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The 2024 Pact on Migration and Asylum

Introduction

The Pact on Migration and Asylum, a legislative framework which aimed to reform and rectify migration governance within the European Union (EU) was adopted by the European Council in May 2024, and most agree it had been a long time coming. The migration crisis in 2015 exposed serious systemic cracks in the Common European Asylum System (CEAS) which led to the European Commission (EC) proposing reforms to the existing Dublin Regulation in 2016. The rumblings of discontent all over Europe, exacerbated by the COVID-19 crisis, brought about the presentation of the new Pact by the EC in 2020.

In this policy review I will critically analyse the new policy, its effectiveness in reforming migrant processing and burden-sharing and address its limitations, especially the criticism it has faced on humanitarian grounds. I will attempt to provide the reader with a comprehensive understanding of the historical context of the policy, its local, regional and global drivers, its impact on frontline states such as Italy and the right-wing momentum that is both a cause and a consequence of such policies.

Overview

Europe has a storied legacy of immigration, stemming from the Roman empire, which some say collapsed partly due to its mismanagement of a refugee crisis (Guilford, 2016), or the mistreatment of Goths or ‘barbarian’ refugees who settled in Roman-administered Thrace which resulted in resentment and uprisings like the Battle of Adrianople in which Rome suffered a decisive defeat.

To its detriment, Europe does not seem to have learnt its lesson from ancient or recent history like the 2015 refugee crisis, when it comes to managing migrant influxes. The crisis put an incredible and unforeseen strain on the resources of frontline countries such as Italy, Greece and Spain which buckled under the weight of over a million refugees in total from Syria, Afghanistan and Iraq. The challenge thus, was to come up with a legal and administrative framework that maintained EU’s values of humanitarianism while also reducing the pressure on frontline countries and strengthening solidarity mechanisms. However, it has faced backlash due to its excessive reliance on deterrence and externalisation of migrants to ‘safe’ third countries such as Libya and Turkey (Human Rights Watch, 2018) which infringes upon refugees’ rights as well as its failure to abolish the ‘first-country-of-entry’ principle that frontline countries like Italy and Greece have persistently decried (EuroMed Rights, 2020).

The policy has four pillars-securing external borders, ensuring fast and efficient procedures embedding migration in international partnerships and establishing an effective system of solidarity. Under the first two pillars, the pact seeks to introduce time limits for each phase of the process for example, seven days for health, identity and security screening for irregular migrants apprehended at external borders and three days for those caught within the territory. It also seeks to streamline bureaucratic processes by expanding the Eurodac database - storing biometric identification data for each migrant for longer periods of time to prevent double applications or the phenomenon of ‘asylum shopping’ along with simplifying the reunification of minors with their families. It also provides measures for extenuating circumstances which allows member states to deviate from existing norms and extend the border screening process by up to six weeks in case of an emergency. It also commits to provision of free legal counselling as well as reintegration assistance for migrants who are classified as irregular and as such, must return to their home countries. Critics argue, however, that policies aimed at more effective burden-sharing like quick return decisions and secondary movement prevention actually put more pressure on frontline countries. For example, Italy’s screening infrastructure is already weak and in migration hotspots like Messina, the average processing time in detention centers is around 42 days. The proposed measures would be impossible for it to implement and result in corruption and violation of migrants’ legal rights.

The other two pillars emphasise increased dialogue and integration with countries like Egypt, Tunisia and Mauritania to reduce irregular migration at external borders and promote capacity building measures like the introduction of the Skills and Talent package in 2022, which strategically manages labour migration into the EU through platforms like the Talent Pool-ensuring that the EU doesn’t accept migrants indiscriminately, but selectively to resolve the labour shortages it faces. Additionally, this policy also emphasizes operational partnerships and information campaigns on anti-smuggling laws in countries of transit like Morocco and Tunisia (Pact on Migration and Asylum, 2024). To strengthen solidarity mechanisms, the policy introduces flexible contribution options for each member state, allowing it to contribute financially or to use ‘responsibility offsets’ to focus on processing migrants already within its territory and avoid accepting further migrants. Mechanisms like the centralised Solidarity Pool and the introduction of an EU Solidarity Coordinator in 2023 seek to monitor member states’ duties.

Although the controversial first-country-of-entry rule of the Dublin Regulations was preserved, it was altered to shift responsibilities to other EU states in case of educational or family ties. To incentivise efficiency and accountability amongst member states, the sending of the take-back notification was made mandatory for shifting of responsibility to another state. This has also faced criticism on the grounds of failing to alleviate inadequate burden-sharing. Though solidarity is mandatory, relocation is not- other member states will opt for financial

contributions or return sponsorships, thus leaving the disproportionate burden on member states such as Italy as it is (EuroMed Rights, 2020).

Policy Analysis

To understand the triggers behind any policy, especially one that seeks to reform a broken system, it needs to be analysed at the local, regional and global level.

At the local level, an influx of migrants causes ghettoisation of neighbourhoods resulting in fragmenting of social cohesion. Economic anxieties also abound, due to rising unemployment and inflation and a lack of jobs is misattributed to a rise in skilled foreign workers, further exacerbated by populist leaders. While long-term data analysis proves that immigrants actually give more back to European governments than is spent on them (OECD, 2021), the economic issue has been securitised successfully and public opinion has swung wildly away from the EU's traditional altruism to jingoistic protectionism.

The rise of right-wing populism in Central Europe such as Hungary's Fidesz and Poland's Law and Justice (PiS) also causes these countries to reject voluntary relocation procedures and become increasingly protectionist. The tightening of timelines to an impractical extent also forces countries of first entry to bear a heavy burden. Asylum seekers are often detained at borders for up to two years due to frontline countries being underprepared, and countries like Italy, pushed to the brink, often resort to bilateral arrangements with countries like Albania and Libya to manage migrant inflows, aided by the securitisation of immigration by influential right-wing leaders like Giorgia Meloni. These bilateral arrangements often use extrajudicial measures to expedite processes, like the accelerated screening of migrants in border towns in Albania in just 28 days, a process that in Italy, can take up to two years. Libyan authorities, through this arrangement, have gained tacit permission to commit human rights abuses in the name of 'interception' of migrants- they face indeterminate detention where they suffer atrocities such as torture and forced labour (Amnesty International, 2021).

Regionally, the increasing hostility towards migrants and the nationalist and protectionist pushback has spread like wildfire across Europe (Mudde, 2019). Right-leaning political parties have successfully leveraged social and economic anxiety of native Europeans to gain political power. The Netherlands was the first domino to fall in 2024. France, Sweden and Austria followed suit. The German political zeitgeist also took a turn towards the right following the rising crime rates including increasing crimes against women, the major alleged perpetrators of which have been immigrants, such as the 2015 New Years' Eve sexual assaults in Cologne.

Globally, the policy and security concerns posed by the rise of the extremist far-right cause even mainstream political parties to harden their stances on immigration to appeal to voters. Stricter border controls and punishing screening processes thus become normal (Triandafyllidou, 2020). This leads to a global 'race to the bottom' where countries seemingly compete to have the toughest stance on immigration. Concepts like a 'safe third country' and

‘a safe region in the country of origin’ have become the main focus, making externalisation the main strategy instead of strengthening one’s own migration processing capability. Externalisation itself creates a ‘feedback loop’ (FitzGerald, 2019), as when external partners are managing the majority of the immigration process, the government feels empowered to disincentivise internal migration and the cycle repeats, with no regard for the legal rights or human security of refugees which are often compromised.

Discussion

While the pact has gone a long way to clearing the deadlock on this issue in the EU, it is vulnerable to criticism because of its maintenance of the first-country-of-entry principle and its emphasis on deterrence and outsourcing.

Inadequate solidarity mechanisms mean that frontline countries like Italy will still bear the brunt of the influx, causing further entrenchment of anti-immigrant sentiment and right-wing populism. They will look to non-EU external partners for relief no matter how suspect their human rights records or how lacking in capacity their infrastructure may be. The human rights abuses the EU thus becomes complicit in have been brought up by no less than 161 human rights and refugee aid NGOs (Jacqué, 2024), including protests at the vote in the European Parliament. The use of economic and development aid to countries of transit to strategically discourage migration comes at a real and staggering human cost. People seek illegal migration pathways and face the psychological toll of endless detention, while also risking being trafficked or forced into indentured labour.

Unrealistic and accelerated timelines that seek to expedite the bureaucratic process may actually lead to wrongful rejections and deportations, especially the twelve-week maximum allowed for migration processing. Under the new regulations, states also retain the right to relocate migrants within the EU for up to three years of their arrival, causing instability and complicating long-term integration.

Conclusion

In conclusion, while this policy is an important step to addressing a concern which has persisted for a decade, it is difficult to ignore that it was expedited through the usual political processes so it could precede and influence the upcoming national elections. Thus, it fails to redress many of the grievances member states had raised against its predecessors and has operational and structural handicaps.

The path forward lies through the contentious region of actually combating right-wing propaganda and public paranoia to effectively use migration to boost the economy and sustain the welfare state. As evidenced from Spain’s booming economy (Kassam, 2025) where despite net migration being the highest in ten years, there was outstanding GDP per capita growth rate at approximately 3% (the Eurozone average was 0.8%) The Bank of Spain estimates

immigrants contribute more than 20% to this phenomenon. Italy with its aging population, could focus on integrating their 600,000 irregular migrants into their economy, thus boosting it by an estimated 2.6 billion euros (EuroMed Rights, 2020). However, this will also involve investing in capacity building and improvement of domestic asylum infrastructure with a genuine view to protecting migrants' rights, which could invite domestic pushback and right-wing politicisation.

The policy also suffers from inconsistency and lack of coherence across different member states, the resolution to which lies in enhanced EU-level monitoring across all members and reversing the voluntary nature of relocation or at least introducing binding quotas for the same, along with sanctions for non-compliance (Diez et al., 2021). Countries like Poland use the provision for temporary derogation from international standards as a cover to shut off their borders with Belarus, while others like Hungary detain refugees unlawfully and indefinitely at the Serbian border, while still others like Denmark are under no obligation to conform to EU migration regulations. The future success of the Pact will thus depend on striking this balance between catering to the national interests of EU members and maintaining international refugee treatment standards based on the humanitarian values which the EU proudly touts.

References

- Human Rights Watch. (2018). *Towards an effective and principled EU migration policy: Recommendations for reform*.
- Guilford, G. (2016, April 12). *1,700 years ago, the mismanagement of a migrant crisis cost Rome its empire*. Quartz. <https://qz.com/677380/1700-years-ago-the-mismanagement-of-a-migrant-crisis-cost-rome-its-empire>
- EuroMed Rights. (2020). *New Pact, Wrong Impact: How the EU Migration Pact Disadvantages Italy and Asylum Seekers*. Retrieved from <https://euromedrights.org>
- Pact on Migration and Asylum. (2024, August 1). Migration and Home Affairs. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en#timeline-and-main-achievements
- Wallis, E. (2024, May 8). *Italy's Meloni in Libya to talk migration*. InfoMigrants. <https://www.infomigrants.net/en/post/56930/italys-meloni-in-libya-to-talk-migration>
- Amnesty International. (2021, August 13). *Libya: Renewal of migration deal confirms Italy's complicity in torture of migrants and refugees*. <https://www.amnesty.org/en/latest/news/2020/01/libya-renewal-of-migration-deal-confirms-italys-complicity-in-torture-of-migrants-and-refugees/>
- OECD. (2021). *International migration outlook 2021*. OECD Publishing. https://www.oecd.org/en/publications/international-migration-outlook-2021_29f23e9d-en.html
- Mudde, C. (2019). *The far right today*. John Wiley & Sons.

Triandafyllidou, A. (2020). *Migration policies in the European Union: Challenges and prospects*. European Journal of Migration and Law, 22(2), 125–144. <https://doi.org/10.1163/15718166-12340102>

FitzGerald, D. S. (2019). *Refuge beyond reach: How rich democracies repel asylum seekers*. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780198822057.001.0001>

Jacqué, P. (2024, April 11). *European Parliament approves migration and asylum pact after years of deadlock*. Le Monde.

https://www.lemonde.fr/en/international/article/2024/04/11/european-parliament-approves-migration-and-asylum-pact_6668051_4.html

Kassam, A. (2025, February 18). *How Spain's radically different approach to migration helped its economy soar*. The Guardian. <https://www.theguardian.com/world/2025/feb/18/how-spains-radically-different-approach-to-migration-helped-its-economy-soar>

Reuters. (2024, October 9). *Spain's Sánchez touts benefits of migration as European neighbours tighten borders*. Reuters. <https://www.reuters.com/world/europe/spains-sanchez-touts-benefits-migration-european-neighbours-tighten-borders-2024-10-09>

Diez, O. S., Trauner, F., & De Somer, M. (2021). *Return sponsorships in the EU's new pact on migration and asylum: High stakes, low gains*. European Journal of Migration and Law, 23(2), 219–244. <https://doi.org/10.1163/15718166-12340101>

Deutsche Welle. (2020, December 31). *New Year's Eve in Cologne: 5 years after the mass assaults*. DW. <https://www.dw.com/en/new-years-eve-in-cologne-5-years-after-the-mass-assaults/a-56073007>