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Crisis, Control and compassion: A review of the EU's Immigration Policy

The migration policy of the European Union (EU) is a dynamic, multifaceted that regulates the inflow and outflow of individuals across its borders, reconciling security with humanitarian obligations. It is regulated through treaties, directives, and intergovernmental agreements, seeking to manage asylum claims, border security, and lawful migration. Various scholars have widely analyzed and criticized EU migration policy like Andrew Geddes and Peter Scholten (2016) argue that EU migration policy is characterised by "multi-level governance," where the interests of member states tend to be in contrast to collective EU agreements, hence leading to capricious application. Moreover, Elspeth Guild et al. (2020) deplore securitisation of migration, and they claim that the EU has prioritised border control at the expense of human rights, hence leading to discriminatory practices towards asylum seekers in disproportionate ways. Similarly, Sandra Lavenex (2018) speaks about externalisation of control of migration of the EU to third countries such as Turkey and Libya at the contract. The possibilities are for abuse of human rights and raises concerns of accountability.

The objective of this review is critically assessing the migration policy of the European Union, with a focus on recent reforms such as the New Pact on Migration and Asylum (2024). It analyzes the policy in terms of achieving balance between the security of borders, asylum entitlements, and burden-sharing for member states. The review identifies core legal frameworks, considers their impact on migrants and member states of the EU, and compares the EU's policy to international migration policy. It further examines human rights concerns, including detention conditions and externalisation approaches. Through its integrated evaluation, this review attempts to ascertain the strengths, drawbacks, and potential areas of improvement in EU migration governance.

Migration has been a controversial and recurring issue for the European Union (EU) as a result of political, economic, as well as humanitarian reasons. The 2015 migration crisis, sparked by the Syrian and Afghan etc disclosed severe weaknesses of the EU asylum system. Over one million migrants and asylum seekers arrived in Europe, exhibiting pressure on the frontline countries such as Italy and Greece. It revealed the weakness of the Dublin III Regulation, where asylum seekers are forced to make an application in the initial country of arrival in the EU, and consequently imposed an unjust burden on border states. Subsequently, the EU introduced a number of policy measures to strengthen border control, enhance asylum procedures, and

promote burden-sharing among the member states. Among the important policy actions was the EU-Turkey Deal (2016), proposed to curb irregular migration by resettling asylum seekers in Greece from Turkey and taking Syrian refugees out of Europe to be resettled. The move was criticized regarding its moral impacts and for potentially violating global asylum rights. The crisis also deepened political rifts in the EU, with countries like Hungary and Poland opposing compulsory quotas of refugees, while Germany and Sweden pushed for a more compassionate approach. In an attempt to create a more cohesive migration system, the EU adopted the New Pact on Migration and Asylum (2024), which was accompanied by a solidarity mechanism whereby member states could contribute in terms of finance, migrant relocation, and operational assistance.

The European Return Orders (EROs) were also introduced to streamline deportation procedures and improve efficiency in returning unauthorized individuals. Despite all these adjustments, the challenge is still tremendous. Organizations like Human Rights Watch (HRW), have deplored extended periods of detention, inhuman detention center living conditions, and the externalization of migration policy, where processes are contracted to non-EU countries with deplorable human rights standards. The Asylum and Migration Management Regulation (AMMR) of 2024, it seeks to replace the Dublin III Regulation with a fairer asylum process. The EU still struggles in maintaining balance between security policies with humanitarian responsibilities that makes its migration policies adhere to international human rights norms while also being capable of managing migratory flows effectively.

The European Union (EU) migration policy has rebuilt in a way to address past challenges of asylum, border security, and burden sharing among member states. The New Pact on Migration and Asylum (2024) is a prominent shift towards an institutionalized approach with the inclusion of the solidarity mechanism that allows member states to assist through relocation, financial assistance, or operational capacity. This flexibility aims to balance national interest but also the risk of uneven participation, in that some member states might avoid hosting migrants altogether. The Asylum and Migration Management Regulation (AMMR) as a replacement of the Dublin III Regulation tries to establish a more equitable system for asylum distribution as it responds to concerns regarding disproportionate burden on border states like Italy and Greece. Even though all these reforms are framed in a way that is favorable to efficiency, human rights issues are still the subject of criticism. There have been Human Rights Watch (HRW) and other reports on prolonged detention, strict asylum processes, and outsourcing of migration control to third parties outside the EU with deplorable human rights standards. Provisions for the readmission of migrants to third risk countries like Libya raise ethical and legal concerns about EU conformity with international protection standards. European Return Orders (EROs) also rationalize the procedural nature of deportation but are difficult to apply

because of the variable extent of non-EU country cooperation. In contrast to Asia and North America, the EU's migration policy remains multilateral and complicated, involving consensus among many sovereign governments with diverging political agendas and in contrast to Canada's well-structured immigration process or that of the United States' firm border control approach, the EU remains plague. Though there is improvement with new reforms, there is still a problem of striking a balance between security, solidarity, and the protection of human rights. The EU has to, in the years to come, make its system of migration effective and respectful, protecting international asylum commitments and maintaining migratory control.

In spite of recent changes, the EU's migration policy still suffers from severe gaps that undermine its effectiveness and equity. Perhaps the most urgent is the disproportionate burden-sharing among member states. Although the New Pact on Migration and Asylum (2024) established a solidarity mechanism, under which states can contribute in the form of financial support, relocation, or operational assistance, this flexibility has resulted in unequal participation. Richer nations tend to prefer financial donations over the reception of asylum seekers, which leaves frontline states like Greece, Italy, and Spain to carry the burden of migration pressures. This uneven sharing not only overtaxes resources but also creates political tensions among EU states.

Another major concern is the EU's excessive reliance on externalisation of migration control, whereby border management responsibilities are outsourced to non-EU countries such as Turkey and Libya. While this policy aims to stem irregular migration, it has led to serious human rights concerns. The majority of these transit countries lack adequate asylum protection, and there have been reports of detention and abuse. Operations like the EU-Turkey Deal (2016) and the cooperation with Libya have been sharply criticized for leaving migrants vulnerable to ill-treatment while allowing the EU to displace its legal and ethical responsibility elsewhere. Moreover, detention policy and slow processing of asylum seekers are persistent concerns. The majority of asylum seekers are being held in substandard, overcrowded detention centers for extended periods and subjected to inadequate healthcare, squalid conditions, and sporadic violence. Human rights organizations, such as Human Rights Watch (HRW), have condemned such conditions as international asylum law violations. Further, the unavailability of safer and lawful migration channels pushes most of the migrants to use risky routes, which result in disasters like shipwrecks in the Mediterranean Sea. Though the EU has taken steps to increase the scope for work and asylum, these legal options are still not sufficient to meet the volume of migration. Finally, it remains challenging to enforce return policies, especially the European Return Orders (EROs). Although the orders seek to simplify deportations, support from countries of origin is not consistent, and thus the enforcement is hindered. Several non-EU countries are not eager to take back returnees, leading to low rates of deportation and extended

legal limbo for rejected asylum applicants. Not only does this undermine the EU's control of migration but also leads to a congestion in the asylum system.

The reforms in the EU's migration policy will have extensive implications, extending beyond managing migration within the bloc to affect geopolitical ties, economic exchanges, and human rights situations. One of the most direct effects is the redistribution of responsibility across EU member states. With the implementation of the solidarity mechanism, nations now have the ability to contribute through financial assistance, relocation of refugees, or operational assistance. While this is designed to develop more balanced policy, it can also threaten to further polarise countries willing to take migrants and those that want financial contributions instead. If certain member states fail to participate in significant burden-sharing, the burden on frontline states such as Italy, Greece, and Spain would continue, sustaining inefficiencies and tensions in the asylum system. The policy will also have external relations consequences for the EU, notably with origin and transit countries. The EU's dependence on external migration control arrangements like with Turkey and Libya which is an ethical and diplomatic issue. Although these treaties can limit irregular migration, they put the onus on non-EU countries, some of which have abysmal human rights records. The policy may damage the EU's global reputation as a human rights champion, especially if reports of abuse, prolonged detention, or forced returns (*refoulement*) in third countries are the recurring theme.

Second, the success of agreements depends on political stability within partner states, whereby any shift in policy or diplomatic break could cause unpredictable spikes in migration pressure towards Europe. Economically, the emphasis of the policy on border control and returns over widening legal migration channels may worsen labor shortages in some EU sectors. Most European economies, especially in agriculture, healthcare, and construction, are dependent on migrant labor. The restrictive migration policy might impede the availability of labor, particularly in aging populations where demographic issues are already overburdening labor markets. Conversely, if the EU embraces more organised migration channels such as Canada's merit-based system, it might gain from a controlled inflow of skilled and unskilled labor, boosting economic growth.

The European Union's migration governance system has experienced notable transformations, especially against the backdrop of external shocks like the refugee crisis 2015 and ongoing geopolitical turbulence. The recent legislative changes, including the New Pact on Migration and Asylum (2024), are designed to establish a more formalized structure and multilateral approach to manage migration. Furthermore, European Return Orders (EROs) aim to harmonize deportation procedures and the EU externalisation policy aim to balance out irregular migration through the securing of bilateral relations with third parties. These structural

reforms aim to maximize procedural efficiency, introduce security checks, and institutionalise types of collective action. However, these policies are plagued by normative tensions in terms of respect for human rights, distributive justice, as well as sovereignty issues. Even after their careful administrative rationalisation, these reforms expose structural deficits and normative inconsistency. The differential implementation of the solidarity mechanism has produced uneven participation levels, with front-line countries like Greece, Italy, and Spain still shouldering an excessive migratory burden. The externalisation, which has outsourced the management of migration to transit countries like Turkey and Libya, has accumulated juridical unease over non-refoulement violations, extraterritorial detention regimes, and due process deficits. While the EU's focus on border control and refoulement processes can enhance regulatory coherence, diplomatic incoherence and implementation barriers in source states undermine policy effectiveness and normative legitimacy.

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