

Is Migration Really Solved? Managing Expectations on the New Pact and External Deals

by Luca Barana

The New Pact on Migration and Asylum promises to deliver by reducing the pressure on convoluted and divergent national asylum regimes. In doing so, the most ambitious reform of the Common European Asylum System in decades would nuance, on paper, intra-EU distortions, which for years have made migration one of the most sensitive issues at the EU level.

At first sight, most of EU governments and institutions appear to imply that 'migration is truly solved' with the New Pact. However, the new rules will enter into force only in 2026. In the meantime, migration remains politically intractable. Look no further than Italy: arrivals along the Central Mediterranean Route have markedly decreased in comparison to 2022-23,¹ but Giorgia Meloni's government is betting big on more restrictive measures both at the EU level and at home, such

¹ Italian Ministry of the Interior, *Cruscotto statistico giornaliero*, last updated 6 December 2024, <http://www.libertaciviliimmigrazione.dlci.interno.gov.it/node/1300>.

as the Memorandum of Understanding with Albania. Accordingly, in her letter to EU leaders ahead of the European Council in October, Ursula von der Leyen recalled how arrivals have been increasing on other routes (namely the Western Mediterranean Route) and that the agreement on the New Pact must not lead the EU to "complacency".²

An unrelenting priority

Thus, migration is poised to remain a priority for the new European Commission. The executive is already feeling the pressure of several member states, also through the introduction of unilateral measures at the national level. Fourteen member states have requested the Commission to develop a "paradigm shift" to enforce returns.³

² European Commission, *Letter to the European Council*, 14 October 2024, p. 1, <https://www.tweedekamer.nl/downloads/document?id=2024D41411>.

³ Austria and Netherlands, *Objectives for a New Legislative Proposal for More Effective Returns. Non-Paper*, 4 October 2024, <https://www.>

Luca Barana is a Senior Fellow at the Istituto Affari Internazionali (IAI).

Is Migration Really Solved? Managing Expectations on the New Pact and External Deals

Italy's tentative operationalisation of the contested deal with Albania, Germany's reintroduction of Schengen border controls and Poland's open suggestion to temporarily suspend asylum rights, are all hints of a broader movement towards even more restrictive responses to the perceived threat of migration.

The Commission considers the New Pact, which has been approved after years of negotiations during the previous institutional cycle, as the first line of action in the face of this urgency. In the past, compromises have been made almost impossible because of deeply rooted divergences of interests among member states. EU countries could be roughly grouped into three categories: countries of first arrival, especially on the Mediterranean Sea, bearing the brunt of sea arrivals (the Med-5); member states worried of secondary movements (the Netherlands, Austria) and receiving higher numbers of asylum claims (Germany, France); and those contrary to any development towards common solidarity measures (roughly Eastern Europe). These groupings are not set in stone and may yet converge on certain policy challenges: for instance, Italy and Spain are countries of first arrival, but also figure among the top receivers of asylum applications in the EU. These (mis)alignments within the Council

politico.eu/wp-content/uploads/2024/10/08/Objectives-for-a-New-Legislative-Proposal-for-More-Effective>Returns-2.pdf; Jorge Liboreiro, "A Group of 17 European Countries Call for a 'Paradigm Shift' to Deport Rejected Asylum Seekers", in *EuroNews*, 7 October 2024, <https://www.euronews.com/my-europe/2024/10/07/17-european-countries-call-for-a-paradigm-shift-to-deport-rejected-asylum-seekers>.

have not changed after the approval of the Pact.

An unbalanced compromise

Against this background, the New Pact regulates different components of EU migration and asylum policies, from harmonisation of screening and reception standards to emergency measures vis-à-vis the instrumentalisation of migratory movements by third countries. It is politically based on an unbalanced compromise between solidarity and responsibility. The mandatory introduction of border procedures and the extension of responsibilities for countries of first arrival under the (former) Dublin system have been only partially matched by a principle of "mandatory solidarity" that will be rolled out by providing other member states with flexible options on how to contribute. The New Pact mainly addresses the need to reassure most EU countries that secondary movements will be curtailed and asylum systems will become more selective, with severe implications for the access to international protection.⁴ Countries like Italy have relinquished their established requests for mandatory relocations in exchange for a more relaxed approach on fundamental rights, especially when it comes to detention in the context of border procedures.

The intention to reassure member states like France, Germany and the Netherlands against secondary

⁴ Catherine Woollard, "All Pact-ed up and Ready to Go: EU Asylum Law Reforms", in *ECRE Editorials*, 16 February 2024, <https://ecre.org/?p=16427>.

movements is also confirmed by the Common Plan for the Implementation of the Pact on Migration and Asylum drafted by the Commission, which mandates the use of the large-scale IT database Eurodac “to monitor secondary movements” by collecting personal data of incoming migrants or actions on screening and border procedures to curtail “unauthorised movements”.⁵ The Common Plan represents one of the first opportunities to assess the concrete steps envisioned by the New Pact vis-à-vis the traditional interests of member states in the Council. The Plan reiterates that national authorities will not be able to pick-and-choose among different legislative packages composing the New Pact, starting with the drafting of National Plans that are due by December.

Actually, framing under one regulatory umbrella the entire system of European rules is the main merit of the reform. This should at least partially reassure Italy, whose acceptance of mandatory responsibilities will have to be balanced by an effective enforcement of solidarity measures minimising the unpredictability of other member states’ choices on how to contribute. However, delays are likely, as member states adopt a ‘wait-and-see’ approach and the Commission encourages them to act first on areas where they have already an adequate infrastructure in place (for example, border procedures for Italy and Greece).

⁵ European Commission, *Common Implementation Plan for the Pact on Migration and Asylum* (COM/2024/251), 12 June 2024, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52024DC0251>.

Doubling down on the external dimension

Looking ahead, the new Commission will be pressed to move on two different fronts: the implementation and enforcement of the New Pact will be accompanied by an even stronger focus on the external dimension.⁶ The first aspect is at least partially dependent on the success of the second in order to deliver in terms of reduced number of irregular arrivals. The renewed focus on the external dimension is also reflected in the institutional structure of the Commission. Migration is mainstreamed through the portfolios of the two Commissioners for the Mediterranean and International Partnerships,⁷ who received a mandate to further the external reach of the Commission. However, external dossiers will still likely have to respond to the Commissioner for Internal Affairs and Migration.⁸

Over the last two years, the EU has been consistent in reaching agreements with several third countries in the broader Mediterranean area: deals with Tunisia, Egypt, Lebanon and Mauritania, in addition to pre-existing cooperation

⁶ European Commission, *Mission Letter to Magnus Brunner - Commissioner-designate for Internal Affairs and Migration*, 17 September 2024, https://commission.europa.eu/media/59213_en.

⁷ European Commission, *Mission Letter to Dubravka Šuica - Commissioner-designate for the Mediterranean*, 17 September 2024, https://commission.europa.eu/media/59211_en; European Commission, *Mission Letter to Jozef Síkela - Commissioner-designate for International Partnerships*, 17 September 2024, https://commission.europa.eu/media/59216_en.

⁸ European Commission, *Mission Letter to Magnus Brunner*, cit.



with Turkey and Libyan authorities, have strengthened the EU attempt to enhance externalisation of migratory controls. The Italian deal with Albania is broadly inspired by the same principle of externalisation, but the adherence to European law of border procedures carried out in the Albanian centres and other similar facilities in Italy has been already challenged in court.⁹ Now the ambition is to take a step forward, by launching “returns hubs”.

The proposal is reminiscent of past initiatives to delegate different components of asylum procedures to third countries. And just like suggestions of disembarkation platforms to process asylum requests beyond the EU external frontier floundered a few years ago, the idea of externalising return operations will face the same tricky challenge: obtaining the cooperation of countries outside of the EU. Italy has gained Albania’s cooperation because the deal with Tirana does not transfer any legal jurisdiction over asylum and return procedures to Albanian authorities. Returns hubs would entail more intrusive legal and political arrangements. The EU is ready to use any tool at its disposal to leverage its requests vis-à-vis third countries, from visa policies to trade and development cooperation, but, even if it were to succeed, the main risk would still be its dependence on the political willingness of those partners. Moreover, it is far from certain than return hubs

would automatically produce a more effective return and readmission policy framework, as bottlenecks still hinder the process also within the EU.

The challenges ahead

The New Pact is far from perfect. The unbalance between solidarity and responsibility could jeopardise its enforcement by privileging the needs of certain groups of member states (those worried about secondary movements) over others (countries of first arrival). This is the reason why EU institutions have been implicitly framing the New Pact – and the external deals that should complement it – as a source of deterrence of irregular arrivals in order to appease countries on the Mediterranean. While further revisions would be needed, the launch of a new reform process to address the shortcomings of the New Pact is not politically feasible after a decade of acrimonious negotiations. The EU will have to work to get the best out of the new set of regulations.

Another challenge for the EU will then arise from the likely disappointment of member states when the number of crossings through the Mediterranean Sea and returns will not budge accordingly to their assumptions. While the success of deals with third countries is not completely under the control of European authorities, compliance on the New Pact will remain fundamental in order to build trust in the new system. The investment in the external dimension should not undermine the commitment to implement the New Pact.

⁹ Andreina De Leo, “Does the Rome Court’s Refusal to Validate the Detention Order of the First Asylum Seekers Brought to Albania Mark the End of the Italy-Albania Deal?”, in *ECRE Editorials*, 24 October 2024, <https://ecre.org/?p=17548>.

Is Migration Really Solved? Managing Expectations on the New Pact and External Deals

First of all, the Commission will have to strengthen trust among member states, by assuring that all packages of the New Pact – despite their limitations in terms of lower reception and protection standards¹⁰ – will be implemented thoroughly to avoid the emergence of winners and losers. Requests of opting out should be countered and existing imbalances should be compensated by a careful enforcement of solidarity measures. Countries like Italy must remain on board.

Even more significantly, the Commission – and EU capitals – will have to attract public trust toward the new system by realistically communicating on its expected results and managing expectations on the outcomes of complementary deals with third countries. As acknowledged by a MEP from the European People's Party, "the Pact never was and never will be the solution to all challenges".¹¹ So far, the Commission attempt to depoliticise the discussion by focusing on the technical aspects of the new rules has been an uncertain bet, as member states push for more visible (and media-friendly) results. While migration will likely remain a thorny political issue in the next five years, as also showed by the rise of anti-immigration parties in all major elections of 2024, managing expectations remains the best way to at least partially extract positive results

from this reform and start nuancing political extremism.

6 December 2024

¹⁰ Sylvie Guillaume, "Now More than Ever, EU Migration and Asylum Policies Need Humanity and Solidarity", in *EPC Commentaries*, 2 May 2024, <https://www.epc.eu/en/Publications/~5a2a08>.

¹¹ Lena Düpont, "The New Pact on Migration and Asylum: Necessary Progress, But Not a Magic Bullet", in *EPC Commentaries*, 25 March 2024, <https://www.epc.eu/en/Publications/~59419c>.

Istituto Affari Internazionali (IAI)

The Istituto Affari Internazionali (IAI) is a private, independent non-profit think tank, founded in 1965 on the initiative of Altiero Spinelli. IAI seeks to promote awareness of international politics and to contribute to the advancement of European integration and multilateral cooperation. Its focus embraces topics of strategic relevance such as European integration, security and defence, international economics and global governance, energy, climate and Italian foreign policy; as well as the dynamics of cooperation and conflict in key geographical regions such as the Mediterranean and Middle East, Asia, Eurasia, Africa and the Americas. IAI publishes an English-language quarterly (*The International Spectator*), an online webzine (*AffarInternazionali*), two book series (*Trends and Perspectives in International Politics* and *IAI Research Studies*) and some papers' series related to IAI research projects (*Documenti IAI*, *IAI Papers*, etc.).

Via dei Montecatini, 17

I-00186 Rome, Italy

Tel. +39 066976831

iai@iai.it

www.iai.it

Latest IAI COMMENTARIES

Editor: Leo Goretti (l.goretti@iai.it)

- 24 | 71 Luca Barana, *Is Migration Really Solved? Managing Expectations on the New Pact and External Deals*
- 24 | 70 Giulia Daga, *NATO's Dilemma in the MENA Region: A Critical Reflection*
- 24 | 69 Polina Sinovets, *US-Germany Missile Agreement: Deterrence or Escalation?*
- 24 | 68 Federico Petrangeli, *International Law versus Realpolitik? The European Union Court of Justice and the Western Sahara*
- 24 | 67 Alessandro Marrone, *Trump, Ukraine and NATO: Two Crossroads for Europe*
- 24 | 66 Chiara Scissa, *Environmental Crimes and Forced Migration: An Overlooked Nexus*
- 24 | 65 Matteo Bursi, *The Crucial Nexus between the Stability and Growth Pact and the Transmission Protection Instrument*
- 24 | 64 Matteo Bonomi and Raffaele Mastrorocco, *Reforming by Hope, Will or Necessity? EU Integration in Times of Enlargement*
- 24 | 63 Riccardo Alcaro, *Trump, Harris and the Future of US Foreign Policy*
- 24 | 62 Theophilus Acheampong, *Developing Green Value Chains: Collaborating for a Mutually Beneficial EU-Africa Partnership*