

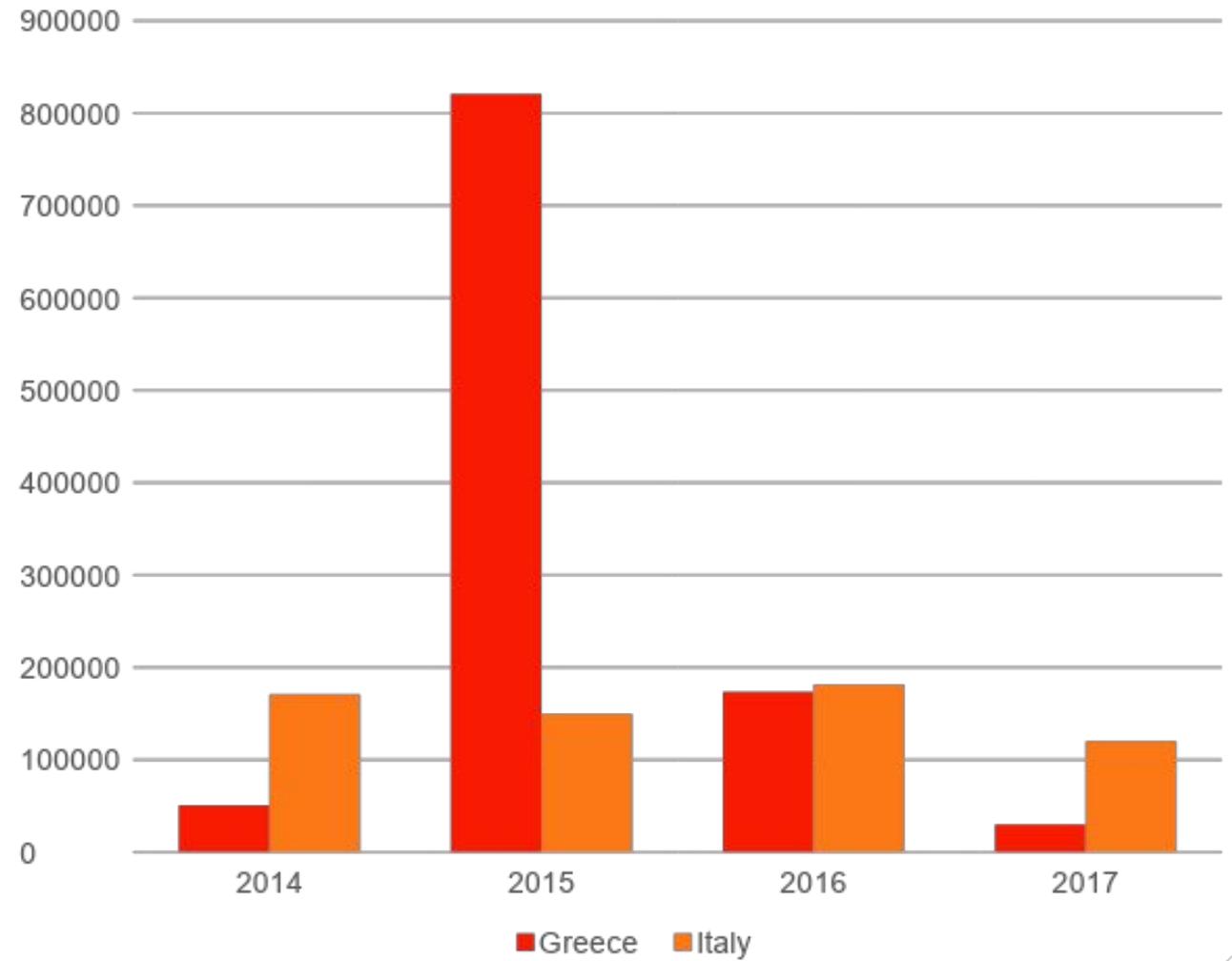
# The New Pact on Migration and Asylum

Report of the training session of 27 February 2021

Forum Per Cambiare l'Ordine delle Cose

# Context

## Arrivals 2014 - 2017



# Context

- **Until 2020: The EU does not take any major action – it monitors migratory fluxes and copes with crises by avoiding sweeping reforms that would not receive support from Member States.**
- **During the so-called crisis of 2015, when a huge number of asylum seekers arrived on European shores, the EU avoided overarching reforms and took instead a more pragmatic approach: thanks to agreements with third countries, it sought to keep migrants outside Europe.**

# External actions

## First front: border externalisation

Through informal and not-so-transparent agreements, concluded by the Member States collectively or bilaterally, the EU tried to block migrants before they could embark for Europe and asked third countries to «keep them» or to take them back after the pushbacks...

- **EU-Turkey Agreement of 2016**
- **Italy-Libya Agreement of 2017**
- **Spain-Morocco Agreement of 2018 2019**

Member States also sought an agreement with Senegal, which is the main country of departure along the Atlantic route.

## External actions

### Second front: migrants as hostage of relocation

In Italy, especially in the past two years, there has been an increasing pressure to redistribute migrants across other Member States. This redistribution consists in physically blocking the ships that rescue migrants and using them as a bargaining chip to relocate migrants.

# Internal actions

## Suspension of internal free movement

In the absence of effective and consistent policies that could absorb the flows of 2015, the EU failed to agree on a framework capable of ensuring the right to asylum for incoming migrants. Internal borders started to close, Schengen was put into question ... Member States re-imposed border checks and opposed solidarity measures.

2020  
the year of  
*momentum*

In Greece, the situation of migrants held on the islands, which became Hotspots for detention, was deteriorating.

According to data from early 2020, the population in the camps in Lesbos, Chios, Samos, Kos and Leros was approximately 37,000, while the facilities had a total capacity of only 6,095.

The population in the camps has extremely limited access to water, toilets and showers.

People have to wait in line for hours to eat, while living in tents or precarious containers without heating.

2020  
the year of  
*momentum*

### Moria camp burns in September 2020

The fires that ravaged the Moria refugee camp left thousands of people stranded, with limited access to essential services such as water, food and medical care. At the time of the fire, the population of Moria camp was 12,500, despite an official capacity of less than 3,000. Sanitation facilities were scarce, medical care inadequate, and overcrowding made it impossible to comply with hygiene standards and other preventive measures, such as social distancing. In the weeks before the fire, several people in the camp tested positive for Covid-19, raising fears for collective health.

2020  
*l'anno del  
momentum*

In office since 1 December 2019, the von der Leyen Commission is Europe's "broad-minded" Commission.

Among its objectives, it proposes a working group called "Promoting our European Way of Life", chaired by a member of the European People's Party, the Greek Margaritis Schinas, whose Commissioner for Home Affairs and Security is the Swedish Social Democrat Ylva Johansson. The aim of this working group is to "protect and fight for justice and the fundamental values of the EU", which in terms of migration management means an "approach ... that presupposes solid borders, the modernisation of the EU asylum system and cooperation with partner countries".

2020  
the year of  
*momentum*

## The New Pact on Migration and Asylum

One of the activities of the working group "Promoting our European Way of Life" is the realisation of the New Pact on Migration and Asylum, presented in the form of a communication, which in the view of the European Commission must be characterised by a sustainable and fair global approach in order to "strengthen confidence through more effective procedures and find a new balance between responsibility and solidarity"... a new beginning...

# The New Pact a house with three floors

## First floor

The first floor refers to the external dimension of migration policy, based on the experiences of bilateral agreements. The aim is to create partnerships that “satisfy both sides”: Europe and third countries situated along migratory routes. The key words are “returns” and “alternative legal pathways”.

# The New Pact a house with three floors

## Second floor

The second floor refers to the management of external borders and aims at making borders more efficient. In this respect, the Commission tabled proposals for a Screening Regulation and amended Procedures Regulation, which are based on a legal fiction. In other words: if an irregular migrant arrives on European territory, she is not automatically admitted to Europe, but "must deserve it" after undergoing a screening assessing aspects of security, health, and identity that lasts 5 days!

1. If admitted she can access the ordinary procedure;
2. If she is not admitted, she has to undergo a border procedure, during which she is detained in border centres and her asylum application is assessed in an "accelerated and summary" way. If the result is negative, she is redirected to the "return procedure". All this can last for a total of 24 weeks.

# The New Pact a house with three floors

## Third floor

The third floor concerns the introduction of “strict but fair” internal rules on cooperation between countries, based on a mechanism of “compulsory but flexible solidarity”. This cooperation:

- is constant (the Commission analyses the flows and determines solidarity contributions, which can be provided by Member countries with different options: relocation of asylum seekers on their own territory, return sponsorship\*, or other measures of capacity-building in support of frontline states);
- also concerns rescue at sea, as the Commission will attempt to evaluate in advance the number of arrivals for a given period and determine the solidarity contributions of each state on the basis of such anticipated needs;
- is immediate in case of crisis, as it is automatically activated in case of massive inflow, with interventions aimed at supporting a member state in difficulty with relocations and sponsored returns;

\*The return sponsorship applies when a Member State decides to finance the return of irregular migrants present on the territory of a border state instead of physically admitting an asylum seeker from that state; the time limit to carry out the return is 8 months.

## Regulatory proposals

To implement these policies, the Commission has presented

**5 proposals for regulation**, which would therefore immediately become binding legal acts if approved through the ordinary legislative procedure. Of these:

**2 are proposals for regulation** that amend previous Commission proposals (one concerning Asylum Procedures and one concerning the Eurodac), which were presented in 2016 but never adopted;

**3 are new proposals**: one concerning the introduction of a mechanism for the screening of third-country nationals at the EU's external borders, one concerning situations of crisis and force majeure, and one concerning the management of asylum and migration. The last one contains amendments to the current Dublin III Regulation as well as new provisions relating to solidarity and asylum governance.

## Regulatory proposals

The Commission also tabled **3 recommendations**, which are not therefore binding. These are:

- Recommendation to activate a mechanism for the cooperation between Member States, institutions, and EU agencies during the preparations for or the management of a crisis situation (“Migration preparedness and crisis blueprint”);
- Recommendation to step up cooperation between Member States with respect to the search and rescue operations of private actors at sea;
- Recommendation to Member States to step up the efforts to provide regular entry pathways to their territory.

# Regulatory proposals

**Guidance** on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence, in which the Commission essentially invites Member States not to criminalise humanitarian actors;

**1 roadmap** with the timeline of the working plan, with deadlines in mid-2021 for all the most important aspects.

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