

INFOCUS

New Pact on Migration and Asylum

C4EP analysis on the subject – *In the final phase towards a new EU migration system*

„After a lengthy and hard process, the end of 2023 brought a long-awaited deal: a package of new EU regulations under the name “New Pact on Migration and Asylum”, which had been proposed by the European Commission in September 2020 for a legislative procedure, and has been agreed upon by the European Parliament and the Council. The relevance of this agreement is beyond questions, as this is a precondition of a consensus among the EU’s legislative bodies, meaning that without this deal, the laws will never be adopted (see more about the EU legislative process in our earlier analysis, [here](#)), and for a long time, differences in the positions of the two EU bodies seemed to be uneasy to overcome. At the same time, all political actors have seemingly tried to avoid this question being on the table at the time of the elections of the European Parliament, scheduled to June of 2024.”

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What is the New Pact on Migration and Asylum of the EU?

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EU strikes ‘historic’ migration deal

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EU’s Migration Pact is a Disaster for Migrants and Asylum Seekers

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'Everyone is just tired' of Charles Michel

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C4REPORT

EPC: Where is Russia's invasion of Ukraine headed in 2024? – 18 January 2024

„The discussion provided valuable insights into the current situation on the battlefield and the potential trajectories for the conflict. The speakers discussed key aspects such as Ukraine's defence capabilities, allies' support, and the situation in the Black Sea Region.”

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EPRS Book Talk: Protection of Journalists in the European Union – 23 January 2024

„Roberta Metsola, President of the European Parliament provided the introductory remarks, talking about the “devastatingly well written” book ‘A Death in Malta, An assassination and a family's quest for justice’ by Paul Caruana Galizia. The book is more about the life than the death of Paul's mother, Maltese Investigative Journalist Daphne Caruana Galizia, murdered in 2017. The world knew her as a journalist, but few knew her as a woman, a sister and a mother. Metsola herself had conversations with Daphne about politics, food, and of course, her sons, Matthew, Andrew and Paul. She remembers her as a “force of nature” who shaped her career and outlook too.”

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Egmont Institute: War, Politics, and Public Opinion: Probing Russia's Societal Pulse – 26 January 2024

„The aim of this conference, hosted by the Egmont Institute, was to unravel the intricate dynamics of Russia's engagement in Ukraine, probing into the multifaceted interplay of war, politics, and public opinion. The conference delved into the sustainability of Russia's military actions, explored the internal dysfunctions of its army, and scrutinized the societal support foundation for President Putin's leadership.”

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C4EPOSITION

Fanni Bihari, Expert, European Parliament, The Greens/EFA

The agreement on the Migration Pact as proof of our failure to protect our founding values

The agreement of December 2023 on a complete overhaul of the Common European Asylum System (CEAS), also known as the Pact, is neither the silver bullet that will save our democracies from the ongoing radicalization of the discourse around migration, nor the much-needed pragmatic solution to reform the EU's dysfunctional asylum system. What it is, is a step towards realizing the radical plans of right wing parties and the extreme right, in their vicious mission to abolish the individual right to asylum, as enshrined in our treaties and the Geneva Convention.

When interpreting the solutions found by the co-legislators, one must look at the geographical balance among countries at the EU's external borders and those towards the middle of the Schengen area. Despite the obvious failure of the so-called Dublin system which allocates responsibility to the countries of first entry for the refugee status determination procedure without establishing a system of predictable solidarity among the Member States, the Pact keeps this unfair system and goes even beyond.

With the new mandatory screening procedure at the external borders and mandatory asylum- and return border procedures, countries like Greece, Italy or Spain will remain with most of the responsibility for asylum seekers arriving in the EU. They will have to implement a complicated system of procedures with extra hurdles added to keep those seeking asylum from their right to a fair assessment of their protection claim. The expectation of the Pact on Member States at the external borders is to perform all these tasks, in the vicinity of the borders, including detaining children, while attempting not to violate fundamental rights too much. This new set of rules will only reinforce the already existing practice of systematic pushbacks at the external borders.

In exchange for the registering and processing obligations, there is a new and highly complex system of flexible solidarity with a myriad of ways how Member States can contribute to the so-called burden sharing, the trendy terminology to describe the tasks related to refugee protection, many of which will have no impact on the lives of asylum seekers or the situation of the countries at the EU's external borders. Relocation, which should have been the cornerstone of this reform, is unfortunately not the prioritized method of solidarity by Member States towards the middle of the Schengen area.

And if this would all not be bad and complicated enough, once there is a crisis and or force majeure and or instrumentalization of migrants, which all somehow mean that “too many” people arrive at the external borders according to the very Member State that has to deal with them, all standards are up for grabs. There is a menu of derogations to choose from,

which further lower the standards of and the access to protection, leading to a system which is neither common nor European but has to be implemented anyway.

When preparing the implementation of this highly complex set of rules, scepticism vis a vis Member States is legit after years of blatant disregard for the existing CEAS, while the European Commission, as the Guardian of the Treaties, shares the blame for failing to enforce the rules it is responsible to uphold.

The only hope left is in the courts who will certainly have to adjudicate the mess created in late night negotiations before the holidays last year, but until the first judgements arrive, there are many years of suffering ahead for those arriving at one of the soon to be erected EU-funded prisons around the external borders.