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**The New Pact on Migration
and Asylum:
What Changed and
What Does This Mean
for International Refugees?**

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THE NEW PACT ON MIGRATION AND ASYLUM: WHAT CHANGED AND WHAT DOES THIS MEAN FOR INTERNATIONAL REFUGEES?

The year 2015 marked a monumental year for migration flows as the EU experienced an unprecedented large influx of refugees seeking asylum within their borders. Numbers of migrants jumped from around 150,000 in 2008 to well over 1 million in 2015 (Peters et al, 2023, pg.1). So, what accounts for this dramatic change? Citizens of the Middle East were forced to seek refuge under danger of “war, ethnic conflict, or economic hardship” (Peters et al, 2023, pg. 1). This “migration crisis” led the EU to realize that no solidarity mechanisms were in place to ensure the sharing of responsibility across all Member States, and EU policies lacked an emphasis of uniformity in the treatment of asylum seekers. These issues, and many others, brought the idea of a New Pact to fruition.

The present paper focus on this question: How do the old immigration policies differ from the New Pact on Migration and Asylum, and how do these key differences influence migrants in terms of integration, human rights, and from a socioeconomic standpoint? To answer this question, we will first assess the background on the status of migration in the EU and Italy, as well as analyze the other factors that led to the instatement of a New Pact on Migration and Asylum proposed in September 2020. After an explanation on what policies changed with the passing of the New Pact, the paper will give an overview of how the Pact developed between the proposal in 2020 and the final vote in April 2024. The brief plans to analyze how the new Pact will affect the country, the government, and refugees in terms of integration, human rights, and socioeconomic opportunities. It also aims at touching on the public discourse concerning the Pact – how does the government and the public feel about the current migration and the New Pact? Are there varying reactions?

Overview of old Pact and its issues

The central Mediterranean route, or one of the main routes to enter the European bloc, passes right through Italy, making it a frontline state in dealing with the pressures of the crisis. However, most refugees seek residence in wealthier European countries such as Germany or Sweden: Germany received 300,000 applications for international protection and Sweden received 100,000 (Peters et al, 2023, pg. 6). Around 155,000 migrants arrived in Italy in 2015, and half of those were illegal border crossings (Peters et al, 2023, pg. 10, 14). In Africa, authoritarianism, terrorism, interethnic conflicts, and environmental crises resulted in newfound migration pressure that took dangerous routes in “absence of legal ways of entry and stable political regimes” within the transit countries (CeSPI, 2018, pg. 127). This led to Italian borders receiving a disproportionate amount of migration flows compared to other Member States, as well as the Dublin Treaty and the ban on movement within the EU overwhelming the Mediterranean shores.

Domestic politics and short termism dominate over grand strategy for many Member States, and the fragmented interests led to a lack of a united EU. For instance, in Italy their economic model attracts “low skilled workers”, which reduces the cost of labor for domestic companies and fills “gaps in the welfare state in the care of the elderly, disabled, and children” (CeSPI, 2018, pg. 60). The absence of innovation and efficiency, as well as a large amount of public debt leads many

Italians to resort to strategize to sustain occupation by increasing “precarious labor”, or labor that is temporary and insecure, and facilitating the immigration of “poorly skilled migrants” (CeSPI, 2018, pg.46).

Between 2008-2013, a system of standards for protection was established in the EU (CeSPI, 2018, pg. 2). In particular, the European Council met in October of 2008 to take action against the financial crisis, economic instability, and the mismanagement of migration flows affecting the EU system by adopting the European Pact on Immigration and Asylum (European Presidency, 2008). However, when the migrant crisis occurred in 2015, the EU recognized that current asylum policy did not ensure solidarity among the Member States’ national legislation which differs in “the types of procedures they use, their recognition rates for asylum applications, and the protection status they grant” (CeSPI, 2018, pg. 2).

They wanted to replace the Dublin framework, or the Dublin III regulation, launched in July 2013 to quicken asylum procedures and to clarify what makes a Member State responsible for reviewing asylum applications. The regulation is based on the necessity of migrants applying for international protection in the first EU country they arrive in, which puts increased stress on border countries such as Italy or Greece. These two countries were also impacted by the ban on movement, which means that countries such as Germany, France, and Austria have the right to return applicants back to the first EU country they arrived in (Fasanotti, 2023). Non border countries can request asylum seekers to present their applications at the “port of entry countries”, and if they fail to do that, they are deported back to the border countries they entered the EU through (Galeone). However, according to the Dublin regulation, these countries can ignore the transfer requests—which is often the case in Italy. Pending requests are commonplace and the asylum system constantly in a state of crisis: from 2013 to 2023 Italy only accepted 35,000 requests out of 310,000 Dublin requests for transfer (Galeone). This results in situations such as in 2019 when “Italy saw more returns of asylum seekers to other states than landings on its own shores” (Fasanotti, 2023, para. 3).

The New Pact on Migration and Asylum: the process and the framework

The New Pact on Migration and Asylum is defined as a “set of regulations and policies to create a fairer, more efficient, and more sustainable migration and asylum process for the European Union” and it is designed to “manage and normalize migration for the long term, providing certainty, clarity and decent conditions for people arriving in the EU. It also establishes a common approach to migration and asylum that is based on solidarity, responsibility, and respect for human rights” (European Commission, 2024, para. 1). The pact proposes specifically a screen regulation, more effective procedures, a solidarity mechanism, and greater preparation for a crisis situation within the EU. On April tenth of 2024, all ten legislative texts were adopted into the EU framework. By drawing from the EU Parliament briefing (Council of the EU, 2024), we will summarize what each aspect entails and the overall goal of the Pact.

The first proposal focuses on solidarity and responsibility by establishing an annual solidarity pool where Member States (MS) contribute financially, or by taking in applicants for international protection, and their contributions are based on population size and GDP. Member States that feel they cannot contribute their share or are under immigration pressures can notify the Council and the Commission of their intention to use the pool while requesting a deduction of their contributions. The financial contributions to the solidarity pool can also go to the third country in order to improve their asylum reception and migration systems such as voluntary return and

reintegration. They add criteria to the Dublin rules by prioritizing family reunification or diplomas received in a certain MS when deciding the residence of an applicant. However, the applicant is not allowed to choose their country of relocation.

Regulation to address situations of crisis was prioritized with the proposal of the New Pact. Mechanisms put in place to respond to large increases in EU arrivals through crisis and force majeure regulation helps support the EU borders that are disproportionately affected. They define a crisis as a situation that leads to the non-functionality of important migration services such as reception, child protective services, or return systems — leading to consequences for the EU system. They also wanted regulation that addressed the instrumentalization of migrants, or third countries using migrants to destabilize the EU. In these situations, vulnerable people and families with small children can skip the border procedure – for which registration takes no longer than four weeks and asylum and return can extend this process by six weeks. Member States are required to support the state in crisis, or they can request the Commission to relocate applicants.

The New Pact aims to institute uniform screening of migrants at EU borders. This process should not take more than seven days, and includes identifying a person, recording their biometric data, and performing health and security. The screening applies to people who entered irregularly, were rescued during a search and rescue mission, or who applied for international protection at the border. Migrants who lied to authorities or traveled from countries with asylum recognition rates may receive border asylum procedure after screening, but unaccompanied minors do not have to unless they are a security risk. This uniform system aims to process claims more efficiently and to quicken asylum procedures; it also gives MS the ability to withdraw international protection. A first decision on applications cannot take more than six months, border procedures cannot take more than 3 months, and returns must be executed within 3 months. The final aspect is that each MS must institute an annual cap of asylum applications, and once the cap is reached, applicants are subjected to ordinary asylum procedure.

The institution of Eurodac is a database that stores the data and the level of security risk for irregular arrivals. This regulation lowers the minimum age for registration from fourteen years to six years, and adds facial images to fingerprints in the databases to make migrants easier to identify.

The EU wanted more regularity for the qualification standards of refugees and their rights of those who qualify. If a Member State grants protection, the applicant must remain on their territory. However, they can travel freely within the MS applying Schengen acquis within the authorized periods of stay in accordance with Schengen borders code. The Schengen acquis includes most of the EU Member States aside from Bulgaria, Iceland, Cyprus, and Romania, and allows anyone regardless of nationality to cross an EU border without being checked for travel documents (EUR-Lex, 2023). In the case a refugee is caught overstaying outside of the MS that granted them protection, the five year long period each recipient must endure before they can apply for long term residency restarts.

The New Pact also aspires to make reception standards, such as housing, schooling, language courses, and healthcare, equivalent across the EU. Conditions of detention of migrants are based on national law amongst MS, but the detention of children is seen as the absolute exception.

The last piece of the New Pact centers on creating a safe and legal way to Europe, where Member States volunteer to host refugees who would travel to the EU in an organized way and are recognized by the United Nations High Commissioner for Refugees. These refugees and their

family members are offered safe passage to Europe and long-term solutions to their displacement from their home country.

This package of proposals was approved by the European Parliament on April 10th, and once the Council formally approves it, the laws are published in the Official Journal and are expected to apply in two years time.

Overview of development between proposal and agreement

In 2016, the European Commission decided to propose a reform package to the CEAS, or Common European Asylum System. They wanted to create regulation that emphasizes the collective contribution to EU solidarity by Member States, so no Member State has to absorb disproportionate amounts of responsibility. In 2018, the European Parliament and the President of the Council of the EU came to a provisional agreement on some of the reform proposals, but they failed to get support from the Member States (Dumbrava et al, 2024, pg. 2). This proposal did not work, but their regulation on the EU Agency for Asylum was adopted into law in 2021 with a goal to “improve the application of asylum policy within the EU by turning the European Asylum Support Office into a fully-fledged EU agency”, as well as overseeing that asylum law is applied “uniformly” and in consideration of human rights (EUR-Lex, 2022). The agency is intended to assist Member States in registering, transferring, and providing resources for applicants for international protection (EUR-Lex, 2022). In September 2020, the Commission proposed a New Pact on Migration and Asylum in order to provide cohesivity to areas of migration, asylum, integration, and border management. The Commission proposals focused on the management of asylum and migration procedure, crisis and force majeure, and the screening of every refugee or immigrant that attempts to enter EU external borders. They also planned to create regulations against the instrumentalization of migration and revise the Schengen Borders Code.

How the Public Sees it

Though the Pact aims to increase solidarity and efficiency of asylum procedures within the EU, the proposed reforms have received backlash from the public. First off, the regulations only regulate EU borders when the migrants arrive, so the journey that they make to the bloc remains unregulated and unrestricted for authorities. Except for a small number of refugees recognized by UNHCR, most applicants for international protection have to find their own way to EU borders. Many achieve this by crossing the Mediterranean Sea which can be very dangerous and leads to a significant amount of death or injury. On the other hand, the Euractiv podcast titled “Today in the EU” discussed that the public sees the Pact as solely an electoral move—Member States are experiencing high political pressure from people who want a solution to the issue of migration, so they are using the passing of this as a proof that they are trying to find a solution. So, many do not see the Pact as a large reform but simply as the legalization of border procedures that were already de facto.

According to many members of Parliament, some aspects of the Pact aim to perpetuate “a system of exclusion and oppression, condemning countless people to a life of uncertainty and fear” (Agensir, 2024). In particular, Pietro Bartolo, who is a MEP and a doctor who helped hundreds of thousands of refugees in Lampedusa, stands diametrically opposed to its passing. As early as 2021, he claimed the current Dublin III framework to be a failure, and that supporting the creation of a

“European fortress” shouldn’t be the goal (ANSA, 2021). On April 10th, the European Parliament filled with protesters hailing from NGOs and charities, who delayed the vote by throwing paper airplanes into the voting chambers. Far left parties within the Parliament believe the Pact betrays EU values of upholding human rights by building border centers to hold migrants seeking asylum, and the far-right parties believe that more should be done to block migrants from entry into the EU. Far right parties asserted that the Pact was a “license for people-smugglers and a blow to Member States’ sovereignty”, and far left parties believe that the Pact will lead to greater suffering, “illegal and violent pushbacks, arbitrary detention and discriminatory policing” for those seeking international protection (O’Carroll, 2024, para. 15, 10). Centrist parties pushed for the Pact’s passing, stressing that if it failed to pass the far right would become more powerful and the EU would come under scrutiny as a lawmaking whole. . The process of getting this set of regulations authorized has been over ten years in the making, so if it failed to pass, the immigration discussion would’ve started over from the beginning. The President of the European Parliament, Roberta Metsola, sees the passing of this Pact as history being made, “a robust legislative framework on how to deal with migration and asylum”, and “a balance between solidarity and responsibility” (O’Carroll, 2024, para. 5). However, many parts of the New Pact are seen as highly problematic and instrumental in creating a ‘European fortress’, and the parts that aren’t as criticized are already used at the border de facto. Bartolo believes in the power of politics to make lasting change, and when concerning immigration, he asserts that “it is politics that has to decide whether to close doors or open them, whether to let these people die in the middle of the Mediterranean, or at Lipa, or save them...it is politics that has to decide whether to be on the side of good or evil” (ANSA, 2021).

Works Cited

- Ansa. "Migrant Doctor Bartolo Says Europe Responsible for Migrants in Mediterranean." *InfoMigrants*, Infomigrants, 26 Feb. 2021, www.infomigrants.net/en/post/30514/migrant-doctor-bartolo-says-europe-responsible-for-migrants-in-mediterranean.
- "Asylum and Migration Reform: EU Member States ..." *European Council*, 8 Feb. 2024, www.consilium.europa.eu/en/press/press-releases/2024/02/08/asylum-and-migration-reform-eu-member-states-representatives-green-light-deal-with-european-parliament.
- "Brussels European Council: Presidency Conclusions." *Council of the European Union*, Oct. 2008, data.consilium.europa.eu/doc/document/ST-14368-2008-INIT/en/pdf#:~:text=The%20European%20Council%20met%20on,European%20financial%20system%20and%20depositors.
- "Country Responsible for Asylum Application (Dublin Regulation)." *Migration and Home Affairs*, home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/country-responsible-asylum-application-dublin-regulation_en. Accessed 28 Apr. 2024.
- Dumbrava, Costica, et al. "EU Pact on Migration and Asylum." *European Parliament*, Members' Research Service, Feb. 2024, [www.europarl.europa.eu/RegData/etudes/BRIE/2022/739247/EPRS_BRI\(2022\)739247_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2022/739247/EPRS_BRI(2022)739247_EN.pdf).
- "EU Parliament: Pact on Migration and Asylum, the Floor Is Divided. Johansson (EU Commission), 'It Will Improve Things'. Many Meps Are Against." *AgensIR*, 10 Apr. 2024, www.agensir.it/quotidiano/2024/4/10/eu-parliament-pact-on-migration-and-asylum-the-floor-is-divided-johansson-eu-commission-it-will-improve-things-many-meps-are-against/.
- Euractiv. "Migration Pact: Last Call for Meps." *YouTube*, YouTube, 10 Apr. 2024, www.youtube.com/watch?v=OhTrZr9a2LI.
- Fasanotti, Federica. "Rising Migration Tensions on Mediterranean Shores." *GIS Reports*, 31 Jan. 2023, www.gisreportsonline.com/r/migration-tensions/.
- From Africa to Europe: The Political Challenge of Migrations*. Edited by Daniele Frigeri, Marco Zupi, CeSPI, 2018.
- Galeone, Pietro. "The Problem with the Dublin Regulation." *IEP@BU*, iep.unibocconi.eu/publications/problem-dublin-regulation. Accessed 28 Apr. 2024.
- "MEPs Approve the New Migration and Asylum Pact." *News | European Parliament*, 10 Apr. 2024, www.europarl.europa.eu/news/en/press-room/20240408IPR20290/meps-approve-the-new-migration-and-asylum-pact.
- O'Carroll, Lisa. "EU passes asylum and migration pact after eight years of deadlock." *The Guardian*, 10 Apr. 2024, <https://www.theguardian.com/world/2024/apr/10/eu-passes-asylum-and-migration-pact-after-eight-years-of-deadlock>.

“Reception Conditions across the EU.” *European Parliament*, Policy Department for Citizens’ Rights and Constitutional Affairs, Nov. 2023, [www.europarl.europa.eu/RegData/etudes/STUD/2023/755908/IPOL_STU\(2023\)755908_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2023/755908/IPOL_STU(2023)755908_EN.pdf).

Sandu, Georgiana. “Immigration Policy: Fact Sheets on the European Union.” *European Parliament*, 2023, www.europarl.europa.eu/factsheets/en/sheet/152/immigration-policy.

“The Schengen Area.” *EUR-Lex*, eur-lex.europa.eu/EN/legal-content/summary/the-schengen-area.html. Accessed 28 Apr. 2024.