

Caritas Europa first take on the new EU Pact on Migration and Asylum

On September 23th, the European Commission presented the [new Pact](#) on Migration and Asylum, composed of 12 documents, including several legislative proposals, which will now be negotiated by the European Parliament and EU Member States. This long-awaited Pact aims at unlocking the deadlock in the reform of EU asylum rules by striking a balance between different EU Member States' perspectives. The complexity of the Pact alludes to the complex nature of migration and the multitude of different views on the subject.

European Commission Vice-President Margaritis Schinas referred to the Pact during its launch as a three-story house, which summarises well the main elements of the Pact:

1. Cooperation with third countries on migration and development to decrease migratory movements;
2. Fast border and return procedures to quickly distinguish between those entitled to protection and those not;
3. Enhanced responsibility sharing within the EU for people in need of protection.

As always, Caritas Europa analysed the Pact through the lens of Catholic Social Teaching and in consideration of the potential consequences the Pact will have on the lives of migrants and refugees. Heeding updates from our members, who provide emergency relief and are active in asylum reception and long-term migration integration, as well as input from our development partners overseas, we regret the overwhelming focus on return, border control, and migration prevention through intensifying cooperation with countries of origin and transit.

On a more positive note, we acknowledge several positive developments such as: provisions to protect the right of the child and family unity; attempts to pay more attention to the protection of fundamental rights at the borders; and efforts to promote a more positive narrative on migration and integration; as well as commitments to tackle legal migration in the near future. Another noteworthy and very welcome proposal is the reduced time period for recognised refugees to be eligible to obtain a long term legal status to just three years of legal residency instead of the previous five.

This is a non-exhaustive first take on the Pact. We will continue to monitor the situation in the months to come and look forward to constructive dialogues with EU and national policy makers to ensure that the framework and forthcoming negotiation will preserve the right to asylum and fundamental rights, and will bring about more solidarity and responsibility sharing among EU Member States. In the meantime, we provide a brief assessment on key areas of concern in the Pact.

On enhanced cooperation with third countries

The Pact continues to incentivise enhanced cooperation with the countries of origin and transit of migrants on security and border control in order to stem arrivals to Europe and increase returns. The past years have shown that cooperating with non-EU states at any cost and without safeguards to stop

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migration is not a silver bullet solution, and has the potential to blatantly disregard human rights. The widely documented rampant cases of abuse carried out by Libya and pushbacks of migrants is but one example of cooperation that poses a major threat on EU values.

As the EU increasingly tries to position itself as a global champion of human rights, cooperation with third countries must be strictly conditioned to respect human rights. A true partnership on equal footing is needed, which respects each side's interests, and development aid should never be instrumentalised to meet the EU's security interests and to stop migration. Rather, development aid should be used for its primary objective - to address poverty and inequality overseas.

On screening and border procedure

The Pact aims to introduce compulsory screening mechanism for all irregular arrivals, and mandatory fast track asylum and return procedures in EU border states under certain circumstances (e.g. for asylum seekers with a recognition rate below 20%). In the case of a large number of arrivals (i.e. *a mass influx* situation), these procedures would be further strengthened. Caritas Europa fears that these new procedures could dilute legal safeguards and increase detention, as well as increase the administrative and operational tasks of EU border states, hereby, replicating the creation of overcrowded and undignified reception facilities, similar to the infamous Moria hotspot.

Any type of border measures must respect human rights, and should never force people back to unsafe situations. We welcome the proposal to exempt several categories of people from border procedures (e.g. unaccompanied minors) and to create a monitoring mechanism on fundamental rights infringements. It is nevertheless essential that such a mechanism incorporates sanctions in case of wrongdoing.

Caritas Europa will work with partners to ensure that these new screening, border, and return procedures ensure qualitative asylum and appeal standards and respect fundamental rights and the Geneva Convention.

On the new responsibility and solidarity sharing mechanism (ex-Dublin)

While the Dublin regulation is set to disappear, the system behind it will remain; with the allocation of state responsibility to process an asylum claim based on a hierarchy of criteria, including the controversial "first entry criterion". A positive element is the enlargement of family related criteria (e.g. inclusion of sibling in the definition of family), and the introduction of new criteria (e.g. diploma delivered by an EU state) aimed at increasing the link between the asylum seeker and the country in which the application is to be processed.

Regarding solidarity sharing, due to staunch opposition to compulsory relocation by several EU Member States, having only voluntary relocation options prevailed. In case of "migratory pressure" or following the disembarkation of rescued migrants, a new solidarity toolbox mechanism will be triggered, obliging Member States to show solidarity to EU border states by choosing among several options, such as relocation, return sponsorship, or support for capacity building for instance. Under the concept of "return sponsorship", a sponsoring country would need to facilitate the return of a rejected asylum seeker to the

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country of origin within eight months, otherwise the person will be transferred to the sponsoring country in order to proceed with the return procedure from there. In addition to questioning the practicality and efficiency of this mechanism, Caritas Europa is concerned that facilitating return could be considered as a “solidarity” mechanism on the same level as relocation.

The practical functioning of the new solidarity mechanism is highly complex and we are concerned that this could lead to deadlocks and delays in alleviating pressures on EU border states, and thus not leading to a much needed predictable and sustainable responsibility sharing mechanism among EU Member States.

On saving lives and acting in solidarity with migrants

According to the European Commission President Ursula [von der Leyen](#), “saving lives at sea is not optional”, but is an international legal obligation, which is reiterated in several parts of the Pact. Caritas Europa shares this view and welcomes the European Commission’s [guidance](#) on the facilitation package against smuggling, calling EU Member States not to criminalise humanitarian work carried out to save lives at sea, a long standing ask from [Caritas Europa](#). Nevertheless, acting in solidarity with migrants is broader than saving lives at sea. We remind that EU Member States must also ensure that solidarity carried out on land to support migrants (e.g. food distribution, providing shelter) should also not be criminalised or stigmatised.

Ultimately, we also call for the establishment of an EU coordinated search and rescue mission in the central Mediterranean Sea, something omitted in the Pact.

On safe and legal pathways and integration

People have been needlessly dying at sea, desperately trying to reach safety, their family members, or pursue opportunities in Europe to further their livelihoods. Regardless of the current policies of deterrence, or what is in the Pact, the expectation is that people will continue migrating. Hence, tragedies at sea will continue as long as safe pathways to Europe are not expanded.

For this reason, while we welcome the European Commission [Recommendation](#) on legal pathways to protection in the EU, including through complementary pathways such as community sponsorship and humanitarian corridors that several Caritas are implementing on the ground, we call for more ambitious targets in terms of resettlement pledges and implementation, since the needs are immense. According to the UNHCR, 1.45 million refugees worldwide are particularly vulnerable and in need of resettlement. Due to COVID-19, more than 10,000 people had their resettlement delayed. We thus [call on](#) EU Member States to still strive to honour their commitment to resettle 30,000 people this year, despite the challenges related to COVID-19, and to make ambitious pledges for the years to come. Global solidarity and responsibility sharing is needed now more than ever.

In addition to legal pathways for protection needs, legal migration for labour purposes must also be expanded. EU Home Affairs Commissioner Ylva Johansson backed up this idea by stating the aim of replacing irregular crossings with regular ones. In order to achieve this, however, the European

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Commission must come up with an ambitious proposal to facilitate labour migration as soon as possible. Postponing the details on this for another year set an unfortunate tone during the launch of the Pact, despite efforts to align it with the upcoming Action Plan on Integration and Inclusion, simply because it resulted in prioritising return over legal channels and integration. Caritas Europa has well documented and acknowledged the important contributions migrant make to our economies and social fabric and believe this was a missed opportunity. Nevertheless, we will await the further progress on the unrolling of the legal channels aspects of the Pact and will meanwhile contribute to the EC Consultation on Integration and Inclusion. Meanwhile, we remind that the [COVID-19 global pandemic](#) has demonstrated Europe's reliance on migrant workers, including in essential sectors like agriculture, food production, health and social care to name but a few. It is thus high time EU and national policy makers recognised the positive contributions migrants make to Europe and take every step to avoid duplicating untenable situations like those in the Greek Islands.

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