



## The New Pact on Migration and Asylum of 2024: a critical overview

### Overview

In April 2024 and after four years of compromises, the [European Parliament](#) approved the [New Pact on Migration and Asylum](#). The Pact was then approved by the [Council of the European Union](#) in June, hence requiring the member states to put its norms into practice within a two-year time. It consists of a new set of rules managing migration and establishing a common asylum system, that amends the existing one and aims at integrating key European policies on migration, asylum, border control, management and integration. Both its approval and its criticism came from a variety of groups with very different political ideologies and priorities: the European People's Party voted in favour, together with the Socialists and Democrats, whereas the Conservatives and the Left voted against<sup>1</sup>. While the President of the European Commission Ursula Von Der Leyen praised it as "a huge achievement", the pact received severe criticism from far-right politicians who claimed its content insufficiently strict, as well as from jurists and NGOs, which contrarily stressed how its provisions dismantle the internationally recognised right of asylum.

### The Pact

The pact is composed of [10 regulations](#) - binding and directly applicable legislative texts which have general application in member states. They specifically deal with asylum and migration management, asylum procedure, standard homogeneity and qualifications, the screening process and its facilitation, the Eurodac system, crisis and force majeure crisis, reception conditions, resettlement framework, and the establishment of a European Union agency for asylum. Four main pillars appear to be the core of the pact, which the European Union institutions summarise as follow on their respective websites.

First, it aims at **securing external borders**. The pact seeks to establish new, faster and more detailed screening rules at the European borders, to implement the Eurodac asylum and migration database and to implement border procedures to be applied for people coming from countries with low percentage of refugees. Common crisis protocols are established, to ensure a quick response in the case of important and sudden influxes.

Second, it aims at **implementing fast and efficient procedures**. Asylum rules are made clear to guarantee the people's rights, and European standards for refugee qualification are reestablished to reduce divergence in asylum procedures among the European countries and to clarify the beneficiaries' rights and obligations.

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<sup>1</sup> Some national parties did not share their groups' vote. This is the case for the Democratic Party in Italy, which voted against even though the Socialists and Democrats were in favour.

Third, it aims at **guaranteeing an effective system of solidarity and responsibility**. A permanent and mandatory solidarity network is created between the EU member states, which can choose a specific solidarity form (relocation, financial support, operational support) in order not to let any state alone. Clearer rules on the member states' responsibility for asylum applications are set, as well as instruments for preventing secondary movements within the Union.

Fourth, it aims at **strengthening international partnerships**. Agreements with key partner countries are promoted to prevent irregular departures, fight against migrants smuggling, cooperate on migrants' readmission and promoting legal pathways to ensure legal and secure access.

## Features

The provisions contained in the pact follow a long-established and fear-driven approach to migration, which is seen as a menace and therefore considered as a threatening phenomenon to the European Union identity, stability, integrity and security. Such approach includes a set of interrelated and codependent characteristics that can be easily found in the new regulations.

A first characteristic is the **criminalisation of migrants**. Even though international law recognises every human being's right to seek and ask for asylum, Fortress Europe defends the western narrative of regular and irregular migration, criminalising individuals for their illegal entry - that is, non-previously registered or authorised entry - in the European territory. As criminals, migrants are less and less human to the eyes of policymakers and citizens.

Second comes the **militarisation and externalisation of borders**. Criminalisation and consequent dehumanisation of the migrants entail a logic of "border protection": surveillance instruments as well as selection and detention mechanisms are multiplied and more and more pushed to the frontiers of the Union, which in fact makes the expulsion and readmission procedures easier and quicker. Moreover, through cooperation with transit countries, the Union *de facto* extends its control - and hence its own borders - within their very national territory: for instance, financing the local coastguard and police to retain migrants and push them back.

Finally comes **state centrality**. Renewed solidarity mechanisms are aimed at guaranteeing European security and sharing the (economic, social, political) burden of migration between member states, rather than improving the reception conditions of the migrants and their integration into the local community. Solidarity is therefore oriented at states rather than at humans: individual (human, social) rights are a secondary concern, while state security entails, among others, arbitrary detention (on the mere base of irregular stay and no other criminal charges) and forced relocations within the Union. Significantly, among the aims of



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the screening procedures, health and vulnerability come after identity and security. Some scholars link state centrality with the concept of necropolitics, that is the power of the state to decide over the individual's life and death.

### Possible consequences

The Pact does not bring significant modifications to the existing European legal framework on migration. It strengthens international partnerships, imagined as a way to stop irregular arrivals through deterrence (increased financial and operational support to pushbacks and detention at the borders of or outside the Union), whereas incentives to regular pathways are only designed for a limited number of third countries – leaving out, for instance, most West and Sub-Saharan African countries. The number of so-called irregular arrivals to Europe will not decrease. However, as regularisation will be more complicated, irregular stays will be more common. Additionally, and in contrast with the international law on asylum, there will be discrimination among the migrants, since according to their nationality their asylum request will be processed in regular or border procedure – which translates into diverse concrete life-conditions. The solidarity mechanisms, which explicitly proves the centrality of the State over the individual's, will not be efficient either, as its mandatory character is softened by the possibility for states to choose which form of solidarity to adopt.

While it aimed and failed at providing a concrete response to the so-called “[migration crisis](#)”, the Pact proves the Union's inability and unwillingness to deal with the matter of reception, which would need a deep rethinking of asylum and of the states and international organisations' role. Migration therefore appears as the new European target.



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