



Churches' Commission for Migrants in Europe

Understanding the EU (Asylum & Migration) Pact – Influencing its implementation

A practical guide for CCME members & partners

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Introduction

Dear Readers,

Asylum and migration have been hotly debated topics in Europe over the last decade. Among the most controversial issues have been the common rules to address asylum and migration that affect several countries at the same time.

After nearly four years of debate, in April/May 2024, the European Union adopted a set of complex new rules, known as the "(Asylum and Migration) Pact". The Pact will in the next years have decisive influence on the situation of migrants and particularly persons seeking asylum in the EU Member States and beyond.

CCME has, along with other civil society actors, repeatedly expressed concern how provisions of the Pact will make migrating to and seeking protection in Europe more precarious, dangerous and even deadly.

The Pact, which officially entered into force in June 2024, will have to be implemented by June 2026. At the moment, the European Commission is in discussion with EU Member States on the national implementation plans – based on an implementation plan which the European Commission has published (see the following pages). Plans for implementation of the pact should be ready by the end of 2024.

While these discussions will not change the problematic fundamentals of the Pact, they may still lead to some "harm reduction" in practice. CCME will continue to criticise the problematic elements of the pact. Yet, we wish to encourage our members and partners to engage with the discussions on Pact implementation within your respective countries (if they are EU member states).

For that purpose, you will find in this guide a simplified explanation of what the Pact is and which provisions are problematic. We have tried to explain the provisions as neutrally as possible, using some of the specific terminology of the pact. This guide also explains how the implementation is envisaged by the European Commission. We last, not least, suggest a few activities you might undertake to influence implementation of the Pact.

Obviously, all these are suggestions — you will know best what might be realistic and helpful in your particular context.

My thanks go to my colleague Ana Puljiz, who is the main writer of this booklet.

Please share your experiences in working on Pact implementation with us at info@ccme.be.

Best wishes,

Torsten Moritz

CCME General Secretary

August 2024

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I. What Is the New Pact on Migration and Asylum?

The reform process of the EU asylum law, known as the Common European Asylum System (CEAS) began in response to the 2015 “refugee crisis”, which led to ongoing issues including stricter refugee policies, reintroduced border controls, and feelings of unfair distribution of responsibility, especially among southern EU countries (Med 5 – Spain, Italy, Greece, Cyprus and Malta). The Pact focuses primarily on the internal dimension of asylum, while notwithstanding its title, migration is largely absent from the text.

Initial reform proposals were made in 2016, covering various regulations such as the [Reception Conditions Directive](#) (rRCD), [Asylum Procedures Regulation](#) (APR), [Union Resettlement Framework](#) (URF), [Qualification Regulation](#) (QR), and [Eurodac Regulation](#). Further proposals came in 2018 with a revised [Return Directive](#), and in 2020 as part of the New Pact on Migration and Asylum, which included updates to the APR and new regulations on [Asylum and Migration Management Regulation](#) (AMMR), [Screening Regulation](#), and [Crisis Regulation](#). In 2021, additional proposals addressed the [Schengen Border Code](#) and [Instrumentalisation Regulation](#). The European Parliament opposed Instrumentalisation Regulation per se, but agreed at the end to include provisions from the Instrumentalisation Regulation in the Crisis file.

After years of negotiations, on 10 April 2024, [the European Parliament approved](#) the new rules (300 MEPs in favour, 270 against), while [the Council](#) of the EU gave its green light on 14 May 2024. The reforms include ten main regulations: APR, AMMR, Eurodac Regulation, Screening Regulation, the Crisis Regulation and Force Majeure Regulation, rRCD, URF, QR, and Return Border Procedures Regulation.

Civil society groups, including CCME, have criticized the reform, arguing it is likely to lower protection standards for the asylum seekers.¹ The strong negative reaction from specialists in refugees’ and immigrants’ rights and academics suggests that the Pact will likely face legal challenges. Potential lawsuits may target the non-entry fiction of the border procedures or the quality of legal assistance provided to those affected by these procedures. Consequently, it is crucial to prepare for the possibility that the Pact and the CEAS may not achieve the outcomes anticipated by the compromise reached between European institutions.

II. Why Is the Political Context Important and What Are the Next Steps

The new rules are set to come into force in June 2026. The (European) Commission has already published its [Common Implementation Plan for the Pact on Migration and Asylum](#), and Member States have until December 2024 to develop the national implementation plans, ensuring they have the framework for the development of necessary infrastructure and procedures for handling asylum claims. This interim period is crucial for civil society to influence the development of national implementation plans and advocate for stronger protection measures for asylum seekers and migrants.

¹ For more see: <https://picum.org/blog/81-civil-society-organisations-call-on-meps-to-vote-down-harmful-eu-migration-Pact/>

Timeline outlined by the European Commission:

- By October 2024, Member States should submit their draft National Implementation Plan to the Commission.
- By 12 December 2024, Member States shall communicate their National Implementation Plan to the Commission.
- By first half of 2025, the Commission will adopt the decision allocating funds under the national programmes in the context of the mid-term review of [AMIF](#) and [BMVI](#).
- By first half of 2025, the Commission will allocate part of the funding from the MFF mid-term review through the Thematic Facility to Member States.
- By first half of 2025, Member State should launch procurement for acquiring of equipment and building activities.
- By first half of 2025, Member States should launch the recruitment process.
- By mid-2026, Member States shall be ready to apply Pact.

When implemented, the Pact is expected to face political challenges given the largely hostile international environment towards the protection of asylum seekers. Hungary currently holds the presidency of the Council² until the end of 2024, with its priorities in the domain of migration and asylum focusing only on halting the entry of “illegal migrants”.

Hungary is followed in 2025 by Poland and Denmark. Poland [voted against](#) the Pact while the new Prime Minister, Donald Tusk, who has committed to resetting Warsaw-Brussels ties after eight years of tensions under the hard-right Law and Justice (PiS) party, has maintained his predecessor's official line and promised to protect Poland against the relocation mechanism. Considering Denmark, the country is only partially affected by EU asylum policies due to its 1992 opt-out from justice and interior policies³, and thus is not part of the Common European Asylum System (CEAS) but is part of Schengen.

Cyprus will hold the presidency in the first part of 2026, by which time the Pact needs to come into force. Given the current political context among the upcoming presidencies, it is unlikely that this “trio”⁴ will actively promote the Pact, particularly regarding the parts they least identify with.

In addition, it should be noted that the European Parliament has with the 2024 elections politically shifted to the right.⁵ Although its role in the Pact implementation is primarily related to scrutiny, the consequences will be felt as it is likely to adopt a more restrictive stance on migration. The strictness of the scrutiny during the implementation will depend also on the upcoming European Commission, ensuring that all Member States are timely with the development of infrastructure and legislative adjustments.⁶

² The programme of the Hungarian presidency can be found here: <https://hungarian-presidency.consilium.europa.eu/en/programme/programme/>

³For more see: https://www.clingendael.org/sites/default/files/2024-02/Clingendael_Report_In_Search_of_Control_Denmark.pdf

⁴ Member States holding the presidency work together closely in groups of three, called “trios”. This system, introduced by the Lisbon Treaty in 2009, sets long-term goals and prepares a common agenda determining the topics and major issues that will be addressed by the Council over an 18-month period.

⁵ For further analysis of the EP elections and its implications on the asylum policies consult: <https://ecre.us1.list-manage.com/track/click?u=8e3ebd297b1510becc6d6d690&id=05b8ffded6&e=7134bdb998>

⁶ In July's LIBE committee hearing of the EP, HOME Commissioner Johansson was hesitant to confirm whether the Commission is likely to start infringement procedures against Member States that breach the new rules. However,

Even though not formally part of the Pact, external dimension of migration is strongly connected to it especially when it comes to cooperation on returns with the countries of origin. Germany's CDU has showcased that its primary strategy will be externalization⁷, aiming to make agreements with non-EU countries to host asylum seekers while their claims are processed and to return those whose claims are rejected. This approach could mirror the recent agreement between the Italian government and Albania⁸, where asylum seekers stay in Albania during the examination of their claims.

If the Pact is not implemented properly, we could see an even greater shift towards more hard-line positions in each Member State, increased threats to free movement within the Schengen area, and a greater reliance on outsourcing asylum processing to non-EU countries. Beyond the migratory implications, such a failure would highlight the EU's political weakness and its difficulty in coordinating responses to shared challenges.

III. What Are the Core Provisions of the Pact? What are the concerns ??

Asylum and Migration Management Regulation (AMMR)

A comprehensive approach to Asylum and Migration Management⁹ as agreed with the new regulation encompasses both internal and external dimensions. The primary objective is to establish a governance structure for the mandatory solidarity mechanism and to monitor the overall situation of asylum and migration at both the Union and national levels on an annual basis.

The new rules on the *allocation of responsibility* have changed little compared to the current Dublin system, with an emphasis on reinforcing the country first entry criteria. Furthermore, *free legal counselling* was agreed for first-instance procedures on responsibility determination. While this is a positive development, it should be noted that Member States generally already include this in their national legislation. However, obstacles to accessing such support exist in practice, especially due to the limited capacity in terms of human resources and funding for organizations providing legal aid.

An at least symbolic improvement was that AMMR codified *mandatory solidarity* into law for the first time. However, solidarity is flexible, limited in scope and member states can choose between: relocation, financial contributions (€600 million across the bloc). i.e. if a MS does not want to relocate, they have to pay into a fund, managed by the European Commission, and capacity building. However, a lack of compliance is a major threat to the reform. If Member States begin to ignore the rules, the system of "mandatory solidarity" will be quickly undermined and rendered toothless, depriving the New Pact of its centrepiece.

Johansson is unlikely to continue her post in the new Commission as her party is now in Sweden's opposition, making it difficult to predict the next moves of the new Commission.

⁷ For more see: <https://www.theguardian.com/world/2023/dec/17/cdu-german-voters-rwanda-asylum-plan-refugees-immigration>

⁸ For more see: <https://www.infomigrants.net/en/post/59214/unhcr-to-monitor-implementation-of-italy-albania-accord>

⁹A detailed analysis published by ECRE can be found here: https://ecre.org/wp-content/uploads/2024/05/ECRE_Comments_Asylum-and-Migration-Management-Regulation.pdf

Asylum Procedures Regulation (APR)

The APR¹⁰ aims to standardize procedural requirements across Member States to "streamline, simplify, and harmonize their procedural arrangements". However, it introduces significant complexity by proposing the expanded and sometimes mandatory use of special procedures. Thus, *border procedures*¹¹ were broadly introduced and will be mandatory where the applicant is a security risk, has misled the authorities, or is from a nationality for which the recognition rate is below 20% at first instance. Moreover, families with children under 12 will remain in the border procedure.¹² The time limit for carrying out the border procedure is 12 weeks (16 in specific cases). This time limit raises concerns about the quality and accuracy of such a procedure.

Concerning the right to an *effective remedy*, negative decisions made during border or accelerated procedures¹³, or most inadmissibility decisions, will not be suspended while an appeal or review is ongoing. However, it has been clarified that inadmissibility decisions under the safe third country concept will have an automatic suspensive effect and unaccompanied minors will benefit from an automatic suspensive effect during the border procedure.¹⁴

Only free legal counselling will be available at the first instance, with free legal assistance offered only at the appeals stage. Additionally, the safe third country concept will remain optional for Member States to implement, while merely transiting through a safe third country will not be considered sufficient.

¹⁰A detailed analysis published by ECRE can be found here: https://ecre.org/wp-content/uploads/2024/06/ECRE_Comments_Asylum-Procedures-Regulation.pdf

¹¹More information regarding border procedures can be found here: <https://www.consilium.europa.eu/en/policies/eu-migration-policy/eu-migration-asylum-reform-pact/asylum-procedure/#border>

¹² However, a new element of "prioritisation" has been agreed: when "adequate capacity" is reached/capacity is almost full at border procedures, they will not be placed in bp, or if they are in the bp, the examination of their claim will be prioritised.

¹³ For more information regarding accelerated procedures see: <https://euaa.europa.eu/easo-asylum-report-2021/433-accelerated-procedures>

¹⁴ In the EU asylum law, the concept of a "safe country" refers to nations considered non-threatening to their citizens or places where asylum seekers receive adequate protection. EU law introduces four main concepts: safe country of origin, safe third country¹⁴, first country of asylum, and European safe third country, each affecting the processing of asylum applications by classifying them as potentially unfounded or inadmissible, thus expediting procedures.

The 2016 APR proposal mandated Member States to use the first country of asylum and safe third country concepts to assess application admissibility, which risked denying applicants thorough case examinations. However, amendments in 2020 modified this, allowing, but not obliging, authorities to declare applications inadmissible. Despite these changes, the outcome of APR and discussion between MS suggest that some may still use these inadmissibility options, posing ongoing threats to asylum rights in Europe.

The recast Asylum Procedures Directive specifies the criteria for deeming a country a safe third country, requiring applicants to have a reasonable connection to such a country and allowing for the presumption of safety to be contested on individual bases. Despite this, the protection level and connection criteria are being debated, questioning the safety designation of places like Turkey due to the Refugee Convention's geographical restrictions. Additionally, European courts have declared that mere transit does not create sufficient connection. Finally, as per the European Parliament's request, the legal basis for future EU agreements designating countries as "safe" requires EP's consent and allows for potential suspension procedures, enabling the coexistence of both EU and national lists of safe countries.

Additional guarantees for *minors* include the right to a personal interview. The definition and role of representatives for unaccompanied minors were strengthened, but the age assessments¹⁵ will be mandatory to all minors rather than just unaccompanied ones.

Screening Regulation

The new Screening Regulation establishes consistent rules for verifying and accurately registering irregular migrants and asylum seekers entering the EU, and ensures a smooth transition to subsequent return or asylum processes. The new regulations include several notable updates, such as enhanced guarantees for minors ensuring unaccompanied minors receive necessary assistance and can always apply for international protection. Individuals subject to screening will have access to their information and can correct any errors. The maximum duration for such screening within the territory is set at 3 days, with the external border screening duration remaining at 7 days.

The *legal fiction of non-entry* (Article 4) presents dangerous new addition to the Pact. The concept of non-entry is a tactic employed by states in border management. It involves denying the legal arrival of foreign nationals on their territory, despite their physical presence, until a border or immigration officer formally allows them entry. The application of this legal fiction in the EU raises urgent concerns about the protection of asylum seekers' rights. It not only heightens the risk of refoulement but also facilitates a broader systemic denial of access to asylum procedures and essential support systems, contradicting the values of dignity and respect for human rights that underpin international refugee law. There is a concern that this legal fiction will lead to widespread detention.

The provisions of keeping persons seeking asylum at the border (see also the chapter on APR) also raise concern about the reception conditions – as comparable efforts under the “hotspot” approach had in reality led to completely deplorable conditions.

Eurodac Regulation

The recast Eurodac Regulation will be a comprehensive asylum and migration database, reflecting both asylum processing and irregular migration management. It will also support the Resettlement Regulation and the Temporary Protection Directive and will be integrated into the EU's interoperability framework to connect with other EU databases.

In strengthening protections for *minors* it was ensured that only specially trained staff can fingerprint minors and that coercion is prohibited. Persons disembarked following *search and rescue* operations are going to be included in EURODAC. Similarly, *Temporary Protection Directive (TPD) beneficiaries* will be included in EURODAC, with implementation of this provision delayed for three years. During this period, the Commission will assess its impact and may propose amendments or repeal it. Notably, EURODAC will not be used for Ukrainian TPD holders.

¹⁵ For more information see: <https://euaa.europa.eu/publications/practical-guide-age-assessment>

Crisis and Force Majeure Regulation

The Crisis Regulation¹⁶ establishes a framework to address *exceptional situations of crisis* involving mass arrivals of third-country nationals or stateless persons by land, air, or sea, including those disembarked following search and rescue operations. Such a crisis must be severe enough to disrupt the asylum, reception, child protection services, or return system of the affected Member State, potentially impacting CEAS at the EU level. It only applies if the system was prior to the crisis well-functioning. The Regulation aims to establish a predictable and permanent system for crisis situations, moving away from ad-hoc solutions. All Member States will be required to support any Member State facing a crisis, reinforcing the principle of solidarity and fair sharing of responsibility outlined in Article 80 of the Treaty on the Functioning of the European Union (TFEU).

The regulation also defines *force majeure* as unforeseen and unavoidable circumstances beyond a Member State's control, despite taking all necessary precautions. Additionally, it addresses situations of "*instrumentalization*", where a third country or hostile non-state actor promotes or facilitates the movement of third-country nationals and stateless persons to the EU's external borders or a Member State, aiming to destabilize the Union or a Member State. This could jeopardize essential functions such as maintaining law and order or safeguarding national security. Importantly, the regulation clarifies that NGOs cannot be considered hostile non-state actors.

This regulation allows for a broad set of derogations for Member States to choose from depending on the circumstances, potentially hindering the asylum seekers' rights (more on derogations can be found in annex).

IV. Which Building Blocks Form the Foundation of Implementing the Pact?

The legal instruments under the Pact on Migration and Asylum are set to be enacted by mid-2026, while a transitional period started on 11 June 2024. During this period, the EU Commission has proposed a [Common Implementation Plan](#)¹⁷ to guide Member States in preparing National Implementation Plans by 12 December 2024. The Common Implementation Plan emphasizes a unified European approach, requiring collaboration and readiness from all stakeholders to ensure successful implementation. Key initiatives involve organizing consultations, leveraging existing and new practices, and allowing flexibility for states to adapt the obligations in line with their specific national contexts. Furthermore, the plan underlines collaboration with EU agencies, civil society, and international organisations like UNHCR for comprehensive support.

The Common Implementation Plan is grouped into "building blocks" to streamline implementation. All building blocks should be implemented collaboratively and facilitate coordination by fostering information exchange, identifying best practices, and developing guidance and checklists for uniform implementation.

¹⁶A detailed analysis published by ECRE can be found here: https://ecre.org/wp-content/uploads/2024/05/ECRE_Comments_Crisis-and-Force-Majeure-Regulation.pdf

¹⁷ For more resources consult the following link: https://home-affairs.ec.europa.eu/common-implementation-plan-Pact-migration-and-asylum_en

BUILDING BLOCK 1 - A common migration and asylum information system: Eurodac

The Eurodac system has been reformed to store and process biometric and identity data for various groups, including applicants for international protection and persons apprehended during irregular border crossings. This system is integral to implementing the Asylum Migration Management Regulation by comparing new applications against existing data to enforce responsibility rules and monitor secondary movements. It mandates that biometric data collection respects personal dignity and integrity, with implications for Data Protection Authorities' workload.

Member States must review and adjust their regulations and notify the European Commission of designated and verifying authorities within three months of the regulation's inception. They will need to ensure the readiness of Eurodac's functionalities by implementing appropriate infrastructure, training personnel and developing equipment for data collection and upload. The Commission plans to convene the Eurodac Regulatory Committee by September 2024 to facilitate the adoption of implementing acts and will update related regulations to integrate Eurodac data usage.

BUILDING BLOCK 2 - A new system to manage migration flows at the EU external borders

The new regulations mandate comprehensive registration and screening for all irregular migrants, assessing identity, security risks, vulnerabilities, and health checks, including those applying for international protection at border crossings. This process should also identify stateless persons more effectively. Following screening, a mandatory border procedure will apply to those unlikely to need protection, pose security risks, or deceive authorities. These procedures must respect fundamental rights, including non-refoulement principles.

Implementing these obligations entails reviewing national regulations to harmonize screening and border procedures, adhering to strict deadlines (seven days for screening, 12 weeks for asylum and return processes). Member States should streamline administrative processes with integrated case management systems to facilitate information flow across different authorities. Protocols must ensure that migrants stay available to authorities, employing alternatives to detention where suitable. Required infrastructure, including screening facilities and reception centers, should be developed or enhanced to meet EU standards, with sufficient staffing and resources to handle screening and border procedures promptly. The civil society sector should monitor the locations identified by Member States for conducting screening and border procedures to ensure compliance with human rights requirements.

BUILDING BLOCK 3 - Rethinking reception

Reception capacity for international protection applicants must encompass comprehensive material and service provisions, such as housing, food, personal hygiene, and monetary allowances, considering individual needs based on gender, age, and specific requirements. Additionally, it should include physical and mental healthcare, education for minors, early integration initiatives, and rights protection. Achieving uniform reception standards across Member States is crucial to the EU's migration and asylum system, ensuring consistent

living conditions and supporting transfers under responsibility rules. Adequate reception is vital in assessing a Member State's preparedness and border capacity in compliance with the recast Reception Conditions Directive.

The revised Directive not only expands the current reception system but also introduces flexibility in management to prevent secondary movements, allowing Member States to allocate applicants to specific accommodations or areas. It mandates providing only basic needs when applicants reside outside the designated Member State and harmonizes standards by enhancing safeguards such as earlier access to the labour market and improved healthcare for vulnerable groups. Member States should develop procedures reflecting the Directive, addressing secondary movement challenges, and leveraging partnerships with regional authorities, NGOs, and migrant-led organizations for effective reception system management. Ensuring sufficient infrastructure and services necessitates a thorough capacity assessment and planning for recruitment and training to maintain an adequate standard of living and facilitate integration efforts.

BUILDING BLOCK 4 - Fair, efficient, and convergent asylum procedures

To maintain the integrity of the asylum system and reduce secondary movements, the Asylum Procedure Regulation and the Qualification Regulation streamline processes and harmonize asylum application standards across Europe. These regulations aim to create more efficient procedures with clearly defined steps and deadlines, such as registering applications within five days and lodging them within 21 days. The Asylum Procedure Regulation also mandates accelerated procedures and introduces stricter rules for subsequent applications, including considering applications rejected by other Member States as subsequent applications.

Internal workflows need adjustments to facilitate efficient information exchange between services and Member States, especially for applications previously rejected elsewhere. Asylum offices must be reorganized to address backlogs and streamline decision-making processes, incorporating requirements for safe third-country and first-country of asylum concepts. To support these changes, Member States should ensure sufficient, trained staffing and adequately equipped asylum offices to meet new procedural obligations. Training must incorporate elements of the European Asylum Curriculum, and tools like Eurodac machines should be available to meet compliance timelines. Additionally, awareness of the EUAA Country of Origin Information and Guidance must be raised among asylum caseworkers and judges to support assessments of asylum applications.

BUILDING BLOCK 5 - Efficient and fair return procedures

The EU's migration policy emphasizes the importance of effective returns for individuals without the right to stay, promoting sustainable management by encouraging voluntary and, when necessary, forced returns. APR mandates that when a negative asylum decision is issued, a return decision must simultaneously follow or occur shortly thereafter. Both decisions should be appealable jointly and within the same legal proceedings, streamlining the process and closing procedural gaps. Voluntary return, supported by reintegration, is favoured as a sustainable and humane approach.

To implement these policies effectively, Member States must adapt their national legislations to ensure timely return decisions align with asylum outcomes. Appeals on asylum and return decisions should be handled within the same or compatible timelines. States need to assess infrastructure and staffing capacities to manage return procedures, ensuring that returnees remain available and decreasing absconding risks. This includes strengthening return counselling and enhancing voluntary return incentives while collaborating with Frontex for streamlined reintegration efforts.

BUILDING BLOCK 6 - A fair and efficient system: making the new responsibility rules work

The current Dublin III Regulation determines which EU Member State is responsible for processing an application for international protection and mandates the transfer of applicants to that state if they are not present there. The implementation of Dublin III has faced significant challenges, particularly regarding the successful execution of transfers; hence AMMR aimed to address these challenges. New obligations have been introduced, including requiring applicants to apply in the Member State of first entry and in case of secondary movement or if a person is a security threat, the responsible MS is obligated to provide only basic needs.

For effective implementation, Member States should reassess and potentially adjust their national Dublin units' structures, updating procedures to align with the new regulations and timelines. This includes enhancing coordination between Dublin units and other authorities to effectively apply the new rules, particularly regarding security checks and the sharing of pertinent information. Additionally, Member States are encouraged to develop an inventory of recognized diplomas to leverage the new educational qualification criteria and prioritize family-related cases, potentially collaborating with organizations skilled in family tracing.

BUILDING BLOCK 7 - Making solidarity work

The principle of solidarity in the EU, as stated in Article 80 of the TFEU, is being operationalized through a new legally-binding yet flexible mechanism under AMMR. The creation of a High-Level EU Solidarity Forum, chaired by the Member State holding the Council presidency, will facilitate relocation pledging, while the Technical-level EU Solidarity Forum, led by the Solidarity Coordinator, will operationalize the Annual Solidarity Pool mandated by the Council. The Commission is responsible for setting the necessary legal, administrative, and operational frameworks for the first migration management cycle, ensuring all components function effectively, including the establishment of the Solidarity Pool by 2025.

At the national level, Member States need to create decision-making structures to engage in the annual migration management cycle, including appointing coordinators and developing mechanisms to decide on solidarity contributions. This involves planning participation in the High-Level EU Solidarity Forum and feeding into the Commission's preparatory processes. Additionally, MS must implement procedures to collect and transmit necessary data for the European Annual Asylum and Migration Report. Those engaging in or benefiting from relocation must adhere to a 1.5-month timeline for completing relocation processes, commencing upon receipt of relevant information.

BUILDING BLOCK 8 - Preparedness, Contingency Planning and Crisis response

A Member State lacking contingency planning cannot be deemed well-prepared, which may affect its eligibility for solidarity or deductions from solidarity contributions. Preparedness is critical for a coordinated response to migration crises and includes resource allocation, infrastructure, and coordination among national and EU authorities. The European Annual Asylum and Migration Report will assess preparedness levels, supporting efficient crisis response while considering geographic specificities, particularly in border regions.

Member States must adapt their legislative frameworks to incorporate relevant Reception Conditions Directive provisions, ensuring contingency plans are developed by April 2025 using the EUAA template. Administrative arrangements should facilitate the design, implementation, and regular review of comprehensive plans, potentially establishing inter-ministerial coordination structures. Systemic reviews of operational preparedness are encouraged to effectively adjust capacities, considering necessary resources in terms of staffing, IT, and infrastructure.

BUILDING BLOCK 9 - New safeguards for applicants for international protection and vulnerable persons, and increased monitoring of fundamental rights

This building block might be most central for “damage control” during the pact implementation.

Key provisions in the Pact that protect access to effective remedies and a right to seek asylum include strengthened information rights, free legal counselling, early identification of vulnerabilities, and stronger guarantees around detention and child protection. Member States need to adapt their legal frameworks to implement these new rights and guarantees effectively. This includes ensuring the provision of free legal counselling across all procedures and establishing legal alternatives to detention, particularly for minors. Child protection must be prioritized, with swift appointment of qualified representatives for unaccompanied minors and strict protocols ensuring that detention is only used as a last resort.

Organizationally, Member States should develop tailored information materials to help applicants understand their rights and obligations and adapt standard procedures for early identification of needs. Specific processes must be in place to prioritize cases involving minors and families, ensuring that child’s best interests are central to all decisions. Detention alternatives must be assessed, applying individualized reviews and adhering to new legal timelines for judicial reviews.

There must also be systems to exclude unaccompanied minors from border procedures unless considered threats, and workflows for appointing representatives. Furthermore, Member States must implement an independent monitoring mechanism for fundamental rights during asylum procedures, ensuring ongoing compliance with international standards through on-site checks and interorganisational cooperation.

BUILDING BLOCK 10 - Resettlement, Inclusion and Integration

The EU Pact reinforces emphasizes an integrated approach to resettlement, humanitarian admission, and integration. The Union Resettlement and Humanitarian Admission Framework Regulation establishes a permanent mechanism with harmonized criteria for resettlements and MS are urged to review and adapt their national frameworks to align with this regulation, appointing national contact points to facilitate its implementation.

Effective integration of migrants remains a foundational aspect of the Pact, viewed as critical for the long-term cohesion and economic well-being of EU societies. MS must develop administrative processes for quick access to integration measures, ensuring the continuous education, health care, and employment opportunities deemed essential for integration. Furthermore, MS are advised to simplify the recognition of qualifications and validate skills to aid integration by issuing residence permits and travel documents promptly. Infrastructure and staffing must be strengthened to manage timely issuance of residence permits and provisional measures. Training for organizations responsible for implementing the Qualification Regulation is essential, with a focus on confidentiality. A multi-stakeholder approach, involving local authorities and various partners, enhances the implementation process, facilitating broader societal engagement in integration efforts.

V. What Should Be Considered When Tailoring Your Advocacy Strategy?

On 23 May 2024, shortly after the EU Pact on Migration and Asylum was adopted, the European Commission and various NGOs and civil society representatives convened to discuss its implementation.¹⁸ The meeting attended by over 100 participants both in person and online, highlighted the essential role of civil society due to their practical experience with migrants, asylum seekers, and refugees. The Pact envisions these organizations participating in information provision, reception, integration, legal counselling, and independent monitoring to uphold fundamental rights.

National implementation plans require a comprehensive review of current legal frameworks, organizational structures, administrative procedures, and resource capacities. Therefore, the European Commission has urged Member States to involve social partners, local and regional authorities, and other stakeholders, especially representatives from civil society organizations, through regular discussions and consultations. This collaborative approach is vital for identifying challenges, enhancing policy solutions, and ensuring broad representation during the preparation and execution of National Implementation Plans. However, it is not legally binding.

The extent and nature of engagement, however, will differ across Member States, depending on their progress in developing these plans, their existing legislation, facilities, and available human resources. The areas and types of engagement listed below will serve as a non exhaustive list of options for crafting an advocacy strategy, taking into account the aforementioned circumstances. Last not least your church/organisations role, capacity and

¹⁸ For more see: https://home-affairs.ec.europa.eu/news/european-commission-and-ngos-discuss-implementation-migration-pact-2024-05-27_en

expertise will influence what you can and want to do. For some activities partnerships with and resourcing by the state might be necessary.

VI. What Are the Key Areas to Advocate For?

1. Detention:

- Churches and civil society organizations should advocate for the adoption of binding alternatives to detention but also actively monitor the conditions of detention facilities, including arranging site visits to ensure humane and standardized treatment.

2. Reception:

Given the numerous actors involved in managing the reception of asylum seekers, partnerships with multiple stakeholders have often been essential for effectively managing reception systems in some Member States. This creates space for engagement by local and regional authorities, social and economic partners, international organizations, churches, NGOs, and migrant-led organizations.

- Healthcare and integration measures: Churches and CSOs can play a crucial role in facilitating access to both physical and mental healthcare. Therefore, it is important to advocate for early integration measures such as education, language training, and employment support.
- Training and staffing: By collaborating in training programs, you can ensure that interpreters, translators, social workers, medical personnel, and child protection officers meet the high standards required by the European Asylum Curriculum and EUAA tools.

3. Border Procedures

- Advocate for the implementation of border procedure models developed by the Commission and EUAA at the Member State level, ensuring these procedures include fundamental rights safeguards.
- Engage in monitoring of the selection of border procedures and screening locations to ensure compliance with all necessary standards.

4. Solidarity:

- Access to remedies in responsibility determination procedures: Advocate for Member States to ensure the right to an effective remedy by providing robust procedural safeguards, avoiding restrictive appeal scopes, and ensuring access to legal assistance and representation. This is especially crucial for applicants in detention within transfer procedures under the Regulation on Asylum and Migration Management.
- Relocation procedures: Encourage the involvement of various stakeholders, including civil society and local administrations, in both pre- and post-relocation processes. Collaboration with the EUAA should ensure smooth coordination, particularly for beneficiaries of international protection.
- Engage in monitoring the national processes for determining contributions to solidarity and timely pledges at the High-Level EU Solidarity Forum. This includes participating in

national-level consultations that inform the Commission's consultation process before the adoption of the Council implementing act.

5. Returns:

- Churches and CSOs should maintain communication with national offices concerning procedures in countries of origin, focusing on return procedures, applicable laws, and human rights conditions to ensure humane and fair practices. In some cases, involvement of churches or NGOs in “return monitoring” might be an option, as it is the case in Germany, Slovenia and Slovakia¹⁹,

6. Safeguards and Fundamental Rights:

- You can get involved in monitoring fundamental rights during asylum procedures by engaging in independent monitoring mechanisms, requesting on-site checks, and promoting interorganisational cooperation to ensure compliance with international standards. Furthermore, active participation in the independent monitoring of fundamental rights during the screening and asylum border procedures is vital in ensuring that victims can access civil or criminal justice.
- Access to counselling: Advocate for a more direct and constructive role for civil society in providing legal counselling during the administrative stage of the asylum process. Additionally, raise concerns about the potential limitation of effectiveness when legal counselling is organized for multiple applicants simultaneously, urging for individual, comprehensive legal support
- Access to remedies: advocate for the provision of impartial legal aid to asylum seekers, especially in light of increased burdens imposed by certain regulations. It is crucial for civil society organizations to have access to asylum seekers and the necessary funding and resources to handle the volume of requests effectively.

7. Resettlement:

- Integration and rights access: Assist in facilitating access to employment, education, healthcare, and social services for beneficiaries of international protection, helping to recognize qualifications and validate skills.
- Multi-stakeholder cooperation: Encourage participation in collaborative approaches with local authorities and migrant-led organizations to promote inclusive resettlement processes and share best practices.

8. Monitoring Post-National Plans:

- Churches can play an essential role in monitoring the implementation of the Pact; therefore, active advocacy for their inclusion in monitoring beyond the development of implementation plans is crucial to ensure the plans reflect the needs of communities and uphold fundamental rights.

¹⁹ <https://fra.europa.eu/en/publication/2023/forced-return-monitoring-systems-2023-update?page=1#read-online>

VII. What Can You Do to Influence the Implementation Process?

As previously mentioned, before selecting from the available advocacy tools, it is important to consider your specific situation: what is your option for engagement, the national context, the space provided by national and local authorities for civil society and experts to get involved, as well as existing tools, partnerships, and good practices in the Member State in question.

1. Consultation and Providing Feedback:

- Monitor your government's website and the Ministry of Interior's website for calls for consultations with civil society groups and other relevant stakeholders during the preparation and execution phases of National Implementation Plans.
- Attend public consultations, town hall meetings, and European Commission conferences (through national offices) to voice community needs and offer constructive feedback.
- Write asks, reports, and policy suggestions to provide evidence-based feedback to your interlocutors, enhancing policy solutions during the preparation and execution phases of National Implementation Plans.

2. Advocacy and Partnerships:

- Form coalitions with other civil society organizations to advocate for policy improvements and engage with policymakers at local and national.
- Partner with governmental bodies, NGOs, and academic institutions to enhance engagement effectiveness, participating in working groups and advisory committees where available.
- Schedule meetings with your local and national representatives (MPs), as well as relevant ministries to gain more intel and to share advocacy and best practices.

3. Monitoring and Accountability:

- Set up systems to monitor the implementation process at the Member State level to ensure adherence to fundamental rights.
- Review implementation reports or briefs, identifying successes and areas for improvement to boost transparency and accountability.
- Get involved in border monitoring:
 - Reach out to the national Ombudsperson's office (or comparable independent human rights institution of your country) to inquire about opportunities and procedures for participating in border monitoring initiatives.
 - Explore partnerships with established organizations involved in border monitoring to gain insights and training and participate in training sessions or workshops.
 - Collaborate with other civil society groups to share strategies and best practices for monitoring activities.
 - Document and report any findings or concerns to the relevant authorities to help ensure transparency and accountability at border sites.

4. Operational Support:

- Provide essential services related to health, education, and integration, depending on your capacities.
- Engage with policymakers to request structured involvement of civil society organizations in offering legal support and guidance to asylum seekers during the administrative process.

5. Capacity Building and Best Practices:

- Collaborate through networks like the EUAA Resettlement and Humanitarian Admission Network to exchange best practices and knowledge.
- Share previous experiences in integration or resettlement projects to strengthen implementation efforts:
 - Distribute previously published reports and briefings.
 - Provide analyses of past projects and partnerships.
 - Develop new advocacy guidelines based on these experiences, including: comparisons and commonalities, obstacles to consider, success stories.

6. Awareness and Education Campaigns:

- Launch online and offline campaigns to inform the public about the Pact and its implications, encouraging wider participation and community support.
 - Create for example informative posts, infographics, and short stories detailing the key points of the Pact and its potential impact.
 - Host virtual sessions featuring national experts who can explain the Pact's implications and answer questions from the audience.
 - Organize in-person meetings where community members can learn about the Pact, voice their opinions, and ask questions.
- Mobilize community members to take part in advocacy efforts and host local events or discussions to gather input and collectively contribute to relevant authorities.
 - Offer workshops to educate community members about advocacy strategies and how they can participate effectively.

VIII. What Has Civil Society Done to Get Involved Across Member States?

- Various civil society organizations will host dialogues where they aim to bring together relevant stakeholders to discuss the implications of the Pact and develop actionable strategies for its implementation at the community level.²⁰
- In Spain, civil society groups have launched advocacy campaigns aimed at ensuring that the implementation of the Pact includes measures for promoting social inclusion and protecting the rights of marginalized communities.²¹

²⁰ See for example: <https://ecre.org/mutual-learning-seminar-the-future-of-protection-in-the-eu-evidence-to-guide-the-implementation-of-the-ceas/>

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- UNHCR and civil society organizations in Portugal collaborated with local authorities to pilot projects that demonstrate best practices in local governance and community engagement.

²¹ See CEAR for more: <https://www.cear.es/>

IX. What to Read if You Want to Learn More About CEAS and Pact Implementation?

1. Asylum Migration Management Regulation, full text: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1351>
2. Asylum Migration and Integration Fund: https://home-affairs.ec.europa.eu/funding/asylum-migration-and-integration-funds/asylum-migration-and-integration-fund-2021-2027_en
3. Asylum Procedures Regulation, full text: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202401348
4. Council of the EU, A Common Asylum Procedure: [A common asylum procedure - Consilium \(europa.eu\)](https://consilium.europa.eu/en/press/press-releases/2024/04/24/)
5. Council of the European Union, Hungarian Presidency Programme: <https://hungarian-presidency.consilium.europa.eu/en/programme/programme/>
6. Crisis Regulation, full text: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202401359
7. ECRE, Comments Asylum-and-Migration-Management-Regulation: <https://ecre.org/wp-content/uploads/2024/05/ECRE>
8. ECRE, Comments Asylum-Procedures-Regulation: <https://ecre.org/wp-content/uploads/2024/06/ECRE>
9. ECRE, Comments Crisis-and-Force-Majeure-Regulation: <https://ecre.org/wp-content/uploads/2024/05/ECRE>
10. ECRE, EDITORIAL: EU changing of the guard: Winter (may be) coming: <https://ecre.us1.list-manage.com/track/click?u=8e3ebd297b1510becc6d6d690&id=05b8ffded6&e=7134bdb998>
11. ECRE, The future of protection in the EU: Evidence to guide the implementation of the CEAS: <https://ecre.org/mutual-learning-seminar-the-future-of-protection-in-the-eu-evidence-to-guide-the-implementation-of-the-ceas/>
12. EUAA, Accelerated Procedures: <https://euaa.europa.eu/easo-asylum-report-2021/433-accelerated-procedures>
13. EUAA, Practical Guide on Age Assessment: <https://euaa.europa.eu/publications/practical-guide-age-assessment>
14. Euronews, EU Completes Reform of Migration Rules Despite Poland and Hungary Vote Against: <https://www.euronews.com/my-europe/2024/05/14/eu-completes-reform-of-migration-rules-despite-poland-and-hungary-voting-against>
15. Euronews, The Truth Behind the 646 billion Budget Deal agreed by EU Leaders: <https://www.euronews.com/my-europe/2024/02/03/the-truth-behind-the-646-billion-budget-deal-agreed-by-eu-leaders>
16. European Commission, Common Implementation Plan for the Pact on Migration and Asylum Resources: https://home-affairs.ec.europa.eu/common-implementation-plan-pact-migration-and-asylum_en
17. European Commission, Common Implementation Plan on for the Pact on Migration and Asylum: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2024%3A251%3AFIN>
18. European Commission, European Commission and NGOs discuss the implementation of the Migration Pact: https://home-affairs.ec.europa.eu/news/european-commission-and-ngos-discuss-implementation-migration-pact-2024-05-27_en
19. European Commission, New Pact on Migration and Asylum Q&A: https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_1707

20. European Parliament Briefing, A Legal Fiction of non-entry in EU Asylum Policy: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760347/EPRS_BRI\(2024\)76_0347_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760347/EPRS_BRI(2024)76_0347_EN.pdf)
21. European Parliament Press Room, MEPs approve new Pact: <https://www.europarl.europa.eu/news/en/press-room/20240408IPR20290/meps-approve-the-new-migration-and-asylum-pact>
22. Integrated Border Management Fund: [Integrated Border Management Fund - European Commission \(europa.eu\)](https://www.europa.eu/commission/press-room/detail/2024/04/integrated-border-management-fund)
23. InfoMigrants, UNHCR to monitor implementation of Italy-Albania accord: <https://www.infomigrants.net/en/post/59214/unhcr-to-monitor-implementation-of-italyalbania-accord>
24. Picum, 81 Civil Society Organisations call on MEPs to Vote Down Harmful EU Pact: <https://picum.org/blog/81-civil-society-organisations-call-on-meps-to-vote-down-harmful-eu-migration-pact/>
25. Qualification Regulation, full text: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202401347
26. Reception Conditions Directive, full text: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202401346
27. Resettlement Framework, full text: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A>
28. Eurodac Regulation, full text: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202401358
29. Screening Regulation, full text: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202401356
30. The Guardian, CDU seeks to win back German voters with its own Rwanda asylum plan: <https://www.theguardian.com/world/2023/dec/17/cdu-german-voters-rwanda-asylum-plan-refugees-immigration>
31. The Council Press, The Council approves new Pact: <https://www.consilium.europa.eu/en/press/press-releases/2024/05/14/the-council-adopts-the-eu-s-pact-on-migration-and-asylum/>
32. The Council, EU Presidency: <https://www.consilium.europa.eu/en/council-eu/presidency-council-eu/>
33. Wijnkoop Myrthe, Pronk A, Neumann R, Shifting the paradigm, from opt-out to all out?, Clingendael, Netherlands Institute of IR, 2024, https://www.clingendael.org/sites/default/files/2024-02/Clingendael_Report_In_Search_of_Control_Denmark.pdf

Annex: some more details on the elements of the pact

Asylum and Migration Management Regulation (AMMR)

The agreed-upon package includes enhanced rights to information and safeguards for family cases, such as a template for family tracing. The scope of Article 16 on family members was broadened to include those legally residing under the EU Long Term Residence Permit. However, siblings were not included in the definition of family.

Positive changes have been introduced regarding *information provision*. These include specifying the information that a Member State must provide to an applicant, ensuring it is "drawn up in clear and plain language," and, if necessary, also provided orally. Additionally, the provisions on guarantees for *unaccompanied children* have been strengthened compared to Dublin III. This includes the obligation to appoint a representative and conduct a best interest assessment, including hearing the views of the child. The provision also establishes that procedures involving minors must be treated with priority and includes additional guarantees for unaccompanied children.

The solidarity mechanism establishes a "*Solidarity Pool*," requiring Member States to offer support to countries experiencing migratory pressure. All Member States need to contribute, with an initial preference for "primary" solidarity measures in the form of relocations.

The decision making process will be based on a Commission implementing decision for determining Member States under migratory pressure or facing a significant migratory situation, and a Council implementing act establishing the Solidarity Pool. The institutional set-up, including the *High Level EU Solidarity Forum, the technical Level EU Solidarity Forum and the EU Solidarity Coordinator*, was also agreed upon. The final compromise ensures the EP will be kept informed regarding the implementation plans.

The solidarity thresholds will be reviewed every three years, together with the definition of family members, duration of time limits and the overall functioning of the Dublin mechanism.

An annual minimum of 30,000 relocations will be set for the EU as a whole. If relocation pledges at the beginning of a given year or relocations implemented by the end of the year fall short of this target, Member States contributing to the Solidarity Pool will be asked to provide "secondary" level solidarity through "*responsibility offsets*." This concept involves taking charge of applicants present in the contributing Member State for whom the benefiting country should be responsible. Member States under migratory pressure may be excluded from accessing the Solidarity Pool if they fail to comply with take-back procedures.

It was agreed that an indicative percentage of the pool must be available for Member States under migratory pressure as a result of large numbers of arrivals stemming from recurring disembarkations following *Search and Rescue operations*.

Governance

1. By October 15 each year, the Commission will adopt three key actions:
 - An annual report assessing the migratory situation across the EU and in each Member State.
 - An implementing decision that categorizes each Member State's migratory situation as either being under migratory pressure, at risk of such pressure in the coming year, or experiencing a significant migratory situation, which accounts for both current and past arrivals.
2. A proposal for a Council Implementing Act outlining the necessary relocations and financial solidarity contributions for the upcoming year.
 - Based on these actions, the Council will, before the year's end, adopt a Council Implementing Act to establish the Solidarity Pool. This pool will contain specific pledges made by each Member State for various types of solidarity contributions. While contributing is compulsory, Member States can choose the form(s) their contributions will take:
 - Relocation of applicants or, if both the contributing and benefiting states agree, relocation of those already granted international protection.

Financial contributions: for actions within Member States or in connection to third countries.

Alternative measures: staff and in-kind support.

Member States experiencing a "significant migratory pressure" can request a deduction in their required solidarity pledges. Alternatively, instead of relocation, Member States affected by secondary movements can assume responsibility for examining an applicant already on their territory, known as "responsibility offsets." These offsets become mandatory if relocation pledges are inadequate.

An EU Solidarity Coordinator within the Commission will oversee and support the entire process.

Asylum Procedures Regulation (APR)

A strengthened definition of *"misleading the authorities"* has been agreed upon, addressing some of the ambiguous wording from the Council mandate. While the Commission proposal and the European Parliament's mandate initially exempted all unaccompanied minors and families with minors under 12 from the procedure, the revised agreement allows for this procedure to be applied to unaccompanied minors if they are deemed a security risk. Additionally, it applies to minors and their families, regardless of age, including all family members if one poses a security risk, to ensure family unity. However, these families should not be prioritized in border procedures, but once their applications are processed, they should be examined as a priority. Families with minors must always reside in facilities that meet the standards set by the recast Reception Conditions Directive.

Safe Country Concepts: Specifically, third countries may be designated as safe, with exceptions for certain areas of the territory and specific categories of persons. As requested by the EP, it will be clarified that the legal basis for future EU agreements designating a third country as "safe" is Article 218 of the Treaty. This will ensure EP consent for such

agreements and allow for a potential suspension procedure. Additionally, the agreement provides for the coexistence of future EU lists and national lists of safe third countries and safe countries of origin.

Screening Regulation

Legal fiction of non-entry has been introduced in the Pact as the part of the Screening Regulation. According to the EU asylum law “the fiction of 'non-entry' is a claim that states use in border management to deny the legal arrival of third-country nationals on their territory, regardless of their physical presence, until granted entry by a border or immigration officer. It is usually applied in transit zones at international airports between arrival gates and passport control, signifying that the persons who have arrived have not yet entered the territory of the destination country. Although physically present, they are not considered to have legally entered the country's official territory until they have undergone the necessary clearance. In the EU, all Member States make use of the fiction of non-entry in transit zones at ports of entry, but usually in a non-asylum context. In 2018, Germany was one of the first Member States to extend this concept to include land crossings. Since the mass arrival of asylum-seekers in 2015-2016, other Member States too have increasingly looked into ways of using this claim to inhibit asylum-seekers' entry to their territory and thereby avoid the obligation under international law to provide them with certain protection and aid. This, however, may lead to a risk of refoulement, as the fiction of non-entry limits asylum-seekers' movement and access to rights and procedures, including the asylum procedure. This is a revised edition of a briefing published in March 2024.” (European Parliamentary Research Service, April 2014)

The legal fiction of non-entry included in the EU asylum law poses significant risks to the rights of asylum seekers for several reasons:

- The fiction of non-entry creates substantial barriers for asylum seekers, limiting their movement and access to critical rights and necessary procedures, particularly the asylum process. This restrictive environment can precipitate a risk of refoulement where individuals are forcibly returned to a country from which they fled, potentially exposing them to persecution, torture, or other forms of serious harm. This is a violation of the principle of non-refoulement, which is enshrined in international human rights law and recognized as a fundamental safeguard for refugees.
- The assertion that third-country nationals have not legally arrived in the host country, despite their physical presence, until they receive formal clearance from a border officer effectively bars them from accessing the asylum process. This denial of legal arrival prevents asylum seekers from exercising their rights to seek protection, leaving them in a vulnerable state of limbo without the means to apply for asylum and receive protection they are entitled to under international law. This includes a lack of timely access to the asylum procedure, inadequate legal representation, and challenges in obtaining essential services such as healthcare, housing, and social support. The bureaucratic delays and hurdles created by non-entry policies can inflict significant hardships on vulnerable populations already facing trauma and instability.

- By employing the fiction of non-entry, states can navigate around their obligations under international law to grant asylum seekers protection and assistance. Such a strategy allows countries to effectively close their borders to individuals in need of refuge, contravening the core humanitarian principles of asylum and undermining the foundational rights of individuals seeking safety and security from persecution.

Eurodac Regulation

Security flags were added in EURODAC for applicants of international protection, migrants illegally staying in the EU, and those crossing EU borders unlawfully. These flags are intended solely for communication between Member States and their security officers, with no impact on international protection planning. These flags will only be used under specific conditions, such as violence or illegal armament. Furthermore, it was agreed that security concerns would be recorded in EURODAC not only after the screening process but also during the biometric data collection, addressing the EP's and Council's respective positions.

Crisis Regulation

Governance:

A Member State experiencing a crisis must submit a detailed request to the European Commission.

The European Commission will conduct an assessment of the situation within two weeks.

Following the assessment, and within the same two-week period, the European Commission will adopt the following actions:

- A Commission implementing decision to officially establish the situation as one of crisis or force majeure.
- A Commission proposal for a Council Implementing Decision, detailing the proposed solidarity measures and any necessary derogations.
- A Commission Recommendation that specifies which categories of persons should be granted Prima Facie recognition.

Before declaring a situation of crisis, the European Commission must consult with the UNHCR, IOM, and other relevant agencies.

Derogations:

In a situation of crisis:

- Registration is derogated for 4 weeks.
- The maximum duration of the border procedure, including both asylum and return processes, is extended to 6 weeks.
- The recognition rate threshold is derogated to 50%.

In a situation of force majeure:

- Registration is derogated for 4 weeks.
- The maximum duration of the border procedure, for both asylum and return, is extended to 6 weeks.
- There is the possibility not to apply the border procedure at all.

In a situation of instrumentalisation:

- Registration is derogated for 4 weeks.
- The maximum duration of the border procedure, including both asylum and return processes, is extended to 6 weeks.
- The recognition rate threshold is derogated to 100%, with the option to exclude or cease applying the border procedure to minors under 12 years old, along with their family members and vulnerable persons.

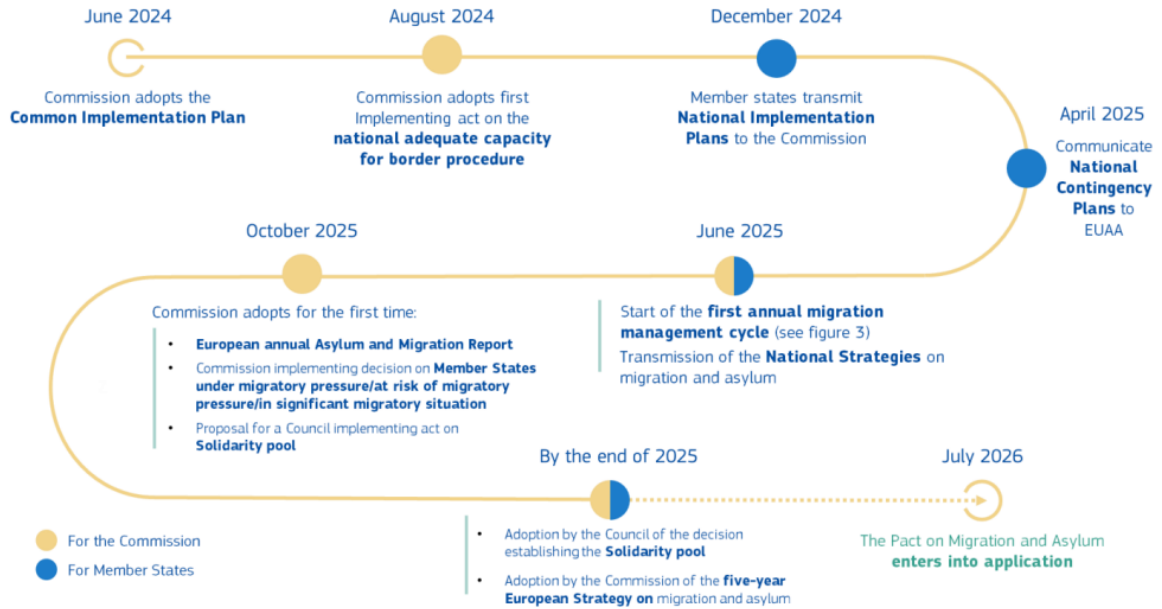
The [prima facie](#) approach was added to the Regulation, enabling faster granting of refugee status to persons from countries with high recognition rates or based on objective criteria related to circumstances in their country of origin, which justify the presumption that they meet the criteria of the applicable refugee definition.

Regarding [Prima Facie](#) entitlements:

- The European Commission (EC) will issue a Recommendation identifying the categories of persons eligible for Prima Facie recognition.
- In deciding whether to adopt a Recommendation, the Commission may consult relevant Union agencies, the UNHCR, and other pertinent organizations.
- Prima Facie will apply to groups of applicants from specific countries or regions, based on criteria from the Qualification Regulation.
- This will allow Member States to omit personal interviews and prioritize applications likely to be well-founded.
- The determining authority must ensure that the examination of such applications is completed within four weeks.

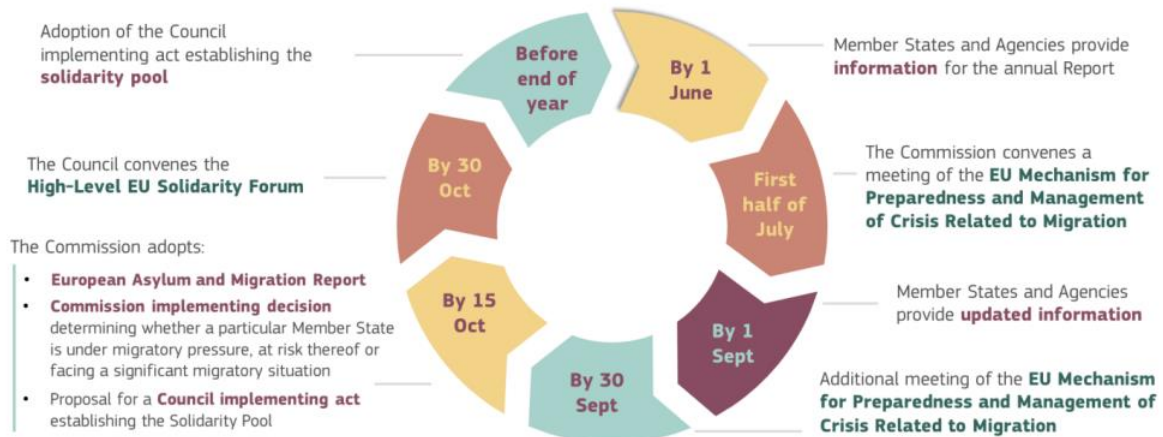
Appending Visuals to the Annex

Pact implementation timeline



Note: Adapted from the European Commission's Common Implementation Plan for the Pact on Migration and Asylum, 2024.

Annual Migration Management Cycle



Note: Adapted from the European Commission's New Pact on Migration and Asylum, 2024.