

# The upcoming New Pact on Migration and Asylum: Will it be up to the challenge?

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# Table of contents

<b>Executive summary</b>	<b>3</b>
<b>Introduction</b>	<b>4</b>
<b>1. State of play: The New Pact, interrupted</b>	<b>4</b>
<b>2. Before the Pact: Where consensus can(not) be found</b>	<b>5</b>
<b>3. Watered-down ambitions: What we know about the New Pact</b>	<b>6</b>
3.1 Returns and border management at centre stage	6
3.2 Border procedures	6
3.3 Mandatory flexible solidarity	7
<b>4. What we need: A more ambitious agenda for the future migration policy</b>	<b>8</b>
<b>Endnotes</b>	<b>11</b>

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# Executive summary

A courageous and ambitious New Pact on Migration and Asylum is one that strengthens the right to asylum; sets the conditions for more equal relationships with third countries when it comes to managing migration; and puts forward a mechanism that can foster genuine solidarity between member states.

When the new Commission entered into office in December 2019, it promised a fresh start on migration. President Ursula von der Leyen pledged to deliver a 'New Pact' which would break the deadlock between member states on long-awaited reforms, striking a more equitable balance between solidarity and responsibility.

Unfortunately, based on a range of leaked papers and official (draft) documents that have been circulating since late 2019, it seems that the Commission may opt to reduce the New Pact to a collection of watered-down compromises on responsibility-sharing. It also appears to be doubling down on control-oriented measures.

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**A different approach is needed to set up an EU asylum and migration policy that is efficient, respects asylum seekers' fundamental rights and can prevent and address future humanitarian emergencies.**

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This Discussion Paper argues that a different approach is needed to set up an EU asylum and migration policy that is efficient, respects asylum seekers' fundamental rights and can prevent and meaningfully address future humanitarian emergencies. It examines the persistent divisions among European countries that the Commission must overcome and provides concrete recommendations on how it can advance an ambitious agenda that is fit for these uncertain times, particularly on responsibility-sharing, asylum procedures, and the external dimension of migration policies:

- ▶ Firstly, this Discussion Paper calls on the European Commission to put forward a mechanism for meaningful solidarity between member states. To prevent humanitarian emergencies, this mechanism must ensure the prompt relocation of all those in need from countries of first arrival. Although a degree of flexibility in solidarity contributions may help to forge consensus, the Commission should ensure that individual contributions are systematic, needs-based and implemented in practice.
- ▶ Secondly, the New Pact should prioritise strengthening the right to asylum. Procedural

safeguards should be reinforced, and financial resources and operational support should be invested in the regular asylum process to improve the efficiency of the Common European Asylum System. The border instrument currently under discussion may fail to improve the efficiency of asylum processes, and put asylum seekers unnecessarily at risk.

- ▶ Thirdly and finally, the New Pact should promote a more holistic and sustainable relationship with third countries. This means minimising the use of conditionality, preventing return and readmission from dominating the agenda, increasing and implementing resettlement commitments, and promoting the development of legal pathways.

The COVID-19 outbreak has already forced the Commission to postpone the publication of the New Pact on Migration and Asylum. At the same time, tensions on the EU's external borders, together with member states' go-at-it-alone approaches to the coronavirus, have further exposed long-standing structural weaknesses in European asylum and migration systems. The question of whether or not the New Pact can deliver a migration and asylum policy that is acceptable to member states and, at the same time, fit for the challenges the EU is currently facing is now all the more pressing.

# Introduction

When the von der Leyen Commission took office in December 2019, it voiced a strong ambition to reshape European migration policy through a New Pact on Migration and Asylum.<sup>1</sup> The European Commission's goal is to forge a new consensus after conflicting positions between member states and among EU institutions blocked the reform of the Common European Asylum System (CEAS) for the past four years.

The planned publication of the Pact has been postponed due to the COVID-19 pandemic. However, as discussions progressed, it has become clear that divisions persist on several files, including most notably the reform of the Dublin system. By contrast, increasing the number of returns and strengthening external borders remain a shared priority for most member states and are high in the Commission's agenda. This has raised concerns that the Pact will focus on lowest-common-denominator compromises, and that consensus may come at the cost of an ambitious and humane migration and asylum policy.

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## Consensus may come at the cost of an ambitious and humane migration and asylum policy.

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Meanwhile, continuous tensions at the border between Greece and Turkey and the outbreak of COVID-19 in Europe in March 2020 put further pressure on the Commission to come up with effective EU responses in

the area of migration management. Both emergencies have exacerbated shortcomings of the Union's asylum system that have not been systematically addressed in the past. The unsustainable situation in the Greek islands is a case in point. Long-term thinking and ambitious reforms are necessary if the EU is to rise to the test.

The Commission should deliver a New Pact that is fit for these uncertain times. Firstly, it should include a mechanism for meaningful solidarity between member states to enable effective relocations and prevent humanitarian emergencies in the future. Secondly, the Commission should use the New Pact to reinforce the right to asylum while minimising detention. Finally, the EU's external migration policy must be recalibrated to reduce the emphasis on returns and border management. The Commission should take a more holistic approach and strengthen resettlement and other legal pathways. Otherwise, the EU may harm its relations with third countries.

This Discussion Paper begins by outlining the state of play from December 2019 onwards, when the Commission started developing its approach to the New Pact. The Paper highlights the challenges in meeting the Commission's objective of building consensus between member states. In the second part, the Paper lays out the compromises the Commission appeared set to adopt in hopes of securing the greatest possible support for the New Pact. Finally, this Paper calls on both the Commission and member states to learn the lessons from the most recent developments at the Greece-Turkey border and the COVID-19 pandemic. As these crises have shown, the EU needs a more ambitious migration and asylum agenda.

## 1. State of play: The New Pact, interrupted

Since the new European Commission took office in December, Vice-President Margaritis Schinas and Commissioner for Home Affairs Ylva Johansson have toured European capitals to discuss and overcome member states' conflicting positions on EU migration policy. This consensus-building exercise is no easy task: a series of leaked position papers from the past months indicate that important disagreements between member states are ongoing.<sup>2</sup>

The turning point for the Commission's cautious consensus-building occurred in March 2020. Tensions at the border between Greece and Turkey, coupled with the outbreak of the pandemic across Europe, have risen, rightly, to the top of the Commission's agenda. However, they also showcase the need for profound changes to the current migration and asylum policy.

On 27 February, President Recep Tayyip Erdoğan stated that Turkey would start letting migrants enter the EU unhindered, thus breaching the EU-Turkey Statement. In the following days, over 13,000 people arrived at the border with Greece, although the vast majority were prevented from entering. Greece responded by closing its borders with strong operational and political support from the EU. It also suspended the right to asylum, for one month<sup>3</sup> – a violation of international law that EU officials were reluctant to condemn.<sup>4</sup>

By April, almost all migrants had left the border area, Turkey had reversed its course as diplomatic discussions resumed, and the EU had launched further efforts to aid the relocation of unaccompanied minors from Greece. However, the developments in early March raised concerns about the EU's willingness to tolerate



human rights violations in the name of effective border management, and about the future of cooperation with Turkey and third countries more generally.

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## The present challenges point to structural weaknesses in the EU's migration and asylum policies that must be addressed as a matter of urgency.

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Meanwhile, in March, the coronavirus pandemic accelerated in Europe. Following the outbreak of COVID-19 in Europe, 17 Schengen countries have reintroduced internal border checks and imposed strict restrictions on free movement.<sup>5</sup> The external borders of the EU were also closed, with many third countries around the world following suit.<sup>6</sup> These measures are having a spillover effect on European migration and

asylum policy. Planned relocations from overcrowded and makeshift camps that lack medical facilities have become even more urgent, yet face further delays.<sup>7</sup> Several member states have suspended their asylum processes and closed their ports to migrants rescued at sea.<sup>8</sup> Returns from Europe have been all but suspended. Global resettlements of vulnerable refugees are coming to a halt, as are opportunities to reach the EU safely.<sup>9</sup>

The impact of both crises on the New Pact will be substantial. Content-wise, discussions on the future of the Schengen Borders Code, responsibility-sharing over asylum seekers and external border management have been burst wide open. The Pact's publication may also have to wait some time, as the political energy is currently focused elsewhere. Nevertheless, the present challenges point to structural weaknesses in the EU's migration and asylum policies that must be addressed as a matter of urgency. As such, it is useful to take stock of where the Commission and the New Pact stood before these two crises broke out, and what the Commission's starting position is likely to be as it responds to these new challenges.

## 2. Before the Pact: Where consensus can(not) be found

Before March 2020, talks on the New Pact were primarily focused on three elements of the European Commission's future agenda: (i) the Dublin system; (ii) border procedures; and (iii) cooperation with third countries on migration management.

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### Most countries agree that the Dublin Regulation creates "clear imbalances" and must be abandoned.

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To begin with, the largest stumbling block remains **the Dublin system** and, more specifically, the allocation of responsibility for asylum seekers across EU states. Most countries agree that the Dublin Regulation 604/2013 creates "clear imbalances" and must be abandoned.<sup>10</sup> However, they disagree over the need for a mandatory relocation scheme. On the one hand, Austria and Eastern European states continue to fervently oppose any mandatory quotas and demand a system that is premised on 'alternative forms' of solidarity instead.<sup>11</sup> On the other hand, certain Western and Southern European states like Luxembourg, the Netherlands and Greece have long insisted on an EU-wide system of mandatory redistributions.<sup>12</sup> In a joint letter to the

Commission in April 2020, Italy, France, Germany and Spain advocated for a near-mandatory model of relocations.<sup>13</sup> In a non-paper leaked shortly afterwards, Spain, Italy, Greece, Malta and Cyprus similarly called for a "mandatory system providing for a fair and rapid distribution of asylum seekers arriving irregularly to the EU", based on pre-determined distribution criteria.<sup>14</sup>

**Border procedures** are the second point of contention. In a non-paper published last autumn, Germany's Interior Ministry called for mandatory initial screenings of asylum seekers at the EU's external borders.<sup>15</sup> Under this proposal, asylum seekers with manifestly unfounded applications would be denied entry into the EU and swiftly returned to third countries. France supported this proposal.<sup>16</sup> However, Southern European states, whose asylum systems are already stretched to the limit, have strongly opposed mandatory assessments at the border. They argued that this system would be too inflexible, require considerable staff and resources, and could lead to long periods of mass detention.<sup>17</sup>

This position may be shifting, nevertheless. The two non-papers from April 2020 indicate that some Southern European states are in favour of more restrictive asylum processes and pre-screenings at the border.<sup>18</sup>

By contrast, **control-oriented policies** limiting migration along the external dimension have proven less controversial. The response by European governments and institutions to the developments at the Greece-

Turkey border has once again displayed the collective support for stronger external borders. Increasing returns is a second area of consensus among member states. Leaked documents have made it clear that a strong majority supports using all possible means that they support using all possible forms of conditionality, such as visas, development aid and trade, to secure

cooperation from third countries, especially in readmitting migrants.<sup>19</sup> Recent policy developments – such as the expansion of the European Border and Coast Guard Agency (Frontex) – and the speed at which these reforms were agreed on point to a consolidated trend towards control-oriented measures.

### 3. Watered-down ambitions: What we know about the New Pact

Although member states might change their stated positions as developments continue to unfold, it appears that so far, consensus can only be found on more control-oriented measures and watered-down forms of solidarity. Leaked documents and media comments indicate that the Commission has considered compromising on commitments to responsibility-sharing.<sup>22</sup> In addition, the new European Commission stated its support for strong external borders and a “more robust system of readmission and return.”<sup>20</sup> Recent interviews by the Commissioner for Home Affairs following her tour of European capitals confirm the Commission’s intention to pay “much more attention to effective returns” than in the past.<sup>21</sup>

This control-oriented focus and the possible compromise on a minimum degree of responsibility-sharing raise the questions of if and how the reformed CEAS could address current and future challenges effectively, in compliance with EU values and law. The approach that the Commission seemed set to adopt on the three points discussed above – the external border and returns, border procedures and Dublin Regulation – is discussed below, while acknowledging that these proposals are not final.

#### 3.1 RETURNS AND BORDER MANAGEMENT AT CENTRE STAGE

Firstly, as things stood, the Pact was set to reaffirm the importance of the external dimension of migration policy over the internal dimension. It is still expected to reflect member states’ wide support for **greater cooperation with third countries on migration management**. However, EU funding and cooperation efforts will likely focus on limiting spontaneous arrivals and increasing returns – both of which remain priorities of the Commission and member states. Comparatively, strengthening safe channels, boosting resettlement or prioritising development goals – as international organisations have called for and the Commission had initially committed to do – find little mention in working documents and official statements.

This overemphasis on strengthening border controls and increasing returns is misplaced. The EU’s push to

accelerate returns has, so far, come hand in hand with reduced accountability and safeguards over how such returns are carried out. This increases the risk of people being sent back to dangerous conditions.<sup>23</sup>

In addition, the growing use of conditionality to accelerate returns may harm the Union’s relations with third countries. These have long been frustrated with the EU’s approach to cooperation and its imposition of a migration agenda over their own priorities, such as development projects, legal pathways and remittances. African diplomats have reported feeling pressured and undermined by the EU’s use of conditionality.<sup>24</sup> As such, EU pressure in this area may be counterproductive and is likely to undermine its ambition of forging sustainable, long-term partnerships.

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**The overemphasis on strengthening border controls and increasing returns is misplaced.**

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Conditionality may also compromise the effectiveness of policies that are made subsidiary to migration management, such as development aid or resettlement. Efforts in these policy areas risk being diverted from countries where they are most needed or most effective, to those with the highest migration relevance.<sup>25</sup> For example, development funds were often redirected to key countries of origin or transit under the EU Emergency Trust Fund for Africa.<sup>26</sup>

#### 3.2 BORDER PROCEDURES

Secondly, following Germany’s recommendation, the Commission may propose **mandatory screenings at the border** to increase the efficiency of the CEAS. Although references to the so-called border instrument remain vague, the objective would be to channel applicants into fast-track asylum procedures or swift return procedures.

This may involve pre-screening and triaging individuals based on their likelihood of obtaining asylum, an accelerated border procedure for all applicants or a combination of both. This first step in the asylum process could be linked to a common list of safe third countries. Asylum seekers coming from or transiting through countries with low recognition rates would be subject to this procedure. In their letter to the Commission, France, Germany, Italy and Spain have also called for an extended catalogue of clauses to declare applications inadmissible.<sup>2</sup>

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### **Accelerated procedures increase the possibility of applicants being wrongly denied asylum.**

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This border instrument could limit the number of arrivals and thus help secure wider participation in relocation efforts. To avoid increasing pressures on asylum systems and ease Southern European states' concerns, it could be set off only in specific circumstances. However, accelerated procedures increase the possibility of applicants being wrongly denied asylum. Combined with reduced procedural safeguards and legal remedies, the border instrument may lead to added risks of refoulement.<sup>28</sup> This raises the question: would such measures be proposed to make the CEAS more efficient, or to allow national governments to evade their obligations under international law and limit access to asylum further?

More concretely, there is no hard evidence that fast-track procedures increase efficiency.<sup>29</sup> In some cases, accelerated procedures may lead to further delays, as more decisions are legally challenged and go to appeal. Complex cases would still require a thorough evaluation. In addition, many migrants arrive without identity documents, preventing them from being channelled into different procedures.<sup>30</sup> In a context where asylum systems at the external borders are understaffed and overburdened, the proposed instrument might create new bottlenecks instead of a more resilient system.<sup>31</sup>

### **3.3 MANDATORY FLEXIBLE SOLIDARITY**

Thirdly, concerning **the Dublin Regulation**, Commission Vice-President Schinas announced in February 2020 that the Commission's proposed revision of the Regulation is no longer on the table.<sup>32</sup> This has opened questions on the kind of proposals that are likely to replace it. Following the German lead, the Commission may propose a compromise consisting of 'mandatory flexible solidarity'.

Schinas has used the metaphor of baskets to describe this approach.<sup>33</sup> Some member states would provide

financial resources, thus filling one basket, while others would contribute to other baskets, for example, by hosting asylum seekers. Alternatively, member states may provide operational support, for instance, in border control or return operations. All states would have to contribute in some way – but, crucially, not necessarily through mandatory relocations. Responsibility itself would be a basket, and member states would be expected to fulfil their obligations to benefit from the different forms of 'flexible solidarity'.

Although concrete details about this approach remain unknown, some questions can be raised already. Depending on the degree of flexibility on offer, the Commission may struggle to secure support from different states for this basket approach. Eastern European states may oppose a scheme that coerces them into contributing to relocations. This proved controversial in the context of the 2015 temporary relocation scheme, with which the Czech Republic, Hungary and Poland refused to comply.

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### **The Commission may struggle to secure support from different states for the basket approach.**

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Greece and other countries of first entry may conversely reject a voluntary proposal due to fears that voluntary relocations would fail to address their needs. These concerns led Mediterranean states to reject previous attempts to morph relocations into 'effective (flexible) solidarity', such as those led by the Slovakian Council Presidency in 2016.<sup>34</sup>

The current humanitarian emergency in Greece will make these countries' case against voluntary contributions and in favour of mandatory relocations stronger. Despite the severity and long duration of the Greek reception crisis and widespread calls for member states to relocate unaccompanied minors, only a few states have, so far, agreed to do so.<sup>35</sup>

If the Commission decides to move forward with a mandatory flexible solidarity model, it will have to carefully weigh the preferences of member states against the need to ensure that individual contributions make up the necessary total to make the CEAS sustainable, both in the short and long run. This raises the question of how a basket system, whereby states have the freedom to choose how to contribute, could address unforeseeable rises in arrivals or future humanitarian emergencies. A strong safety net – states committing to raise their contributions quickly if arrivals were to increase drastically – would be necessary. The possibility of such a safety net is currently under discussion.

Furthermore, the Commission's apparent acceptance of operational support as a self-standing 'solidarity' option is also problematic as a matter of principle. Considering contributions towards return operations or border management as a form of solidarity requires some

mental contortions. Conversely, assisting those in need of protection in line with member states' international obligations becomes a discretionary choice. This would shift the focus of the EU's asylum and reception system away from providing asylum and towards exclusion.

## 4. What we need: A more ambitious agenda for the future migration policy

After years of legislative and political stagnation, persistent divisions may push the European Commission to present a New Pact that reflects, first and foremost, member states' concerns and interests. Seeking a compromise on the Dublin system and border procedures while increasing returns may help to break the political deadlock. However, it raises concerns that the Commission's future initiatives will boil down to the lowest common denominator acceptable to member states. This casts doubt on the Commission's stated intention to deliver a migration and asylum system which is "more effective" and, at the same time, "more humane".<sup>36</sup>

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**The Commission should provide strong leadership, innovative thinking and bold solutions for these uncertain times.**

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The humanitarian emergency at the Greek borders and the COVID-19 pandemic render the need for long-term and sustainable migration and asylum policies more apparent than ever. Neither short-term, control-oriented thinking nor the watered-down compromises that seem likely to make up the bulk of the New Pact will provide an answer to these and future challenges. Instead, the Commission should provide strong leadership, innovative thinking and bold solutions for these uncertain times. It should seize this longer window of opportunity and the new momentum to put forward an ambitious agenda, while also learning the lessons from the tumultuous months of early 2020. Member states, too, should be open to reconsidering past, entrenched positions in the face of new challenges.

### RECOMMENDATION 1

The first lesson is **the importance of solidarity**. The need for coordinated responses to emergencies has never been clearer. In Greece, COVID-19 has put the pre-existing humanitarian emergency on fast-forward. Voluntary efforts to relocate vulnerable unaccompanied minors from Greece are welcome. Nevertheless, the

support offered barely makes a dent on the scale of the challenge. Seven weeks after the Commission announced its initiative on relocations from Greece in early March 2020, only 59 unaccompanied children have been relocated, to Luxembourg and Germany, out of initial pledges of 1,600. Nearly 40,000 refugees and asylum seekers remain in the Aegean Islands as of mid-April 2020.<sup>37</sup> Relocations from the Greek islands should have taken place months, if not years, earlier.

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**The Commission's priority should be to develop structural mechanisms that can address and prevent future humanitarian emergencies.**

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The Commission's priority at this time should be to develop structural mechanisms that can address and prevent future humanitarian emergencies, even if a few member states find them less appealing. The Commission cannot overlook its role in upholding the principles of international protection and solidarity, as enshrined in the EU Treaties.<sup>38</sup> A degree of flexibility in responsibility-sharing could be made to work. However, it then must provide several minimum guarantees:

- ▶ Member states' solidarity contributions must be systematic. The CEAS must ensure the prompt relocation of all those in need based on predetermined allocation keys. As experience has shown, **a system that relies on voluntary pledges exclusively** would cause unnecessary delays and **would be unable to respond to the full scale of the challenges** faced by countries of first arrival.
- ▶ **Awarding flexibility to member states should not lead to policy areas being under- or overfunded** across the board. For example, if states exclusively or predominantly direct their operational and financial support to return or border management rather than asylum or reception systems, the priority would shift further towards control-oriented measures.<sup>39</sup> It would also disregard the needs of asylum seekers and refugees who have already reached the EU.



- ▶ **Solidarity should be enforceable** to prevent initial commitments from becoming a dead letter, be it concerning relocations or contributions in other areas. Lengthy infringement procedures against states that refuse to fulfil their initial pledges may not provide enough redress. This was illustrated by the ruling of the Court of Justice of the European Union (CJEU) against Poland, Hungary and the Czech Republic for refusing to take part in the 2015 temporary relocation mechanism. On 2 April 2020, the CJEU held that this constituted a violation of EU law.<sup>40</sup> This ruling has been widely praised. However, it came much too late – almost five years after the original decision and after the end of the relocation mechanism, meaning that its practical effects in securing compliance may be limited. Against this background, the Commission may need to explore and be open to alternative methods of ensuring compliance.
- ▶ Finally, in line with widespread calls to prioritise the relocation of unaccompanied minors and other vulnerable applicants, **the Commission should secure priority mandatory relocation quotas for persons at high-risk.**<sup>41</sup> Regardless of the solidarity model proposed, unaccompanied minors and other vulnerable migrants – for example, victims of torture or migrants with health conditions – should be swiftly redistributed across states, with guarantees for their adequate reception.

## RECOMMENDATION 2

The second lesson learnt is that the New Pact must strengthen **the right to asylum**. Tackling the backlog of asylum applications and improving the efficiency of the CEAS is a worthwhile goal of both the Commission and member states. However, due to the lack of concrete proposals regarding the border procedure, it is unclear how it could guarantee greater efficiency. By contrast, the proposed border instrument could exacerbate the dangers faced by asylum seekers stuck in border areas, and risks compromising the fair assessment of asylum claims.

### The proposed border instrument could exacerbate the dangers asylum seekers face.

- ▶ **The Commission ought to strengthen procedural guarantees and not provide member states with opportunities to bypass their obligations under EU and international law.** This entails ensuring that adequate safeguards – including the right to appeal, the suspensive effect of these appeals and standards

to ensure appropriate asylum interviews – apply to all asylum seekers, regardless of their country of origin or transit.

- ▶ In order to address widespread concerns over efficiency, **financial resources and operational support should be invested in accelerating the regular asylum process** without undermining procedural fairness.

The border instrument is especially concerning in the context of COVID-19. In response to the pandemic, several states have suspended asylum processes or raised substantial obstacles to accessing protection. This renders the Commission's defence of the right to asylum especially urgent. At the same time, the COVID-19 crisis has shone a light on the vulnerabilities of detained migrants: the border procedure may only make this worse by drastically expanding detention.

## RECOMMENDATION 3

Third, the New Pact must correct the imbalances in the EU's priorities along the external dimension. The Commission and member states both continue to reiterate their commitment to a comprehensive approach to migration. However, their **policies reflect an overemphasis on returns and migration control at the cost of legal pathways** and support to refugees and displaced people in third countries.

### The New Pact must correct the imbalances in the EU's priorities along the external dimension.

- ▶ The short-sighted emphasis on border management and returns – and the use of conditionality to strengthen them – is harming the EU's relations with third countries. The New Pact should instead **consolidate the interests the EU shares with its neighbours** and live up to its rhetoric of building “a true partnership of equals” with developing regions.<sup>42</sup>
- ▶ In practice, this means getting serious about **increasing resettlement places and establishing legal pathways**, while ensuring that development aid is used effectively to promote development – not reduce arrivals.

The humanitarian emergency at the Greek borders and particularly the outbreak of the COVID-19 pandemic in March 2020 will, in one way or another, be a turning point for the Commission's approach to the New Pact. Whereas initial reports suggested that the Commission would propose a series of pragmatic compromises

focusing on control-oriented proposals and watered-down forms of responsibility-sharing, recent developments show that they would fail to rise to the test. Both the Commission and member states will need to re-evaluate their positions.

If there ever was a time for leadership and long-term thinking, it is now. European citizens are looking to the institutions for concrete initiatives and responses to current challenges. With the New Pact, the Commission must show political courage and the willingness to take the road less travelled. If, instead, it follows the path set by member states' inflexibility, it will have squandered this time.

- <sup>1</sup> von der Leyen, Ursula, [Political Guidelines for the next European Commission 2019-2024](#), Brussels: European Commission, 16 July 2019a, p.15.
- <sup>2</sup> This paper is informed by several national position papers, and non-papers issued or leaked in late 2019 and early 2020. See Statewatch (2020a), ["Letter to Commissioners Schinas and Johansson"](#); London; Statewatch (2020b), ["Non-paper on the reform of the Common European Asylum System in the perspective of an EU migration and asylum policy"](#); London; Statewatch (2019), ["Food for Thought: Outline for Reorienting the Common European Asylum System"](#); London; "Refondation de l'espace Schengen" (confidential, on file with the authors); "A Schengen Area that is Safe, Dependable and Ready for the Future" (confidential, on file with the authors); Council of the European Union (2019), [Policies and Tools to Enhance Readmission Cooperation – Presidency Discussion Paper](#), 13190/19, Brussels; *Ekathimerini*, ["Greek Position on EU Migration Pact"](#), 04 February 2020; ANA-MPA, ["Koumoutsakos Tables Migration Returns Proposal at Justice & Home Affairs Council in Brussels"](#), 02 December 2019. For a broader discussion on the contents of these documents and member states' positions on future EU migration and asylum policy, see Chapter 2 of Lücke, Matthias; Olivia Sundberg Diez; Leonie Jegen and Franzisca Zanker (2020), ["2020 MEDAM Assessment Report on Asylum and Migration Policies in Europe. European and African Perspectives on asylum and migration policy: Seeking common ground"](#); Kiel: Mercator Dialogue on Asylum and Migration.
- <sup>3</sup> President of the Hellenic Republic (2020), ["Act of Legislative Content: Suspension of the submission of asylum applications"](#), Athens. See also an [unofficial English translation](#).
- <sup>4</sup> See von der Leyen, Ursula, [Remarks by President von der Leyen at the joint press conference with Kyriakos Mitsotakis, Prime Minister of Greece, Andrej Plenković, Prime Minister of Croatia, President Sassoli and President Michel](#), Kastanies, 03 March 2020.
- <sup>5</sup> See [European Commission](#), ["Notifications of the Temporary Reintroduction of Border Control"](#) (accessed 17 April 2020).
- <sup>6</sup> See European Council, [Conclusions by the President of the European Council following the video conference with members of the European Council on COVID-19](#), 17 March 2020.
- <sup>7</sup> Rankin, Jennifer and Helena Smith, ["EU urged to evacuate asylum seekers from cramped Greek island camps"](#), *The Guardian*, 24 March 2020.
- <sup>8</sup> European Council on Refugees and Exiles (2020), ["Information Sheet 8 April 2020: COVID-19 measures related to asylum and migration across Europe"](#), Brussels.
- <sup>9</sup> United Nations High Commissioner for Refugees, ["IOM, UNHCR announce temporary suspension of resettlement travel for refugees"](#), Geneva, 17 March 2020.
- <sup>10</sup> Statewatch (2019), *op.cit.*, p.1.
- <sup>11</sup> *Hungary Journal*, ["Szijarto: V4 Expects New EC to Speed up EU Enlargement"](#), 02 December 2019.
- <sup>12</sup> *Ibid.*; *Ekathimerini* (2020), *op.cit.*
- <sup>13</sup> Statewatch (2020a), *op.cit.*; Barigazzi, Jacopo, ["4 largest EU countries issue joint proposal to unlock asylum impasse"](#), *Politico*, 16 April 2020.
- <sup>14</sup> Statewatch (2020b), *op.cit.*
- <sup>15</sup> See Statewatch (2019), *op.cit.*
- <sup>16</sup> "Refondation de l'espace Schengen" (confidential, on file with the authors).
- <sup>17</sup> Interview with a national official, Brussels, September 2019.
- <sup>18</sup> Statewatch (2020a), *op.cit.*; Statewatch (2020b), *op.cit.*
- <sup>19</sup> Council of the European Union (2019), *op.cit.*; ANA-MPA (2019), *op.cit.*
- <sup>20</sup> European Commission, [Mission Letter to Ylva Johansson, Commissioner-designate for Home Affairs](#), Brussels, 10 September 2019, p.5.
- <sup>21</sup> Becker, Markus and Peter Müller, ["Wir werden die Migranten schützen"](#), *Spiegel Politik*, 05 April 2020.
- <sup>22</sup> Bielecki, Tomasz, ["Jaka ma być nowa polityka azylowa UE? Komisarz Johansson przeprowadzi jutro konsultacje w Warszawie"](#), *Wyborcza*, 02 February 2020.
- <sup>23</sup> Sundberg Diez, Olivia (2019), ["Diminishing safeguards, increasing returns: Non-refoulement gaps in the EU return and readmission system"](#), Brussels: European Policy Centre.
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