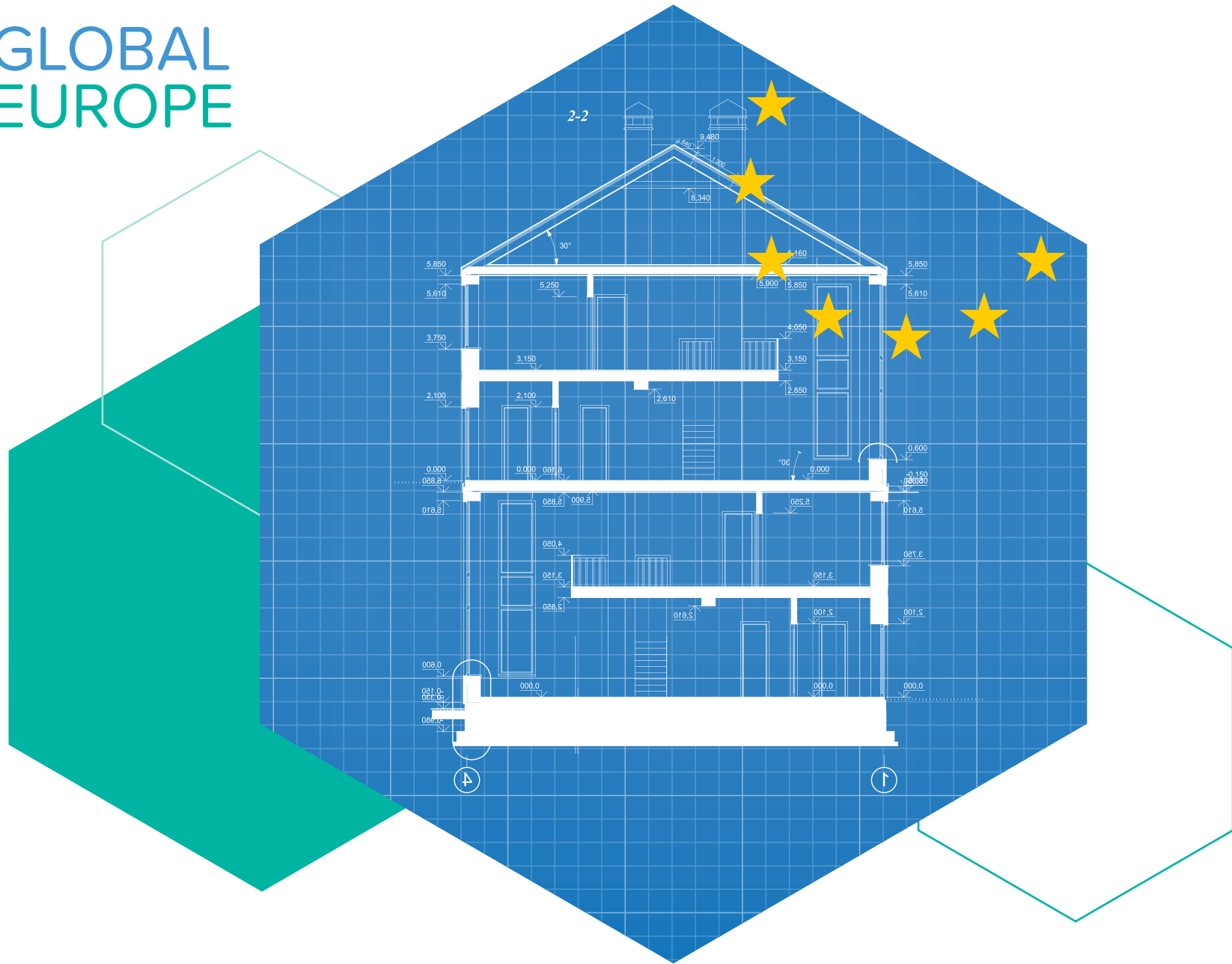
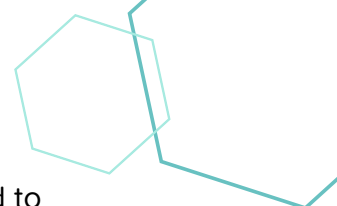




GLOBAL  
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Grand Redesigns: Explainer on the EU's New Pact on Migration and Asylum



This explainer will set out the main elements of the EU's New Pact on Migration and Asylum and the proposed policies put forward to address them.

On 23 September 2020, the European Commission presented its [Communication on a New Pact on Migration and Asylum](#), the first step in a significant and ongoing review of EU migration and asylum policy. The objective of this review is to streamline all aspects of migration and asylum into one comprehensive system, from root causes in countries of origin to the integration of migrants in the EU.

## CONTEXT

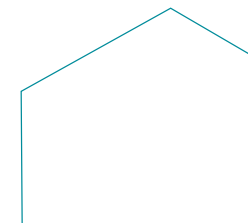
This Pact sets out an initial suite of proposals which includes a combination of new legislative instruments and recommendations, updates to pre-existing legislation and strategies, and calls to accelerate and conclude negotiations on a number of past proposals. The instruments presented in the New Pact largely focus on aspects of irregular migration – specifically asylum, solidarity and crisis preparedness. An interesting aspect of the Pact is the proposal to amend the [Dublin III Regulation](#), which stipulates arrivals can only apply for asylum in their country of arrival. It seeks to replace it with a broader new instrument, the [Asylum and Migration Management Regulation](#), which facilitates family reunification or an easier transfer to an EU Member State where an arrival has a meaningful link.

The vision of EU migration and asylum policy embodied in the Pact can be understood as a house with three “floors” as [described](#) by Commission Vice-President Schinas. This house comprises EU's: external relations, external borders and internal rules, all based on a “foundation” which encompasses Member States' responsibilities.

## 1. EXTERNAL RELATIONS

The “first floor” of the New Pact is based on the EU developing new partnerships with third countries. The Commission proposals seek to mobilise the full suite of EU policies, instruments and resources, such as: development cooperation, security, agriculture, visa, trade, investment and employment, environment and climate change, energy, and education policies, in the service of mutually-beneficial partnerships with third countries. The aim of these partnerships is to address the root causes of irregular migration, support infrastructure and enhance socio-economic development for third countries, and to improve these countries' cooperation with the EU on returns, readmissions and border management.

Europe's ageing and shrinking populations will create structural pressures and employment and skills gaps in key sectors like health and agriculture. The Pact seeks to better match labour and skills needs in the EU by creating legal pathways for migrants. A key initiative of the Pact is the Talent Partnerships initiative which also strengthens mutually beneficial partnerships with third countries.



## 2. EXTERNAL BORDERS

The “second floor” of the Pact address the EU’s external borders. The New Pact sets out to accelerate the process to determine peoples’ status upon arrival and the applicable procedure – asylum or return. To achieve this, the Commission has called for clear rules and progress in establishing common EU assessment criteria for claims, as well as integration of pre-entry screening, asylum procedure and return procedures. Although political agreement has been reached to establish a reinforced European Asylum Support Agency, it will only be fully implemented when the entire Pact is agreed upon.

A proposed new [Screening Regulation](#) for irregular arrivals would see pre-entry screening applied to all third country nationals seeking to cross the external border without authorisation, including those who are disembarked following a search and rescue operations. The screening procedure would have to be completed within 5-days at the external border and include: identification, health and security checks, fingerprinting, and registration on the Eurodac database. In addition, all IT border management platforms in Member States should be interoperable by 2023.

The New Pact emphasises the need for the EU to strengthen return procedures. Assisted voluntary return programmes in partnership with third countries are presented as the most efficient and sustainable way to achieve this. It also proposes to improve governance structures through the appointment of a dedicated Return Coordinator. It further states that making Frontex the operational arm of EU return policy should be a priority, with the appointment of a Deputy Executive Director dedicated to returns and the deployment of a new standing corps of border guards.

## 3. INTERNAL RULES

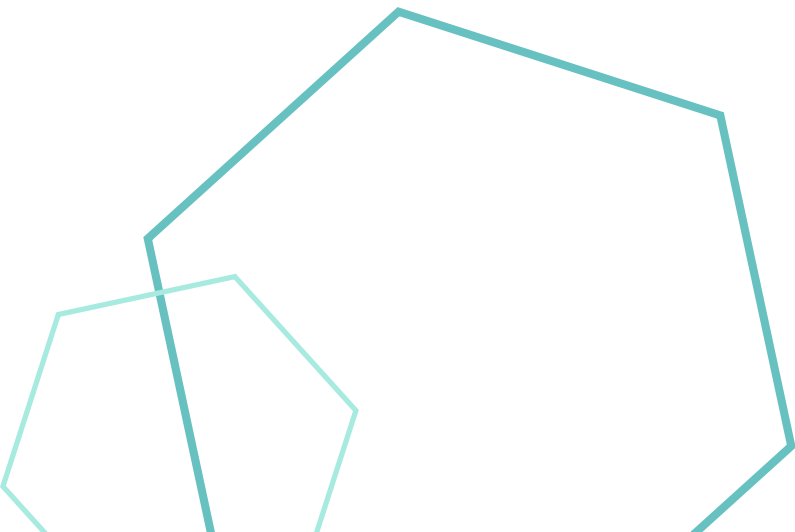
The “third floor” of the New Pact tackles the internal aspects of migration and asylum policy. A key feature of the Pact is a new permanent solidarity mechanism whereby each Member State would have to contribute to relocation of those with the right to stay in the EU and/or to sponsor returns for those whose claims are rejected. The flexibility afforded by this mechanism is the choice it offers Member States to support relocation and/or returns, but also the guarantee that they must support at least one of these options. Those Member States which fail to fully implement a return sponsorship commitment within 8 months, would be obliged to relocate those who have not been successfully returned.

In tandem with this permanent solidarity mechanism, the Pact sets out to reinforce crisis preparedness via a [Migration Preparedness and Crisis Blueprint](#) and a [Crisis and Force Majeure Regulation](#) which would allow the solidarity mechanism to be strengthened in times of crisis. The Commission has also highlighted the need to better safeguard the integrity of the Schengen area and to improve border security. These are covered by the [Strategy on the Future of Schengen](#) and the [2021-2025 EU Action Plan against migrant smuggling](#) expected in Q3 2021.

#### **4. MEMBER STATE RESPONSIBILITIES**

The “foundation”/ “ground floor” is that of Member States’ responsibilities and obligations. As migration is a shared competence, the Pact aims to ensure greater harmonisation and consistency between EU and national-level policies in order to strengthen mutual trust and to close implementation gaps. This would require enhanced monitoring of migration and asylum policies at Member State level, increased EU operational support and governance for Member States, and the standardisation of rules and reception conditions for asylum applicants. Another goal of the EU is to strengthen its cooperation with civil society, local and regional authorities, and employers in the area of integration in Member States, while also stating that integration policy remains primarily Member States’ responsibility.

Migration and asylum is a complex and politically sensitive challenge for the EU, which seeks to balance responsibilities towards third countries, migrants and asylum seekers with intra-Union solidarity. The New Pact could offer a blueprint for a new start on asylum and migration.



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