

Europe's Migration Governance Dilemma



by Elena Potitò

- The EU's migration governance model increasingly relies on externalisation, which is widely criticised for lacking accountability and failing to respect fundamental rights.
- This model is particularly pronounced in the Western Balkans, where infringements of procedural rights and violent practices against migrants are frequently reported.
- If the EU fails to reconcile its own values with its migration policies, it will further undermine its international credibility, at the expense of individuals attempting to reach EU borders.

The growing externalisation of the EU's migration management and border control strategy is effectively displacing, rather than addressing, widespread concerns over accountability and compliance with fundamental rights. Substantial evidence documents a widening gap between normative requirements and policy implementation, including infringements of procedural rights and violence perpetrated along EU borders. The case of the Western Balkans, especially EU candidate countries such as Serbia and Bosnia and Herzegovina (BiH), is critical for assessing the implications of this strategy, given that the EU accession process requires alignment with EU migration management and border control policies.

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An increasingly rooted and normalised model

For over two decades, externalisation has been at the core of the EU and its member states' migration management and border control strategy, but only since the mid-2010s surge in migration flows towards Europe has it been increasingly normalised and politically endorsed. Contingency initiatives adopted at the time laid the groundwork for the consolidation

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of outsourcing practices as integral components of the EU migration governance model. Among other measures, the 2015 EU-Türkiye Joint Action Plan stood out as an essential step in implementing the 'hotspot approach'. Hinging on cooperation with third countries to meet member states' security priorities, this model has required adjusting their normative, institutional and political infrastructure to EU standards.

Stemming migration flows has been the *fil rouge* of the EU's policy ambitions, favouring the relocation of migration control at the detriment of improving member states' domestic asylum and reception systems. Accordingly, Brussels has provided extensive financial and operational support to third countries, with a particular focus on border security and the extra-territorial processing of asylum claims. A notable EU initiative reinforcing this trend is the 2024 Migration and Asylum Pact, comprising legislative acts on migration, asylum and border management. Currently, EU capitals are working on new proposals, referred to as "**innovative solutions**", to increase returns and accelerate and outsource asylum processing. Italy pioneered this system by **inking** a bilateral deal with Albania in 2023, under which Rome finances a return hub and a detention centre to process asylum applications within its jurisdiction, though on foreign soil.

Despite widespread criticism and legal concerns surrounding extraterritorial and accelerated processing, especially regarding human rights standards and inadequate oversight, on 8 December 2025, the EU Justice and Home Affairs Council (JHA) **reached** an agreement on the EU Return Regulation, which would confer on EU member states the power to establish return hubs in third countries. Also, on 10 February 2026, the European Parliament **revised** the criteria for designating safe third countries, enabling the displacement of asylum seekers to countries like Tunisia and Kosovo. These developments represent the last thin end of the wedge, underscoring the EU member states' rooted reliance on external partners.

Externalisation practices are particularly pronounced in the Western Balkans, six EU neighbours and candidate countries – except for Kosovo, whose candidature is still pending – which served as a crucial testing ground for the EU's strategy.

Implementing the externalisation strategy: Serbia and Bosnia and Herzegovina

The 2003 **Thessaloniki European Council** conclusions first reflected this approach, substantiating the EU's need to boost cooperation with third countries on readmission and return agreements, the effective management of the EU's external borders, as well as the establishment of Immigration Liaison Officers (ILOs) networks. On the same occasion, the **EU-Western Balkans Summit** paved the way for cooperation on security and migration management in line with EU standards. These efforts consolidated in the following years, especially in response to heightened migration pressure, when the Western Balkans were entrusted with handling reception emergencies, thereby shifting the work beyond EU borders. In this regard, the cases of Serbia and Bosnia and Herzegovina (BiH) clearly depict this tendency. During the 2015-2016 peak in migration waves, Serbia, an EU candidate since 2012, emerged



as one of the most affected transit countries in the region, alongside North Macedonia. In such circumstances, the EU's externalisation exposed the country to growing responsibilities, revealing structural limitations in its capacity to manage them appropriately. Thereafter, as the 2015 Joint Action Plan led to the irregularisation and the redirection of the Balkan route, BiH also became a crucial transit country. Most importantly, Serbia and BiH are the last transit points before reaching the EU's external borders.

In both instances, the adaptation of migration policies has been strictly related to the conditionalities embedded in the EU's gradual integration tools and financial instruments, such as the Growth Plan for the Western Balkans and the Instrument for Pre-accession Assistance (IPA I, II, III), which are also available to potential EU candidates. Indeed, while Sarajevo was granted candidate status in 2022, it had already accessed EU funds long before. *Inter alia*, these instruments aim to bolster the Balkans' alignment with the EU *acquis* on Justice, Freedom and Security, particularly regarding standards for Integrated Border Management, asylum systems and domestic legal frameworks. Between 2021 and 2027 alone, IPA III plans to allocate 485 million euros for territorial and cross-border cooperation.

Over the last two decades, Serbia has adopted several migration-related laws and has centralised migration management under the Ministry of the Interior. Brussels' support for Sarajevo yielded similar results, although still failing to achieve long-term institutional ownership or improved reception facilities. The EU has instead relied heavily on established international organisations, primarily the International Organisation for Migration (IOM), and has prioritised enhancing border control capacity through equipment, surveillance tools, and cooperation with the European Border and Coast Guard Agency (Frontex). Through the signing of status agreements, the latter has acquired rising powers, including executive

authority, alongside an expanded presence in the Balkans, with 100 officers deployed in **BiH** and 135 in **Serbia**.

Externalisation practices are particularly pronounced in the Western Balkans

Overall, the EU has effectively embedded its own political and security priorities into domestic policy frameworks and accession conditionality. Nevertheless, what proved particularly troublesome is the gap between the normative prerequisites imposed by EU accession and their implementation.

The 'unintended effects' of externalisation

While curtailing the number of individuals crossing EU borders, the externalisation strategy faces widespread legal and political hurdles concerning transparency, accountability and compliance with international human rights and refugee law. Besides, the protection of these paramount standards is complex to assess in third countries, hence enabling negligence.

Numerous **authoritative** voices have emphasised the necessity of **guaranteeing** legal pathways for individuals in need of protection. Still, it has rarely been the case. Notably, the Balkan route only underwent a brief period of regularisation between 2015 and the first months of 2016. Consequently, instead of ensuring a safe and controlled pathway to reach European soil, the criminalisation of the route led to a surge in smuggling networks and left migrants increasingly exposed to safety risks and often stranded in transit countries.

Efforts to contain migration flows included border fencing, pushbacks and the so-called 'dispersion' strategy, commonly denounced at the north-western Bosnian border with Croatia, whereby individuals are forcibly relocated far



from temporary reception centres. Along these lines, Serbian and Bosnian authorities assisted EU member states through **internal relocations** to deter onward movement. Significantly alarming are the criticisms concerning Frontex's role in Serbia and BiH, deployed there to **provide** "equipment, training and European expertise". While the agency's status agreements underscore its commitment to comply with fundamental rights, evidence suggests a lack

Evidence suggests a lack of transparency and the facilitation of non-refoulement violations

of transparency and the **facilitation** of *non-refoulement* violations, remarkably through chains of pushbacks and collective expulsions to transfer migrants from EU countries to Serbia and BiH. Moreover, findings from the ground indicate persistent infringements of procedural rights, such as the right to access asylum, committed by **local** and **EU border guards**. Violent practices observed along the route comprise physical injuries, threats, theft, extortions and abandonment, with risk of hypothermia or even **death**. Since 2015, formally recorded dead and missing persons amount to **422**, considered "an undercount of the true number" by the same IOM.

Thus, migration management in these countries has progressively focused on anti-smuggling, judicial and law enforcement cooperation, and extra-territorial processing rather than on improving the quality of individual asylum requests and living conditions in reception centres. And EU initiatives such as the Pact on Migration and Asylum, the 2022 EU Action Plan on the Western Balkans, or the December 2025 JHA conclusions further compound an approach that legitimises the aforesaid unlawful practices.

The dilemma of practising what one preaches

This framework sheds light on the problematic nature of guaranteeing asylum and reception conditions in third countries in line with international legal standards. Even though these issues remain largely unaddressed, the EU and its member states, with **Italy** at the forefront, are vigorously promoting the outsourcing of these practices.

In the Western Balkans, Brussels has gained increasing influence, enabling it to shape regional policies and delineate a strategic buffer zone through capacity-building measures and the prospect of EU accession. However, progress in the enlargement process remains limited, and alignment with migration policies has not allowed candidates to meet international standards or tackle the main challenges of accession, which still hinges on EU capitals' political inclinations.

If the EU fails to reconcile its own founding values with its migration policies by guaranteeing safeguards and legal pathways, the current strategy's inconsistencies will further undermine both the long-stalled enlargement process, more and more perceived as unidirectional, and the Union's attempt to portray itself as a global advocate for fundamental rights. For now, this model is still unfolding at the expense of countless individuals whose rights continue to be violated along EU borders.

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