

Reframing the Debate: Migration as an Essential Element of EU Foreign Policy

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Abstract:

This paper will explore the external aspects of the European Union's New Pact on Migration and Asylum. It will focus, in particular, on developments on the Pact since the Special European Council meeting on 9 February 2023, the Justice and Home Affairs (JHA) Council meeting on 8 June and in advance of the next EUCO meeting, which is scheduled for 29-30 June 2023. The February Council Conclusions focused on three external aspects of migration, namely: (i) external action, (ii) returns and readmissions and (iii) external borders and this paper will examine how these three areas locate the position of EU migration policy firmly in its foreign policy. The paper will consider the EU's external approach to migration management by looking at the progress made by the EU Institutions, EU agencies and Member States since the EUCO meeting in February 2023 and will examine in particular the activities and positions of some Member States which are driving the external approach to migration policy.

1. The External Aspects of the EU's Response to Migration

In a recent blog, Josep Borrell, High Representative of the European Union for Foreign Affairs and Security Policy stated that we live in a “permanent battle of the narratives” with regard to migration in the European Union and suggested that the narrative of migration as a “challenge” for the EU be changed to one of migration as “a key element of EU foreign policy”. “Responsibility” and “solidarity” have been identified as the twin poles of the new EU framework for migration management in the EU. Given the scale and scope of migration in the EU, which goes beyond the capacity of any one Member State, it is now regarded as a shared responsibility - as evidenced by the European Council Conclusions on 9 February 2023, which stated that migration is a European challenge which requires a European response. Since the 2015 migration crisis, the external dimensions of the EU's response to migration have come to the fore as a central pillar of the EU's policy on migration. The list of external aspects of the EU's migration policy includes (i) border control; (ii) returns and readmissions; (iii) external action such as visa facilitation agreements between the EU and third countries, formal and informal dialogues, consultations and partnerships to discuss and organise migration and mobility; and (iv) financial support for migration-related measures abroad.

Another element of the external dimension of the EU's migration policies is the operational deployment of EU agencies such as the European Border and Coast Guard Agency (Frontex) outside the EU to secure its external borders, facilitate the return of rejected asylum seekers and prevent irregular migration;¹ and the EU Asylum Agency (formerly EASO), which currently assists Member States in procedures relating to registration of applications for asylum and which is mandated to monitor the implementation of Asylum Procedures in the EU from 2024.

The multiplicity of actors engaged in the external aspects of migration, from the Commission and European Parliament to the EEAS and from the EU agencies to the EU Member States, suggests that the new Pact on Migration and Asylum² aspires to provide a comprehensive and coordinated approach to the currently fractured management of migration in the EU. Whether this aspiration can be realised will depend to a large extent on the political impact of the Pact on Member States and on partnership countries.

1. <https://www.sieps.se/en/publications/2023/the-external-dimension-of-eu-migration--policy--new-proposals-possibilities-and-risks/>

2. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/new-pact-migration-and-asylum_en

External measures have, in many respects, intensified since 2015. Political arrangements such as the 2016 EU-Turkey Agreement, EU support for the Libyan Coast Guard and the establishment of an Emergency Trust Fund for Africa³, all with the objective to manage migration into the EU and to address the root causes of irregular migration.

George Orwell’s statement that “our first duty in the face of threats to liberal democracies is to *preserve the integrity of political language*”, suggests that EU policy makers, national politicians and media commentators engaged in the often contentious debates on migration and asylum should resist the drift towards a vocabulary of “deterrence”, “containment”, “pushbacks” and “fortress Europe” and focus instead on the more humane and inclusive language of “solidarity” and “responsibility” in the management of migration. Emotional responses to the increase in asylum seekers arriving on the shores and at the borders of the EU can thus be met with a tempered response given that asylum is a fundamental right and an international obligation for countries, as recognised in the 1951 Geneva Convention on the Protection of Refugees and Charter of Fundamental Rights of the EU and given that EU Member States have a shared responsibility to welcome asylum seekers in a dignified manner, ensuring that they are treated fairly and their case is examined following uniform standards and procedures across the EU. The ongoing negotiations on the EU Pact on Migration and Asylum are an attempt to find common ground amongst EU Member States based on understanding the different positions of Member States in order to reach a consensus before the European Parliament elections in 2024.

2. Outcomes of the Special European Council, 9 February 2023

Discussions on the external aspects of the EU’s response to migration and asylum returned to the agenda at the Special European Council meeting on 9 February 2023, having not been discussed at this level in 2019 and 2020. Previous discussions at the European Council focused on external relations and country-specific contexts, on condemnation of the instrumentalisation of migration by Belarus in 2021 and on the Temporary Protection Initiative for Ukraine in 2022

The February 2023 Council Conclusions⁴ concentrated on three areas, namely external action, returns and readmissions and external borders, to satisfy the differing views across the Member States on the issue. This spotlight on externalising the response to migration at European Council level can be seen to represent the advancement of the EU’s migration policy into its external action agenda as well as a response to the concerns of individual Member States.

In the February 2023 Council Conclusions, EU leaders condemned efforts to instrumentalise migrants for political purposes and agreed to increase the EU’s **external actions** to:

- ‘Prevent irregular departures and loss of life, to **reduce pressure on EU borders** and on reception capacities, to fight against smugglers’ through intensified cooperation with countries of origin and transit, and the development of ‘**mutually beneficial partnerships**’.

3. The European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF for Africa) was created to address the root causes of instability, forced displacement and irregular migration and to contribute to better migration management.

4. <https://data.consilium.europa.eu/doc/document/ST-1-2023-INIT/en/pdf>

- Use Frontex in the protection of the EU's **external borders** and call on the Commission to '*mobilise substantial EU funds and means to support Member States in **reinforcing border protection capabilities and infrastructure**, means of surveillance, including aerial surveillance, and equipment*'.
- Ensure **returns to countries of origin and transit by using all possible forms of leverage**, including considerations on visa restrictions against those countries who do not cooperate⁵.
- Call on the EU Asylum Agency to provide guidance to increase **the use of the concepts of safe third countries and safe countries of origin**. Member States are invited to make use of this guidance, with a view to achieving a more coordinated approach, paving the way towards a **common EU list**.
- Develop a common situational awareness, **to improve monitoring of data on reception capacities and on migratory flows** and detect new migratory trends more quickly, both into and within the European Union. It encourages Member State authorities to request the support of EU agencies – including the EU Asylum Agency and Frontex – to ensure that all migrants entering the European Union are properly registered.

Although the focus of the Conclusions of 9 February 2023 was on external dimensions of migration, EU leaders agreed that work on the Migration and Asylum Pact, on the revised Schengen border code and on the return directive should be continued. EU leaders committed to '*revert to the matter on a regular basis*', signalling that migration policy would be firmly on the EU agenda for the period between the February Special European Council Meeting and the European Council meeting on 29 June.

While a declaration expressing voluntary solidarity on a temporary basis was signed by some Member States to assist overburdened frontline states in the relocation of asylum seekers in 2022, it is interesting to note that since 2015, twenty-five European Council Conclusions have referenced migration⁶. Only half of these have referenced solidarity or the relocation of asylum seekers among EU Member States, yet more than twenty Council Conclusions⁷, including the most recent from February 2023, mention the need for more cooperation with third countries or border management – highlighting the increased emphasis on the external approach to migration management.

3. External Action: Accelerating Migration Diplomacy

The term migration diplomacy describes the use of “diplomatic tools, processes and procedures to manage cross-border population mobility”⁸. The EU has worked for years with third countries to endorse and enforce its migration goals, and these efforts have accelerated in the weeks following the EUCO meeting, with concentrated efforts to engage with third countries to prevent irregular migration into the EU. There are two dimensions to migration diplomacy, the external dialogue by both the Commission

5. Commentators have noted that Article 25 a of the revised visa code, if used strategically, could be one of the most important instruments to deal with the issue of non-cooperation. It could be used in a negative way to impose restrictions on countries or in a positive way through visa measures for countries which cooperate satisfactorily

6. https://www.delorscentre.eu/fileadmin/2_Research/1_About_our_research/2_Research_centres/6_Jacques_Delors_Centre/Publications/2023_02_07_Lucas_Rasche_Migration_Diplomacy.pdf

7. Ibid.

8. International Studies Perspectives (2019) 20, 113–128 [Migration Diplomacy in World Politics](#)

and by individual Member States with countries of transit and origin, and the internal negotiations between Member States on the Pact. Activity has intensified in recent months on both dimensions.

Since the 9 February 2023, European Council Meeting, several visits have been made by Commissioners to key partner countries to engage on migration issues, as part of the effort to *intensify cooperation with countries of origin and transit through mutually beneficial partnerships*⁹. Commission President von der Leyen, has identified¹⁰ the deepening of overall relations with key partners such as **Bangladesh, Pakistan, Egypt, Morocco, Tunisia** and **Nigeria** as central to the EU's work. This strategy would put in place specific initiatives on migration management, in particular to improve returns and readmissions to third countries **along the whole of the routes** and to prevent departures from countries of origin.

Following the European Council meeting, European Commissioners made numerous visits to the 'key partner' third countries to bolster the EU's relationships with them and to promote their migration prevention objectives.

- During a visit to **Morocco** on 1-2 March 2023, **Olivér Várhelyi, European Commissioner for Neighbourhood and Enlargement** signed €624 million package including €152 million migration budget support which aims to strengthen Morocco's border management actions in the fight against smuggling networks, the National Strategy of Morocco on Immigration and Asylum, as well as the voluntary return and the reintegration of migrants to their countries of origin, in accordance with international human rights standards¹¹.
- From 26-28 March 2023, **Margaritis Schinas, Vice-President of the European Commission** visited **Egypt** to "deepen the cooperation between the EU and Egypt in areas such as skills, education and mobility, and to discuss concrete steps at political and operational level to address shared challenges linked to migration management"¹².
- On 27 April 2023, **Commissioner for Home Affairs, Ylva Johansson**, travelled to **Tunisia** where both sides agreed to strengthen their cooperation on protection and on return of irregular migrants in Tunisia to their countries of origin, with increased EU support for voluntary return and reintegration to countries of origin, in full respect for human rights.
- On the 11 June 2023, **European Commission President Ursula von der Leyen, Dutch Prime Minister, Mark Rutte, and Italian Prime Minister, Giorgia Meloni**, visited **Tunisia**. Here, the EU announced a 'comprehensive partnership package'¹³ with Tunisia and announced its readiness to provide Tunisia with €100 million for border management, search and rescue, anti-smuggling operations and returns "rooted in respect for human rights". Although prior to this visit¹⁴, Tunisian President Kais Saied said he would not accept becoming a 'border guard' for Europe, the agreement was reached¹⁵ between

9. <https://data.consilium.europa.eu/doc/document/ST-1-2023-INIT/en/pdf>

10. <https://open.overheid.nl/documenten/oep-7077797564d35c603570072232cf8aa2993331b2/pdf>

11. https://ec.europa.eu/commission/presscorner/detail/en/ip_23_423

12. <https://south.euneighbours.eu/news/vice-president-schinas-in-egypt-to-discuss-skills-education-mobility-and-migration/>

13. https://neighbourhood-enlargement.ec.europa.eu/news/european-union-and-tunisia-agreed-work-together-comprehensive-partnership-package-2023-06-11_en

14. [https://www.reuters.com/world/africa/tunisia-will-not-be-europes-border-guard-president-says-2023-06-10/#:~:text=TUNIS%2C%20June%2010%20\(Reuters\),of%20migrants%20crossing%20the%20Mediterranean.](https://www.reuters.com/world/africa/tunisia-will-not-be-europes-border-guard-president-says-2023-06-10/#:~:text=TUNIS%2C%20June%2010%20(Reuters),of%20migrants%20crossing%20the%20Mediterranean.)

15. <https://neighbourhood-enlargement.ec.europa.eu/news/european-union-and-tunisia-agreed-work-togethercompre->

both parties. The emphasis on the development of “**mutually beneficial partnerships**” is one of the foreign policy tools which the EU is using to good effect to externalise their migration management and to essentially curb irregular migration along the routes and at source. The significance of the Tunisia agreement lies in the joint effort by a **frontline** Member State (Italy), a Member State which sees a high rate of **secondary migratory movement** (The Netherlands), and the Commission to deter illegal migration into Europe and to partner with third countries in the management of migration. Prime Minister Rutte is said to be under growing pressure from his own party to reduce the number of asylum seekers arriving in the Netherlands this year or face a cabinet crisis¹⁶.

Individual Member States have also forged agreements with third countries on a bilateral basis. However, there is no coordination or systematic exchange of bilateral practices which means that difficulties could arise in EU negotiations with third country partners because of overlaps in the cooperation initiatives at national and EU level.

4. Returns and Readmission Plans

Returns and readmission policies are an integral component of the EU’s migration management and a central pillar of the EU’s New Pact on Migration and Asylum. These policies were reaffirmed by the February 2023 Council Conclusions, where EU leaders agreed to essentially use all the tools in their toolbox to ensure effective returns. Returns apply to those who are required to leave the EU because they have entered or they are staying irregularly¹⁷. The EU has a target of returning at least 70% of those who are instructed to leave, but it repeatedly falls short of this target with a return rate of 29% in 2019, falling to 21% in 2021¹⁸.

Returns is another area of the EU’s migration policy where the approach has moved in the direction of increased third country cooperation. In the Council Conclusions, European leaders agreed that “*swift action is needed to ensure effective returns, from the European Union and from third countries along the routes, to countries of origin and transit, using as leverage all relevant EU policies, instruments and tools, including diplomacy, development, trade and visas, as well as opportunities for legal migration*”, and these leverage points were pursued in the months following the European Council meeting. Some commentators have criticised using development policy as a point of negative leverage.

A group of frontline states known as the Med5 (Cyprus, Greece, Malta, Spain and Italy) met¹⁹ in Valetta ahead of a meeting of the Justice and Home Affairs Council, which took place on the 9-10 March, to agree on a common position on migration and urge increased EU focus on returns and more relocation from other Member States²⁰. EU frontline Member States who are located geographically at the EU’s external borders have been a forceful voice for increased returns of migrants who have no legal entitlement to stay in the EU, given the disproportionate numbers of migrants they receive compared to other Member States.

[hensive-partnership-package-2023-06-11_en](#)

16. <https://www.dutchnews.nl/2023/06/rutte-under-pressure-from-vvd-and-partners-to-fix-asylum-impasse/>

17. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/irregular-migration-and-return/return-and-readmission_en

18. <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20220519-1>

19. <https://ecre.org/eu-southern-borders-med-5-urge-returns-and-relocation-eu-eyes-on-migration-cooperation-rather-than-abuse-in-north-africa-few-developments-at-jha-council-italy-under-scrutiny-on-delayed-crotona-res/>

20. <https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2023/03/04/pr230333en.aspx>

5. The JHA Council on 8 June 2023

The position and influence of the frontline Member States was reaffirmed at the subsequent meeting of the JHA Council, which took place on 8 June 2023 under the auspices of the Swedish Presidency, and where frontline states again played a key role in the outcome of negotiations on two key legal instruments in the Asylum and Migration Pact²¹. Agreement was reached on the Council's position for negotiations with the European Parliament on two key legislative aspects of the pact: the **Asylum and Migration Management Regulation (AMMR)** and for the **Asylum Procedure Regulation (APR)**²². However the decision was taken on the basis of qualified majority voting and some states abstained or rejected the proposals outright.

The **Asylum and Migration Management Regulation (AMMR)**, if agreed, is likely to replace the contentious **Dublin Regulation** and will set out the new rules determining which Member State is responsible for the examination of an asylum application. Under the Dublin III Regulation, the Member State of first entry into the EU are responsible for examining the application. However, the AMMR recognises that no Member State should shoulder a disproportionate burden of responsibility and ensures that “*responsibility*” is shared and that all Member States should contribute to “*solidarity*” on a continual basis. A new solidarity mechanism was proposed which is predictable and workable and combines *mandatory solidarity with flexibility* for Member States regarding the choice of their individual contributions. The latter could include alternative measures of solidarity such as deployment of personnel or capacity building measures. Ministers agreed that a fixed minimum number of relocations from frontline Member States to states less exposed to such arrivals would be set at 30,000. While frontline states' demands for ‘mandatory relocation’ of migrants were rejected at the JHA Council, agreement was reached on a financial contribution of €20,000 which would be fixed for each migrant that a Member State declares it could not host²³. While *responsibility offsets* as a second-level solidarity measure would be an option also, a formula was agreed to determine capacity of a Member State based on *the number of irregular border crossings and refusals of entry over a three year period*.

Agreement was also reached at the JHA Council on 8 June on the **Asylum Procedure Regulation, (APR)**, which establishes a common procedure across the EU that Member States need to follow when people seek international protection and which streamlines the duration of the procedure, sets common standards and enumerates the rights of the asylum seeker. On returns, specifically, the position reached requires Member States show a ‘connection’ with the return country. It was also agreed that each Member State would have the discretion to decide which country of origin is ‘safe’ for migrants arriving at their borders to return to if their application for asylum has been rejected. A Member State's connection with a third country of return could be used by that Member State to return those migrants who were refused entry to the EU, to a country through which they transited.

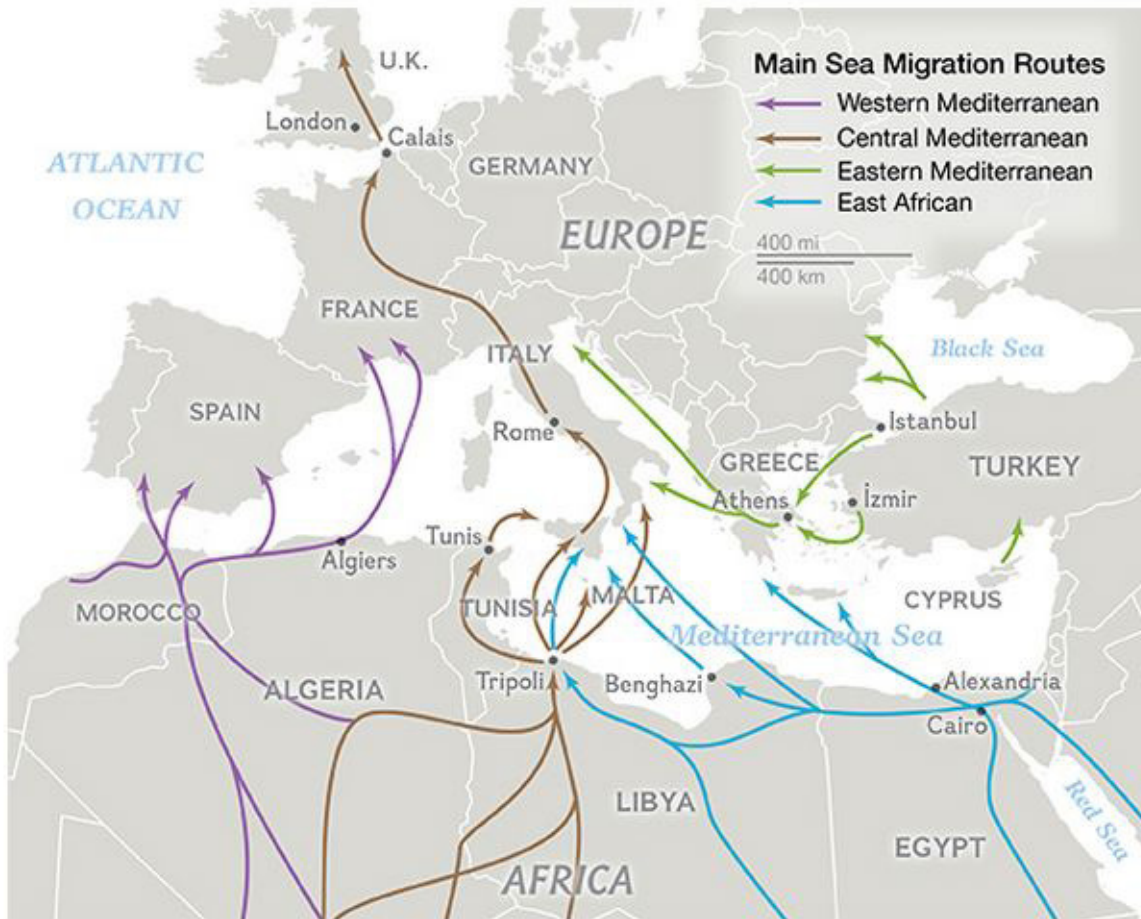
21. <https://www.politico.eu/article/italy-giorgia-meloni-assylum-seekers-eu-holds-migration-deal-hostage/>

22. <https://www.consilium.europa.eu/en/meetings/jha/2023/06/08-09/>

23. <https://www.euractiv.com/section/migration/news/eu-ministers-reach-historic-deal-on-migrant-relocation/>

6. Key Migratory Routes and the Action Plans

Mediterranean Sea Route



NG STAFF
SOURCES: MISSING MIGRANTS PROJECT, INTERNATIONAL ORGANIZATION FOR MIGRATION; UNHCR; I-MAP; REGIONAL MIXED MIGRATION SECRETARIAT

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In order to understand the reactions from the Commission and from individual Member States to the influx of migrants into the EU, it is worth noting the key migratory routes into the EU from third countries. Specific **Action Plans** have been developed by the Commission in response to the influx of migrants from these routes, while individual Member States have taken discretionary action themselves. According to IOM, nearly 90 percent of those who attempt to reach Europe by sea come from ten countries, in descending order by percentage: Syria, Afghanistan, Eritrea, Nigeria, Pakistan, Iraq, Somalia, Sudan, Gambia, and Bangladesh.²⁵

The Eastern European Route came to attention recently when thousands of migrants including *Iraqis, Afghans, Congolese and Syrians* were delivered to the borders of Belarus and Poland at the

24. <https://weblog.iom.int/worlds-congested-human-migration-routes-5-maps>

25. <https://weblog.iom.int/worlds-congested-human-migration-routes-5-maps>

behest of Aleksandr Lukashenko, President of Belarus, and instrumentalised with the intention of destabilising the EU²⁶.

The Central Mediterranean Route from Tunisia and Libya to Malta and Italy sees migrants predominantly from *Egypt, Bangladesh and Tunisia*.

The Eastern Mediterranean Route leads from Turkey to Greece, and is used mainly by Syrian refugees.

The Balkan Route is used by those migrants who have entered the EU through Greece or Romania.

The Western Mediterranean Route leads from Morocco to Spain and is used mainly by *Tunisians and Moroccans*.

The Atlantic route via the Canary Islands has been used by migrants from sub-Saharan Africa and Morocco.

The Council Conclusions stated that: “existing action plans for the Western Balkans and Central Mediterranean routes should be implemented. Action plans for the Atlantic, Western and Eastern Mediterranean routes should be presented by the Commission as a matter of priority, with a view to quickly alleviating the pressure on the Member States most affected and effectively preventing irregular arrivals”. The table below outlines the status of EU Action Plans.²⁷

In force	<ul style="list-style-type: none"> • EU Action Plan for the Central Mediterranean adopted on 21 November 2022 with 20 Actions: all either completed or ongoing • EU Action Plan on the Western Balkans adopted on 5 December 2022 with 20 Actions: all either completed or ongoing
Under Preparation	<ul style="list-style-type: none"> • EU Action Plan on the Eastern Mediterranean route: draft in preparation, political contact taken with Member States most concerned (launched on 9 March 2023) • EU Action Plan on the Atlantic and Western Mediterranean route: Commission presented this plan on 6 June 2023.

The Western Balkan route has been one of the main migratory paths into Europe and was the second most active route in the first four months of 2023, as reported by Frontex²⁸. Through Frontex, the presence of the EU in the Western Balkans is growing and was further expanded in April 2023 when **North Macedonia** became the fifth country outside of the EU to host a Frontex joint operation²⁹.

26. [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2022\)739204#:~:text=In%202021%2C%20Aleksandr%20Lukashenko's%20Belarusian,borders%20into%20the%20European%20Union.](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2022)739204#:~:text=In%202021%2C%20Aleksandr%20Lukashenko's%20Belarusian,borders%20into%20the%20European%20Union.)

27. <https://open.overheid.nl/documenten/oepr-7077797564d35c603570072232cf8aa2993331b2/pdf>

28. <https://frontex.europa.eu/media-centre/news/news-release/detections-in-central-mediterranean-at-record-level-xSzOka>

29. <https://frontex.europa.eu/media-centre/news/news-release/frontex-launches-joint-operation-in-north-macedonia-U4I3lv>

Border guards have been deployed under Frontex joint operations in **Albania, Montenegro, Serbia and Bosnia and Herzegovina**. According to Frontex, in situations requiring operational assistance, it is able to launch operations in countries neighbouring the EU, once a status agreement has been signed between the EU and that country, with Bulgaria and Frontex planning to also sign a Joint Action Plan on Return³⁰. The EU's policy for border management of migration has thus extended beyond the EU's own borders, through external action under these initiatives and plans.

Under the **EU's Action Plan for the Western Balkans**, in March 2023 **Pilot Projects for asylum and return procedures**³¹ were launched in Bulgaria and Romania. These pilot projects are expected to run for 6 months, finishing in September 2023. To support a more efficient returns process, Romania changed its legislation in May 2023 to allow for the issuing of a negative decision on international protection *together with* a return decision. In May 2023 Romania joined the Frontex Joint Reintegration Services programme, which provides reintegration support for returns.³²

As plans to increase returns have ramped up, human rights organisations and NGO's have criticised the EU's returns policies. According to MSF, this year, more than 4,200 people have already been forcibly taken back to Libya and 938 have lost their lives or are missing after risking the deadly route across the Central Mediterranean from Libya to Europe. This is the most lethal four-month period since 2017.³³

7. EU Borders and the Role of Frontex in External Action

In the February 2023 Council Conclusions, EU leaders affirmed full support for the European Border and Coast Guard Agency, Frontex, in delivering on its core task, which is to support Member States in protecting the external borders, fighting cross-border crime and stepping up returns. Frontex is based in Poland operates at the EU's Eastern borders. However, the role of Frontex now extends beyond the EU's borders, through the provision of joint operations with neighbouring states. While Frontex has been accused of human rights violations, the new Executive Director of Frontex, Hans Leijten, has said that supporting pushbacks, or illegally forcing migrants back across a border, along EU shores in the Aegean Sea at Greece's border with Turkey are now a remnant of the past³⁴.

There has been a considerable contrast between responses of Member States, as between the temporary protection directive for Ukrainian refugees which led to Poland's generous response in this regard, and its harsh response towards third country asylum seekers at the Polish border with Belarus, where it is building an eight foot high solid fence³⁵. Similarly, it is reported that Lithuania is installing a metal fence with razor wire along its 416 mile border with Belarus to counter what it sees as a systematic plan by President Lukashenko to destabilise its external borders³⁶. Lithuania has created a civilian force to support the border guards and adopted a new law in April 2023 which legalised the deportation of illegal migrants in cases of a large influx in emergency situations, and which allow

30. https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3132

31. https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3132

32. https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3132

33. <https://reliefweb.int/report/world/eu-leaders-continue-push-through-deadly-policies-migrants>

34. <https://www.infomigrants.net/en/post/47160/new-frontex-boss-vows-to-protect-human-rights>

35. <https://apnews.com/article/russia-ukraine-africa-poland-forests-middle-east-443c8068ea7b5d1d8f6980da6e3879af>

36. <https://www.bbc.com/news/world-europe-58163073>

border guards to expel migrants who have entered illegally³⁷. According to Viktor Ostornoj of the Lithuanian Red Cross, the state of emergency which was implemented first in 2021 to deal with short term crises risks becoming a new status quo.

On 30 January, Frontex deputy director, Uku Särekanno told MEPs that in 2023 Frontex will be spending around €100m for the return-related activities³⁸. Frontex also announced, in March 2023, a plan³⁹ to expand the agency's support in the area of returns with Greece including reinforced operational and technical support in voluntary and forced returns.

8. Counting the Cost of Weak Border Controls

Illegal border crossings into the EU soared by 64% in 2022 compared to the previous year, according to Frontex⁴⁰, and the issue of border control has long been one of the most contentious elements of the migration conversation at EU level and across the Member States. The EU has spent billions protecting its external borders. In the EU budget 2021-2027, the Commission proposed to almost triple funding for migration and border management to €34.9 billion, as compared to €13 billion in the previous period⁴¹. In a letter⁴² to Member States in 2023, European Commission President Ursula von der Leyen outlined that to further finance border control, €600 million has been made available to “support Member States with border control and technological equipment” that will be firstly used at the border between Bulgaria and Turkey, with an additional €220 million allocated to Turkey to “to prevent irregular migration flows at the Eastern borders”. The financial contributions foreseen in the proposed new solidarity mechanism of €20,000 per refusal to relocate a migrant will and has already fuelled a fiery debate in some Member States and is likely to be raised at the June 2023 European Council. Equally, the use of development funding for migration is not uncontentious.

Conclusion

If, as the EU's High Representative for Foreign Affairs and Security Policy, Josep Borrell, has stated, migration is a key element of the EU's foreign policy⁴³, to be successful, a balanced approach emphasising the notion of partnership is required. The nexus of migration and foreign policy is complex and the EU's use of external action policies to support the work on the Pact on Migration and Asylum has featured across its work in the months between European Council meetings. The new Pact replaces the Common European Asylum System, and the EU and its Member States are still in the process of negotiating the Pact. However, two key innovations in the Pact are that it provides a comprehensive common framework for better coherence, convergence and effectiveness in

37. https://www.lemonde.fr/en/europe/article/2023/04/22/lithuania-prepares-to-legalize-the-deportation-of-migrants_6023828_143.html

38. <https://euobserver.com/migration/156656>

39. <https://frontex.europa.eu/media-centre/news/news-release/frontex-executive-director-and-greek-officials-agree-on-cooperation-on-returns-iNUJcF>

40. <https://frontex.europa.eu/media-centre/news/news-release/eu-s-external-borders-in-2022-number-of-irregular-border-crossings-highest-since-2016-YsAZ29>

41. https://ec.europa.eu/commission/presscorner/detail/en/IP_18_4106

42. <https://www.statewatch.org/media/3785/eu-com-von-der-leyen-letter-migration-borders-progress-20-3-23.pdf>

43. https://www.eeas.europa.eu/eeas/migration-key-element-our-foreign-policy_en

managing migration and finds a balance between solidarity and responsibility which augurs well for a more humane discourse in respect of asylum and migration.

There is indeed a sense of urgency in completing the Pact before the deadline of early 2024, but also a sense that it needs to be done. Adoption of the Pact will not be the end but the beginning of the real work when a unified and comprehensive approach to EU migration policy is agreed. It is clear that not only does the EU need a joint internal approach, but that a coordinated external approach to working together with institutions such as the IOM and the UNHCR, the African Union, and in partnership with third countries is a crucial element of the EU response to migration.

On the basis that nothing is agreed until everything is agreed, Ireland has actively participated in the negotiations on the Pact. As Ireland is not automatically bound by these measures, in accordance with Protocol 21 to the Treaty on the Functioning of the European Union (TFEU), it has not yet exercised its opt-in. However, it has committed to participating in Protocol 21 measures to the maximum extent possible and may therefore opt-in once the Pact is formally adopted.

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