

What is the new EU Pact on Asylum and Migration?

The Pact consists of around ten new legislative texts (1 Directive and 9 Regulations). Regulations **must** be transposed into the national law of each of the 27 member states of the European Union (unlike more flexible legal frameworks such as directives).

Where are we in this process?

- April 2023: The **European Commission** (the EU's executive branch) proposes a new European Pact on Asylum and Migration.
- April 2024: The Pact is approved by the **European Parliament** (elected representatives of EU citizens).
- May 2024: The Pact is adopted by the **EU Council** (representatives from the interior ministries of the 27 member states).
- June 2024: The Pact comes into force (national transposition begins).
- March 2025: The European Commission proposes a new Common European Return System, which will require approval and adoption by other institutions.
- June 2026: The Pact is fully implemented (member states must be able to apply it).

→ **What changes have been made? Why is it a cause for concern?**

1. Automatic Registration and Mandatory Biometric Data Collection: The EU-Wide "Hotspot" System

Every person arriving at the **external borders** of the European Union—whether by land, air, or sea, including those rescued at sea—will now undergo a mandatory screening procedure, regardless of whether they have applied for asylum. This procedure must be completed within a maximum of **7 days**.

People already inside the EU without legal status can also be arrested at any time and subjected to this screening process, which must be completed within **3 days**.

The screening process includes:

- A **health and vulnerability check**, which consists of a non-systematic medical examination to determine whether the person requires urgent medical care and to assess whether they should be directed toward specific services.
- An **identity check** to verify the person's details.
- A **security check** involving cross-referencing the individual's information with national and EU databases (including criminal records).
- The **mandatory collection of biometric data** for all individuals over **6 years old** (previously twelve), including facial photographs. Refusing to provide biometric data will now be treated as **"implicit withdrawal"**, which could result in the automatic rejection of an asylum request.

All collected biometric data will be stored in **Eurodac**, a centralized database that will be accessible to **national authorities, European agencies, police forces, Europol, and judicial authorities** across the EU. These records will be retained for lengthy periods: **5 years** for individuals who entered the EU irregularly, **10 years** for asylum seekers.

Additionally, this data can be shared with non-European countries if a return decision has been issued, allowing those countries to use it for the purpose of readmission.

This screening process establishes a **sorting mechanism similar to the hotspot approach**, which will determine what happens to individuals after they are screened. Three possible pathways exist:

1. Application for international protection (asylum).
2. Relocation to another EU member state where a family member is present (limited to direct relatives or spouses).
3. A return procedure (deportation).

Why is this dangerous?

Legal loopholes and ambiguity: During the screening period (3-7 days), individuals are not legally considered to have entered an EU country. This legal “fiction of non-entry” creates legal uncertainty, limits access to fundamental rights and weakens judicial oversight. This concept was previously used in transit zones but is now being expanded across the EU.

Deprivation of liberty: Since individuals are not legally on EU soil, they are effectively detained. Anyone who crosses borders irregularly may be arrested, subjected to screening, and deported without having the possibility of requesting asylum. **There will be no safe place in Europe.**

Discrimination and criminalization: The interoperability of European databases means that biometric data for all non-European individuals entering the EU—whether for work, study, or asylum—will now be stored in three new centralized databases. This policy creates an unjustified link between migration control and criminal law, disproportionately affecting racialized and vulnerable populations.

These new regulations contradict the EU’s long-standing principles regarding the protection of personal data as a fundamental right.

Legislative files:

- [regulation 2024/1356 concerning Screening Regulation](#)
- [Amending Regulations 2019/816 and 2019/818 to facilitate screening \(ECRIS-TCN\)](#)

2. Out of Sight, Out of Mind: The New Asylum Procedure at the Border

Once the screening process is completed, individuals will either be arrested and deported or allowed to apply for international protection in the country where they first arrived. However, the asylum procedure may take place at the border rather than inside the country.

The border asylum procedure must not exceed **12 weeks** from registration to decision (extendable to 16 weeks in crisis situations).

During this process, asylum seekers may **be detained** and **are not legally allowed to enter the country** until they receive a positive asylum decision.

The new regulation mandates border asylum procedures for individuals who:

- Are deemed a “security risk” (this applies even to unaccompanied minors).
- Have provided false or incomplete information to authorities.
- Are nationals of a country with an asylum recognition rate* below 20% (or below 50% in crisis situations).

Families with children will not be exempt from border procedures but will be prioritized for processing.

**In asylum policies, the recognition rate refers to the percentage of positive decisions granted to asylum seekers out of the total number of decisions handed down. This rate varies according to the nationality of the applicants and the specific policies of each EU country. For example, if we consider the data for 2023, nationals from Bangladesh, Pakistan, Colombia, Iraq or Morocco would have had a positive response rate below the 20% threshold. They would have been placed in the automatic asylum procedure at the border*

Why is this dangerous?

Invisibility and isolation: Migrants will be further isolated at the borders, making it harder for organizations to support them and document abuses.

Deprivation of liberty: People are detained and denied entry while their asylum case is processed. If their application is rejected, they will be deported within 12 weeks, never having officially entered the country.

Increased vulnerability: More families, children, and vulnerable individuals will end up in de facto detention, with no access to legal representation (only free legal advice).

Legislative files :

- Asylum 2024/1348 Procedure Regulation (APR): deals with the different types of examination of an asylum application and provides for a new procedure that will de facto allow people to be detained at borders.

3. "Solidarity" in Name Only

The Pact claims to introduce a mandatory solidarity mechanism among EU states and reform the Dublin system.

Under the new rules, the country responsible for an asylum application is:

1. The country where family members reside (limited to direct relatives or spouses, not siblings).
2. Otherwise, the first country of entry.

In practice, this means that border countries such as Spain, Italy, and Greece will continue to be responsible for examining the majority of asylum applications, just as they were under the Dublin system.

Hosting migrants and asylum seekers is still not mandatory. States will be able to choose whether they want to:

- Host asylum seekers arriving in EU border countries ("Relocation of people").
- Make financial contributions* to first-entry countries or to third countries associated with the EU's outsourcing of migration control (e.g., countries in the southern Mediterranean)

**The Pact sets the cost of hosting an asylum seeker at 20,000 euros. For each person not hosted, a state must pay the "equivalent".*

With the Pact, more **public money will be used to fund walls, barbed wire, police forces, Frontex, detention centers, and surveillance and control technologies** (which have been proven effective in genocidal and totalitarian regimes).

Furthermore, the Pact introduces new sanctions for asylum seekers who do not comply with the rule of staying in the country responsible for examining their asylum request. If they decide to move to another country, the state may withdraw their reception benefits and deny them the right to an interview during the asylum procedure. Rejected asylum seekers who attempt to apply again in another European country will automatically be subjected to an accelerated asylum procedure (3 months).

Why is this dangerous?

Violations of rights, worsening asylum conditions: Border countries will still be responsible for examining asylum applications as the first country of transit, which is unlikely to ease the pressure on first-entry states. This will lead to further deterioration of reception conditions and violations of individuals' rights.

Increased precarity for migrants: The threat of withdrawing benefits and rights during the asylum application process will effectively deprive migrants of their freedom of movement and make their living conditions even more precarious.

Limited family reunification: The inclusion of the reunification criterion is merely a small consolation—siblings are not included in the definition of immediate family.

The Pact will not create fair distribution or dignified reception of exiled individuals; their rights will continue to be trampled on. **This is not our solidarity.**

Legislative file:

- Regulation 2024/1351 on Asylum and Migration Management (RAMM): This document defines the EU member state responsible for examining asylum applications and addresses solidarity contributions for managing migration across the EU.

4. Introduction of the Concepts of Crisis, Force Majeure, and Instrumentalization

Each year, European institutions will determine which European countries are experiencing:

- **A "crisis"**: A massive arrival of people.
- **"Force majeure"**: Unforeseen circumstances beyond a state's control (epidemic, environmental disasters).
- **"Instrumentalization"**: When a third country or a hostile non-state actor encourages or facilitates the movement of non-EU nationals and stateless persons towards the EU's external borders or a member state.

Under the new Asylum Procedure Regulation, individuals from a country with a recognition rate of less than 20% can be directly subjected to border procedures. However, in a "crisis" situation, this procedure will be extended to individuals from countries with a recognition rate below 50%, and in cases of instrumentalization, it could apply to all arrivals—except minors under 12, families, or people with special needs.

Meanwhile, states facing a crisis or other exceptional circumstances will have more flexibility and extended deadlines to process asylum applications. Additionally, they will be exempted from the obligation to take back asylum seekers in cases of massive arrivals and will have priority for relocation and solidarity measures between states.

Why is this dangerous?

Vague and manipulable concepts: The term "crisis" is loosely defined, allowing states to manipulate these situations to subject more applicants to accelerated border procedures. Furthermore, the Pact does not include sufficient guarantees to prevent migrant support organizations from being labeled as "hostile non-governmental actors."

Criminalization of migrants: The regulation limits access to rights and protection for more individuals. Yet, instrumentalization would not be an issue if migration were not primarily treated as a phenomenon to be controlled. This securitarian approach is reinforced by EU policies that continue to outsource border control at the expense of fundamental rights.

Legislative file:

[Regulation 2024/1359 on Crisis and Force Majeure](#)

5. Thank You (Not) for Your Visit: When Detention Becomes the Norm

According to the Pact, individuals should only be detained when necessary, as a last resort, and under judicial oversight.

In practice, upon arrival in the EU, people in migration may find themselves deprived of their freedom of movement, or in conditions similar to detention:

- During the screening process (maximum duration: 7 days) at the borders, where they will be forced to provide their biometric fingerprints.
- If they need to be relocated to another member state responsible for their asylum request.
- During the border asylum procedure (which can last up to 12 weeks) and is accompanied by an entry ban into the territory.
- During the return procedure, if their asylum application is rejected and they are awaiting deportation. Deportations can take months or even years, depending on the willingness of the country of origin to readmit its nationals.

Why is this dangerous?

By expanding transit zones and introducing the legal concept of "fiction of non-entry" (see point 2), individuals are de facto deprived of freedom of movement because they are forced to remain in specific areas of the territory, especially at the borders.

Despite the shortening of some procedural deadlines, the risk of system overload is high, and individuals may end up waiting indefinitely in transit zones, with little chance of being granted protection.

6. Outsourcing Migration Control

To organize mass deportations of those deemed "undesirable," the EU distorts the notion of a "safe country" by introducing the concept of "effective protection," which is a lower level of protection than that provided by the 1951 Refugee Convention. This will allow EU states to classify non-signatory countries to the Convention as "safe." The new Asylum Procedure Regulation (APR) provides for asylum applications from nationals of so-called safe countries to be processed under an accelerated procedure (maximum 3 months).

For years, the EU has been signing agreements and paying colossal sums to neighbouring countries to control their borders and readmit nationals and asylum seekers who have transited through their territory. In return, the EU provides them with funds, training and surveillance technology, while turning a blind eye to human rights violations in these countries.

The pact continues the policy of **transferring responsibility for border control** to third countries. These third countries are increasingly forced through bilateral cooperation agreements to readmit their nationals and asylum seekers, thus acting as border guards for 'Fortress Europe'. In the event of insufficient cooperation, the Commission can propose restrictive visa measures, which are then adopted by the Council.

In addition, **forced returns** and **illegal refoulement practices** at borders will continue to multiply, exacerbating human rights violations.

→ And Now?

As if that were not enough: The extension of the deportation regime with the "Returns" legislative package

On March 11, 2025, the European Commission proposed a new legislative approach to returns, which still needs to be voted on by the European Parliament and the EU Council. This package includes multiple measures, which could take the form of regulations.

This new legislative package strengthens the EU's ability to expel and deport migrants and paves the way for the creation of "return centers" outside the Union, similar to the UK's plan to send migrants to Rwanda or Italy's failed attempt to send asylum seekers to Albania.

Once again, the EU is outsourcing border controls and rapidly moving towards a reinforced system of mass expulsions.

What exactly is the Commission proposing?

· **Revising the concept of a "safe third country" and the connection criterion:**

- One of the criteria for qualifying a country as "safe" is the "connection" between the asylum seeker and the third country in question. Removing this criterion will give Member States significant leeway to send asylum seekers to third countries without any prior link to them.

· **Creation of a European Return Decision:**

- Centralization: Common procedures for issuing return decisions will be available in a European database (Schengen Information System). If a person subject to a return decision moves to a second Member State, that state will be able to enforce the return decision issued by the first Member State. In the long term, the EU aims to make mutual recognition and execution of return decisions mandatory. This would force a Member State to recognize and enforce a return decision made by another Member State without initiating a new procedure

· **Introducing a forced return procedure** for any person in an irregular situation in the EU who does not cooperate, flees to another Member State, does not leave the EU within the deadline for voluntary departure, or poses a security risk.

- People considered "security risks" could face stricter rules, including: longer entry bans, separate detention facilities, and prolonged detention beyond the standard 24-month period by judicial order.

· **Creation of return centers outside the EU:**

- Introducing a legal framework to send rejected asylum seekers who have received a final return decision to a third country based on a bilateral or EU-level agreement. According to the current proposal, families with minors and unaccompanied minors would not be included in this mechanism.

This proposal follows the Italy-Albania agreement*, which paradoxically has been until now a colossal failure with an estimated total cost of around one billion euros.

**The Italy-Albania case: A failed model being expanded?*

In November 2023, Italy signed an unprecedented agreement with Albania to transfer asylum seekers rescued in the Mediterranean to processing centers under Italian jurisdiction in Albania (Shëngjin and Gjadër). The goal was to prevent these people from setting foot on Italian soil and process their applications outside the country through accelerated procedures. Italy tried to rely on the concept of a "safe country" (Albania), but the plan failed. A Rome court challenged the legitimacy of this approach, blocking the transfer of migrants three times. The EU Court of Justice is now examining the legality of the approach. Despite these legal setbacks, the EU still considers the Italy-Albania deal an "innovative and desirable solution" and wants to expand it across Europe. The difference with the new legislative package is that the European Commission proposes sending rejected asylum seekers, who have received a return decision, to repatriation centers in third countries.