

EUROPEAN CONFERENCE
ORGANISED BY
THE ODYSSEUS ACADEMIC NETWORK FOR LEGAL STUDIES ON IMMIGRATION AND ASYLUM IN EUROPE,
coordinated by the Institute for European Studies of the Université Libre de Bruxelles (ULB)
in collaboration with the
ROYAL INSTITUTE FOR INTERNATIONAL RELATIONS



The New Pact on Migration and Asylum: Dead or alive?

9-10 September 2021, Egmont Institute, Petit Sablon, 8 - 1000 Brussels

One Year after the presentation by the European Commission of the New Pact on Migration and Asylum, time has come to assess the way it has been received and the work done up to date in Council and in Parliament. The conference will debate the enormous legislative package which tackles the most important and difficult political and legal issues that the European Union and its Member States face. The future negotiations seem so challenging that the survival of the New Pact becomes an open question at a moment when new migration crises cannot be ruled out.

PROGRAM OF THE CONFERENCE

DAY ONE MORNING

Welcome from 8:00 (Early arrival to pass security control is advised)

9:00: OPENING SESSION: A NEW OR OBSOLETE PACT?

- *What is currently the state of negotiations?*
- *What is the perspective regarding the agenda and calendar?*
- *Which are the divisions between (groups of) Member States in Council?*
- *What are the positions of the Council and Parliament for inter-institutional negotiations?*
- *Will the European Council have to intervene and when?*
- *What are the views of NGOs on the New Pact?*

1. **A critical introduction to the New Pact**

by Prof. Daniel Thym, Konstanz University, Editor of the series of blog posts published by the Odysseus Network about the New Pact, Germany

2. Comments by a representative of DG Home Affairs, European Commission
3. Comments by Raoul Ueberecken, Director Home Affairs, Council of Ministers of the European Union
4. Comments by a member of the LIBE Committee of the European Parliament
5. Comments by Catherine Woollard, Director of the European Council for Refugees and Exiles (ECRE)

10:00 Discussion with the audience

10:30: Coffee break

11:00 PANEL 1: MORE EU AS THE SOLUTION?

- *If the classical management of EU policies by Member States does not constitute a sustainable solution, should the EU take over (more of) this role by reversing the principle of indirect administration enshrined in article 291 of the Treaty on the Functioning of the European Union? In case, to which extent?*
- *What could be the new role of EU Agencies in policy implementation in this new context?*
- *Is the transformation of the European Asylum Support Office (EASO) into a European Asylum Agency sufficient?*
- *To which extent should national funding be replaced by EU funding?*

1. **Towards an integrated European Administration through Agencies?**

by Assoc. Prof. Lilian Tsourdi, Maastricht University, The Netherlands

2. **Towards EU-funded policy implementation?**

by Prof. Iris Goldner Lang, Zagreb University, Croatia

3. **Crisis Management: From Temporary to Immediate Protection**

by Ass. Prof. Meltem Ciger, Suleyman Demirel University, Turkey

4. **The Afghan crisis through the lens of the New Pact**

by Prof. Philippe De Bruycker, Coordinator of the Odysseus Academic Network, Université Libre de Bruxelles (ULB), Belgium

5. Comments by a representative of DG Home Affairs, European Commission

12:00 Discussion with the audience

12:30: Lunch break

DAY ONE AFTERNOON

13:30: PANEL 2: PROCESSING AT THE BORDERS: EFFECTIVENESS AND RIGHTS IN JEOPARDY?

- *Is screening a new procedural step leading to new legal acts?*
- *Does border processing represent a paradigm shift for asylum, return and detention policies?*
- *Are border procedures feasible in terms of implementation?*
- *Is there a risk that the New Pact will replicate the experience of hot spots?*
- *Will border procedures lead to a new form of "screening detention" on top of return and asylum detention and an increase in the number of detainees?*
- *Which are the minimum legal guarantees for asylum border procedures?*

1. Screening at the borders

by Prof. Lyra Jakuleviciene, Mykolas Romeris University, Lithuania

2. Border Procedures and Detention

by Assoc. Prof. Galina Cornelisse, Vrije Universiteit Amsterdam, The Netherlands

3. Border procedures and Asylum

by Prof. Jens-Vedsted Hansen, Aarhus University, Denmark

4. Border procedures and Return

by Dr Madalina Moraru, Research Fellow, Masaryk University, Brno, Czech Republic

5. Comments by a representative of the EU Fundamental Rights Agency (FRA)

14:30 Discussion with the audience

15:00: Coffee break

15:30 PANEL 3: HOW AND HOW MUCH MUCH SOLIDARITY?

Operationalisation of solidarity between Member States in the area of asylum is a conundrum and raises several questions:

- *Is there an alternative model to the division of responsibility between Member States currently established by the Dublin system?*
- *How to balance responsibility fairly among Member States in line with the principle of solidarity that the Court of Justice of the EU has recently considered as a "fundamental principle of EU law" in a case about the energy policy?*
- *In particular, which level of solidarity is legally required by article 80 of the Treaty on the Functioning of the European Union that establishes this principle in the area of migration and asylum?*
- *Can sponsored return as a new responsibility tool work in practice?*
- *Are there other more adequate types of solidarity than relocation and sponsored return?*

1. Types and level of solidarity

by Prof. Francesco Maiani, University of Lausanne, Switzerland

2. The Global Impact of the Pact

by Gaia Romeo, Consultant for EuroMed Rights

3. Sponsored return

by Prof. Florian Trauner, Vrije Universiteit Brussel (VUB), Belgium

4. Comments by Giulio Di Blasi, Director for Europe, Global Refugee Sponsorship Initiative (tbc)

5. Comments by Nanda Kellij, Ministry of Justice of The Netherlands (tbc)

16:30 Discussion with the audience

17:00 PANEL 4: LEGAL MIGRATION: A FRESH START OR A STALEMATE?

- *Is a "common policy" for legal migration feasible as long as it is necessary?*
- *What progress has been made with the adoption of the new Blue Card directive after five years of difficult negotiations?*
- *What are the perspectives of review for the Single permit & common rights directive and of reform for the long-term resident directive?*
- *Are Talent Partnerships a way to fulfill the needs of labor markets in the EU and to improve cooperation with third countries?*

1. The EU's legal migration acquis: Patching up the patchwork

by Prof. Tesseltje De Lange, Radboud University, The Netherlands

2. Mobility inside the EU: which added value for the new Blue Card?

by Dr Sara Iglesias Sanchez, Law Clerk, Court of Justice of the European Union (tbc)

3. **What are Talent Partnerships?**

by a representative of the European Commission

4. **The perspectives of reform in the area**

by Silvio Grieco, DG Home Affairs, European Commission

17:40 Discussion with the audience

18:00: End of day one

DAY TWO

Welcome from 8:30

9:00 PANEL 5: AN EXTERNALISED PACT:

Pullbacks subcontracted to transit countries with the support of the EU is the solution currently implemented by its Member States to manage migration flows.

- *What are in this context the legal criteria triggering jurisdiction under human rights instruments to define States' responsibility?*
- *Is the framing of search and rescue (SAR) by private NGO vessels compatible with maritime law?*
- *What remains for migrants and asylum seekers of the freedom to leave any country recognised by human rights instruments?*
- *How to articulate the New Pact with the UN Global Compacts on migration and refugees?*

1. The Extraterritorial Reach of Human Rights: Member States' Jurisdiction and Responsibility under S.S. & Others v. Italy before the ECHR

by Assoc. Prof. Violeta Moreno Lax, Queen Mary University London, United Kingdom

2. The compatibility of the 2020 Commission recommendation and Italian code of conduct for private SAR with maritime law

by Dr Akis Papastavridis, Public International Law Centre, Athens University

3. Remind the right to leave any country as a human right!

by Prof. Nora Markard, University of Münster, Germany

4. Which Global Impact? The New Pact and the Global Compacts on Migration and Refugees

by Prof. Vincent Chetail, Global Migration Centre, Switzerland

10:00 Discussion with the audience

10:30 Coffee break

11:00 PANEL 6: WHICH MONITORING FOR HUMAN RIGHTS VIOLATIONS?

- *How can the "independent monitoring mechanism" foreseen by the proposal for a screening regulation be designed at national level by EU Member States?*
- *What can the contribution of national human rights institutions to this new mechanism be?*
- *What is the scope of the mandate of the Fundamental Rights Officer (FRO) of Frontex and their capacity to ensure that fundamental rights are not violated on the ground?*
- *What could be the outcome of the action for failure to act introduced on 21 May 2021 against Frontex before the Court of Justice?*

1. Which independent monitoring mechanism of refoulement?

by Eva Tzavala, Chair of the Asylum and Migration Working Group of the European Network of National Human Rights Institutions (ENNHRI)

2. Comments by a representative of the EU Fundamental Rights Agency (FRA)

3. The scope of the mandate of the Fundamental Rights Officer of Frontex

by Dr Jonas Grimheden, Fundamental Rights Officer (FRO) of Frontex

4. The pleas in the action for failure to act against Frontex before the Court of Justice of the European Union

by Omer Shatz, Director of Front-Lex

5. The return of geopolitics and the transformation of migration law

by Prof. Achilles Skordas, Senior Research Fellow, Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany

12:00 Discussion with the audience

12:30: CLOSING SESSION: THE PACT OR A PLAN B?

- *What are the perspectives of success or failure of the New Pact in light of the policy challenges and within the limits of the current treaty framework?*
- *Is there an alternative plan in case of failure in a context of possible new migration crises?*
- *Is a series of mini-deals on some of the proposals a way forward?*

1. **Preliminary conclusions** by Jean-Louis De Brouwer, Director of the European Affairs Program, Egmont Institute

2. Comments by Alexandra Cupsan Catalin, Member of Commissioner Johansson's Cabinet for Migration and Home Affairs (tbc)

3. **The point of view of the United Nations High Commissioner for Refugees (UNHCR)** by Sophie Magennis, Head of the Policy and Legal Support Unit, UNHCR Bureau for Europe
4. Comments by a representative of the Slovenian Presidency of the EU
5. Comments by a Representative of the French Presidency of the EU

End around 13:30

PRACTICAL INFORMATION

- Please register quickly as the number of seats is limited to a maximum of two hundred persons due to Covid regulations. Participants without a seat will be kindly advised to follow the conference live online.
- **Date and Time:** 9 September 9.00 - 18.00
10 September 9.00 - 13.30
- **Location:** Egmont Institute, Petit Sablon, 8, 1000 Brussels
- **WEARING A MASK IS COMPULSORY DURING THE CONFERENCE**
- **Registration:** online at <https://forms.gle/GUHJzfvKpMfKQUaN8>
- **Cost of Participation:** on site: 105 EUR / online : 80 EUR
(25 € will in case be reimbursed to persons who did not get a seat)
to pay on the account of the
Odysseus ASBL
IBAN: BE49 0015 4052 2371
BIC: GEBABEBB
with as reference: 'your name' and '2021 conference'
- **Catering:** refreshments and lunch (on the first day) will be served
- **Public transportation** <http://www.stib-mivb.be/>
(nearest bus / tram stops: 27 - 33 - 92 - 93 - 95)
- **Information:** odysseus@ulb.be

