

## The NEW EU Pact on Migration and Asylum

On 10 April 2024, after lengthy negotiations and despite the concerns of civil society organisations about the final agreement, the European Parliament and EU governments adopted the EU Pact on Migration and Asylum (the Pact). The Pact presents a complex **package of legal instruments** aimed at reforming the EU's migration and asylum system, and more concretely the Common European Asylum System.

The reform gives priority to the 'protection' of EU's external borders' 'rapid and more effective asylum and return procedures' and 'more solidarity with the Member States at EU's external borders'. It provides Member States with a uniform framework for the management of irregular arrivals. However, the Pact may lead to even greater violations of human rights at European borders.

The pillars of the Pact, **as presented by the European Commission**, are the following:

- Secure external borders
- Fast and efficient procedures
- Effective system of solidarity and responsibility
- Embedding migration in international partnerships

**What does the Pact propose?** The Pact is comprised of the following legislative files, of which we report some of the most relevant points.

### SCREENING REGULATION

The new Screening Regulation<sup>1</sup> sets up uniform rules **to conduct systematic checks on and registration** of people entering the EU. It becomes a key first step to "channel" people into different procedures with the aim of speeding returns.

This regulation aims to strengthen controls of persons at external borders.

The screening includes identification, health and security checks, as well as fingerprinting and registration in the Eurodac database.

During the screening, people must be "at the disposal of the authorities".

#### APPLICATION

- People who do not meet the conditions for entering an EU Member State.
- People who are intercepted trying to enter the EU without passing through a border crossing point or are disembarked after a search and rescue operation.
- People who have applied for international protection at a border crossing point.
- People who have crossed an external border to enter the territory of a Member State in an unauthorised manner and are found later within EU territory. In this sense, the screening can be carried out not only at the external borders or in its vicinity, but anywhere in the territory.
- Member States are obliged not to authorise legal entry to their territory during the screening ("non-entry fiction"). However, relevant EU safeguards should be applicable.

#### WHAT IS NEW

The two main objectives of this Regulation are:

<sup>1</sup> Regulation (EU) 2024/1356 introducing the screening of third-country nationals at the external borders  
[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL\\_202401356](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202401356)



- Quick assessment of some asylum applications at the borders
- Swiftly return those with no right to stay
- The Regulation provides:
- Uniform health, identity and security checks of migrants who enter the EU irregularly
- Screening will have to be completed in a concrete timeframe: 7 days for the screening at EU's external borders and 3 days elsewhere in the territory
- Channelling to the right procedures (asylum border procedure, regular asylum or return border procedures)
- An obligation for EU Member States to establish independent monitoring mechanism for ensuring compliance with fundamental rights during screening and asylum border procedures.

## MAIN CONCERNS

- Deprivation of liberty during the 7 days that identification can last, including families with children, unaccompanied children and people experiencing vulnerabilities.
- Will the detention be approved by a judge or be indiscriminate?
- Advice and legal assistance: will migrants have access to legal assistance?
- Will the first humanitarian assistance of RCRC be maintained?
- What are the legal safeguards available to challenge the screening outcome?
- Difficulties to detect vulnerabilities: Are Frontex and the authorities equipped to do this?
- It is difficult to determine the standard of legal support for migrants, during the screening phase. The Regulation, in fact, addresses the issue of legal support in a limited and indirect way.

## EURODAC REGULATION

The recast of the Eurodac Regulation<sup>2</sup> will turn the existing Eurodac fingerprint database from an asylum tool, initially used to support the identification of the responsible EU Member State for an asylum application into a database serving wider immigration purposes and the return of irregularly staying migrants. Eurodac will contain additional biometric data, such as facial images. The new database will support the asylum system and help manage irregular migration.

## WHAT IS NEW

- Eurodac will make it possible to count not only applications but also applicants. The type of data registered will be expanded (not only fingerprints but also facial image, identity data, copies of identity/travel documents).
- It will contain data of persons disembarked after search and rescue operations, apprehended following an irregular crossing of the external border, found to be staying illegally on a Member State's territory, resettled persons and beneficiaries of temporary protection. The storage period for data of irregularly staying migrants will be extended to 5 years while the storage period for data of asylum applicants will remain 10 years.
- The minimum age for fingerprints is lowered from 14 to 6 years old. Therefore, the system will now also include data from children as of 6 years old, allowing authorities to identify children in case they get separated from their families and protect those vulnerable from ending up in scenarios of human trafficking and exploitation.
- The system will also create a possibility to flag a person entering the EU who poses a threat to internal security.
- Europol and law enforcement services can now be designated at national level to consult Eurodac.

<sup>2</sup> Regulation (EU) 2024/1358 on the establishment of 'Eurodac' for the comparison of biometric data <https://eur-lex.europa.eu/eli/reg/2024/1358/oj/eng>

## MAIN CONCERNS

- The growing **transformation of Eurodac** from a fingerprinting **into an immigration database** for law enforcement purposes.
- **Risk for the right to data protection**, the right to respect private life (art. 7 of the Charter of Fundamental Rights)
- **Risk for the right of the child**
- **Criminality perception towards migrants** increased with the recording of facial images.
- **Feeling of increased surveillance** stemming from the expansion of data to be stored.
- It is **unclear the range of information** to be included in the Eurodac database. This may range from a simple “tick box” process to a free text where a national authority can add as much information as they wish (potential breach of the principle of data accuracy, art 5 of the EU General Data Protection Regulation).

## QUALIFICATION REGULATION

The Qualification Regulation<sup>3</sup> replaces the Qualification Directive. It **aims at harmonisation**, which is ensuring that Member States apply common criteria for the identification of persons in need of protection, and grant and enforce a common set of rights for these beneficiaries.

## WHAT IS NEW

The main legislative change is turning the Qualification Directive into a Regulation. The main difference between the two of them is the direct legal applicability of a regulation at national level, and its prevalence over national legislation. Therefore, turning the Qualification Directive into a Regulation aims at contributing to a convergence of decision-making.

The Qualification Regulation:

- Requires Member States to assess whether there is an **internal protection alternative** (parts of the country of origin that are considered safe) and not granting refugee status in such a case
- Requires Member States to **withdraw international protection** status **when the person constitutes a danger** to the community or to the security (i.e., withdrawal of refugee status will be mandatory in more cases);
- Requires Member States to **take into account** up-to-date EU Asylum Agency (EUAA) **guidance on countries of origin** when assessing and reviewing applications.

Clarifies **rights and obligations** of beneficiaries by:

- Requiring issuing **residence permits within 90 days**
- Provide Member States with the possibility of making **access to social assistance conditional** on the effective participation of the beneficiary in integration measures
- Clarifies that **national humanitarian statuses are authorised** (granted only to persons who do not fall under the scope of the Qualification Regulation).
- **Family member recognition** includes relationships formed outside the country of refuge not just formed in the country of origin. Family members will now include also dependent adult children (however it is still necessary for the family members to be present on the territory in connection with the asylum application).
- **Attention to gender and sexual orientation has increased.**

We mention 2 points in this regard:

<sup>3</sup> Regulation (EU) 2024/1347 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL\\_202401347](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202401347)



First, the definition of ‘persecution’ does not change, but there are some changes to the text on ‘particular social group’ adding a reference to ‘gender expression’: not only gender identity but gender expression is also to be protected (recital 40).

Furthermore, recital 42 stresses that that “*applicants should not be submitted to detailed questioning or tests as to their sexual practices*”.

- **Attention paid to minors has risen as well.** Major changes include the wish to ensure that the same person remains responsible for an unaccompanied minor, including during the asylum procedure and following the granting of international protection. (Recital 16 and Article 33).

The path of beneficiaries of international protection to long term resident status or, more generally, obtaining social assistance benefits, have been made easier while new obstacles were also erected. Here we list an example:

Beneficiaries of international protection have the right to move freely between EU MS for longer period or for work only if they acquire a Long-Term residence permit (currently the EU Long Term Residence Directive being re-negotiated). The period between lodging an application and the granting of residence permit after recognition of international protection counts fully to the period of five years. This accelerates the access to free movement rights within the Union compared to the previous rule.

Member States will have to fully count the time spent as an asylum-seeker when determining if a refugee or person with subsidiary protection has spent five years’ legal residence in order to qualify as an EU long-term resident.

## MAIN CONCERNS

The Qualification Regulation has two apparent effects:

- on the one hand it **offers a more sensitive protection to certain groups**, including those threatened with gender-related harm and minors) and some more inclusive rules for family members;
- on the other, by making the withdrawal of residence permits compulsory and annulling the years counting towards long term residency of those who irregularly move to another than the recognising state, it drastically **limits the freedom of choice of the persons entitled to protection**.

## ASYLUM AND MIGRATION MANAGEMENT REGULATION (AMMR)

The Asylum and Migration Management Regulation<sup>4</sup> replaces the current “Dublin III Regulation” that includes the criteria that define the EU Member State responsible for an asylum application. The Regulation also establishes a **mandatory system of solidarity** for Member States facing migratory pressure with flexibility for Member States as regards the choice of their contributions (relocations, financial contributions or alternative solidarity measures).

## WHAT IS NEW

- Under current rules (Dublin III), applicants and persons whose application has been withdrawn or rejected are subject to Dublin transfers, but beneficiaries of international protection are not. By contrast, under the AMMR, beneficiaries of protection will be subject to **take back procedures** if they move without authorization to another Member State.

<sup>4</sup> Regulation (EU) 2024/1351 on asylum and migration management  
<https://eur-lex.europa.eu/eli/reg/2024/1351/oj/eng>

- **Shorter deadlines** for all procedures. For example:
  - Submitting a take back request (asking another Member State to take responsibility) within 2 weeks after receiving a Eurodac hit instead of 2 months;.
  - Making the ‘take-back’ procedure for returning someone from one Member State to another more effective, in particular by introducing shorter time limits
- Lack of compliance with the obligation to remain in the first country of entry will lead to important consequences, like EU Member States providing to the applicants only basic needs rather than the full reception conditions. **Withdrawal of reception condition is mandatory** when people move to a country different than the one they entered firstly.
- Some **family criteria are strengthened**, among others by:
  - Covering families formed in transit before they arrive in the EU;
  - Introducing the possibility to establish responsibility for the Member State where a family member of the applicant resides legally with a long-term residence permit issued according to the EU rules;
  - Introduces the obligation to prioritise family reunion of unaccompanied children.

#### **Mandatory but flexible solidarity**

The new Regulation introduces a **mandatory but flexible solidarity mechanism**, replacing current ad-hoc voluntary solutions. This new mechanism will function as follows:

1. Every year (by 15 October), the Commission will adopt:

- An annual report assessing the migratory situation across the EU, and in all EU Member States.
- An implementing decision determining whether a particular Member State is (i) under migratory pressure, or (ii) at risk of migratory pressure during the upcoming year, or (iii) facing a significant migratory situation
- A proposal with the number of relocations and financial solidarity contributions required for the upcoming year.

2. Based on this, the Council will adopt an Implementing **Act establishing the Solidarity Pool**, which will include the specific pledges that each Member State has made for each type of solidarity contribution. Although contributing to solidarity is mandatory for Member States, they can choose with which type(s) of solidarity measure(s) they want to contribute to the Solidarity Pool:

- **Relocations** of applicants for international protection or, if the contributing and the benefitting Member State both agree, of beneficiaries of international protection.
- **Financial contributions** for actions in Member States or for actions in (or in relation) to third countries
- **Alternative solidarity measures (i.e. staff and in-kind support).**

Member States facing ‘**significant migratory situation**’ can request a deduction of their solidarity contributions. Instead of relocation, Member States can offer, if certain conditions are met, to take over responsibility for examining the application of an applicant who moved irregularly on its territory. This be counted as a form of solidarity called “**responsibility offsets**”. Responsibility offsets become mandatory if relocation pledges are insufficient.

The entire process will be overseen and supported by the Commission.

#### **MAIN CONCERNS**

- Limits of scope on the possibility of appeal against the transfer decision before a court.

- The scope of the appeal is limited to cases in which it can be assessed that the person would be subjected to violations amounting to inhuman and degrading treatment upon return or if “decisive circumstances” for the correct application of the Regulation emerge after the transfer decision (there is no set definition of decisive circumstances).
- From the moment that a transfer decision is notified, reception conditions are withdrawn as long as the applicant is not present in the “right” Member State.
- Member States explicitly retain “full discretion” as to the type of contributions that it intends to pledge.

## ASYLUM PROCEDURE REGULATION

The Asylum Procedure Regulation<sup>5</sup> establishes a common procedure for deciding on an asylum application. It also establishes a mandatory border procedure for both the asylum and return process at EU’s external border, with the aim of quickly assessing at the EU’s external borders whether applications for asylum are unfounded or inadmissible.

Persons subject to the asylum border procedure are not authorised to enter the Member State’s territory and they will have to reside at ( or in proximity to) the external border or “transit zones” or in other designated locations within the territory of a country.

When evaluating individual applications for international protection, national authorities must take into account common information, reports and analyses on the situation in the countries of origin and guidance notes drawn up by the EU Asylum Agency, as well as relevant recommendations issued by the UNHCR.

### WHAT IS NEW

- **Stricter rules** to prevent abuse of the system and secondary movements, i.e. obligation to apply in the country of first entry: if an applicant whose application has been decided in one Member State, absconds and applies in a second Member State, that Member State will consider the application as a subsequent application.
- Legal counselling during the administrative stage of the procedure but **free legal assistance and representation only during the appeal upon the request** of the applicant.
- More attention to the safeguards for children.
- A compulsory list of grounds where the examination of an application must be accelerated, as well as stricter rules for applying inadmissibility grounds and for the application of safe third country and first country of asylum concepts.
- Closer links between the asylum and return processes ensuring that a negative asylum decision is issued jointly with a return decision.
- Introducing a mandatory asylum border procedure in all Member States with a duration of **12 weeks** (3 months) in three cases: the applicant intentionally misled the authorities or intentionally destroyed or disposed of an identity/travel document;
  - the applicant intentionally misled the authorities or intentionally destroyed or disposed of an identity/travel document;
  - the applicant is a danger to the national security or public order;

<sup>5</sup> Regulation (EU) 2024/1348 establishing a common procedure for international protection in the Union, <https://eur-lex.europa.eu/eli/reg/2024/1348/oj/eng>



- the applicant is of a nationality of a third country for which the proportion of decisions granting international protection is 20% or lower.

- In case an application is rejected in the asylum border procedure, the third-country national is transferred to the return border procedure that should last another 12 weeks with a view to the swift return of those with no right to stay in the EU.
- The practical application of the border procedure is contingent on having adequate capacity to process asylum applications and returns by Member States, i.e. having enough infrastructure and trained staff to process a given number of applicants. The adequate capacity at Union level is set at 30,000, and at Member State's level will be established by the Commission every three years.

**Inadmissible asylum applications if:**

- the person has a connection to a "safe third country" and can obtain "effective protection" in a "safe third country".

## MAIN CONCERNS

- Asylum applications may be rejected at the border, without giving the applicant a chance to effectively enter the Member State.
- Expanded use of the border procedure and banalization of inadmissible grounds and accelerated procedure; representing a powerful tool of rejection in the hands of Member States.
  - An application may be rejected as being considered inadmissible in several circumstances, including on the very controversial ground of the concept of "safe third country".
  - The broad discretion granted to national authorities in this regard increases the risk that applications may be considered implicitly withdrawn, even though the applicant may not have received adequate assistance
- Member States shall provide free legal assistance and representation **only** during the appeals procedure. Limiting this support only to the appeal stage could mean that asylum seekers do not receive the proper assistance during the initial phase of their application, which is crucial for the success of their claim.
- Short time-limits compromise the applicant's ability to prepare and present an application with as much chance of success as it could have.

## CRISIS AND FORCE MAJEURE REGULATION

The Crisis and Force Majeure Regulation<sup>6</sup> addresses situations of crisis, including instrumentalisation, and force majeure, providing for **derogations** to be taken in exceptional circumstances and **solidarity measures** for Member States.

Article 1(4)(a) of the Regulation defines a **crisis** with three key criteria. First, the situation must involve large-scale arrivals of third-country nationals or stateless persons entering a Member State by land, air, or sea. This includes those who disembarked after search and rescue operations. Second, these arrivals must render the Member **State's well-prepared asylum**, reception, including child protection services, or return system non-functional (the population, GDP and geographical specificities of the Member State, including the size of the territory, are to be taken into account in this determination). This dysfunction may be severe enough to potentially cause serious consequences for the overall functioning of the Common European Asylum System.

<sup>6</sup> Regulation (EU) 2024/1359 addressing situations of crisis and force majeure in the field of migration and asylum\_  
[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL\\_202401359](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202401359)



As opposed to crisis, **force majeure** is defined as (art.1(5)) abnormal and unforeseeable circumstances outside a Member State's control, the consequences of which could not have been avoided notwithstanding the exercise of all due care, which prevent that Member State from complying with obligations under Asylum and Migration Management Regulation (EU) 2024/1351 and Asylum Procedures Regulation (EU) 2024/1348.

According to the Regulation, a situation of **instrumentalisation** takes place

*“where a third country or a hostile non-state actor encourages or facilitates the movement of third-country nationals or stateless persons to the external borders or to a Member State, with the aim of destabilising the Union or a Member State, and where such actions are liable to put at risk essential functions of a Member State, including the maintenance of law and order or the safeguard of its national security” (Art. 1(4)(b)).*

## WHAT IS NEW

The Crisis Regulation allows for derogations that include delaying asylum application registration, adapting border procedures, and introducing flexibility within the AMMR System) regarding deadlines and procedures for take charge requests, take-back notifications, and transfers.

### On derogations:

- (art. 10(1)) Extended timelines to register applications for international protection to 4 weeks from when they are made (Under Article 27 of the Asylum Procedures Regulation (EU) 2024/1348, the asylum application must be registered within five days);
- (art. 11(1)) A longer duration of the border procedure for the examination of applications (extension from 12 weeks to a max. of 18 weeks);
- (art. 12) Extended time limits for rules determining the Member State responsible.

Derogations will have to be limited in time and space and applied only upon the Commission's assessment of the Member State's reasoned request and the Council's approval.

### On solidarity measures:

Chapter III is dedicated to responsibility sharing and providing support to affected Member State/s in situations of crisis. The enhanced solidarity and support measures could take the form of relocations, financial contributions, alternative solidarity measures (such as staff or in-kind support) or a combination of these measures.

- When these measures are not sufficient, so called “**responsibility offsets**” will kick in (art. 9). This means that the contributing Member State will take over responsibility for applications already present on their territory, for which the Member State facing a situation of crisis should normally be responsible.
- In contrast to the AMM Regulation, in crisis situations, all relocations need to be covered by contributing Member States. Therefore, in a situation of crisis, contributing Member States may have to take responsibility for examining applications for international protection beyond their fair share. In that case, these Member States will be able to deduct this extra part from their solidarity contributions in the future.

## MAIN CONCERNS

- Based on EU and international law, every person, regardless of how they arrive to Europe, should have the **right to seek asylum**.

- Extending mandatory border procedures potentially involves **administrative detention**, meaning asylum seekers could be detained for longer periods of time in border areas only **due to the existence of a mass influx situation**.
- Considering the broad definition of instrumentalisation, it can become difficult to prove that the provision of humanitarian assistance is not instrumentalisation
- It's difficult to imagine how, in a mass influx situation, with thousands arriving each day, humane conditions and proper procedural safeguards can be maintained during border procedures and whether the right to humane treatment and right to liberty and security can be respected for all asylum seekers who are subject to border procedure for a long time.

## RECEPTION CONDITIONS DIRECTIVE

The revised Reception Conditions Directive<sup>7</sup> provides for **minimum standards for the reception** of applicants for international protection by Member States.

### WHAT IS NEW

- The revised recast Directive further harmonises the standards of assistance across the EU and sets obligations for Member States to guarantee these standards.
- Member States will also be obliged to develop a **contingency plan** to prepare disproportionate number of arrivals.
- To prevent secondary movements, Member States will not provide material reception conditions when an applicant is found in a Member State other than the one responsible.
- Member States should consider **EU Asylum Agency** indicators and guidance on reception

#### Strengthened safeguards and guarantees for asylum applicants

- The assessment of specific reception needs must be completed within **30 days** and victims of torture and violence need to have access to care as soon as possible.

**Detention should not be used** if it puts the physical and mental health of applicants at risk. Children, as a rule, should not be detained, however detention can be used if it is assessed to be in children's best interests. **Increased flexibility and integration processes.**

- The new rules will enable Member States to **allocate asylum seekers to accommodation and to a geographical area** and also provide for the possibility to **restrict freedom of movement in those places**.
- Asylum seekers will have access to the labour market no later than six months after their application is registered and Member States are encouraged to provide earlier access only in particular to applicants whose applications are likely to be well-founded. Member States will have to ensure access to language, civic education, or vocational training courses. Children will have faster access to education and designated representatives for unaccompanied minors.

<sup>7</sup> Directive (EU) 2024/1346 laying down standards for the reception of applicants for international protection  
[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL\\_202401346](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202401346)

## MAIN CONCERNS

- The new Directive increases Member States' possibilities to subject asylum seekers to **significant state control**. If necessary, Member States may decide that an applicant may only reside in a specific place that is adapted to accommodate applicants. This shall be only for reasons of public order, or to effectively prevent the applicant's absconding where there is a risk of absconding.
- Lower threshold for withdrawing material reception benefits.
- Provision about freedom of movement, that leaves a lot of discretionary room for Member States to impose all kinds of residence restrictions.

Unlike a **Regulation**, which is directly applicable in Member States after its entry into force, a **Directive** is not directly applicable in Member States, it must first be transposed into national law before it is applicable in each Member State.

## EU RESETTLEMENT FRAMEWORK

Resettlement is the transfer of a non-EU national in need of international protection from a non-EU country to an EU member country, where he or she is allowed to reside as a refugee.

In order to ensure a lasting solution to the migration issue, the European Parliament stressed the need for a **permanent and mandatory EU resettlement program**.

The new Union Resettlement Framework<sup>8</sup> has the aim of replacing the current ad hoc schemes and leading to a more streamlined EU policy.

The framework requires EU countries to voluntarily resettle vulnerable refugees residing in third countries.

The Council will adopt a two-year EU resettlement and humanitarian admission plan, which will determine the maximum total number of people to be admitted and the contribution of EU countries.

## WHAT IS NEW

The new rules create a **collective and harmonised approach** for resettlement and humanitarian admission, with common procedures. This can allow the EU to increase the Union's contribution to international resettlement.

### Common policy and procedures

- The new law introduces a **unified procedure for resettlement and humanitarian admission operations**.
- It envisages the preparation of a **2-years Union plan**, adopted by the Council based on a proposal by the Commission and informing the European Parliament during the process. This Union Plan will determine the total number of persons in need of protection to be admitted to the EU and include indications on the contribution by each Member State, as well as setting geographic priorities for the Union of non-EU countries from which admission is to occur.

### Strengthened partnerships with non-EU countries

<sup>8</sup> Regulation (EU) 2024/1350 establishing a Union Resettlement and Humanitarian Admission Framework  
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1350>



- The Union Framework can potentially strengthen the EU's partnerships with non-EU countries, including by showing global solidarity to countries hosting large refugee populations.

## MAIN CONCERNS

- Wide margin of appreciation for Member States during the selection procedure to the detriment of refugees' rights.
- No establishment of binding targets for resettlement, there is not an obligation to resettle refugees. Quotas are freely set by Member States, that may choose not to participate at all in resettlement activities. This makes resettlement a political decision
- Refugees cannot directly apply for resettlement: pre-selection of the most vulnerable refugees.
  - The regulation permits the addition of criteria to vulnerability, potentially detracting resettlement from its objective of protecting the most vulnerable.
  - Possibility given to MS not to resettle "persons in respect of whom the Member State cannot provide the adequate support they need because of their vulnerability".
  - Allowing Member States to use 'integration potential' as a selection criterion could lead to discrimination.
- No penalties for exceeding processing times, a MS is authorised to discontinue an admission procedure where it has concluded that it is not able to comply with the time limits for reasons beyond its control.
- No obligation to notify a decision to the third country nationals that are not selected, nor to give reasons for unfavourable decisions, and there is no right of appeal against such decisions

## OUR POSITION

The global network of the Red Cross and Crescent Movement guarantees humanitarian assistance and protection at all stages of migrants' journey, from their countries of origin through transit to their destination.

The National RCRC Societies provide crucial services to migrants, such as humanitarian assistance, medical and psychosocial support, support to survivors of trafficking and torture, family reunification, provision of accommodation, as well as initiatives for migrants' long-term social inclusion.

National Societies in Europe, in their auxiliary capacity to the public authorities, are fundamental in the implementation of the EU Pact on Migration and Asylum. That is why analysing the new Pact is vital to finding humane ways to apply it.

For more analysis and key messages on the Pact, please consult the Red Cross EU Office at [migration@redcross.eu](mailto:migration@redcross.eu)

Some key messages on the Pact implementation can be found below:

### IT IS NECESSARY A HUMANE IMPLEMENTATION OF THE PACT

**The response to the Ukraine displacement has demonstrated the effectiveness of humane migration policies** (immediate residence permit, quicker access to employment, health, and education). These actions should set a precedent for developing inclusive approaches that uphold the dignity of all people seeking protection in Europe.

Our experience, as a humanitarian organisation tells us that the foundation of a resilient migration system lies in the **strengthening preparedness** and improving the resilience of national migration reception and asylum systems. Investing resources and **training personnel** with the aim of improving access to services for migrants would benefit people's wellbeing and integration prospects, as well as the capacities of states.

In the Pact implementation, **the use of detention** during screening and throughout the administrative procedure **must be avoided at all costs**. This can be particularly harmful for children, whose wellbeing is seriously affected by such confinement.

### ACCURATELY IDENTIFICATION OF VULNERABILITIES

It is crucial, the identification within the migrant population from the outset, for safeguarding these individuals and ensuring they receive the appropriate treatment.

Assessing invisible vulnerabilities often requires more time and trust (trafficked persons, torture survivors, people facing mental health distress). Therefore, it is essential that **accelerated asylum procedures should remain an exception** so that people have effective options for an individualised and careful assessment of their case, including adequate time to build trust.

### ACCESS

We advocate for having access to people in need to provide humanitarian aid and essential support services. As an integral part of our auxiliary role, **such access should be unconditional even in times of increased migratory pressure**.

Mixing aid with security measures hinders effective assistance and protection.

As Red Cross we had faced challenges to provide humanitarian assistance in so called emergency border zones. To better safeguard migrants and save lives, we must avoid using humanitarian needs for political or security purposes.

### SAFE PATHWAYS TO EUROPE

Safe pathways are essential to reducing the number of people who take enormous risks to reach Europe. While making sure that the right to asylum for everyone arriving at our borders is upheld, we need also more pathways for people in need of protection including through

resettlement, humanitarian visas, community sponsorship and family reunification procedures. Additional opportunities and more effective frameworks for dignified and safe migration should be considered (for work or study).

Red Cross has traditionally a long-standing expertise in family reunification. We provide family reunification support in countries of origin, transit, and destination thanks to the support of our global humanitarian network consisting of NS, IFRC and ICRC. We are working closely with European countries and other partners to reduce and remove practical, legal, and financial obstacles to family reunification.

#### PUBLIC STATEMENTS

[EU decision makers reach political consensus on the Pact: humane implementation of new rules is paramount](#)<sup>9</sup>

[Opinion piece: Prioritising the protection of people in crisis situations](#)<sup>10</sup>

[IFRC calls for humane implementation of the European Pact on Asylum and Migration](#)<sup>11</sup>

## CENTRE FOR THE COOPERATION IN THE MEDITERRANEAN

PERMANENT OFFICE OF THE MEDITERRANEAN CONFERENCE OF RED CROSS AND RED CRESCENT NATIONAL SOCIETIES



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