



New Pact on Migration and Asylum

European Commission initiative

Feedback from EuroMed Rights

EuroMed Rights believes that the New EU Pact on Migration and Asylum is an opportunity to shift from the current EU migration and asylum policies based on increased securitisation, outsourced responsibility and shrinking asylum and solidarity space. Instead, this new Pact should develop a human rights-based approach that ensures systematic compliance with international conventions and the values on which the EU was founded.

1. Ensure protection standards and access to the asylum procedure, rejecting admissibility criteria and pre-screening mechanism at the external borders.

The Pact should pave the ground for the EU and its Member States to implement and strengthen the existing asylum directives in order to ease access to protection and integration, with special attention to children's rights and family reunification. Substantial efforts and support are needed to improve reception conditions all around Europe and to ensure swift and efficient access to the asylum procedure. This can be a real occasion to truly reform the Dublin Regulation – whose failings have been widely proven - based on responsibility-sharing.

Refugee status determination should not be subjected to admissibility criteria such as the “**safe third country**” and “first country of asylum”. According to the 1951 Geneva Convention, no country can be deemed “safe” and each asylum claim must be examined fairly and individually. Labelling a country as a “safe country of origin” suggests that there is no general risk of persecution and that the state of law is respected in each and every possible case, which is not the reality we live in. Each personal situation is unique and no country is free from malfunctioning or human rights violations.

The suggestion of setting up a **pre-screening mechanism** at the external borders - as emerged in several Member States' proposals - is also very worrying. The EU should respect the fundamental rights framework and ensure that the desire to speed up processes does not take place at the expense of access to asylum. This would require that Member States stop or do not initiate systematic detention at the borders and instead ensure that every person has access to protection and a fair and efficient asylum process.

2. Stop the worrying trend of externalising responsibilities on migration and asylum to origin and transit countries

EuroMed Rights raises its concerns on the increased **externalisation of border control and migration management**. This situation is bound to lead to an increase in human rights violations. Indeed, EU “external cooperation” on migration issues with third countries takes place in countries that do not possess an effective framework for the protection of the rights of people on the move, such as Turkey or Libya. Externalising search and rescue duties - combined with a decrease in Member States' interventions at sea - has, in recent years, led to a tragic increase in the loss of life at European maritime borders.

Such cooperation fails the EU's legal and moral duty to protect refugees attempting to seek asylum on its territory. It fails to respect the fundamental right for all to leave any country, including their own. It is bargaining on human lives.

Many concerns relate to the **dangerous logic of conditionality between migration and development**: development aid is linked to the acceptance, by third countries, of migration controls or other migration-related obligations such as returns and readmissions. This includes the diverted use of development funds for border control policies. In many cases we have witnessed an unequal bargaining, with the EU promising visa liberalisation – a promise that has in fact often not been fulfilled - in exchange for readmission agreements and a commitment to prevent departures. In most countries, the promised visa liberalisation policies have been implemented in a restricted and discriminatory way, if implemented at all. We call on the EU to use the opportunity that the Pact presents to finally deliver on its promise to open up legal paths for migration to Europe for both asylum seekers and workers, no matter what their skill levels.

Expanding the external dimension of the EU's asylum and migration policies has led to the systematisation of illegal **push-back** practices across the Mediterranean region. This has been [widely documented](#) at land and maritime borders across Europe (particularly in Malta, Greece, Cyprus, Italy and Croatia). This practice should stop without delay and all documented human rights violations at the EU's borders should be sanctioned.

EuroMed Rights is also worried about the excessive focus on **returns**, which takes place at the detriment of establishing effective asylum systems. In the absence of a post-deportation monitoring mechanism, return procedures to countries that systematically and notoriously violate fundamental rights (such as Egypt) breach the principles enshrined in international and European conventions.

As a consequence, EuroMed Rights calls for the New EU Pact on Migration and Asylum to:

- Adopt a humane and rights-based approach to migration and asylum by ensuring accountability for human rights violations, including the violation of the principle of non-refoulement. This can be done through existing mechanisms such as the European Commission's infringement proceedings and by setting up effective and transparent monitoring and reporting systems and a mechanism of sanctions towards the Member States violating EU law.
- Address the negative human rights impact of the externalisation of migration, asylum and border management policies and ensure that Member States will not outsource their protection responsibilities and search and rescue obligations.
- Put at the heart of its strategy a real mechanism for protection, inclusion and safe access to the European territory. Such an objective could be achieved by increasing safe and legal pathways to the EU, implementing safe and fair labour migration policies, liberalising visa policies (including for work, studies, family reunion).
- Ensure that the best interests of the child and the gender perspective are taken into account in all migration and asylum policies in line with the EU's Gender Equality Strategy and the upcoming EU strategy on the rights of the child.