

New Pact on Migration and Asylum: An Alternative Analysis

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Abstract

This paper critically discuss the New Pact on Migration with a particular focus on the aspect which aimed at implementing faster and more efficient border procedures, solidarity mechanism and change of paradigm in cooperation with Non-EU countries. These elements are introduced as the building blocks of the new pact by the EU Commission. The first pillar which concerns border procedures has the objective of preventing unauthorized movements of persons. The new proposal for the Regulation on International Protection does not give the right to an applicant to enter the territory of the Member State before the application is finalized. Furthermore unsuccessful applications are subjected to immediate return procedures. The return procedures are based on the negotiations with the safe third countries. Equally, the harmonization of the reception conditions in these countries is the subject matter of the third pillar and plays an important rule for the return procedure. Thus, the third pillar is inseparable from the first one given that the new pact integrates asylum and return procedures. In view of this, the third pillar will be discussed together with the first one. The second pillar is solidarity and responsibility sharing, and it renders solidarity mandatory to Member States. In this paper, the origin of these pillars will be traced back to the 2016 proposal for the reform of Dublin III Regulation, and the 2016 Proposal for a Regulation on International Protection. With the humanistic approach, the new proposals will be compared to the 2016 proposals and the changes made will be brought to light.

Keywords: border procedures, harmonization, solidarity, Dublin III Regulation, human rights

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"The issues raised in this paper are the sole responsibility of the author and do not necessarily reflect the opinion of Caritas Luxembourg"

N.B. The complete article is available upon request