

# The EU's Pact on Migration and Asylum will do little to ease the pressure on southern member states

*In September, the European Commission published a new 'Pact on Migration and Asylum' aimed at addressing the issue of irregular migration in the EU. **Nadia Petroni** argues the proposed measures will not help alleviate migration pressure on the EU's southern member states.*

On 23 September, the European Commission presented its much-awaited ['New Pact on Migration and Asylum'](#) which outlines the objectives for EU policies in the area of asylum and migration over the next five years. The Pact was primarily an attempt to break the deadlock in inter-institutional negotiations in this policy domain that has existed since 2016.

An assessment of the new document reveals that all in all, it consolidates the EU strategy of preventing irregular migration, rather than ensuring that asylum and migration policies are governed by the principle of solidarity and fair sharing of responsibility. This is most visible in the focus on enhancing the return of failed asylum seekers and strengthening the role of Frontex particularly in return operations.

At the same time, however, the Pact claims to provide a 'fresh start on migration'. More specifically, in the context of irregular migration, it affirms that member states should not be left alone to shoulder a disproportionate responsibility and that all member states should show solidarity. Thus, if approved by the co-legislators, how will the new measures impact on the EU's southern states which, by default, are those states carrying the weight of irregular migration into the EU due to their geographical location?

## Old wine in new bottles

Notwithstanding the Commission's intentions to support these states, the likely outcome is that the status quo will not be altered, given the absence of concrete support in the measures proposed. Indeed, overall, the proposals merely represent 'old wine in new bottles', i.e., they are largely characterised by the continuation of older ideas, focusing on the securitisation of migration. These include partnerships with third countries, returning failed asylum seekers, combatting human traffickers and smugglers, and stepping up efforts to police external borders. The lack of ambitious proposals illustrates that the Pact is based on [consensus building](#) among EU actors.

It also highlights that EU policymaking in the context of irregular migration is increasingly shifting towards the external dimension. Despite the Commission's emphasis on flexible tools to help member states facing migration challenges, there is no mention of the creation of a permanent relocation mechanism to distribute asylum seekers across the EU. Asylum responsibility, therefore, remains with the first state of irregular entry, implying that the Pact favours those member states that are more protected from direct irregular entry.

Consequently, the Pact will result in suboptimal policy outcomes as it does not cater for the migration realities on the ground, that is, it fails to respond to the needs of those member states that are most impacted by irregular migration. Clearly, the aspirations of the EU's southern member states – Italy, Malta, Greece and Spain – are not reflected in the new document. Against this background, two major flaws can be identified.



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First, although the Dublin Regulation will be replaced with a new regulation (the Asylum and Migration Management Regulation), the entry criterion has not been abolished meaning that the 'first state of arrival' remains. In other words, the proposal for a new regulation represents little beyond a change in name, and moreover, fails to include the establishment of a mandatory relocation mechanism. Instead, the proposal includes a new solidarity mechanism to alleviate the pressure on overburdened member states through relocation, 'return sponsorship' or other forms of solidarity such as capacity building, and technical and operational support. The notion of return sponsorship refers to the possibility for member states to contribute financially to returns of failed asylum seekers, carried out by the frontline states.

The bottom line is that the Pact does not oblige member states to participate in the redistribution of asylum seekers. Instead, they are given the flexibility to decide on whether and in what form they want to contribute to member states under pressure. The complexity of the new solidarity mechanism also raises doubts as to whether it is actually workable in practice. Despite the series of solidarity measures which may be requested by a member state under pressure, what exactly constitutes 'pressure' has not been quantified in the text. The Pact only states that the Commission will carry out a holistic assessment based on all the information at its disposal, such as the number of asylum applications, search and rescue cases, irregular border crossings and returns.

The second major flaw in the proposed document concerns the contentious issue of disembarkation of migrants rescued at sea. Much to the disappointment of the southern states, the Pact completely ignores the challenges that come with assigning responsibility for migrants rescued by NGO vessels.

Despite emphasising the importance of developing a more coordinated EU approach to search and rescue practice, the Pact only goes so far as to encourage cooperation between states in such situations. Thereafter, member states are to ensure the prompt disembarkation of rescued persons in the nearest safe port, in most cases, in Italy or Malta. In short, the Pact does not attempt to resolve the issue of disembarkation of migrants rescued at sea, which presents a further challenge for the southern member states in dealing with irregular migration. This will also inevitably give rise to a series of ad hoc measures and unilateral actions.

Rather than moving from a crisis-driven approach towards durable solutions, the Commission has left the management of irregular migration into the EU in the hands of the frontline states. The next step, therefore, is to explore which measures the Commission could propose in order to resolve these issues and provide concrete support to member states facing migration pressure.

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