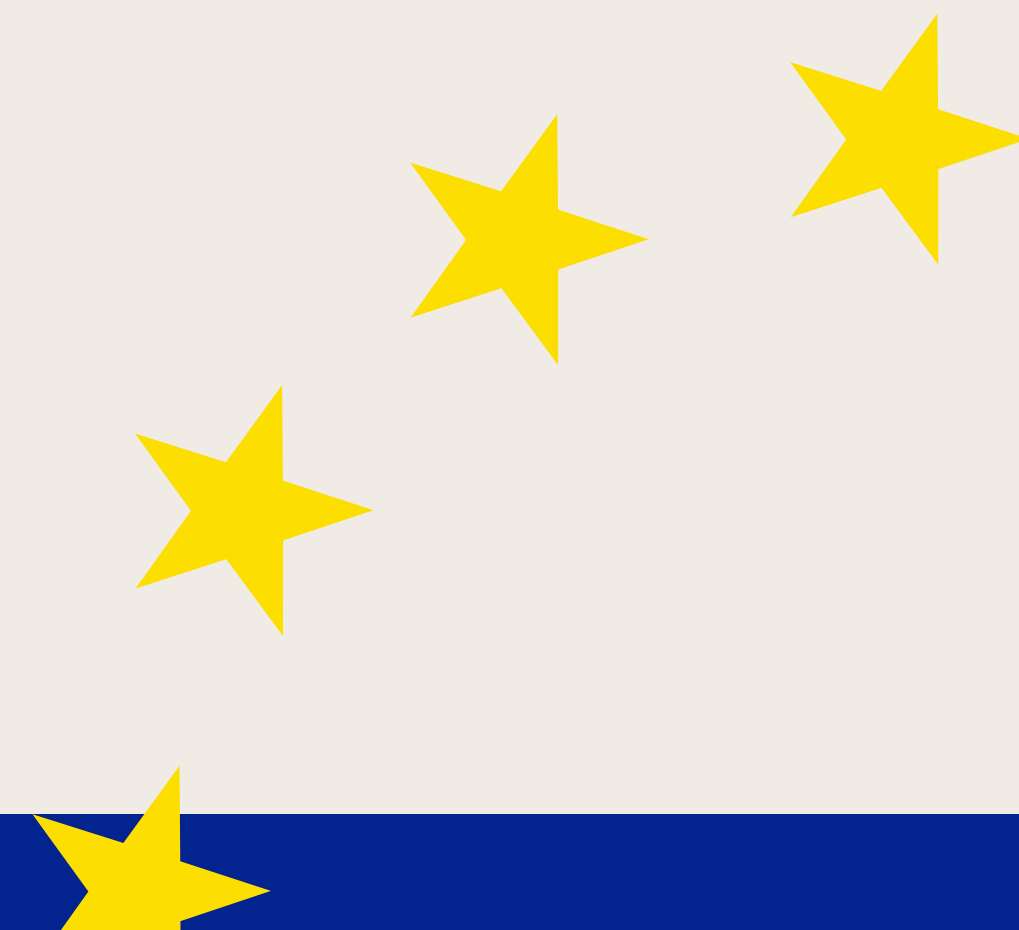
This raises **concerns** about **freedom of association and humanitarian principles.**

POTENTIAL IMPACTS ON MIGRANTS' FUNDAMENTAL RIGHTS

Weak safeguards for unaccompanied minors increase their **vulnerability to trafficking, exploitation, and abuse.**

The **lack of proper guardianship mechanisms** in some member states could lead to violations of **EU Anti-trafficking Directive 2011/36/EU** and **the CRC's protection obligations.**

Reports indicate **overcrowded and unsafe** reception centers, where minors may lack **adequate healthcare, education, or protection.**



NEXT STEPS

At the national level, EU Member States must adapt their legislation with the provisions of Regulation (EU) 2024/1351 to ensure its coherent and effective implementation.



The regulation **entered into force on June 11, 2024**, marking its official adoption, though its provisions are not yet applicable.

It will take **full effect on July 1, 2026**, when all its requirements become legally binding.

TO GO FURTHER

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TO GO FURTHER

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