New Pact on Migration and Asylum

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After three years of hard and complex negotiations, the European Parliament and the Council formally adopted the new Pact on Migration and Asylum in May 2024. It is one of the most important EU legislations in the area of home affairs in the recent years. The Pact consists of a set of new rules concerning the management of migration, the security at the EU's external borders and the EU's common asylum system. In detail, the legal acts (all published in the EU's Official Journal of 22 May 2024) are as follows:

- The Asylum and Migration Management Regulation (AMMR) replacing the current "Dublin III Regulation";
- The Asylum Procedure Regulation and the Return Border Procedure Regulation;
- The Crisis and Force Majeure Regulation;
- The recast of the Eurodac Regulation;
- The new Screening Regulation;
- The Qualification Regulation replacing the Qualification Directive;
- The revised Reception Conditions Directive;
- The Union Resettlement and Humanitarian Admission Framework Regulation.

The Pact follows a holistic approach: introducing a new legislative framework on migration and asylum while supporting Member States through operational and targeted actions. It also focuses on working with partner countries to address the root causes of migration/migrant smuggling and to promote legal pathways.

In order to manage migration at the EU's borders, the Pact introduces new procedures and reforms existing procedures in four categories:

- Robust screening;
- The Eurodac asylum and migration database;
- Border procedure and return;
- Crisis protocols and action against instrumentalisation.

In the area of robust screening, the new rules aim to ensure that those not fulfilling the conditions to enter the EU will be registered and subject to identification, security, and health checks. Through a reform of the Eurodac Regulation, the Eurodac asylum and migration database (the EU's biometric information system for the identification of asylum seekers and illegal border-crossers) will be turned into a full-fledged asylum and migration database, ensuring clear identifications. In the field of border procedure and return, a mandatory border procedure will apply for asylum applicants who are unlikely to need protection, mislead the authorities, or present a security risk. Efficient returns with reintegration support will apply for those not eligible for

international protection. Lastly, the Crisis Regulation will provide quick crisis protocols, with operational support and funding, in emergency situations.

In order to ensure fast and efficient procedures, the Pact builds on the following measures:

- Clear asylum rules;
- Guaranteeing people's rights;
- EU standards for refugee status qualifications;
- Preventing abuses.

The Asylum Migration Management Regulation aims to ensure effective determination of which EU country is to be responsible for handling an application for asylum. The Reception Conditions Directive will establish harmonised standards across the EU, ensuring adequate living conditions for asylum seekers, while strengthening safeguards and guarantees and improving integration processes. The Qualification Regulation shall strengthen and harmonise criteria for international protection and clarify the rights and obligations of beneficiaries. To prevent abuse, the Asylum Procedure Regulation sets out clear obligations of cooperation for asylum seekers, providing for consequences in cases of non-compliance.

Another objective of the Pact is to establish an effective system of solidarity and responsibility. As a result, a permanent solidarity framework must be created to ensure that EU countries receive the solidarity needed. Under the framework, EU countries can choose how they will participate: relocations, financial contributions, operational support, request deductions, and "responsibility offsets". In order to ensure operational and financial support, EU countries will be supported by the relevant EU Agencies and dedicated EU funds. Clearer rules on responsibility for asylum applications are to enhance the criteria determining the EU country responsible for assessing an asylum application. Lastly, to prevent secondary movements, asylum seekers must apply for international protection in the EU country of first entry and remain there until the country responsible for their application is determined.

To embed migration in international partnerships, the Pact foresees measures to prevent irregular departures by, for instance, strengthening the capacities of border management authorities in priority partner countries. To fight migrant smuggling, dedicated and tailor-made Anti-Smuggling Operational Partnerships with partner countries and UN agencies are being established, tackling smuggling in key locations. Cooperation on return and readmission shall go hand in hand with the development of legal migration. To promote legal pathways, an EU Talent Pool will be established as the first EU-wide platform to facilitate international recruitment and Talent Partnerships will allow non-EU citizens to work, study, and train in the EU.

Following the Pact's entry into force on 11 June 2024, the European Commission adopted a Common Implementation Plan for the Pact on Migration and Asylum on 12 June 2024, setting out the key actions required to translate the new rules on migration into practice. These key actions are grouped into 10 building blocks covering the following areas:

- A common migration and asylum information system;
- A new system to manage arrivals at the EU's external borders;
- Rethinking reception;
- Streamlining the decision-making process on asylum applications at the EU level;
- Expediting return processes;
- Activating the new responsibility criteria;
- Enforcing solidarity;
- Reducing the risks of crisis situations;
- Protecting the right to asylum and human dignity;

- Resettlement, inclusion, and integration.

As a next step, the EU Member States shall prepare their National Implementation Plans by December 2024. Ultimately, the new migration and asylum legal framework shall enter into force by mid-2026.

Looking at its role within the framework of the new Pact on Migration and Asylum, Frontex identified two main areas of action regarding the building blocks of a new system to manage arrivals and expedite return processes. For the new screening procedure (which shall include a preliminary vulnerability check, verification of identity, the collection and transmission of biometric data, a security check, and filling out a screening form), Frontex will deploy trained border guards to support Member States. Frontex also wants to play a crucial role in the training of the border and coast guard community, spreading the best practices on how to manage external borders in respect of fundamental rights. To guarantee efficient and fair returns, Frontex will cooperate closely with EU Member States in order to facilitate returns as well as reintegration in the country of origin. The Agency should offer support in all return phases, including in identification and return counselling, as well as through the EU Reintegration Programme.

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