



**ASYLUM AND MIGRATION TO THE  
EUROPEAN UNION:  
PREVENTION OF MIGRANT SMUGGLING**

***PATRIOTS***  
**FOR EUROPE FOUNDATION**



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*Source of Cover Photo: EU Pulse*



## INTRODUCTION

Addressing illegal migration and its associated organized crime, including people smuggling, has been a major focus within the EU's institutions and social and cultural initiatives. The issue of illegal migration has gained urgency in EU countries due to several factors. These include the heightened security concerns following terrorist attacks in the USA, Great Britain, France and Spain, debates over the effectiveness of European multiculturalism models which sometimes show Islamophobic tendencies, and notably, the economic downturn post-2008. This period saw a decline in living standards across many European nations and unemployment rates reaching levels not seen since the 1930s. Under these circumstances, economic migrants from Arab, predominantly Muslim states in the Mediterranean logically became a lightning rod for the concerns and dissatisfaction of the European public, to which the member states and the European Union had to react (Brtnický, 2016).

According to the data from **2013**, there were **23 million immigrants** from territories outside the EU in EU member states. Of this number, 9.3 million come from neighboring countries, i.e. around 40% of the total number of immigrants from third countries. About 70% is in the southern neighborhood, specifically the countries of the Arab Mediterranean and Turkey (Fargues, 2013: 5). The area of the Southern and Eastern Mediterranean is undoubtedly

one of the biggest sources of migration to the EU, and it is certain that it will continue to be so in the coming years. Illegal migration will certainly be strengthened by the disintegration of state authority in Libya and much less drastic but similar developments in Tunisia and Egypt. The conflict in Syria also has a significant impact. According to UN data from September in 2013, over two million people fled Syria to neighboring countries, who are forced to live in very temporary conditions in Iraq, Jordan, Lebanon and Turkey (UN Refugee Agency, 2013). Many of them try to get illegally to EU member states, especially to Italy and by land to Bulgaria and Greece. The Arab Mediterranean is not only a source of migration, but also an important transit route for illegal migrants from countries in sub-Saharan Africa and Central and South Asia, which strengthens migration pressure towards the north (the EU) (Brtnický, 2016).

After 10 years, on 1 January **2023**, **27.3 million** citizens of non-member countries were residing in an EU Member State, representing 6.1 % of the EU population. This represents an increase of 3.5 million compared to the previous year. In addition, 13.9 million persons living in one of the EU Member States on 1 January 2023 were citizens of another EU Member State. In absolute terms, the largest numbers of non-nationals living in the EU Member States on 1 January 2023 were found in Germany (12.3 million), Spain (6.1 million), France (5.6 million) and Italy (5.1 million). Non-nationals in these four Member States



collectively represented 70.6 % of the total number of non-nationals living in the EU, while the same four Member States had a 57.9 % share of the EU's population. In relative terms, the EU Member State with the highest share of non-nationals on 1 January 2023 was Luxembourg, where non-nationals accounted for 47.4 % of the total population. High proportions of foreign citizens (more than 10 % of the resident population) were also observed in Malta (25.3 %), Cyprus (19.9 %), Austria (18.8 %), Estonia (17.3 %), Germany (14.6 %), Ireland (14.4 %), Latvia (13.9 %), Belgium (13.5 %), Spain (12.7 %) and Denmark (10.5 %). In contrast, non-nationals represented less than 3 % of the population in Romania (1.1 %), Slovakia (1.1 %), Poland (1.2 %), Bulgaria (1.3 %), Croatia (1.8 %) and Hungary (2.4 %) (Eurostat, 2024).

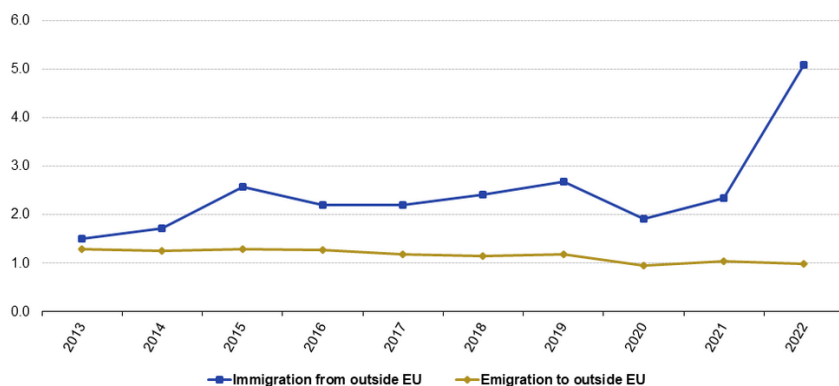
In **2022, 5.1 million** immigrants came to the EU from **non-EU countries** and 1.5 million people previously residing in one EU Member State migrated to another Member State. Taking into account that 0.4 million people with unknown country of previous residence also migrated to an EU Member State, this makes a total of 7.0 million arrivals as a result of international immigration in 2022. On the other hand, about 2.7 million people emigrated to either another EU Member State or to a country outside the EU. Of them, about 1.0 million people were reported to have left an EU Member State to migrate to a country outside the EU. In comparison, in 2021 there were, respectively, an estimated 2.4 million immigrants to the

EU from non-EU countries and 1.4 million people previously residing in one EU Member State migrated to another Member State. About 1.0 million people emigrated from the EU to a country outside the EU in 2021. Before the start of the COVID-19 pandemic, in 2019, there were, respectively, an estimated 2.7 million immigrants to the EU from non-EU countries and 1.4 million people previously residing in one EU Member State migrated to another Member State. About 1.2 million people emigrated from the EU to a country outside the EU in 2019.



Source: Parliamentary Assembly

**Immigrants from outside EU and emigrants to outside EU, EU, 2013–2022**  
(million)



Note: Cyprus (2013–2019) migration data include the United Kingdom in the composition of the EU. Bulgaria, Poland, Portugal, Slovakia, Finland, Sweden and Liechtenstein did not include refugees from Ukraine who benefit from temporary protection in their population and migration statistics.  
Source: Eurostat (online data codes: migr\_imm5prv, migr\_imm12prv, migr\_emi3nxt and migr\_emi5nxt)

eurostat

**Figure 1: Immigrants from outside EU and emigrants to outside EU, EU, 2013–2022**  
(million)

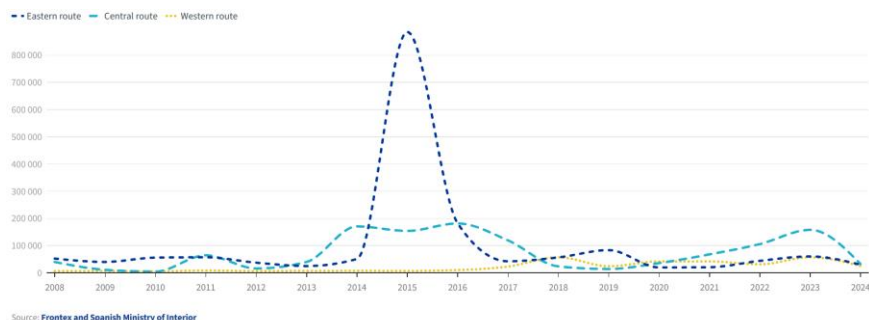
Source: Eurostat ([migr\\_imm12prv](#)) and ([migr\\_emi5nxt](#))

The Russian Federation’s full-scale invasion of Ukraine, which began in February 2022, has resulted in the largest displacement within Europe since the Second World War. Irregular migration from, to and through South-Eastern and Eastern Europe, including by people from within and outside the subregion, remains a key challenge. Often with the assistance of smugglers, the subregion is a major transit area and characterized by mixed migration flows, particularly for migrants trying to reach Western and Northern Europe.

**The Western Balkan route**, referring to irregular arrivals in the European Union through the western Balkans, including via countries such as Albania, Bosnia and Herzegovina, and Serbia, among others in the subregion, has seen an increase in arrivals since 2018. Serbia continues to be the main transit hub, with nearly 121,000 registrations in 2022. Upon arrival in the western Balkans, the routes most use are through North Macedonia, Serbia and then direct attempts to cross into the European Union across the Hungarian border.

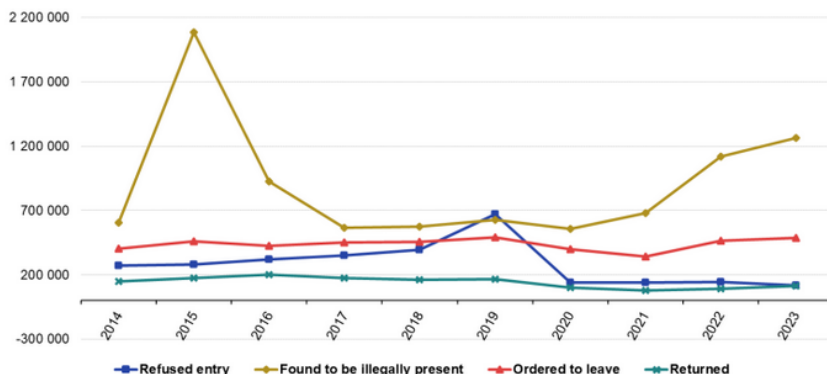
The three largest nationalities arriving in the Balkans include Afghans, Syrians and Pakistanis. The transit period of migrants passing through the western Balkans was shorter in 2022, with many spending fewer days in each country compared to previous years. Other non-Balkan countries in the subregion, such as Belarus, have also in recent years been transit areas for migrants attempting to reach the European Union with some pointing to the use of irregular migrants as a political weapon and leverage (the so-called “instrumentalization” of migrants) (IOM, UN Migration, 2024).

**Irregular arrivals to the EU - 2008-2024.** Data up to July 2024.  
Western route refers to Western Mediterranean and Western African routes.



According to Eurostat, the latest data demonstrate that **118 935** non-EU citizens were refused entry into the EU at one of its external borders in 2023, a decrease of 16.5% compared with 2022. **1.265 million non-EU citizens** were found to be illegally present in the EU in 2023, **up 12.9% compared with 2022**. **484 160** non-EU citizens were ordered to leave the territory of the EU in 2023, an increase of **3.8% compared with 2022**. **111 185** non-EU citizens were returned following an order to leave the EU in 2023, **up 25.1% compared with 2022**.

### Third-country nationals subject to the enforcement of immigration legislation in EU Member States, 2014-2023 (number of persons)



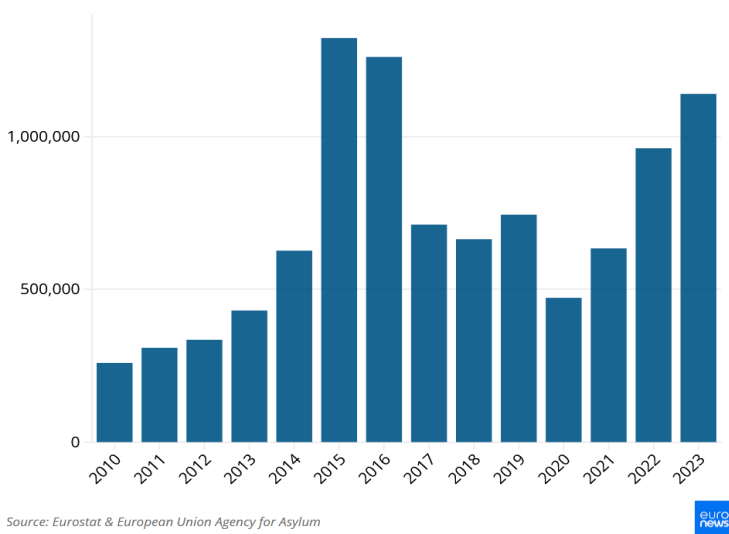
Source: Eurostat (online data codes: migr\_eirfs, migr\_eipre, migr\_eiord, migr\_eirtn, migr\_eiord1 and migr\_eirtn1)

eurostat

Source: Eurostat ([\(migr\\_eirfs\)](#), [\(migr\\_eipre\)](#), [\(migr\\_eiord1\)](#) and [\(migr\\_eirtn1\)](#))

Since 2020, the number of refusals of entry and returns has a similar stabilization trend. In the same period, the number of citizens found to be illegally present in EU countries **increased almost 27.0%**. The number of return decisions (orders to leave) in 2023 **is the second highest since 2014** (Eurostat, 2024).

## Asylum applications 2010-2023 Filed in the EU and associated Schengen countries.



In addition to smuggling, there is also **drug smuggling**. The issue of drug production and smuggling into EU countries affects Morocco the most in the researched area. Due to its geographical proximity to European porous shores and its own large-scale production of hashish, it is the most important target in the fight against the production and smuggling of drugs from the countries of the Arab Mediterranean. Morocco is the world's largest exporter of hashish, supplying around 70% of the total consumption to the European market, on the other hand, Spain is the country where the largest amount of this drug is seized and destroyed (World Customs Organization, 2011). This North African country is also part of one of the routes through which cocaine from Latin America reaches

Europe. Despite several highly publicized anti-drug campaigns by Moroccan authorities, the kingdom has been unsuccessful in its fight against drug producers and smugglers, especially in the north of the country around the Rif Mountains. It is very likely that the most important drug lords operate in a regime of tacit agreements with the authorities, which, from the state's point of view, limit the negative effects of this "trade" and bring another source of financial rent in the highly clientelist environment of Moroccan politics and economy (Ketterer, 2001).

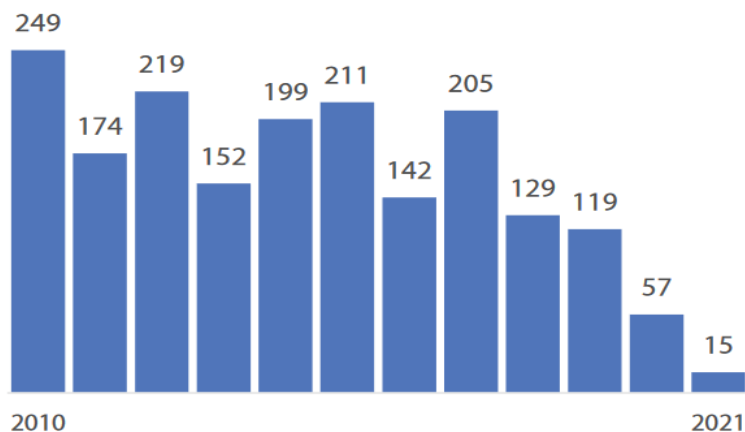
Irregular migration is not only linked to migrant smuggling and other types of exploitation of already vulnerable people, but there is also a **risk of terrorists using irregular migration routes to enter the EU clandestinely**. Moreover, large influxes of irregular migrants can burden asylum or social welfare systems, pose challenges in terms of integration, or even lead to anti-democratic and discriminatory behavior. Preventing and combating migrant smuggling and related crimes is therefore one of the key priorities of EU action against irregular migration and organized crime(Luyten, 2024: 2; Luyten – Rossi, 2022).

**Terrorism** in the EU is far from being a new phenomenon: a number of EU Member States (such as France, Italy, Spain and the United Kingdom) have a long history of fighting domestic terrorist groups. However, since the 11 September 2001 attacks on United States (US) soil, the terrorist threat has evolved to a more global



scale. Research shows that between 2000 and 2018, 753 people lost their lives in terrorist attacks in the EU, and 1 115 EU citizens fell victim to terror in non-EU countries. Between 2010 and 2021, 1 871 terrorist attacks took place in the EU (see Figure 1).

Figure 1 – Terrorist attacks in the EU, 2020-2021



Data source: Europol, TE-SAT reports 2011-2022

Despite the apparent drop in terrorist incidents over the past couple of years, terrorism has remained a key threat to the EU's internal security, as evidenced by yearly assessments by the EU Agency for Law Enforcement Cooperation (Europol). The complexity of this threat can be illustrated by the evolution of jihadist terrorism, countering which has been at the forefront of the EU counter-terrorism agenda for over 20 years (Bakowski, 2023: 2).

According to European Parliamentary Research Service (EPRS), **irregular border crossings** into the EU have reached their **highest levels since 2016**, leading to an **increased demand for services that facilitate migration**. Over 90% of individuals crossing the EU's external borders without authorization rely on migrant smugglers. This **surge in demand** is driven not only by individuals in dire situations seeking refuge or better economic opportunities in the EU but also by the heightened difficulty of crossing borders due to stricter controls. Migrant smuggling networks have become more active in response. The business of **smuggling migrants is lucrative**, with low risks for the smugglers and no need for substantial resources. It's primarily driven by financial motives. During the peak of the migration crisis in 2015, **these criminal networks generated an estimated €3 billion to €6 billion** (Luyten, 2024: 2).

Smuggling networks play key roles in enabling attempts to reach Northern, Western and Southern Europe, often charging high fees, while also exposing migrants to a multitude of risks and abuses. Some States outside the European Union have also in recent years been blamed for encouraging and even facilitating irregular migration to the subregion, using migrants as leverage or pawns for political ends. In response, the European Commission introduced a proposal to tackle situations where State actors enable irregular migration for political purposes to destabilize the European Union

and allows member States to “*derogate from their responsibilities under European Union asylum law in situations of instrumentalization of migration.*” The proposal has been criticized by civil society organizations, with some arguing that it is akin to dismantling asylum in Europe by allowing member States the potential to opt in and out of the Common European Asylum System (CEAS) (IOM, UN Migration, 2024).

**Migrant smugglers are notably adaptable**, constantly changing their routes and methods to evade capture while being involved in a range of criminal activities, including document fraud and human trafficking. These networks are becoming more sophisticated, professional, and prone to violence (Luyten, 2024: 2). Irregular migration remains one of the most significant migration challenges for countries in the subregion, and continues to be characterized by mixed migration flows, often with the assistance of well-established smuggling networks. Calendar year **2022** saw the largest number of irregular arrivals since 2016, with more than **189,000 arrivals** in Europe via land and sea. While there was a decrease, overall, in irregular border crossing at the height of the COVID-19 pandemic in 2020, there was an uptick in arrivals in 2021 and a further increase in 2022. The largest number of irregular arrivals in 2022 came from Egypt (almost 21,800), the Syrian Arab Republic (nearly 21,000), Tunisia (over 18,000) and Afghanistan (more than 18,000) (IOM, UN Migration, 2024).

Although migrants engage smugglers by choice, they face significant risks, including the possibility of death, serious harm, or exploitation. Smugglers often resort to violence or threats to ensure payment or compliance. **The dangerous methods used to transport migrants have led to over 60,000 deaths or disappearances since 2014**, as reported by the International Organization for Migration (IOM). The EU faces various challenges related to irregular migration, including security and safety concerns, socio-economic impacts, and the potential for irregular migration routes to be used by terrorists. Large numbers of irregular migrants can strain asylum and social welfare systems, complicate integration efforts, and contribute to anti-democratic and discriminatory responses. Addressing migrant smuggling and associated crimes is a **critical priority for the EU in its efforts to combat irregular migration and organized crime** (Luyten, 2024: 2)



Source: Reuters

## OVERVIEW OF THE EU'S STANCE ON PREVENTING UNAUTHORIZED MIGRATION AND MIGRANT SMUGGLING

*“Migrant smuggling is a billion-euro crime business at the expense of the weakest. We want to put a stop to the smugglers and Europol can play an important role in this”.*

Annelies Verlinden, Belgian Minister of the Interior



Source: EU Law Analysis

In order to improve external border controls the Commission takes strong action to prevent irregular migration through ensuring that each EU country controls its own portion of EU's external borders. Commission actions also aim to reinforce the effectiveness of EU's migration management system and to ensure that

fundamental rights of migrants are respected. Such actions include legislative measures, some of which are already adopted and are now being implemented, while others continue to be discussed by legislators (i.e. the Council and the European Parliament). These include:

- strengthening the mandate of FRONTEX to increase its effectiveness on external borders,
- establishing an evaluation mechanism to verify the correct application of Schengen rules,
- intensifying the coordination between border surveillance authorities (through the European Border Surveillance System – EUROSUR), as well as considering the feasibility of creating a European system of border guards and
- establishing rules for external sea border surveillance in the context of operational cooperation coordinated by FRONTEX (European Commission, 2024).

Over the past few years, there has been significant progress in enhancing collaboration among Member States for better information sharing and minimizing the operational space for terrorists and serious criminals. This was achieved by revamping the overall structure of the Justice and Home Affairs (JHA) information systems for better interoperability. Following several terrorist attacks in the EU, the legislative framework for **counterterrorism** and **information sharing** was fortified in 2017 (Bakowski, 2023).

## Legal framework

To address irregular migration and combat migrant smuggling, the EU has established a comprehensive **legal framework**, including the 2002 'facilitators' package' which consists of the Council Directive 2002/90 (EUR-Lex, 2002) and the Council Framework Decision 2002/946/JHA (EUR-Lex, 2002). These instruments aim for a unified definition of human smuggling and the alignment of national penal systems. Despite these efforts, the facilitators' package has faced criticism for its lack of legal clarity and inconsistent application across Member States. The fight against migrant smuggling became a priority following the 2015 migration crisis and the Mediterranean tragedies. In line with the **Pact on Migration and Asylum**, the Commission has issued guidance on the implementation of the EU rules on definition and prevention of the facilitation of unauthorized entry, transit and residence (C(2020) 6470 FINAL). It recalls that EU law does not allow the criminalization of humanitarian activity, which is mandated by law, and it invites Member States to distinguish between the activities carried out for the purpose of humanitarian assistance and the activities that aim to facilitate irregular entry or transit, in order to exclude the former from criminalization (European Commission, 2024).

The number of irregular migrants entering the EU reached unprecedented levels during 2015 and remained high in 2016. During 2016, EU countries reported new arrivals from Africa, the Middle East and Asia, many of whom turned to criminal networks of smugglers for assistance. To prevent the exploitation of migrants by criminal networks and to reduce incentives for irregular migration, both **the European Agenda on Migration and the European Agenda on Security** identified the fight against migrant smuggling as a priority (European Commission, 2024). The EU's approach, which spans migration, security, and external relations, led to the adoption of the 2015-2020 action plan against migrant smuggling. Despite the resilience of smuggling networks, the EU continues its efforts through the 2020-2025 security union strategy, the 2021-2025 strategy against organized crime, and the new migration and asylum pact (COM, 2015).

On 29 September 2021, the Commission adopted a renewed **EU action plan against migrant smuggling for the period 2021-2025**. It strengthens operational cooperation, and information exchange between EU countries and EU law enforcement agencies to investigate and prosecute migrant smuggling networks. It covers areas such as financial investigations, asset recovery, document fraud, and digital smuggling. The renewed EU action plan adopts a comprehensive approach and seeks even closer cooperation with partner countries along the migratory routes towards the EU. The



renewed EU action plan builds on successful actions that were launched through the EU Action Plan against Migrant Smuggling for the period 2015-2020(European Commission, 2024).The 2021-2025 renewed EU action plan against migrant smuggling focuses on reinforced cooperation with partner countries and international organizations, implementing the legal frameworks and sanctioning smugglers, preventing exploitation and ensuring the protection of migrants, reinforcing cooperation and supporting the work of law enforcement and the judiciary to respond to new challenges, and improving knowledge of smugglers' *modus operandi*.

In 2022, the European Commission published specific action plans to tackle irregular migration in the busiest sea and land routes, the central Mediterranean, the western Mediterranean and the Atlantic, and the Western Balkans, which prioritize measures to tackle migrant smuggling. In March 2023, the Commission established the first-ever multiannual strategic policy on European integrated border management, to be implemented by the **EU Border and Coast Guard Agency (Frontex)** over the next five years. It provides a coordinated framework to make sure that all Member States' and relevant EU agencies' activities, from border surveillance to anti-smuggling to returns, are guided by the same set of common principles and produce tangible results on the ground (Luyten, 2024: 3).

## **Rules against trafficking in human beings and Employers**

**Sanctions Directive** state that migrants in an irregular situation are more vulnerable to labor and other forms of exploitation. Trafficking in human beings is a different, yet interlinked crime, and the EU has established tougher rules for action against criminals engaged in human trafficking. EU rules make sure that victims of trafficking have access to assistance, including the possibility of a temporary residence in the EU when they cooperate with law enforcement authorities or, for those Member States who foresee it, irrespective of their cooperation. The EU also monitors the implementation of the Employers Sanctions Directive, making sure that employers who employ irregular migrants are appropriately sanctioned, and that the irregular migrants can exercise their rights to claim back wages and social contributions.

**The Communication on the Employers Sanctions Directive** was adopted on 29 September 2021, looks at the practical implementation of the Directive and identifies actions to strengthen its implementation focusing on three main actions: sanctions against employers, measures to protect the rights of irregular migrants, and inspections. **Regulation on the creation of a European network of immigration liaison officers** (ILO network) as part of the EU Action Plan against migrant smuggling (2015-2020), a new Regulation was proposed by the Commission and adopted by the co-legislators in 2019 to step up the cooperation between liaison officers

of the European Commission, EU agencies and Member States that are deployed in third countries. The ILO network aims to improve the exchange of information on migration, adopting a coordinated approach in cooperation with third country authorities. The activities of ILOs are of great importance to prevent irregular migration, fight migrant smuggling, facilitate readmission of irregular migrants, and facilitating legal pathways towards the EU (European Commission, 2024).

## **Europol**

**Europol** also plays a key role in supporting Member States' operational cooperation through the secure exchange of information, expertise and analytical support. The agency set up the European Serious Organized Crime Centre (ESOCC), which incorporated the European Migrant Smuggling Centre (EMSC) in 2016. The EMSC monitors the online presence of smugglers, provides operational and strategic analytical support to Member States, helps them with investigating organized crime related to migrant smuggling, and coordinates the collective law enforcement response to dismantling organized criminal networks involved in both migrant smuggling and human trafficking. Europol's Joint Operational Team (JOT) Mare, the intelligence-led maritime center dedicated to tackling migrant smugglers in the Mediterranean, is an essential part of the

EMSC. Europol's Internet Referral Unit supports investigations in the digital domain and helps prevent migrant smuggling by monitoring online content and referring pages linked to criminal migrant smuggling networks to the relevant online platforms for removal. Europol's mandate was reinforced in 2022, allowing the agency to step up its expertise and operational capabilities, to better support Member States in combating serious and organized crime and terrorism. The mandate also strengthened Europol's data protection framework and the oversight of the European Data Protection Supervisor (EDPS) (Luyten, 2024: 3-4).

General purpose of Europol defined on its webpage says that Europol listens to what EU Member States need and analyses crime trends in the EU. The Agency supports investigations initiated by Member States, though Europol officers never arrest citizens or instigate investigations. Europol's work usually consists of dealing with crimes that require an international approach and cooperation between several countries, inside and outside the EU. The decision on which crimes to prioritize is shaped by [EMPACT](#) (Europol, 2024).

Europol is governed by Article 88 of the Treaty on the Functioning of the EU (TFEU). The article defines Europol's mission, namely 'preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy'. It highlights

two types of tasks for Europol: a) collection, storage, processing, analysis and exchange of information; and b) the coordination, organization and implementation of operative action carried out jointly with the Member States, including on the basis of joint investigation teams(JITs). Together with national parliaments, the European Parliament scrutinizes Europol's activities, while the European Data Protection Supervisor (EDPS) ensures oversight of the agency's data processing activities (Cîrlig, 2022).

To align with the Lisbon Treaty, the Europol Regulation (Regulation (EU) 2016/794) replaced the previous Europol Decision (Council Decision 2009/371/JHA) on 1 May 2017. This regulation, which is applicable to all EU Member States except Denmark due to its opt-out from the Treaty's justice and home affairs provisions, enhances Europol's data management and protection policies. It also introduces a new oversight body, the Joint Parliamentary Scrutiny Group (JPSG), and improves how Europol shares information with partners. Additionally, it guarantees individuals' rights to access their personal data and to seek compensation for any unlawful data processing.

A review of the regulation was planned for 1 May 2022, with subsequent reviews every five years([EUR-Lex](#) , 2016; Cîrlig, 2022: 3). Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of

personal data by Europol in support of criminal investigations, and Europol's role in research and innovation.

## **Europol New Regulation (EU) 2022/991 Amending Regulation (EU) 2016/794**

In January 2020, the European Commission published the new work program for 2020. Under the section 'Promoting our European way of Life' the Commission stated its intention to strengthen the Europol mandate in order to reinforce operational police cooperation. In May 2020 the Commission published an Inception Impact Assessment on a prospect proposal to strengthen the mandate of Europol. The assessment was open for comments until the 9th of July 2020. On 21 October 2020, the Home Affairs Ministers of the European Union met informally to discuss the challenges and the operational needs of the agency. To this end, they adopted a Declaration entitled 'Ten Points on the Future of Europol'. On 9 December 2020, the Commission finally adopted its proposal to amend Europol's regulation.

**According to the proposal, the new regulation will strengthen Europol's mandate by:**

## **1. enabling Europol to cooperate effectively with private parties;**

Currently, Europol can receive data from private parties only indirectly, through the intermediary of a Member State's Europol national unit (ENU), or through contact points in third countries with which Europol exchanges personal data. Moreover, if private parties do share data with Europol, the agency may process these data only for the purpose of identifying the relevant ENU; it must then transfer the data to the ENU and delete it. The ENU may afterwards decide to resubmit the data to Europol. If, however, Europol cannot identify the relevant ENU within four months, then it must delete the data. Europol may not send requests to private parties to obtain personal data. However, private parties have come to hold significant amounts of personal data relevant to law enforcement.

The impact assessment identifies issues with increased risk of delays, loss of information and a lack of legal certainty for private parties when submitting personal data to Europol. For instance, private parties do not have a contact point when they want to share multi-jurisdictional or non-attributable data sets with law enforcement. It is also time and resource intensive for national authorities to analyse multi-

jurisdictional and non-attributable data sets through national and intergovernmental solutions, or for them to exchange data with private parties established in other jurisdictions, while Europol cannot help Member States to cooperate effectively with private parties, owing to legal restrictions. Private parties face difficulties when receiving requests from multiple jurisdictions (Cîrlig, 2022: 4-5).

## **2. enabling Europol to support Member States and their investigations with the analysis of large and complex datasets;**

Criminal investigations provide law enforcement authorities with large and complex datasets that they need to process. However, this requires intensive resources, in particular when the data relates to cross-border crimes. While Europol has received high volumes of data from Member States in order to support criminal investigations – as the European Cybercrime Centre or the European Counter-Terrorism Centre have developed the necessary expertise and capabilities to this end – structural legal concerns related to processing them have come to the fore. As mentioned, the EDPS has admonished the agency for processing personal data of individuals not linked to a crime. In its 'Europol big data challenge' decision, the EDPS highlights that it is not



possible for the agency to establish from the outset that all the information contained in the large datasets received complies with the limitations of the Europol Regulation, therefore leading to the unlawful processing of personal data of a vast number of people, beyond the categories allowed (Annex II of the regulation). Moreover, the principle of data minimization is breached as the data continues to be stored by Europol beyond the time limits allowed. In this context, the Commission impact assessment points out that the Europol Regulation does not take account of the specific requirements for the processing of large and complex datasets.

In particular, digital forensics requires the storage of the entire dataset for the duration of the criminal investigation and, possibly, subsequent judicial proceedings; moreover, it involves the processing of data that is not relevant for a criminal investigation. The regulation does not allow for an initial processing by Europol of personal data submitted by Member States with the sole purpose of determining whether such data pertains to the specific categories of data subjects set out in Annex II (Cîrlig, 2022: 5).

### **3. strengthening Europol's role on research and innovation;**

Law enforcement authorities are facing the challenge of criminals exploiting new technologies for their crimes. While various tools, such as artificial intelligence, could address this issue, not all Member States have the resources to invest in technological innovation or the skills to process the large data sets required to this end. In this context, Europol is seen as the suitable forum to help Member States in the area of innovation for law enforcement, by coordinating their efforts. However, the Europol Regulation does not give the agency a mandate to this end. Nor does it provide a clear legal basis for Europol to contribute to research and innovation activities relevant for law enforcement and to implement its own research projects, although the agency may currently perform certain related activities.

In addition, the regulation does not provide a legal basis for the processing of data for the training, testing and validation of algorithms for the development of tools, including AI-based tools, for law enforcement, which triggered an EDPS inquiry.

EPRS has conducted an initial appraisal of the Commission's impact assessment. It concludes that, despite attempting to

explain the existing problems in detail, the impact assessment presents a number of shortcomings, in terms of the range of policy, the impact of the policy options, and its analysis of the fundamental rights impact, which could have been more thorough (Cîrlig, 2022: 5).

#### **4. strengthening Europol's cooperation with third countries;**

The proposed legislative initiative enables Europol to cooperate effectively with private parties by setting new rules (Articles 26 and 26a).

First, Europol will be able to receive personal data directly from private parties, in order to identify the national units concerned and provide them with the information necessary to establish jurisdiction, including the results from the processing of that data. The agency may also ask Member States to request private parties to share additional information. Europol will not be allowed to request personal data directly from private parties. Moreover, Europol may receive personal data from private parties established in third countries, but it may only transfer such data to either a Member State or a third country if there is an agreement for

the exchange of personal data with that country or an EU adequacy decision.

Second, Europol may transfer personal data to private parties, on a case-by-case basis, under certain conditions, including for the purpose of informing that private party that data received were insufficient to identify the ENU concerned. If the private party is not established in the EU or in a third country with which Europol may exchange personal data (on the basis of an agreement or adequacy decision), then the Executive Director of Europol may authorize the transfer under strict conditions; such transfers may not be 'systematic, massive or structural'.

Third, Europol may make its infrastructure available for exchanges between Member States and private parties. Where the crime that is the object of the data exchanged falls outside Europol's competences, the agency will not have access to the data. In addition, and linked to crisis response, Europol will be enabled to exchange personal data with private parties to prevent the large-scale dissemination of online terrorist or violent extremism content relating to ongoing or recent events (Cîrlig, 2022: 5).

**5. enabling Europol to request the competent authorities of a Member State to initiate, conduct or coordinate an investigation of a crime which affects a common interest covered by a Union policy, without the requirement of a cross-border dimension of the crime concerned;**

The proposal introduces the possibility for Europol to conduct an initial analysis of personal data received in order to establish whether such data falls within the categories of data subjects set out in Annex II (Article 18(5)(a)). On the proposal of the Europol Executive Director, the Management Board must further specify the conditions for processing such data, after consulting the EDPS.

Moreover, Europol is empowered to process personal data outside the established categories in certain situations (Article 18(a)):

- when a Member State or the European Public Prosecutor's Office (EPPO) sends an investigative case file to the agency for operational analysis in support of that specific criminal investigation (which must fall within Europol's mandate);

- when Europol assesses it cannot perform the operational analysis without processing personal data outside the categories allowed.

The personal data in the investigative case file may be processed for as long as that investigation continues; Europol may also store the investigative case file and the outcome of the operational analysis beyond the end of the investigation, at the request of the case file provider, for the sole purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process and for as long as the related judicial proceedings are ongoing. Upon a proposal from the Executive Director and after consulting the EDPS, the Management Board will further specify conditions for the processing of such data. The same provisions apply when a third country that may share personal data with Europol (under an agreement or an adequacy decision) transmits an investigative case file to the agency for operational analysis, which supports a specific criminal investigation in a Member State or Member States. Europol must inform the EDPS; it must also verify that such data were not obtained through violating fundamental rights and that the amount of personal data is not manifestly disproportionate in relation to the investigation in the Member State (Cîrlig, 2022: 5-6).

- 6. strengthening Europol's cooperation with the European Public Prosecutor's Office (EPPO);**
- 7. further strengthening the data protection framework applicable to Europol;**

The proposal aims to strengthen the data protection framework applicable to Europol by aligning its data protection regime with Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by EU institutions, bodies, offices and agencies, as requested by Parliament. Among others, the proposal adds biometric data to the categories of sensitive data that may be processed only when strictly necessary and proportionate for preventing and combatting crime under Europol's mandate (Article 30(2)); provides further details on the function of Data Protection Officer of Europol (Articles 41(a) to (c)); and includes a new article on keeping records of categories of data processing activities to reflect current practice (Article 39(a)).

Moreover, the Commission recognizes the proposal's impact on fundamental rights, as enshrined in the EU Charter. However, it argues that it thoroughly assessed the policy

options' impact on fundamental rights in preparation for the proposal, which led to the rejection of those options that could have had a serious adverse impact and to the inclusion of detailed safeguards for those policy options that required a necessary limitation of the exercise of fundamental rights.

The proposal also aims to introduce a new obligation on the Commission in Article 68 (evaluation and review of the regulation), namely to submit a report to Parliament and Council, after three years from its entry into force, evaluating the operational benefits of the new competences assigned to Europol as regards: research and innovation for the development, training, testing and validation of algorithms (Article 18(2)(e)); the initial processing by Europol of personal data with the sole purpose of determining whether such data pertains to the specific categories of data subjects in Annex II of the Europol Regulation (Article 18(5a)); processing of personal data outside the categories of data subjects set out in Annex II for the purpose of operational analysis in a specific criminal investigation or when Europol assesses that it cannot carry out the operational analysis without processing personal data outside the categories allowed (Article 18a); the exchange of personal data with private parties (Articles 26 and 26a).



The report must assess the impact of these activities on fundamental rights and freedoms as enshrined in the EU Charter (Cîrlig, 2022: 8).

## **8. further strengthening parliamentary oversight and accountability of Europol;**

The proposal also aims to strengthen parliamentary oversight of Europol and its **accountability**. Article 51 is thus modified to include the obligation to provide the JPSG with annual information about: i) the number of cases in which Europol issued follow-up requests to private parties or requests to Member States for the transmission of personal data; ii) the number of cases where Europol processed personal data outside the Annex II categories in order to support Member States in a specific criminal investigation; iii) the number of cases when Europol issued alerts in SIS and the number of hits these alerts generated; and iv) the number of pilot projects in which Europol processed data to train, test and validate algorithms for law enforcement (Eclan, 2022; Cîrlig, 2022: 8).

**9. enabling Europol to create dedicated alerts in the Schengen Information System (SIS) in consultation with Member States.**

subject to consultation of the Member States and authorisation of the Executive Director, on the suspected involvement of a third country national in an offence under Europol's mandate, based on information received from third countries/international organisations (Article (1)(r)). The proposal is linked to another legislative initiative to amend Regulation (EU) 2018/1862 on the Schengen information system, thereby introducing anew alert category to be entered in SIS by Europol. The EDPS issued a specific opinion on this proposal on 10 March 2021(Cîrlig, 2022: 7).

**10. strengthening cooperation with the EPPO**, in line with the rules on transmission of personal data to EU bodies applicable to Europol; a working arrangement between Europol and the EPPO will have to be concluded (Article 20(a));

**11. strengthening cooperation with the European Anti-Fraud Office (OLAF)**, with Europol sending OLAF any information linked to possible illegal activity affecting the EU's financial interests (Article 21(8));

**12. enabling joint operational analysis between Europol and Member States in specific investigations (Article 20(2a))**, in the context of analysis projects, Member States may enable Europol to make information directly available to selected Member States (Eclan, 2022; Cîrlig, 2022: 7).

## **European Multidisciplinary Platform Against Criminal Threats – EMPACT**

**Operational activities to combat migrant smuggling are the responsibility of the Member States. However, the EU assists them in fighting serious and organized crime effectively to the maximum of its remit**, ranging from crime prevention to police and judicial cooperation, which is crucial given the cross-border and multinational nature of migrant smuggling. Through the EU policy cycle for organized and serious international crime (EMPACT), Member States coordinate common priorities and operational action to address the most important criminal threats affecting the EU, such as migrant smuggling. Over the last decade, **specialized EU agencies** have increasingly supported national law enforcement, border and judicial authorities in their fight against migrant

smuggling. The agencies cooperate directly with each other, for example on external border management or information exchange. Those most involved in combating migrant smuggling include – besides Frontex – the EU Agencies for Law Enforcement Cooperation (Europol), Criminal Justice Cooperation (Eurojust), Fundamental Rights (FRA) and Asylum (EUAA), as well as the European Maritime Safety Agency (EMSA) (Luyten, 2024:3).

Regarding EMPACT, in 2010, the EU set up the EU policy cycle for organized and serious international crime, better known under the name **EMPACT (European Multidisciplinary Platform Against Criminal Threats)**. Among the EU crime priorities for the EU policy cycle 2018-2021, is the EMPACT crime priority **Facilitation of Illegal Immigration (FII)**. EMPACT FII is a structured, multidisciplinary co-operation platform among EU Member States for disrupting Organized Criminal Groups which facilitate illegal immigration. At the heart of EMPACT FII, are the yearly updated Operational Action Plans, which outline important operational actions of EU countries and EU agencies (Europol, Frontex, Eurojust, CEPOL, eu-LISA, etc.) on fighting migrant smuggling. According to European Commission for the period 2022-2025, EMPACT will have a dedicated priority on migrant smuggling. The Commission participates in discussions of the Operational Action Plans and meetings and provides financial support to their implementation (European Commission, 2024).

The EU has taken decisive action to target criminal networks that exploit vulnerable migrants. The European Multidisciplinary Platform Against Criminal Threats (EMPACT) identified combatting the facilitation of irregular migration as one of the priorities for the period 2022-2025. In 2022, coordinated action by member states led to:

- 3 646 arrests
- 3 285 investigations
- €2 267 655 in cash seized
- thousands of fraudulent documents seized (European Council/ Council of the European Union. 2024).



Source: Euractiv



Source: IOM, UN Migration

## European Migrant Smuggling Centre – EMSC

The EMSC was [established in early 2016](#) following a period of highly dynamic irregular migration, with vulnerable migrants travelling largely unrestricted in sizeable groups across the Mediterranean Sea, external land borders and further on, into Europe towards their desired destination countries (Europol, 2024).

In her State of the Union address in September 2023, Commission President Ursula von der Leyen emphasized the need to enhance the EU's capabilities to combat migrant smuggling. She proposed updating the facilitators' package, bolstering the roles of

EU agencies, especially Europol, and increasing collaboration with JHA agencies, Member States, and external partners to address this issue globally. She also announced plans for an international conference aimed at forming a Global Alliance to combat people smuggling. Furthermore, during the November 2023 conference, President von der Leyen introduced a legislative package aimed at fighting migrant smuggling. This includes a directive to establish minimum standards for preventing unauthorized entry, transit, and stay in the EU, revising the facilitators' package that has been in place for 20 years, and a regulation to enhance Europol's capabilities and inter-agency cooperation. The objective of these proposals is to create a comprehensive legal, operational, and international framework to counteract migrant smuggling in the future (European Commission, 2023).

## **Suggested modifications and their impact**

**Proposal for a Regulation Of The European Parliament And Of The Council** on enhancing police cooperation in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human beings, and on enhancing Europol's support to preventing and combating such crimes and amending Regulation (EU) 2016/794 (COM/2023/754 final) aims to reinforce Europol's

role in the fight against migrant smuggling and trafficking in human beings, and, in particular, the role of the EMSC. According to European Parliamentary Research Service the legislative initiative proposes the following:

- **Establish in law the EMSC within Europol** – as a Union center of expertise for combating migrant smuggling and trafficking in human beings – and **a governance framework to regulate and support its activities**. The EMSC, as the focal point to support Member States in the prevention and combating of these crimes, should perform specific strategic and operational tasks. (Article 3).
- **Provide for the composition of the EMSC and the specific entities that should be involved in carrying out its tasks**. The EMSC should be supported by all other relevant Europol internal structures. (Article 4).
- **Define the strategic and operational tasks of the EMSC**. At strategic level, these tasks include providing strategic analyses and threat assessments, providing support to the operational implementation of the strategic and operational priorities, supporting the coordination, cooperation and exchange of information, monitoring migrant smuggling and



trafficking in human beings, and preparing an annual report. At operational level, the tasks of the EMSC include coordinating, organising and implementing investigative and operational actions to support and strengthen actions by the competent authorities of the Member States, supporting Member States' cross-border information exchange activities, operations and investigations, as well as JITs and operational task forces, and identifying cases of migrant smuggling and trafficking in human beings that may require advanced operational support. (Articles 5 and 6).

- **Provide for the designation of specialized services within the competent authorities of each Member State** to prevent and combat migrant smuggling and trafficking in human beings, including through criminal investigations, and **ensure that these services collect and share all relevant information as soon as possible through the Secure Information Exchange Network Application (SIENA) with Europol and other Member States.** (Article 8).
- **Provide Europol with the necessary advanced tools to support Member States in preventing and combating migrant smuggling and other crimes falling within the**

**scope of Europol's objectives.** The proposal establishes operational task forces as coordination mechanisms set up by Member States with the support of Europol to conduct joint, coordinated and prioritised criminal intelligence activities and investigations, and sets out minimum requirements for Member States' involvement. Third countries may also participate in operational task forces. (Article 9).

- Provide that **Europol should be able to deploy officers in a Member State, at the request of that Member State, to provide analytical, operational, technical and forensic support in liaison and in agreement with the Member State's competent authorities.** Staff and experts deployed by Europol should be able to carry out investigative non-coercive measures that relate to data processing, and Europol should set up a reserve pool of highly qualified law enforcement experts from the Member States with specialized profiles that can be placed at the immediate disposal of Europol for operational deployment. Moreover, the agency should be able to deploy staff and seconded national experts in third countries with which it cooperates on the basis of an adequacy decision and an international agreement concluded between the Union and that third country pursuant to Article 218 TFEU or a cooperation

agreement between Europol and that third country concluded before 1 May 2017. (Article 9).

- **Clarify the nature of operational support that Europol staff may provide to Member States' law enforcement authorities on the ground** in operations and investigations. This operational support during the execution of investigative measures, or in the context of the implementation of operational task forces and Europol deployment for operational support, should be at the request of the competent authorities of the Member States and in accordance with their national law. Europol staff should be able to execute non-coercive investigative measures in liaison and in agreement with the competent authorities of the Member State concerned, and in accordance with the Europol Regulation and that Member State's national law, when so requested by a Member State in accordance with its national law and authorized by the Europol Executive Director. (Article 9).
- **Enhance cooperation between Europol and third countries** with which it cooperates by means of rules to better involve Member States' migration liaison officers deployed in third countries in enhancing the sharing of

information by third countries to counter migrant smuggling and supply this information to Europol, directly or through the Europol national unit, using SIENA. (Article 8).

- **The EMSC should identify cases of migrant smuggling requiring cooperation with third countries that may require transfers of personal data in individual cases for the purpose of the prevention, investigation, detection or prosecution of criminal offences, or the execution of criminal sanctions.** The transfers of personal data by Europol to third countries in these cases may, in the absence of an adequacy decision or of adequate or appropriate data protection safeguards, be carried out in accordance with Article 25(5) of Regulation (EU) 2016/794. (Article 6).
- **Strengthen Europol's role in the fight against criminal offences related to the violation of Union restrictive measures.** Unrelated to migrant smuggling and trafficking in human beings, the proposed regulation extends the list of crimes which fall within Europol's competence by including in Annex I to the Europol Regulation the 'violation of Union restrictive measures'. The inclusion of the violation of Union restrictive measures in Annex I to the Europol Regulation would complement the proposed directive on the definition

of criminal offences and penalties for the violation of Union restrictive measures (EUR-Lex. 2023).

The legislative initiative would have an impact on the budget of Europol – **an additional amount of a round €50 million** – and on its staff needs – **around 50 additional posts** for the current Multiannual Financial Framework period (2021-2027) (Luyten, 2024: 6-7). The European Economic and Social Committee (EESC) is expected to deliver its opinion on the proposal at the end of May 2024 to deliver also Ex-post Evaluation of the Asylum, Migration and Integration Fund for the 2014-2020 programming period. The delegation lead member organizes the dialogue based on open questions, which lead to discussion and debate, following the same structure as the questionnaire: questions related to effectiveness, relevance, and civil society involvement (EESC, 2024).

## **Primary Criticism of Europol's Amendments**

The amendments to the 2016 Europol Regulation still **trigger criticism** (for the criticism to the Commission proposal). The German Bar Association (DAV) **criticized that the agreed amendments fall short of the level of fundamental rights protection, respect for privacy and data protection, as requested**

**by stakeholders.** In a press release of 27 June 2022, the EDPS, Wojciech Wiewiórowski, expressed his concerns that the amendments weaken the fundamental right to data protection and do not ensure an appropriate oversight of Europol. He considers data protection safeguards insufficient, in particular if it comes to Europol's expanded powers to process large datasets where data related to individuals who have no established link to a criminal activity will be treated in the same way as the personal data of individuals with a link to a criminal activity. The EDPS also **criticizes** that Regulation 2022/991 **retroactively authorizes Europol to process large data sets** (without data subject categorization), which Member State authorities already shared with Europol prior to the entry into force of the amended Regulation (cf. Art. 74a of the amended Regulation).

Indeed, these cases were subject to the EDPS order of 3 January 2022 (→ eucrim 1/2022, 18), which requested the deletion of these large data sets concerning individuals with no established link to a criminal activity. *“Therefore, the EDPS believes that the transitional arrangement in the amended Europol Regulation renders the order ineffective. He calls on the Europol Management board to soon put in place the data protection safeguards in order to limit effectively the impact of such intrusive data processing activities on individuals, as required by the legislator”* (Wahl, 2022).

In addition to that, **Statewatch** has raised **concerns** regarding the **agency's ability to form 'operational task forces' and initiate 'deployments for operational support'**. This apprehension stems from the proposal's lack of restrictions, allowing these powers to extend beyond just the crime of migrant smuggling. Additionally, Europol's staff and experts could engage in 'non-coercive investigative measures' related to data processing when collaborating with national police forces. The ambiguity of the proposal's language leads Statewatch to worry that these investigative powers might apply to all criminal activities within Europol's jurisdiction, which includes over 30 types of serious crimes and offenses. Statewatch has also acquired a collection of feedback from Member States' delegations that was shared to guide discussions in the Council's Law Enforcement Working Party. This feedback reveals that several countries are questioning the necessity and proportionality of the proposals, expressing concerns over the Commission's refusal to evaluate its impact, and highlighting the additional workload these plans would impose without providing adequate funding and staff (Statewatch, 2023; Luyten, 2024: 8).

Europol's amendments bring when it comes to individuals' fundamental rights, particularly their right to the **protection of personal data**. It also briefly linked this issue to the sidestepping of national procedural law. The expansion of Europol's powers is grounded in an already fragmented and asymmetrical application of

data protection rules in the police cooperation sector. Instead of addressing this fragmentation, the new Europol Regulation embraces them and adds to them by deviating from the general data protection provisions. The Regulation puts in question compliance with several principles of data protection (data minimization, storage limitation) and dangerously undermines the role of the EDPS and its independence. **This may diminish individuals' right to data protection, and Europol's overall compliance with data protection provisions.** It is important to remember that Europol is frequently used as a tool to circumvent existing national constraints, as has been seen with the SIS. **The safeguards put in place by Member States are overlooked in favor of stronger security in the EU. This again undermines individuals' fundamental rights, as national law enforcement authorities simply use Europol to do their "dirty work" with insufficient safeguards.**

These existing challenges and fragmentation will further be accentuated in the future, notably with the adoption of Prüm II as well as the Artificial Intelligence Act. New specific data protection legal frameworks will be added to the already existing complex mosaic of legal instruments, making it even more complicated for data subjects to defend their rights (Tas, 2023).



## Migration management

The EU supports Member States and Partner countries on migration via providing operational support including through **the European Union Agency for Asylum (EUAA)** to ensure fast and efficient asylum process. The European Commission proposes directives, regulations and recommendations for creating fair, efficient, and sustainable migration and asylum systems. It aims to align these systems across the EU, while supporting all EU countries in developing and implementing effective migration management and asylum procedures. In doing so, it provides operational responses on the ground, focusing particularly on countries most affected by migration. In these countries, the Commission supports the national authorities with specialized teams, and works closely with EU Agencies, international organizations, and other related bodies in:

- managing the arrival of migrants
- setting up suitable migrant reception facilities
- carrying out relocations and other transfer mechanisms at EU level
- ensuring quick and efficient asylum and return procedures
- improving border management

- protecting unaccompanied minors and other vulnerable groups
- promoting integration policies for legally residing non-EU nationals
- developing legal pathways to migration through labor mobility
- creating partnerships against human trafficking networks (European Commission, 2024).

The Home Affairs funds constitute the financing mechanism that supports efficient management of migration in the EU. With a common approach to asylum and migration, they help manage the EU's external borders and address significant internal security challenges. They consist of the following:

**The Asylum, Migration and Integration Fund– (EUR 9.88 billion for 2021-2027):** this boosts national capacities and improves migration management procedures. It also supports solidarity and shared responsibility between EU countries, e.g. emergency assistance and the relocations mechanism.

**The Border Management and Visa Policy Instrument – (EUR 6.7 billion for 2021-2027):** this promotes strong and effective integrated border management at the EU's external borders. It ensures internal security in the EU while safeguarding the free movement of people within it.

**The Internal Security Fund – (EUR 1.93 billion for 2021-2027):** this advances internal security across the EU. On migration management, it is involved in areas such as the fight against human trafficking and the dismantling of smuggler networks (European Commission, 2024a).

## **PACT ON MIGRATION AND ASYLUM**

In September 2020, the Commission broke through a prolonged political deadlock by introducing the Pact on Migration and Asylum. According to European Commission this Pact lays the groundwork for a durable, sustainable approach to establish a unified EU migration management system. It aims to ensure a cohesive European framework with transparent regulations, guaranteeing that no Member State bears the burden of migration management alone, and mandates the implementation of equitable, efficient procedures while upholding fundamental rights at EU external borders (European Commission, 2024b).

After four years of negotiations, the Pact on Migration and Asylum has been endorsed by the institutions of the EU. Its goal is to reduce the conflict that has repeatedly beset EU Member States since the so-called ‘refugee crisis’ of 2015, both by dint of a much more homogeneous and predictable management system and

through the creation of solidarity mechanisms for sharing the burden of asylum claims between Member States. However, the complexity of the pact, the opposition of some Member States and its reliance on agreements with third-party countries bode ill for its implementation (Enríquez, 2024).

By December 2023, following extensive negotiations, the European Parliament and the Council achieved a significant milestone by agreeing politically on the Pact's crucial components. On 10 April 2024, the European Parliament voted in favor of the new rules on migration, followed by their formal adoption by the Council of the EU, on 14 May 2024, allowing the EU to tackle complex issues with determination and ingenuity, setting the stage for its **final approval and implementation in June 2024**. (European Commission, 2024b).

All Member States are now tasked with developing the necessary legal and operational frameworks to begin enforcing the new laws by 2026. The EU will support this transition through technical, operational, and financial aid from the Commission and EU agencies. The updated regulations are designed to foster a strong, equitable system for migration and asylum management, streamlining processes at external borders for greater efficiency and speed. Recognizing the dynamic nature of migration, the rules also allow for adaptability in crisis situations or extraordinary

circumstances that could overwhelm national systems (European Commission, 2024c).

The Pact on Migration and Asylum introduces the **four pillars** of the new migration and asylum policy(European Commission, 2024b).

## 1. Secure external borders

**Robust screening:** Those not fulfilling the conditions to enter the EU will be registered and subject to identification, security, and health checks.

**Eurodac asylum and migration database:** The Eurodac Regulation turns the existing database into a fully-fledged asylum and migration database, ensuring clear identification of everyone who enters the EU as an asylum seeker or an irregular migrant.

**Border procedure and returns:** A mandatory border procedure will apply for asylum applicants who are unlikely to need protection, mislead the authorities or present a security risk. Efficient returns with reintegration support will apply for those not eligible for international protection.

**Crisis protocols and action against instrumentalization:** The Crisis Regulation provides quick crisis protocols, with operational support and funding, in emergency situations.

## 2. **Fast and efficient procedures**

**Clear asylum rules:** The Asylum Migration Management Regulation ensures effective determination of which EU country shall be responsible for handling an application for asylum.

**Guaranteeing people's rights:** The Reception Conditions Directive establishes harmonised standards across the EU, ensuring adequate living conditions for asylum seekers, while strengthening safeguards and guarantees and improving integration processes.

**EU standards for refugee status qualifications:** The Qualification Regulation strengthens and harmonizes criteria for international protection and clarifies the rights and obligations of beneficiaries.

**Preventing abuses:** The Asylum Procedure Regulation sets out clear obligations of cooperation for asylum seekers, providing for consequences in case of non-compliance.

### 3. **Effective system of solidarity and responsibility**

**Permanent solidarity framework:** The new framework ensures that EU countries will receive the solidarity needed. EU countries choose how they will participate, between relocations, financial contributions, operational support, request deductions, and 'responsibility offsets'.

**Operational and financial support:** Relevant EU Agencies and dedicated EU funds will support EU countries every step of the way.

**Clearer rules on responsibility for asylum applications:** The new rules enhance the responsibility criteria determining the EU country responsible for assessing an asylum application.

**Preventing secondary movements:** Asylum seekers must apply for international protection in the EU country of first entry and remain there until the country responsible for their application is determined.

### 4. **Embedding migration in international partnerships**

**Preventing irregular departures:** Strengthened capacities of border management authorities in priority partner countries, including through reinforced cooperation with Frontex.

**Fighting migrant smuggling:** Dedicated and tailor-made Anti-Smuggling Operational Partnerships with partner countries and UN agencies, tackling smuggling in key locations.

**Cooperation on readmission:** The development of legal migration goes hand in hand with strengthened cooperation on return and readmission.

**Promoting legal pathways:** An EU Talent Pool establishes the first EU-wide platform to facilitate international recruitment, while Talent Partnerships allow non-EU citizens to work, study, and train in the EU.

The Commission has been working on a two-track approach: while the full set of migration and asylum reforms in the Pact provides a long-term solution, concrete operational measures have also been deployed on the ground to address immediate and ongoing challenges. This complementary approach is essential to support Member States operationally and cooperating with international partners. That operational support was reflected in the **Four Action Plans** put forward by the Commission along the main migratory routes: the Central Mediterranean, Western Balkans, Western Mediterranean and the Atlantic, Eastern Mediterranean. Furthermore, when Italy faced a sharp increase in irregular arrivals



in summer 2023, President von der Leyen launched the 10-point-plan for Lampedusa, with operational support from the EU Agencies (Frontex and EUAA) and financial support. Regarding **Frontex** – the setting up and deployment of the Frontex Standing Corps is taking place gradually and will reach **10,000 members by 2027**. For comparison –Frontex currently employs **over 2500 people** from 29 countries (Frontex, 2024).

Frontex staff has also been deployed at the EU external borders, and in the context of four Status Agreements with Moldova, North Macedonia, Montenegro, and Albania, Frontex has been able to deploy staff in these countries (European Commission, 2024c).

The new asylum and migration rules introduced by the Pact entered into force on 11 June 2024 and will enter into application after two years, as of 12 June 2026, with the exception of the **Union Resettlement and Humanitarian Admission Framework Regulation**, which is applicable as of today. Guided by the Common Implementation Plan, the next step is for EU countries to prepare their respective national implementation plans by December 2024. They can count on the operational, technical and financial support of the European Commission and EU Agencies. EU countries will need to revise their national asylum and migration law according to the obligations stemming from the Pact, which are grouped into **10 building-blocks** (European Commission, 2024d):

1. **A common migration and asylum information system**, that will support coordination and information sharing among EU countries, speeding up the processing of applications within the Common European Asylum System;
2. **A new system to manage arrivals** at the EU external borders, with the necessary tools to manage the processing of non-EU nationals, setting up fast and efficient procedures for asylum and return;
3. **Rethinking reception** to ensure adequate standards of living, while preventing unauthorized movements;
4. **Streamlining the decision-making process on asylum applications** at EU level, to foster converging assessment, fair and efficient procedures, and reinforce safeguards, rights and guarantees for asylum-seekers;
5. **Expediting return processes**, by incentivizing returnees to cooperate and return voluntarily;
6. **Activating the new responsibility criteria** to determine the country responsible for an asylum application and for preventing unauthorized movements;
7. **Enforce solidarity** by introducing a permanent, legally binding but flexible solidarity mechanism;

8. **Reducing the risks of crisis situations** by enabling stronger resilience to evolving migratory situations;
9. **Protecting the right to asylum** and human dignity, by introducing increased monitoring of fundamental rights and new safeguards for asylum applicants and especially the vulnerable persons;
10. Stepping up efforts in the areas of **resettlement, inclusion, and integration.**

## **The EU Pact on Migration And Asylum – Its Challenges And Limitations**

The pact comprises a set of five regulations extending over some 2,000 pages of text. The gestation of the pact over the last four years has created many expectations and, in its final manifestation, disappointment, especially among NGOs specializing in supporting asylum applicants, among left-wing Social Democrats and on the right of traditional Christian Democrat and liberal parties, amongst others (Enríquez, 2024). This legislative package has ignited unprecedented controversy and division, even among typically allied NGOs. Amnesty International and Human Rights Watch have strongly criticized the agreement, with Eve Geddie of Amnesty stating it "will lead to greater human suffering." Conversely, 22

organizations, including the International Rescue Committee and Oxfam, have expressed some optimism, calling parts of the deal "a glimmer of hope." This contentious agreement emerges almost ten years after a migration crisis that profoundly impacted the European Union, marked by over 2.3 million irregular border crossings in 2015 and 2016 (Schug, 2024).

A **consensus** between the Member States was reached on **two of the five regulations**<sup>1</sup> after two years of talks, and these received the unanimous approval of the Council in June 2022. One of these is the **Screening regulation**, aimed at harmonising controls at the EU's external borders, which establishes procedures for verification of identity, security checks, and health and vulnerability checks of people intercepted after an unauthorised border crossing, including those rescued at sea. The other is known as **EURODAC**, the fingerprint database that the EU uses to monitor asylum seekers within the Schengen area and prevent 'asylum shopping' (the

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<sup>1</sup>"Following agreement on these two regulations, talks stalled on the other three regulations put forward by the Commission: the Asylum and migration management regulation, the Common asylum procedure and the Response to asylum crisis and force majeure situations, which were finally agreed at the European Council meetings in June and December 2023, with the opposition of Poland and Hungary. Ranged against each other in the talks surrounding these three interconnected regulations were the demands of the southern European countries (with their insistence on more European solidarity) and the reluctance of the eastern countries (essentially Poland and Hungary) to accept a proportional quota of the asylum seekers, and pressures from the centre and north (the asylum seekers' preferred destination) to prolong the period in which the country of entry to European soil, typically located in southern Europe, remains responsible for such immigrants. The central and northern countries wanted this period to be indefinite, but in the end it was set at 20 months (12 months in the case of people rescued at sea)" (Enriquez, 2024).

practice of requesting asylum in subsequent Member States having been rejected in the first), and to monitor the ‘secondary movements’ of asylum seekers who move to other Member States. EURODAC will be upgraded to a biometric database that will be shared online using the EES (Entry Exit System), enabling information about all arrivals and departures from the Schengen area to be recorded, whether regular or irregular, with or without visas, such that it will be possible to ascertain for example if someone remains in the Schengen area after their visa or permitted three-month stay as a tourist has expired (Enríquez, 2024).

It's important to clarify, especially for those not yet acquainted with the topic, that the Pact on Migration and Asylum, despite its comprehensive title, **primarily addresses the situation of irregular immigrants seeking asylum**. This means that the pact **does not cover broader migration issues or tackle challenges that Member States face**, such as labor shortages in certain sectors or demographic shifts due to ageing populations. **Similarly, integration policies and the regularization of irregular immigrants by various Member States are beyond its scope**. While migration policies remain under the jurisdiction of individual states, the Schengen area's free movement principle necessitates a degree of coordination among them. Essentially, the country responsible for implementing the procedures creates a scenario where entry is not allowed. This allows for the possibility of

detaining individuals for up to 12 weeks. This measure is seen as a way to prevent individuals from escaping and spreading throughout the area, and to facilitate their return if necessary. For those whose applications are not approved, the process of expulsion is considered to be more straightforward, as they are deemed not to have officially entered the country, and their locations are known to the authorities. The benchmark for being categorized under a ‘low recognition rate’ is set at 20%. Afghans and Syrians are almost guaranteed to have their asylum requests approved in Europe, whereas Senegalese or Moroccan individuals are likely to face significant challenges.

A **key update** in the **Common asylum procedure** includes the concept of the ‘safe third country’. This allows Member States to return or deport asylum seekers to a country they have ties with, assuming it qualifies as ‘safe’. For instance, if an asylum seeker has lived in Serbia or Morocco and formed connections there, they could be sent back based on the country being recognized as a ‘safe third country’. The Asylum and Migration Management Regulation introduces a solidarity mechanism to share the responsibility among Member States for their obligations in this domain. After the compulsory sharing scheme proposed by the European Commission during the 2015-16 crisis didn't succeed, a new model has been proposed. This model maintains mandatory solidarity but allows for flexibility in its implementation. Member States can choose to accept a yearly quota of asylum seekers, contribute €20,000 for each asylum

seeker not admitted, invest in immigration projects in origin countries, support the return of unsuccessful applicants, or provide technical assistance or personnel to needy countries. The regulation mandates the resettlement of at least 30,000 individuals annually, primarily from Member States with external borders to others, with distribution based on population, GDP, and the number of previous irregular arrivals (Enríquez, 2024).

### **The political backdrop and constraints of the agreement**

The final discussions to finalize the agreement occurred in 2022 and 2023, amidst a backdrop significantly altered from when the Commission first proposed it in 2020 during the pandemic, which saw a sharp decline in movement. After the pandemic, the numbers of irregular migrants and asylum seekers arriving in Europe increased significantly. The situation was further compounded in 2022 by the accommodation of approximately 4 million Ukrainians fleeing the conflict in their country. In 2022 and 2023, many Western nations saw their asylum processing systems strained by the surge in applications, with 300,000 irregular entries in 2022 and 380,000 in 2023. The total number of asylum seekers reached about a million in 2023. Housing issues arose in various countries following the accommodation of Ukrainian refugees, and the use of immigration as a political tool at the Polish-Belarusian border and in Ceuta, Spain,

in 2021 added to the tensions. The debate over the agreement has unfolded in a political environment increasingly accepting of restrictive asylum policies, with several Member States, including Germany, Sweden, Austria, Belgium, the Netherlands, Italy, and France, tightening their asylum and migration regulations.

In light of these circumstances, the agreement on the pact was based on a mutual objective to enhance control over arrivals, leading to reduced asylum request opportunities at Europe's borders. This development, seen as inevitable given the current climate, has been **critiqued by NGOs** and observers for its stricter procedures and the anticipated increase in application rejections.

**Previously, many who entered the asylum process were ultimately denied, but under the new rules, more individuals will be rejected from the start.** However, the pact does strengthen protections for minors, families with children, and particularly vulnerable migrants. *“It was never the intention of the pact to facilitate asylum but rather to regulate and harmonize it and make its management in Europe more predictable in order to avoid conflicts between Member States. The main goal of the pact is internal: to establish similar procedures and standards across Member States, to determine responsibilities and solidarity, so that this subject –the management of those who arrive irregularly and request asylum– ceases to be an ongoing cause of friction between*



*the countries belonging to the Common European Asylum System (CEAS) and/or the Schengen area” (Enríquez, 2024).*

The European Union’s new migration pact aims to harmonize border procedures and reception standards across member states, but **significant national differences remain** in areas like **state assistance, acceptance rates of asylum seekers, and deportation practices**. The pact **does not establish a unified refugee status** that is valid across the EU, meaning that refugees recognized in one member state cannot automatically reside in another. Key shortcomings in managing irregular immigration and asylum are not fully addressed, particularly in the repatriation of rejected asylum seekers. Only about 20% of those ordered to return to their home countries are actually repatriated due to weak or nonexistent agreements with those countries, leaving many in legal limbo within Europe. The pact’s provisions on external migration policies, including bilateral agreements with countries of origin (e.g., Egypt, Tunisia, Morocco), depend heavily on the EU’s foreign policy and member state actions. The pact suggests integrating immigration issues into broader foreign relations, including trade agreements, and enhancing cooperation on readmissions by leveraging visa policies. However, **efforts to combat human trafficking networks face challenges due to the decentralized, adaptable nature of these networks, which are unlikely to be dismantled easily.**

The proposed **EU Talent Partnerships** aim to facilitate legal migration and provide training for migrants but are **seen as limited in scale and unable to address the large volumes of migration from Africa and Asia**. Ultimately, the pact serves more as a guide for action, with many of its provisions dependent on complex negotiations and the cooperation of individual countries, making some outcomes uncertain or unlikely to succeed (ICMPD, 2021).

To implement the pact's regulations, Member States will need **additional funding** to **establish new structures** like border control facilities and detention centers, and to introduce new procedures at external borders, ensuring they have the necessary staff and resources. The EU's budget for the summer of 2025 will be crucial, as it will have to accommodate this among other programs competing for funding. The Commission is expected to generate €600 million annually by charging states **€20,000 for each asylum seeker** they choose not to accept, out of an annual total of 30,000 to be resettled. However, this revenue is minimal compared to the costs involved: for instance, Germany in 2015 and Poland in 2022 each incurred expenses of approximately €8 billion in managing refugee situations, according to Brady (2024).

Despite the fact that the pact continuously refers in its justification to responsibility and solidarity, **in reality it regulates responsibility** (what each Member State should do to address its own influx of irregular arrivals) far more clearly than solidarity (how

the burden of managing and receiving asylum seeker, or returning them, is to be distributed). The responsibilities are well defined and clear, but the solidarity is configured by means of a highly complex system whereby those countries obliged to support their frontline counterparts have so many alternatives at their disposal that it is not at all clear or predictable how such solidarity will manifest itself. It also remains to be seen whether the EU has the capacity to oblige Member States such as Poland who refuse to take part in such solidarity in any of its forms (Enríquez, 2024).

The plan to **resettle 30,000 individuals annually** only **represents 10% of all irregular entries**, as observed in the data from 2022 and 2023, indicating a somewhat limited distribution of solidarity. The definition of ‘crisis situations and force majeure,’ which allows affected countries to adjust asylum and border control standards, extend procedures, and seek further support, remains vague. Although the pact mentions ‘mass arrivals,’ it lacks specific details on what constitutes such an event. The Council has the authority to approve the use of special measures in crisis situations. Following requests from several eastern Member States, the term ‘crisis’ has been expanded to include politically motivated mass migrations, as seen in the 2021 incidents in Poland and Lithuania caused by Belarus, and the situation in Ceuta in 2021, where Morocco’s actions led to the entry of 10,000 Moroccans, including many minors, in response to Spain’s medical treatment of the

Polisario Front leader. These instances highlight the potential for future **‘hybrid attacks’** using immigration as a tool for political leverage or to exert pressure in diplomatic negotiations (Enríquez, 2024). Experts have raised significant concerns regarding the functionality of the agreement, highlighting that the new system's reliance on shared responsibilities significantly increases its complexity. They also noted that not all member states might be willing to contribute the necessary effort. The key components of the agreement will not be operational until spring 2026, which is two years post its official adoption

. It's at this juncture that the feasibility of certain elements for practical implementation will be assessed. Concerns have been voiced regarding the application of "solidarity mechanisms," which are elaborately outlined across 18 extensive articles in the Regulation on Asylum and Migration Management's Section IV. The intricate details involving "solidarity contributions," "solidarity pool," "solidarity forum," "migration management report," "migration management plan," "distribution key," and the determination of "migration pressure" based on 20 distinct criteria in individual countries, might pose an overwhelming challenge, potentially complicating matters for even the most adept professionals (Hein, 2023).

The European Commission presents an implementation plan in June to outline the legal and operational elements necessary to put

the New Pact into practice. Then, member states will have until January to submit their own national plans. This exercise is supposed to serve as a gap analysis to identify the resources needed on the ground, such as training, personnel, equipment and facilities. The talks about implementation will take months and could very well revive the political acrimony that has subsided in recent months, particularly if southern nations demand an amount of money that Brussels is unable to cough up. The budget review agreed earlier this year [by EU leaders](#) foresees **€2 billion** to realize the ambitions of the New Pact until 2027. But the pot could run out fast if governments come up with hefty proposals to build infrastructure and hire new staff. Critics say the pact will let nations detain migrants at borders and fingerprint children. They say it's aimed at keeping people out and infringes on their right to claim asylum. Many fear it will result in more unscrupulous deals with poorer countries that people leave or cross to get to Europe.

To summarize the EU Pact on Migration and Asylum has been met with several criticisms, primarily centered around its perceived shortcomings in effectively managing migration, addressing human rights concerns, and ensuring fair burden-sharing among EU member states. **Here are the main criticisms:**

**1. Lack of a Unified Refugee Status** – the pact does not create a single, EU-wide refugee status, meaning that refugees recognized in one member state cannot automatically live or work in another. This

perpetuates national disparities and limits the freedom of movement for recognized refugees within the EU (ECRE, 2024).

**2. Insufficient Address of Human Rights Concerns** – critics argue that the pact does not adequately safeguard the rights of asylum seekers and migrants, particularly in border procedures that may lead to pushbacks or summary rejections of asylum claims. Concerns have been raised about detention practices and inadequate living conditions in reception centers (Human Rights Watch 2024; Amnesty International, 2024).

**3. Inadequate Solutions for Repatriation of Rejected Asylum Seekers** – the pact relies on existing agreements with countries of origin for the return of rejected asylum seekers, but many of these agreements are weak or nonexistent. Only about 20% of those ordered to return are successfully repatriated, leaving many in prolonged legal limbo in Europe. This highlights the dependence on foreign policy, which the pact cannot directly control (European Court of Auditors, 2024; Migration Policy Institute, 2024).

**4. Failure to Address Root Causes of Migration** – the pact emphasizes border security and repatriation but lacks comprehensive strategies to tackle the root causes of migration, such as conflict, poverty, and lack of legal migration pathways. Critics argue that without addressing these underlying issues, irregular migration will

continue (International Organization for Migration 2024; UNHCR, 2024).

**5. Continued Burden on Frontline States** – despite proposals for solidarity mechanisms, such as relocation or financial contributions, frontline states like Greece, Italy, and Spain continue to bear a disproportionate burden in managing arrivals. The optional nature of these solidarity contributions means that states can choose financial support over accepting migrants, which does not effectively distribute responsibilities (European Stability Initiative, 2024; EU Observer, 2024).

**6. Dependence on External Cooperation** – the pact relies heavily on cooperation with non-EU countries to control migration flows, such as agreements with countries like Egypt, Tunisia, and Morocco. However, these partnerships are often unstable and depend on political dynamics, which can undermine the EU’s ability to manage migration consistently (European Council on Foreign Relations, 2024; Brookings Institution, 2024).

**7. Unrealistic Expectations in Combating Human Trafficking** – the pact’s approach to fighting human trafficking and smuggling networks is criticized as being ineffective because these networks are decentralized and adaptable. Smugglers operate in flexible, informal structures that cannot be easily dismantled by law

enforcement actions alone (Global Initiative Against Transnational Organized Crime, 2024).

**8. Limited Scope of Talent Partnerships** – while Talent Partnerships aim to create legal migration pathways and provide training for migrants, they are seen as modest and insufficient to meet the large demand for migration from countries in Africa and Asia. The scale of these programs does not match the volume of irregular migration, limiting their impact (Migration Policy Institute, 2024; International Labour Organization, 2024).

**9. Concerns Over Border Procedures**– the pact introduces stricter border procedures that could lead to expedited asylum decisions and fast-track deportations, raising concerns about due process and the potential for wrongful rejections of asylum claims (European Union Agency for Fundamental Rights, 2024).

**10. Lack of Focus on Integration** – critics argue that the pact pays insufficient attention to the long-term integration of migrants and refugees into European societies. Integration is crucial for social cohesion, yet the pact’s focus remains largely on control, deterrence, and repatriation (OECD, 2024; European Commission reports on Integration, 2024).



## CONCLUSION

The pact's regulations are set to be implemented in June 2026. Until then, the Commission plans to discuss with Member States how to effectively apply these regulations, ensuring they are prepared with the necessary border infrastructure and administrative processes to handle asylum claims. During the over two-year period after the European Parliament's endorsement and before its activation, the Commission will work to secure the political commitment of all Member States to follow the rules. This effort faces significant obstacles, particularly due to opposition from Poland and Hungary, as well as concerns from the German Länder, which is the EU's largest recipient of asylum seekers.

Germany, despite not directly receiving irregular asylum seekers due to its geographical location, receives the highest number of refugees from other Member States. This situation strains the Länder responsible for refugee management and has contributed to the rise of the far-right in Germany, influencing a shift in mainstream political parties' stance on asylum policies. German officials often express the need for solidarity from other countries, a sentiment that the pact seems to overlook, favoring states with external borders. The CDU, the main opposition party, plans to use externalization as a key strategy, aiming to form agreements with third countries to

process asylum claims outside the EU. This approach, similar to a recent agreement between Italy and Albania, could potentially be pursued by Germany with EU candidate countries in the east. Such practices, while beneficial to EU Member States, may hinder these countries' EU and Schengen integration processes. **Upon its implementation, the pact is expected to face political, legal, and international challenges.**

In the latter half of 2024, Hungary will assume the Council's presidency, with Poland and Denmark taking over in 2025. Given that Hungary and Poland have historically opposed the pact, and Denmark has adopted more stringent stances due to its partial exemption from EU asylum policies since 1992, it's unlikely these countries will fervently advocate for the pact. **This situation casts doubt on the pact's full implementation by summer 2026,** especially considering the expected shift towards a more conservative European Parliament post-June elections, which may further reduce political support for the pact. The pact has also faced **significant criticism from NGOs** focused on refugee and immigrant rights, suggesting potential legal challenges, particularly against the 'border procedures' and the legal support provided to those affected. Instability in regions such as the Sahel in Africa, the Middle East, and Eastern Europe, including Ukraine, is likely to increase migration towards the EU, escalating political tensions related to asylum management. **Without significant advancements in**

**deportations or relations with countries of origin, the pact's structures may not effectively curb irregular immigration.** Should these challenges hinder the pact's application, we might witness a shift towards more stringent policies within Member States, **increased border controls within the Schengen area, and a tendency to outsource asylum processing to non-EU countries.** This could not only affect migration management but also signal the EU's difficulty in coordinating responses to common challenges, highlighting its political vulnerabilities.

Two key concerns are whether member countries will fully implement the plan and if the European Commission, the EU's executive branch, will enforce the new regulations given its history of not applying existing ones. The commission plans to introduce a Common Implementation Plan by June, outlining a strategy and timeline for activating the pact over the next two years, including specific objectives for the EU and its member states. However, the initiation might face challenges, especially since Hungary, a strong opponent of the reforms, will assume the EU's presidency for six months starting July 1, potentially complicating the process.

After a dedicated and thorough process, the final agreement, unfortunately, lacks key elements. This represents a **missed opportunity for the EU**, as it does not tackle the flaws of the Dublin system and continues to place the primary responsibility for processing asylum requests on the initial countries of entry,

including Greece, Italy, and Spain. Additionally, the new reforms in migration and asylum are likely to result in increased pushbacks, an overreliance on detention, and inadequate procedures at borders, for asylum, and returns. The absence of secure and lawful routes to Europe, coupled with the lack of an effective oversight mechanism for border and asylum processes, will negatively impact the asylum system as a whole.

Regarding cooperation with third countries, the Pact repeats the mistake of externalizing migration policies, a strategy that has been shortsighted with severe unintended outcomes, such as the exploitation of migrants by third countries and violations of human rights. Moreover, the ongoing discussions at the EU level overlook the need for effective integration policies and the varied approaches to integrating migrants and refugees across Member States. The Pact does not offer a holistic, long-term strategy for integration. To address this issue and to work towards a just EU common asylum system, it is crucial for the EU to advocate for unified integration policies and to ensure the implementation of the highest integration standards by its Member States.

**As the new migration pact progresses towards its implementation phase, it's clear that the measures outlined do not fully address the current needs. Thus, there's a call for strengthening EU border controls and a proposal for processing asylum claims outside the EU.**

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# ***PATRIOTS***

## ***FOR EUROPE FOUNDATION***

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