

## **Press Release: Implementing the Pact on Migration and Asylum: a pivotal challenge**

### **Subject: Stakeholder meeting at the European Parliament**

31 May 2023

*Members of the European Parliament (EP) and the European Commission met today with an international consortium of academics for a public Roundtable in the EP's Altiero Spinelli building. Participants discussed the main implementation issues arising from the legislative proposals of the EU Pact on Migration and Asylum: the capacity and fundamental rights challenges to the implementation of border procedures, the trade-off between mandatory border procedures and flexible relocation, and the scope for derogations in the context of crisis management.*

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The Roundtable immediately followed the EU Ambassadors' meeting in the EU Parliament, where they prepared the ground for the Home Affairs Summit on 8 June. The Ministers will be called to agree on a common position for the negotiations on the new Pact on Migration and Asylum.

Despite their different political and professional backgrounds, all participants agreed that an understanding of the practical implementation of the proposals on the ground should guide the Council negotiations and the forthcoming trilogues.

Tineke Strik (MEP, Greens) underlined how the generalised use of detention combined with the legal fiction of non-entry can create a "toxic cocktail" that further undermines the right to asylum and access to an effective remedy in Europe. Juan Fernando Lopez Aguilar (MEP, Socialists & Democrats, President of the LIBE Committee) noted that the package approach was a great achievement for the Parliament and that all the proposed reforms are interrelated and "must make sense together". Laura Ferrara (MEP, Non-attached Members) pointed out that avoiding overregulation and administrative burdens in asylum and migration management "is the most important issue that the negotiations should tackle".

Mariana Gkliati (Tilburg University) stressed that EU Agencies could play a role in achieving this goal, but "the proposed instruments fail to integrate the role of Frontex and the EU Asylum Agency and to address the need for greater accountability, while joint implementation patterns in Frontex operations remain under-regulated". Jens Vedsted-Hansen (University of Aarhus) added that the extensive use of safe third country presumptions cannot be seen as a panacea. Indeed, given the lowered threshold for rejecting asylum claims at the borders and the prioritisation of cases with a high likelihood of return, these presumptions risk becoming *de facto* irrefutable.

These and other weaknesses were identified and discussed with a view to providing a first fitness check on the workability of the proposals on the ground. Nevertheless, "the reform could also provide a window of opportunity to reflect on the sustainability and practicability of alternatives to the containment paradigm, drawing lessons from the activation of temporary protection for Ukraine" – as Francesco Maiani (University of Lausanne) observed.

The scientific coordinators of the Jean Monnet Centre of Excellence, which hosted the Roundtable – Mario Savino and Daniela Vitiello (University of Tuscia) –, concluded that "it is time to tackle the 'old divisive issues' through an implementation-oriented approach. Such an approach must take into account how feasible and human rights compliant the envisaged mechanisms would be, how prepared the most affected administrative systems are and how (in)equitably the costs of administrative adaptation would be distributed among the Member States". If the co-legislators fail to do so, the additional bureaucracy created by the new rules and the more coercive border procedures threaten to make the management of mixed migratory flows even more ineffective than it is today. This risks further undermining mutual trust between the Member States and the confidence of domestic constituencies in the EU institutions.

**List of speakers (see also programme attached)**

Prof. Juan Fernando Lopez Aguilar (MEP, Socialists & Democrats, President LIBE Committee)  
Dr. Laura Ferrara (MEP, Non-attached Members)  
Prof. Tineke Strik (MEP, Greens, Professor of Citizenship and Migration Law, Radboud University)  
Ms. Esther Pozo Vera (European Commission, DG HOME)  
Prof. Mario Savino (Professor of Administrative Law, University of Tuscia)  
Prof. Francesco Maiani (Professor of European Law, University of Lausanne)  
Prof. Jens Vedsted-Hansen (Professor of Law, University of Aarhus)  
Mr. Emilio De Capitani (Free-Group Executive Director)  
Ms. Catherine Woollard (European Council of Refugees and Exiles)  
Dr. Daniela Vitiello (Assistant Professor of EU Law, University of Tuscia)  
Dr. Mariana Gkliati (Assistant Professor of Migration and Asylum Law, Tilburg University)  
Ms. Alison Gatt (European Union Asylum Agency)  
Dr. Francesco Gatta (Post doctoral fellow, University of Tuscia)

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