



The EU Pact on Migration and Asylum: Promises, Risks and the Road Ahead



by Agnese Pacciardi

- The 2026 EU Pact on Migration and Asylum sets out a new framework for managing asylum, border procedures and responsibility-sharing across the EU.
- The Pact consolidates a long-standing logic of externalisation, fast-track procedures and border enforcement at the cost of significant human rights risks and structural implementation challenges.
- For the Pact to deliver on its stated commitments, member states must ensure that protection remains at the centre, that solidarity mechanisms function in practice, and that development cooperation is not permanently subordinated to migration control.

The EU Pact on Migration and Asylum that entered into force on 12 June 2026 is the most comprehensive reform of European migration governance in decades. Among the many concerns surrounding it, one stands out: the fact that, despite being described as a historic overhaul of European migration governance, most of what it proposes has already been tried. The novelty is – or would be – in the institutional structures rather than policy goals. The Pact’s priorities – securing external borders, accelerating returns, partnering with third countries, sharing responsibility among member states – reflect a policy logic that has shaped European and national approaches to migration for the better part of three decades. Since 2015 asylum policy, border enforcement and externalisation have increasingly converged without a coherent institutional structure

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to hold them together. The Pact attempts to supply that structure. Whether it succeeds, and whether it does so in ways compatible with Europe's stated values, will depend on decisions that still lie ahead.

The Pact's approach to third-country partnerships represents one of its most significant, and contested, innovations

A framework built on familiar foundations

The Pact rests on five pillars: reinforcement of external border controls; acceleration of asylum processing and return procedures; mandatory solidarity mechanism among member states; harmonisation of asylum standards across the EU; and deepening of migration partnerships with third countries. None of these represents a conceptual departure from the **Global Approach to Migration and Mobility** that has guided EU policy since the early 2000s, and especially the shift post-2015 when migration management became virtually synonymous with externalisation and border control. What the Pact adds is a binding architecture that formally integrates all five into a unified governance system.

The absence of such a framework has long been one of the EU's most glaring policy failures: member states have pursued divergent approaches, cooperation has been episodic and the Common European Asylum System has remained more aspiration than reality. The Pact, in the intentions of its promoters, is meant to change this, provided the political will and administrative capacity to implement it can be sustained.

Borders as filters, efficiency as risk

The first and most immediately visible change concerns the function of external borders.

Under the Pact, borders will operate not simply as barriers to irregular entry but as processing filters: asylum screening procedures will be conducted directly at the border, rapidly channelling individuals either into a traditional asylum process, accelerated border procedures or towards return. Member states are also granted the power to invoke emergency provisions to derogate from standard asylum rules or extend detention periods, when facing a **situation of crisis or force majeure**.

Proponents argue that fast-track border procedures will improve efficiency and reduce the administrative backlogs that have plagued national asylum systems for years. The concern, **supported by evidence** from existing border procedures, is that efficiency becomes an end in itself, displacing the careful individual assessment that refugee law requires. The most concrete risk is refoulement, the return of people to countries where they face persecution, torture or other serious harm, whether through hasty determinations at the border or through lowering the security standards for what counts as a 'safe third country'.

Externalising asylum: A step too far?

The Pact's approach to third-country partnerships represents one of its most significant, and contested, innovations. For years, the EU and individual member states have concluded bilateral agreements with countries such as Egypt, Libya, Mauritania, Morocco, Tunisia and Turkey, outsourcing border management and migration control in exchange for financial and technical support. Past negotiations with countries like Rwanda, while ultimately unsuccessful, pointed in a similar direction. More recently, Albania agreed to host applicants for asylum in Italy in a detention facility on its own territory for the time Italian authorities needed to process the request. While the system was successfully challenged in Italian courts, it still served as inspiration. The Pact consolidates and legitimises this approach.



The practical difficulties of **asylum externalisation** are substantial: ensuring that partner governments respect international refugee law and human rights standards, maintaining meaningful oversight and preventing EU resources from strengthening regimes whose conduct is precisely what drives people to flee in the first place. The strategic risks are equally real. When migration management becomes the currency of diplomatic relationships, partner governments acquire leverage because they have a tool to put pressure on the EU. The experiences with Turkey, which obtained significant cash transfers and some form of visa facilitation to keep migrants from crossing into EU countries, illustrates the point.

Solidarity in name, flexibility in practice

The question of how to distribute responsibility for asylum seekers among member states has been the most persistently contested issue in European migration governance. The 2013 **Dublin Regulation**, which in practice still made the state of first entry responsible for examining most asylum claims, placed a disproportionate burden on states at the EU's external borders (e.g. Greece, Italy and Spain) and generated years of political friction. The Pact's mandatory solidarity mechanism is intended to address this.

In practice, however, the mechanism preserves substantial flexibility. Member states are not required to accept relocated asylum seekers; they may instead discharge their solidarity obligation through financial contributions or operational support. More fundamentally, the Pact **leaves the first-country-of-entry principle intact**, meaning that the core logic of Dublin, and the inequalities it produces, remains in place. A solidarity mechanism that does not redistribute is solidarity in name only. The risk is that the most burdened member states will find themselves in much the same position as before, now with the additional political fiction that the problem has been addressed.

The limits of a control-centred model

Underlying the Pact's five pillars is a model of migration governance built around control: of borders, of procedures, of external partners. This model has deep roots in European policy thinking, and the Pact does not question it. What it does not adequately address is the evidence that control-centred approaches have **consistently delivered less than promised**, and at significant cost.

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Return rates, for instance, have **remained stubbornly low** across the EU despite decades of political priority and substantial investment. Development cooperation funds channelled through migration-management priorities have also **repeatedly failed** to produce the expected reductions in migration flows, and risk distorting the independent goals of development policy. The suppression of smuggling networks, treated in the Pact as a lever for reducing irregular migration through harsher border policies, has frequently **displaced rather than reduced** dangerous journeys. The Pact is also notably silent on humanitarian search-and-rescue at sea, the kind of operation that, like Italy's 2014-15 **Mare Nostrum mission**, saved tens of thousands of lives in the Mediterranean, privileging instead the **flawed narrative** that harsher border policies will discourage people from making the journey in the first place. A framework that concentrates so heavily on control, while leaving legal pathways marginal and protection mechanisms under-resourced, reproduces the same failures seen for decades, but at greater scale and with greater institutional entrenchment.



The way forward

The Pact on Migration and Asylum is now law. The question of whether it represents progress depends on what comes next. As of May 2026, **implementation was still uneven across member states**, with the Commission itself flagging significant administrative and logistical delays, including in politically sensitive areas such as border procedure infrastructure and the operationalisation of the solidarity mechanism. This suggests that the gap between the legal framework and its practical operation may take time to close, and that the areas most contested in political negotiations are also, unsurprisingly, those furthest behind in implementation.

Member states and EU institutions have choices to make. The most important is whether protection remains genuinely central to how the Pact is applied. This means ensuring that border screening procedures are accompanied by access to legal assistance and independent assessment that is real and not just a procedural formality. It means that the activation of emergency derogations must be subject to meaningful scrutiny, and that partnerships with

third countries are conditioned on verifiable human rights standards, not assumed on the basis of diplomatic convenience.

On solidarity, a balanced approach would assess relocation decisions taking into account asylum seekers' genuine ties to particular member states, such as family connections, community links, language, all factors that **correlate strongly with integration outcomes** and that the Pact actively hampers, among other things, through a strong emphasis on preventing secondary movements.

More broadly, the EU needs to reckon honestly with the limits of a migration policy built almost entirely around management and control. If the Pact's implementation is to justify the claim that it delivers concrete results without abandoning European fundamental values, it must be accompanied by a serious expansion of legal pathways and a coherent approach to search and rescue. It also requires a development cooperation agenda capable of addressing the structural conditions that drive migration over the long term, not one subordinated to the short-term political goal of reducing arrivals.

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