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NEWS & NOTES

The EU Pact on Migration and Asylum: An Overview[1]

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Abstract

Less than a month before the approaching European elections, the Council managed to adopt the EU's Pact on Migration and Asylum on May 14, 2024, which has been published by now in the Official Journal of the European Union. The Pact was not only meant to put a provisional end to the most controverse, decade long, fierce debate at the European political level, but also to deliver and calm down the even more heated public discourses at the Member States' level in view of election day. The Pact is meant to "establis[h] a set of rules that will help to manage arrivals in an orderly way, create efficient and uniform procedures and ensure fair burden sharing between member states" (European Council, 2024). It is nothing less than an entire reform of the EU's asylum and migration system that will become effective in 2026. Some familiar pillars remain but are amended (Eurodac Regulation; Asylum Reception Conditions Directive), while others are also transformed in their legal character (Asylum Procedure Regulation, Qualification Regulation). Additionally, some regulations are newly introduced (Management Regulation; Resettlement Framework Regulation; Return Border Procedure Regulation; Crisis and Force Majeure Regulation; Screening Regulation). This article is neither a legal nor a political evaluation of the Pact. It therefore refrains from referring to publications in this respect – especially as most of them do still not relate to the final texts of the legal instruments now put into force. Instead, it gives an overview of genesis (2.), structure (3.) and key elements (4.) of the new framework to foster guidance for an initial understanding and accessibility to the ongoing legal and political controversy – now based on a new legal framework in status of implementation.

Key Words:

European Union; pact; migration; asylum; reform; regulation; directive; law

1. Introduction and Genesis

The *genesis* of the EU Pact on Migration and Asylum can be traced to the year 2016. Back then, the European Commission proposed a reform of the Common European Asylum System (CEAS) and argued for opening legal avenues to Europe. It then assessed the situation as such:

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> "The large-scale, uncontrolled arrival of migrants and asylum seekers in 2015 has put a strain not only on many Member States' asylum systems, but also on the Common European Asylum System as a whole. […] The crisis has exposed weaknesses in the design and implementation of the system, and of the 'Dublin' arrangements in particular" (European Commission, 2016: 3).

It adopted two packages of proposals for a CEAS reform with the following initiatives:

- a regulation to reform the Dublin system;
- a regulation to amend Eurodac;
- a regulation to establish an EU Asylum Agency which is to replace the European Asylum Support Office (EASO);
- a new regulation to replace the Procedures Directive;
- a new regulation to replace the Qualification Directive;
- targeted modifications of the Reception Directive.

As no consensus was found among the Member States and calls for ever more restrictive migration management penetrated, the Commission took a restart and introduced what it called a New Pact on Migration and Asylum. It sums up the motivation behind as such:

> The New Pact recognises that no Member State should shoulder a disproportionate responsibility and that all Member States should contribute to solidarity on a constant basis.
>
> It provides a comprehensive approach, bringing together policy in the areas of migration, asylum, integration and border management, recognising that the overall effectiveness depends on progress on all fronts. It creates faster, seamless migration processes and stronger governance of migration and borders policies, supported by modern IT systems and more effective agencies. It aims to reduce unsafe and irregular routes and promote sustainable and safe legal pathways for those in need of protection. It reflects the reality that most migrants come to the EU through legal channels, which should be better matched to EU labour market needs. And it will foster trust in EU policies by closing the existing implementation gap.
>
> This common response needs to include the EU's relationships with third countries, as the internal and external dimensions of migration are inextricably linked" (European Commission, 2020: 2).

The Commission proposed an added set of key actions to their prior initiatives, i. a. legislation on an "Asylum and Migration Management Regulation, including a new solidarity mechanism", a "screening procedure at the external border", "amendments to "the proposal for a new Asylum Procedures Regulation to include a new border procedure and make asylum procedures more effective" as well as amendments to "the Eurodac Regulation proposal to meet the data needs" (European Commission, 2020, para. 9).

While the revised EU Blue Card Directive was adopted in October 2021, the EU Agency for Asylum was agreed upon in December 2021 and the Voluntary Solidarity Mechanism was launched in June 2022. It took controverse discussions within and between the EU bodies and Member States to reach the final adoption of the Pact in May 2024 (European Commission, 2024).

2 Structure

The Commission summarizes the targeted policy areas as such:

> "1. **Secure external borders:** Robust screening, Eurodac asylum and migration database, [b]order procedure and returns, [c]risis protocols and action against instrumentalisation.

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2. **Fast and efficient procedures**: Clear asylum rules, [g]uaranteeing people's rights, EU standards for refugee status qualification, [p]reventing abuses.

3. **Effective system of solidarity and responsibility**: Permanent solidarity framework, [o]perational and financial support, [c]learer rules on responsibility for asylum applications, [p]reventing secondary movements.

4. **Embedding migration in international partnerships**: Preventing irregular departures, [f]ighting migrant smuggling, [c]ooperation on readmission, [p]romoting legal pathways" (European Commission, 2024).

As signalled by its terminology, the "Pact" is not a single act but a package of recasts and newly introduced ones. The key elements are:

- Management Regulation (EU) 2024/1351 (see 3.1)
- Procedure Regulation (EU) 2024/1348 (see 3.2)
- Screening Regulation 2024/1352 (see 3.3)
- Return Border Procedure Regulation (EU) 2024/1349 (see 3.4)
- Crisis and Force Majeure Regulation (EU) 2024/1359 (see 3.5)
- Eurodac Regulation (EU) 2024/1358 (see 3.6)
- Qualification Regulation (EU) 2024/1347 (see 3.7)
- Reception Directive (EU) 2024/1346 (see 3.8)
- Resettlement Framework Regulation (EU) 2024/1350 (see 3.9)

3 Key Elements

The following outline summarizes key elements of the reform in order to give a first overview, ease understanding and raise accessibility without claiming to be exhaustive. It specifically focuses on the novelties introduced compared to the current acquis, while neglecting well-established further provisions.

3.1 Management Regulation (EU) 2024/1351

The Asylum and Migration Management Regulation replaces the Dublin III Regulation (EU) No 604/2013 but builds upon it.

The well-known *Dublin criteria* and mechanisms are now to be found in Part III of the Regulation (Art. 16-55), and basically follow the system known from its predecessor. They guarantee the examination of an application for international protection by a single Member State determined on the bases of established criteria (Art. 24-33) and clauses on dependent persons (Art. 34) and discretion (Art. 35). The criteria have only been amended slightly, but now include having family members who legally reside in a Member State on the basis of a long-term residence permit (Art. 26) and the possession of diplomas or other qualifications issued by an educational institution established in a Member State (Art. 30). While the point-of-first-entry criteria (Art. 33) in practice will remain the most relevant, the criteria of visa-waived entry (Art. 31) and application in an international transit area of an airport (Art. 32) are given formal priority. The subsidiary responsibility in case no criteria apply (Art. 16, para. 2) is now without prejudice to the solidarity mechanism established in Part IV. Impossibility to transfer an applicant to the Member State primarily designated in the future requires "a real risk of violation of the applicant's fundamental rights that amounts to inhuman or degrading treatment within the meaning of Article 4 of the Charter"; this, at the same time, raises and lowers the

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threshold requiring a "real risk" (instead of a "risk") but not necessarily a systemic flaw in the asylum procedure and in the reception conditions anymore.

The Regulation introduces *obligations of the applicants*, requires their cooperation with the competent authorities (Art. 17), sanctions non-compliance by denying entitlement to the reception conditions set out in Art. 17-20 Reception Directive (Art. 18, para. 1) and only conditionally takes into regard relevant elements and information submitted after expiry of the time limit (Art. 18 para. 2). In turn, the *right to information* (Art. 19, 20) has been added by a *right to limited legal counselling* (Art. 21), while free legal counselling

> "shall be provided by legal advisers or other counsellors admitted or permitted under national law to counsel, assist or represent applicants or by non-governmental organisations accredited under national law to provide legal services or representation to applicants" (Art. 21).

The *deadlines* for take charge requests have been cut to two months (instead of three) or one month (instead of two) in case of a VIS hit (Art. 39 para. 1); those for replying to a take charge request have also been reduced to one month (instead of two) or 14 days in case of a VIS hit (instead of one month) (Art. 40 para. 1). The take back procedure, too, has been accelerated by cutting the deadlines for a take back notification to one month (instead of two or three) and for the response to 14 days (instead of one month) (Art. 41 para. 1, 3), while the transfer decision shall be taken within two weeks (instead of one month) of the acceptance or confirmation (Art. 42). Even shorter time limits apply for detained applicants (Art. 45), while the threshold for detention has been levelled from a significant risk to a risk (Art. 44 para. 1).

Procedures including minors (Art. 23 para. 1) or involving the criteria of unaccompanied minors (Art. 25), family procedures (Art. 28) or dependants (Art. 34) shall be treated with *priority* (Art. 39 para. 1, Art .40 para. 1, Art. 46 para. 1 subpara. 2).

However, the Management Regulation aims at a more comprehensive approach to *asylum and migration management* (Art. 3) than the former Dublin III Regulation, based on the principle of solidarity and fair sharing of responsibility (Art. 6). It, therefore, establishes internal (Art. 4) and external components (Art. 5). Apart from cooperation obligations (Art. Art. 6 para. 2), a Permanent EU Migration Support Toolbox offers a range of compulsory services (Art. 6 para. 3). A mechanism to set up coordinated and assisted national strategies to manage asylum and migration is implemented (Art. 7). Building upon these, the Commission is tasked to draw up a long-term European Asylum and Migration Management Strategy (Art. 8).

The Management Regulation foresees three *new institutions*, specifically the

- High-Level EU Solidarity Forum with representatives of the Member States and decision-making power (Art. 13);
- Technical-Level EU Solidarity Forum with representatives of the relevant authorities of the Member States (Art. 14);
- EU Solidarity Coordinator, appointed by the Commission to coordinate at technical level the implementation of the solidarity mechanism (Art. 15)

An *annual migration management cycle* is institutionalised in terms of a

> "European Annual Asylum and Migration Report on an annual basis assessing the asylum, reception and migratory situation over the previous 12-month period and any possible developments, and providing a strategic situational picture of the area of migration and asylum

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that also serves as an early warning and awareness tool for the Union" (Art. 9 para. 1).

The report is to serve one basis for the Commissions assessment of the overall migratory situation or whether a Member State is under migratory pressure (Art. 10 para. 1) as well as for the related implementing decision

> "provided those arrivals are of such a scale that they create disproportionate obligations on even the well-prepared asylum, reception and migration system of the Member State concerned" (Art. 11 para. 3).

On October 15 each year, the Commission non-publicly proposes to the Council an implementing act establishing the *Annual Solidarity Pool* (Art. 56), identifying the required relocations (at least 30,000; see for the procedure of those Art. 67-68) and financial contributions (see Art. 64; at least €600 million; alternative solidarity measures might be counted, Art. 65), indicating each Member State's contribution and the indicative percentage of the Pool to be made available to Member States under migratory pressure (Art. 12). The individual contributions are to be calculated using the formula set out in Annex I and are based on the size of the population and the total GDP (each with a 50% weighting; Art. 66).

The Council may adopt or amend the proposal by qualified majority (Art. 57 para. 1), while Member States would keep "full discretion in choosing between the types of solidarity measures listed in Article 56(2), or a combination thereof" (Art. 57 para. 4). The EU Technical Level Forum is responsible for the operationalisation of those, while the EU Solidarity Coordinator would coordinate the operationalisation (Art. 60). Deductions of Member States' pledged contributions are allowed in cases of migratory pressure (Art. 61) or significant migratory situations (Art. 62). Responsibility offsets in terms of taking responsibility for examining applications for international protection for which the benefitting Member State has been determined can be initiated by benefitting (Art. 63 para. 1) or contributing Member States (Art. 63 para. 2) along the procedure set out in Art. 69. Under certain circumstances, an obligation for contributing Member States to take such a responsibility might arise (Art. 63 para. 3-7).

3.2 Procedure Regulation (EU) 2024/1348

Having developed its legal character from a directive into a regulation, the Procedure Regulation *aims* at truly establishing one common procedure for granting and withdrawing international protection (Art. 1). As it builds on the former Procedure Directive 2013/32/EU this overview will focus on the main novelties.

The Regulation sets up general *guarantees* (information, interpreter, communication with UNHCR, access to country information, written notice of decisions, leaflets; Art. 8) and a *right to remain* during the administrative procedure (Art. 10; possible exception in subsequent applications: Art. 56) as well as *special guarantees* for those in need of special procedural guarantees (Art. 20, 21), minors (Art. 22) and unaccompanied minors (Art. 23) (see for the related medical and age assessment Art. 24, 25). It not only grants the right to legal *counselling*, legal assistance and representation (Art. 15) but also free legal counselling (for the scope, see Art. 18) in the administrative (Art. 16) and appeal procedure (Art. 17), both on conditioned (Art. 19) and limited bases. However, it also establishes *obligations* of applicants, i. a. related to the Member State where the application has to be lodged; data, explanations, information to be provided; availability; handing over documents; attendance; and searches (Art. 9).

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Access to the procedure, including registration and application and related time-limits, is regulated in Art. 26-33. Any *examination* shall be concluded as soon as possible, however, generally the latest within two months regarding admissibility, within three months regarding accelerated examination procedures, and within six months from the date on which the application is lodged (Art. 35). Applicants shall be given the opportunity for a personal admissibility *interview* (Art. 11) and a substantive interview (Art. 12) (see for requirements, reporting and recording Art. 13, 14). *Decisions* on applications are regulated in Art. 36-41.

The scope for *accelerated procedures* has widened, including for applicants from countries for which the proportion of positive decisions is 20% or lower (Art. 42).

An *optional asylum border procedure* has been introduced, not allowing applicants to enter the territory of a Member State (Art. 43 para. 2), that may take place (Art. 43 para. 1):

> "(a) following an application made at an external border crossing point or in a transit zone;
> (b) following apprehension in connection with an unauthorised crossing of the external border;
> (c) following disembarkation in the territory of a Member State after a search and rescue operation;
> (d) following relocation in accordance with Article 67(11) of Regulation (EU) 2024/1351 [Management Directive]."

Decisions taken in the border procedure may be on inadmissibility or under certain circumstances (i. a. almost all indications for an accelerated procedure) on the merits (Art. 44 para. 1).

In contrast, a *mandatory asylum border procedure* is requested (Art. 45 para. 1), in the above-mentioned cases if the applicant is

- considered to have misled the authorities or, in bad faith, has destroyed or disposed an identity or travel document (Art. 42 para. 1 lit. c),
- considered to be a danger to the national security or public order or had been forcibly expelled for serious reasons of national security or public order (Art. 42 para. 1 lit. f),
- is from a country for which the proportion of positive decisions is 20% or lower (Art. 42 para. 1 lit. j).

The Commission is tasked to break down the adequate capacity at Union level of 30,000 to the adequate capacity for each Member State (Art. 47 para 1 subpara. 1, para. 3) and to calculate the maximum number of applications to be examined in the asylum border procedure per year (Art. 47 para. 2). Member States are not required to carry out asylum border procedures in cases referred to

- in Art. 42 para. 1 lit. f when the adequate capacity is reached (Art. 47 para. 2, Art. 48 para. 2-4; notification of the Commission according to Art. 48 para. 1, Art. 49)
- in Art. 42 para. 1 lit. c or j when it has examined the maximum number of applications (Art. 47 para. 3; notification of the Commission according to Art. 50).

When the asylum border procedure is applicable, shortened deadlines apply. Applications shall be lodged within five days (Art. 51 para. 1). The maximum duration shall not exceed 12 respectively 16 weeks, after which the applicant shall in general be authorised to enter

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the Member State's territory (Art. 51 para. 2). The procedure includes the determination of the Member State responsible for examining the application according to the Management Regulation (Art. 52 para.1). Upon transferral to the Member State responsible, another border procedure may be applied without prejudice to the aforementioned deadline (Art. 52 para. 2). Asylum border procedures are to be carried out in proximity to external borders or transit zones or in other designated locations (Art. 54).

Applicability for border procedures is limited for unaccompanied minors (Art. 53 para. 1) and not given (Art. 53 para. 2) when the maximum duration of 12 or 16 weeks (Art. 51 para. 2) is exceeded (and no exceptions apply, Art. 51 para. 3) or one of the following constellations applies (Art. 53 para. 2):

> "(a) the determining authority considers that the grounds for rejecting an application as inadmissible or for applying the accelerated examination procedure are not applicable or no longer applicable;
> (b) the necessary support cannot be provided to applicants with special reception needs, including minors, in accordance with Chapter IV of Directive (EU) 2024/1346, at the locations referred to in Article 54;
> (c) the necessary support cannot be provided to applicants in need of special procedural guarantees at the locations referred to in Article 54;
> (d) there are relevant medical reasons for not applying the border procedure, including mental health reasons;
> (e) the guarantees and conditions for detention laid down in Articles 10 to 13 of Directive (EU) 2024/1346 are not met or no longer met and the border procedure cannot be applied to the applicant without the use of detention."

Subsequent applications (Art. 55 para. 1, 2) are subject to a preliminary examination to establish whether new elements have arisen or have been presented (Art. 55 para. 3-5). Only then the application shall be examined on its merits (Art. 55 para. 6), otherwise it is rejected as inadmissible (Art. 55 para. 7).

Art. 57-64 deal with *safe country concepts* and include first countries of asylum (Art. 58), safe third countries (Art. 59; additional for Union level: Art. 60) and safe countries of origin (Art. 61; additional for Union level: Art. 62, 63; for national level: Art. 64). As a commonality for the former two, the crucial criteria of effective protection are considered fulfilled when a third country has ratified and respects the 1951 Convention related to the Status of Refugees (1951 Convention) or meets the following criteria: at minimum a right to remain, access to means of sufficient subsistence, access to healthcare and essential treatment under general conditions, access to education under general conditions and effective protection until a durable solution can be found (Art. 57).

3.3 Screening Regulation (EU) 2024/1356

The Screening Regulation establishes a *uniform screening mechanism* (Art. 1 subpara. 1) at the external borders in case of irregular border crossings, applications for international protection, or disembarkation after a search and rescue operation (Art. 5, 6, 8 para. 1, 3), and within the territory of Member States for irregular migrants who probably did not undergo screening at the external borders (Art. 7, 8 para. 2, 4). *Aims* are tightened control, identification, and detecting security risks as well as vulnerabilities (Art. 1 subpara. 2).

The following *elements* are comprised (Art. 8 para. 5):

- preliminary health check (Art. 12)

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- preliminary vulnerability check (Art. 12)
- identification or verification of identity (Art. 14, 16)
- registration of biometric data (Art. 15, 22, 24 Eurodac Regulation) to the extent that it has not yet occurred;
- security checks (Art. 15, 16)
- filling out of a screening form (Art. 17)
- referral to the appropriate procedure (Art. 18).

Detention rules set out in the Return Directive shall apply during the screening in respect of third-country nationals who have not made an application for international protection.

Refugee and Human Rights standards are to be obeyed (Art. 3, 8 para. 8-9), compliance to be monitored (Art. 10), adequate information to be given (Art. 11) and guarantees for minors upheld (Art. 13).

3.4 Return Border Procedure Regulation (EU) 2024/1349

The Procedure Regulation and its provisions on the asylum border procedure (Art. 43-54 Procedure Regulation) are added by a new Return Border Procedure Regulation. Those whose application have been rejected in the context of the asylum border procedure in general are not authorised to enter the territory of the Member State concerned (Art. 4 para. 1). Instead, they are obliged to *reside* for a period generally not exceeding 12 weeks in locations at or in proximity to the external border or transit zone (Art. 4 para. 2). If a return decision cannot be enforced in time, the return procedure continues in accordance with the Return Directive 2008/115/EC. A period for voluntary departure of maximum 15 days shall be given on request (Art. 4 para. 5).

Detention is foreseen for those who have been in detention during the asylum border procedure (Art. 5 para. 2) or if there is a risk of absconding, if they hamper the preparation of return or the removal process, or if they pose a risk to public policy, public security or national security (Art. 5 para. 3). It should be a measure of last resort (Art. 5 para. 1) and maintained for as short a period as possible (Art. 5 para. 4).

Derogations in a situation of crisis can be requested according to the procedure outlined in Art. 7 with respect to the maximum period to reside at or in proximity to the border (Art. 6 para. 1 lit. a) or for detention (Art. 6 para. 2 lib. b).

3.5 Crisis and Force Majeure Regulation (EU) 2024/1359

The Crisis and Force Majeure Regulation aims at addressing exceptional situations of crisis, including instrumentalization, and force majeure, in the field of migration an asylum (Art. 1 para. 1).

A *crisis* is defined as

> "an exceptional situation of mass arrivals of third-country nationals or stateless persons in a Member State by land, air or sea, including of persons that have been disembarked following search and rescue operations, of such a scale and nature, taking into account, inter alia, the population, GDP and geographical specificities of the Member State, including the size of the territory, that it renders the Member State's well-prepared asylum, reception, including child protection services, or return system non-functional, including as a result of a situation at local or regional level, such that there could be serious consequences for the functioning of the Common European Asylum System" (Art. 1 para. 4 lit. a).

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A *situation of instrumentalization* is seen as

> "a situation of instrumentalisation where a third country or a hostile non-state actor encourages or facilitates the movement of third-country nationals or stateless persons to the external borders or to a Member State, with the aim of destabilising the Union or a Member State, and where such actions are liable to put at risk essential functions of a Member State, including the maintenance of law and order or the safeguard of its national security" (Art. 1 para. 4 lit. b).

Force-majeure refers to

> "abnormal and unforeseeable circumstances outside a Member State's control, the consequences of which could not have been avoided notwithstanding the exercise of all due care, which prevent that Member State from complying with obligations"

of the Management Regulation and the Procedure Regulation (Art. 1 para. 5).

Under such circumstances, the affected Member State may submit a reasoned request to the Commission also indicating necessary *solidarity measures* (Art. 2). Upon positive assessment by the Commission, it would adopt an implementing decision according to Art. 3 para. 8 determining whether the requesting Member State is in a situation of crisis or force majeure or a recommendation for an expedited procedure according to Art. 14 (Art. 3 para. 1, 2). Simultaneously, it would make a proposal for a Council implementing decision (Art. 4 para. 1) which would set up a Solidarity Response Plan, including the applicable solidarity measures (Art. 4 para 3), and would eventually adopt a recommendation on the application for an expedited procedure (Art. 4para. 4).

These implementation measures would be limited to a period of three months, extendable once by three more months, renewable after for up to three months, extendable for up to yet another three months (Art. 5). Meanwhile Commission and Council have to monitor the situation in a mechanism for repeal, amendment or extension (Art. 6).

In consequence of implementing decisions, the Regulation differentiates between the following exceptional measures:

1. *Solidarity measures applicable in a situation of crisis (Chapter III):*

   Requested solidarity and support measures from other Member States could be relocations (Art. 68, 69 Management Regulation), financial contributions (Art. 64 Management Regulation) or alternative solidarity measures focusing on operational support, capacity building, services, staff support, facilities and technical equipment (Art. 56, 65 Management Regulation) or responsibility offsets of up to 100% of the relocation needs according to the Council's Solidarity Response Plan. In case of insufficiency, to cover the relocation needs, the High-Level EU Solidarity Forum shall be reconvened to amend the Annual Solidarity Pool (Art. 13 para. 4 and Art. 57 Management Regulation). Additionally, the affected Member State could request to take responsibility for applications (Art. 9 para. 3). Any contribution above the fair share would be compensated with respect to future solidarity contributions (Art. 9 para. 4-5). In case of insufficiency of the measures, again, the High-Level EU Solidarity Forum shall reconvene (Art. 9 para. 6).

2. *Derogations (Chapter IV)*

   In a situation of crisis or force majeure, affected Member States are allowed to derogate from Art. 28 Asylum Procedure Regulation and registering applications for

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up to four weeks (see Art. 10); from specific regulations of the border procedure (maximum duration, requirement to examine applicants form countries with low recognition rate, from restrictions for taking decisions on the merits of an application) (see Art. 11); from time limits for take charge requests, take back notifications and transfers (see Art. 12); and from the obligation to take back an applicant (see Art. 13).

3. *Expedited procedure (Chapter V)*

   The Commission may adopt a recommendation for the application of an expedited procedure where groups of applicants from a specific (part of a) country of origin or of former habitual residence, or on the basis of the criteria set out in the Qualification Regulation could be well-founded (see Art. 14).

3.6 Eurodac Regulation (EU) 2024/1358

The recast of the Eurodac Regulation develops the former asylum database into a *migration database*. Its structure consists of

- a Central System (Central Unit and business continuity plan and system)
- a Communication Infrastructure between the Central System and Member States
- the Common Identity Repository (CIR)
- the infrastructure between the Central System and the central infrastructures of the European search portal respectively the CIR.

The *management* is with the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA; Art. 4). Each Member State, as well as Europol, have a single access point (Art. 3 para. 4). The latter designates the authorities for law enforcement authorised to request comparisons with Eurodac data (Art. 5), and one single authority as the verifying authority (Art. 6). Similarly, Europol designates one or more of its operational units and a single specialised unit as verifying authority (Art. 7).

From July 12, 2026, Eurodac will be connected to the European search portal according to Art. 6 Interoperability Regulation (EU) 2019/818 allowing *interoperability* with the European Travel Information and Authorization System (ETIAS) in accordance with the related ETIAS Regulation 2018/1240 (Art. 8), with ETIAS National Units receiving read-only access (Art. 9). Similarly, interoperability is facilitated with the Visa Information System (VIS) in accordance with the VIS Regulation (EC) 767/2008. Data will also be used for statistics (Art. 12).

Accordingly, Member States are obliged to take *biometric data* (Art. 13) with due respect for the dignity and physical integrity of the persons affected (Art. 13 para. 2) and the special provisions for minors (Art. 14). For each of the following categories of persons biometric data will be collected, transmitted and eventually linked, while the relevant data is exclusively listed:

- every applicant for international protection of at least six years of age (Art. 15-17);
- persons registered for the purpose of conducting an admission procedure under the union resettlement and humanitarian admission framework (Art. 18, 19);
- persons admitted in accordance with a national resettlement scheme (Art. 20, 21);

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- third-country nationals or stateless persons apprehended in connection with the irregular crossing of an external border (Art. 22, 23)
- third-country nationals or stateless persons disembarked following a search and rescue operation (Art. 24)
- beneficiaries of temporary protection (Art. 26).

In general, transmitted biometric data is *automatically compared* with the database and hit or negative results are automatically transmitted (Art. 27). Where a comparison of fingertips is not suitable, it is done on the basis of facial image data (Art. 28). The procedure specifically for comparison and data transmission for law enforcement purposes is outlined in Art. 32-35.

Chapter XII (Art. 36-52) further regulates details on *data* processing, data protection and liability.

3.7 Qualification Regulation (EU) 2024/1347

Taking Directive 2011/95/EU as a starting point, the new Qualification Regulation determines standards for the qualification of beneficiaries of international protection, and establishes a uniform standard and its legal content. Due to its new character and the *uniform standard* established, greater convergence in the application by Member States is expected. At the same time, more favourable national standards currently accepted under Art. 3 Directive 2011/95/EU will generally become obsolete and will have to be levelled in the future.

The known definition of *international protection* (Art. 3 para. 3) by refugee status (Art. 3 para. 1, 5, Art. 12) and subsidiary protection status (Art. 3 para. 2, 6, Art. 15, Art. 17 para. 1, 2) remains.

Authorities may refuse to grant international protection if the *need arises sur place* based on circumstances which the applicant has created since leaving the country of origin if this was for the sole or main purpose of creating the necessary conditions for applying for international protection and would neither violate the 1951 Convention and its 1967 Protocol, nor the European Convention on Human Rights or the Charter of Fundamental Rights of the European Union (Art. 5 para. 2).

The assessment whether stable, established non-State authorities, including international organisations, control a State or a substantial part of its territory and provide sufficient protection, thus being considered an *actor of protection*, shall now be taken into account more concisely than before and

> "up-to-date information on countries of origin obtained from relevant and available national, Union and international sources and, where available, the common analysis on the situation in specific countries of origin and the guidance notes referred to in Article 11 of [EUAA] Regulation (EU) 2021/2303" (Art. 7 para. 3),

The latter refers to the common analysis on the situation in countries of origin and the guidance notes developed by the Member States under coordination by the European Union Agency for Asylum (EUAA).

The *internal protection alternative* is now in general limited to cases where the State or agents of the State are not the actors of persecution or serious harm (Art. 8 para. 1), while the State or agents of the State are the actors of persecution or serious harm,

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> "where it is clearly established that the risk of persecution or serious harm stems from an actor whose power is clearly limited to a specific geographical area or where the State itself only has control over certain parts of the country" (Art. 8 para. 2).

The burden of proof for an internal protection alternative is now expressly with the State (Art. 8 para. 3). Again, the means of relevant information to be taken into consideration for evaluating the situation are further defined and include the common analysis and guidance referred to in Art. 11 EUAA Regulation (Art. 8 para. 4). General and personal circumstances as well as whether the applicant would be able to cater for his or her own basic needs are to be taken into consideration (Art. 8 para. 5, 6).

When it comes to *qualification for refugee protection*, the definition of persecution (Art. 9) has not changed in substance, some slight amendments have been introduced to the provision on persecution grounds. Membership of a particular social group shall now "include" those characterized by the known and unchanged criteria (Art. 10 para. 1 subpara. 1 lit. d), while previously these determined the ground "in particular"; the wording, thus, remains open for wider interpretation. Considering sexual orientation as a basis for a particular social group must now be seen as binding (while before it "might" be); however, the condition was upheld that this depends "on the circumstances in the country of origin" (Art. 10 para. 1 subpara. 2). It is now expressly mentioned that the applicant cannot be expected

> "to adapt or change his or her behaviour, convictions or identity, or to abstain from certain practices, where such behaviour, convictions or practices are inherent to his or her identity, to avoid the risk of persecution in his or her country of origin" (Art. 10 para. 3).

Assessment of the *cessation ground "changed circumstances"* (Art. 11 para. 1 lit. e, f) i. a. has to expressly take into regard the common analysis and guidance referred to in Art. 11 EUAA Regulation where available (Art. 11 para. 2 lit. a).

Where *exclusion grounds* have been established, no proportionality assessment must be carried out (Art. 12 para. 4). When a minor's case is assessed, the capacity to be considered responsible has to be taken into account (Art. 12 para. 5).

Withdrawal of the refugee status is now compulsory (Art. 14 para. 1) if

> "(d) there are reasonable grounds for regarding that third-country national or stateless person as a danger to the security of the Member State in which that third-country national or stateless person is present;"
> (e) that third-country national or stateless person is convicted by a final judgment of a particularly serious crime and constitutes a danger to the community of the Member State in which that third-country national or stateless person is present".

The burden of proof for establishing the grounds for withdrawal lies with the authorities (Art. 14 para. 4).

Qualification of subsidiary protection is limited to the established definition of *serious harm* (Art. 15). Assessment of the "*changed circumstances*" that would lead to cessation (Art. 16, para. 1), among others, has to, again, take into regard the common analysis and guidance referred to in Art. 11 EUAA Regulation where available (Art. 16 para. 2 lit. a).

An additional reason for *exclusion* is introduced as such (Art. 17 para. 3):

> "A third-country national or a stateless person may be excluded from being eligible for subsidiary protection where that third-country national or stateless person, prior to being admitted to the

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> Member State concerned, has committed one or more crimes outside the scope of points (a), (b) and (c) of paragraph 1 which would be punishable by imprisonment had they been committed in the Member State concerned, and if that third-country national or stateless person left the country of origin solely in order to avoid sanctions resulting from those crimes."

Using the term "may" instead of "shall" (as used in Art. 17 para. 1) indicates discretion that seems to create a contradiction with the prohibition of performing a proportionality assessment linked to the fear of serious harm (Art. 17 para. 4). This can only be resolved by allowing a proportionality test related to other circumstances but the fear of serious harm. When a minor's case is assessed, the capacity to be considered responsible has to be taken into account (Art. 17 para. 5).

Related to the *content of the international protection rights*, the Member States have to ensure effective access to these if the residence permit in not issued within 15 days of the granting of international protection (Art. 20 para. 3). The protection from refoulement is now unconditioned as long as the beneficiary has refugee status (Art. 21). Maintaining family unit is connected to the issuance of residence permits for the family members (Art. 23 para. 1), unless there are indications that the sole purpose of a marriage was for enabling to reside in the Member State (Art. 23 para. 4). The expiry date shall be the same as for the beneficiary (Art. 23 para. 2). The initial period in this regard is at least three years for beneficiaries of refugee status and at least one year for beneficiaries of subsidiary protection, while extension for refugees will be granted for at least three years and at least two years for beneficiaries of subsidiary protection (Art. 24 para. 4).

Freedom of movement is granted within the Member State that granted protection similarly to other third-country nationals legally resident under generally the same circumstances (Art. 26). However, as a rule, no right to reside in another Member State is granted (Art. 27).

Several *rights related to integration* are guaranteed. Regarding access to employment, it is now specified further that beneficiaries of international protection shall enjoy equal treatment with nationals related to

> "(a) terms of employment, including the minimum working age, and working conditions, including pay and dismissal, working hours, leave and holidays, and health and safety requirements at the workplace;
> (b) freedom of association and affiliation, and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the rights and benefits conferred by such organisations;
> (c) employment-related educational opportunities for adults, vocational training, including training courses for upgrading skills and practical workplace experience;
> (d) information and counselling services offered by employment offices."

Access to education for adults is now continued for the completion of secondary education (Art. 29 para. 1). Regarding the general education system and further training or retraining (not necessarily related to grants and loans), access is raised to the level of equal treatment with nationals, while before it was related to third-country nationals residing legally (Art. 29 para. 2). Equal treatment with nationals with respect to social security and social assistance may be conditional on "effective participation" in accessible, free but compulsory integration measures (Art. 31 para. 1). The core benefits beneficiaries of subsidiary protection can be limited to are now defined as at least minimum income support, assistance in the case of illness or pregnancy, parental assistance (including

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child-care assistance, and housing benefits; Art. 31 para. 2). Requirements for guardians of unaccompanied minors, their tasks and supervision are now regulated in further detail (Art. 33 para. 1-4). Regarding access to (further) integration measures, the wording points at discretion of the Member States to provide or facilitate them. In general, they should be free of charge, and beneficiaries are obliged to participate (Art. 35).

3.8 Reception Conditions Directive (EU) 2024/1346

Respecting the diversity of related national structures and regulations, reception conditions for applicants for international protection remain regulated in a *directive*. Accordingly, more favourable but compatible provisions may be introduced or retained (Art. 4).

As before, Member States are obliged to provide applicants with *relevant information* related to the reception conditions. However, the recast asks for using a template to be developed by EUAA showing i.a. information on persons or organisations providing legal assistance and representation free of charge as well as the organisations consulting on reception conditions. It has to be provided within three days from applying or within the timeframe of its registration (Art. 5 para. 1). Oral or visual provision is only allowed when written provision is not possible in a timely manner due to language factors, and provided that the applicant can confirm understanding (see for more details Art. 5 para. 2).

Member States have significant discretion to organise their reception system in accordance with the Directive. While applicants in general are guaranteed *freedom of movement* within the Member State, they might be allocated to accommodation, and material reception conditions made subject to residence there (Art. 7). Subject to exceptions (Art. 8 para. 5), their free movement might be restricted to an assigned geographical area to ensure swift, efficient and effective processing (Art. 8 para. 1). However, access to "necessary public infrastructure" and an "unalienable sphere of private life" must be allowed (Art. 8 para. 3). Leaving such an area without permission shall not lead to penalties other than those provided for under the Directive (Art. 8 para. 5subpara. 2; see for the penalty Art. 23 para. 2 lit. a, para. 3). Subject to conditions (Art. 9 para. 5) and exemptions (see Art. 9 para. 3), freedom of movement can be further restricted to *residence* in a specific place that is only adapted for housing applicants for reasons of public order to effectively prevent absconding (Art. 9 para. 1). Material reception conditions are subject to residing there.

Detention grounds now include to ensure compliance with Art. 9 para. 1 "where the applicant has not complied with such obligations and there continues to be a risk of absconding" (Art. 10 para. 4 lit. c). Any decision for detention has to assess special reception needs (Art. 10 para. 3). The detention order also has to demonstrate "why less coercive alternative measures cannot be applied effectively" (Art. 11 para. 2, Art. 10 para. 2). Detention by administrative order remains subject to judicial review (ex officio or on request) within 15 (exceptionally 21) days (Art. 11 para. 3). Applicants with special reception needs, shall not be detained where it would put their physical and mental health at serious risk (Art. 13 para. 1 subpara. 2). Detention rules have been improved with respect to minors, unaccompanied minors, and families with minors (see Art. 13 para. 2-6).

As a general rule, *schooling and education* of minors shall be integrated with that of a Member State's own nationals and be of the same quality (Art. 16 para. 2 cl. 2), limiting

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the current general discretion of Member States to provide education in accommodation centres (Art. 14 Directive 2013/33/EU) to exceptional circumstances, e.g. where preparatory classes (including language classes) are needed (Art. 16 para. 2 subpara. 2). Access shall be granted as soon as possible and no later than two months (previously three months) from lodging the application (Art. 16 para. 2).

Access to the labour market is now generally guaranteed no later than six months (previously nine months) from registering the application (Art. 17 para. 1 subpara. 1). Access may be subject to priorities given to nationals, Union citizens or third-country nationals and stateless persons lawfully residing in the concerned Member State (Art. 17 para. 2 subpara. 2), and shall be denied in case of an accelerated procedure according to Art. 42 para. 1 lit. a-f Procedure Regulation (Art. 17 para. 1 subpara. 2). Further conditions and equal treatment with nationals are outlined in Art. 17 para. 3-9.

Whereas access to *training* was previously limited to vocational training at the discretion of the Member States and dependent on access to the labour market (Art. 16 Directive 2013/33/EU), access is now widened to include language and civic education courses. These are compulsory despite a vast discretion of the Member States regarding the offerings and is irrespective of access to the labour market (Art. 18 para. 1).

Female applicants housed in accommodation centres shall be provided separate sanitary facilities and a safe place in such centres for them and their minor children (Art. 20 para. 5). Allowances for voluntary work may also be granted outside the accommodation (Art. 20 para. 9 cl. 2).

Access to health care is widened to include not only emergency health care and essential treatment of illnesses and serious mental disorders but also "sexual and reproductive health care which is essential in addressing a serious physical condition" (Art. 22 para. 1). Minors receive privileged access (Art. 22 para. 2):

> "Member States shall ensure that the minor children of applicants and applicants who are minors receive the same type of health care as provided to their own nationals who are minors. Member States shall ensure that specific treatment provided in accordance with this Article which started before the minor reached the age of majority and is considered to be necessary, is received without interruption or delay after the minor reaches the age of majority."

Reduction or withdrawal of material reception conditions is tiered, generally concerning the daily expense allowance only, while any reduction or withdrawal of material reception conditions must be "duly justified and proportionate" (Art. 23 para. 1). Reduction or withdrawal grounds have been amended and extended by three alternatives (Art. 23 para. 2), and now include cases where an applicant

> (a) abandons a geographical area within which the applicant is able to move freely in accordance with Article 8 or the residence in a specific place designated by the competent authority in accordance with Article 9 without permission, or absconds;
> (b) does not cooperate with the competent authorities, or does not comply with the procedural requirements established by them;
> (c) has lodged a subsequent application as defined in Article 3, point (19), of Regulation (EU) 2024/1348;
> (d) has concealed financial resources, and has therefore unduly benefitted from material reception conditions;
> (e) has seriously or repeatedly breached the rules of the accommodation centre or has behaved in a violent or threatening manner in the accommodation centre; or

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(f) fails to participate in compulsory integration measures, where provided or facilitated by the Member State, unless there are circumstances beyond the applicant's control."

Chapter IV avoids the formerly used term "vulnerable persons" but rather directly talks about "*applicants with special reception needs*". Art. 24 asks to "take into account the specific situation of applicants with special reception needs" and lists examples of categories of applicants that are (not automatically but) more likely to have special reception needs, adding a new category in lit. f:

"(a) minors;
(b) unaccompanied minors;
(c) persons with disabilities;
(d) elderly persons;
(e) pregnant women;
(f) lesbian, gay, bisexual, trans and intersex persons;
(g) single parents with minor children;
(h) victims of trafficking in human beings;
(i) persons with serious illnesses;
(j) persons with mental disorders including post-traumatic stress disorder;
(k) persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, for example victims of gender-based violence, of female genital mutilation, of child or forced marriage, or violence committed with a sexual, gender, racist or religious motive."

The *assessment* shall be done as early as possible after an application for international protection is made and must be completed within 30 days from that date, or if integrated into the assessment of the need for special procedural guarantees, in accordance with Art. 20 of the Procedure Directive within the timeframe determined there (Art. 25 para. 1). This suggests that processing should be initiated as early as possible after an application is made, and must be concluded as soon as possible, latest within 30 days. The assessing staff need to be continuously trained, to include relevant information in the applicants' files and to refer to medical practitioners or psychologists for further assess where mental or physical health could effect reception needs (Art. 25 para. 2).

Specifically, concerning *minors*, the existing standards are supplemented by criteria for the persons working with minors, including representatives and persons suitable to provisionally act as representatives (Art. 26 para. 6). In the case of an *unaccompanied minor*, such a person has to be appointed where an application is made by someone "who claims to be a minor" (except where the person is without any doubt above the age of 18) or "in relation to whom there are objective grounds to believe that that person is a minor". A representative needs to be appointed as soon as possible, but no later than 15 working days from the date of application. Deficiencies in the implementation of the related measures in the contingency plans have to be reported to the Commission (Art. 27 para. 1; see for more details related to appointment, tasking and supervision Art. 27 paras. 2-8).

Such a *contingency plan* to ensure an adequate reception of applicants where confronted with a disproportionate number of applicants, including unaccompanied minors, is now required from each Member State and supervised by the EUAA (Art. 32).

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3.9 Resettlement Framework Regulation (EU) 2024/1350

The new Resettlement Framework Regulation establishes a framework for granting international or national protection through resettlement and humanitarian admission and related rules for admission (Art. 1 para. 1, Art. 3, Art. 4), without establishing a respective right (Art. 1 para. 2) or obligation to admission (Art. 1 para. 3). Instead, contributions by Member States remain voluntary (Art. 1 para. 4).

Resettlement is defined as (Art. 2 para. 1):

> "the admission to the territory of a Member State, following a referral from the United Nations High Commissioner for Refugees (UNHCR), of a third-country national or a stateless person, from a third country to which that person has been displaced, who:
> (a) is eligible for admission pursuant to Article 5(1);
> (b) does not fall under the grounds for refusal set out in Article 6; and
> (c) is granted international protection in accordance with Union and national law and has access to a durable solution".

Humanitarian admission is defined as (Art. 2 para. 3):

> "the admission to the territory of a Member State, following, where requested by a Member State, a referral from the European Union Agency for Asylum (the 'Asylum Agency'), from the UNHCR, or from another relevant international body, of a third-country national or a stateless person from a third country to which that person has been forcibly displaced and, at least on the basis of an initial evaluation, who:
>
> (a) is eligible for admission pursuant to Article 5(2);
>
> (b) does not fall under the grounds for refusal set out in Article 6; and
>
> (c) is granted international protection in accordance with Article 9(17) of this Regulation or humanitarian status under national law, which provides for rights and obligations equivalent to those established in Article 20 to 26 and 28 to 35 of Regulation (EU) 2024/1347 for beneficiaries of subsidiary protection".

In both cases, *eligibility* requires that the third-country national meets the criteria for international protection; this includes Palestinian refugees for which the inclusion clause of Art. 1 D para. 2 1951 Convention applies (Art. 5 para. 1, 2). Additionally, eligibility for resettlement requires falling into one of the categories as outlined in Art. 5 para. 3 lit. a, while eligibility for humanitarian admission requires falling in one of the categories as outlined in Art. 5 para. 3 lit. a or b, which reads as:

> "(a) vulnerable persons, comprising:
> (i) women and girls at risk;
> (ii) minors, including unaccompanied minors;
> (iii) survivors of violence or torture, including on the basis of gender or sexual orientation;
> (iv) persons with legal and/or physical protection needs, including as regards protection from refoulement;
> (v) persons with medical needs, including where life-saving treatment is unavailable in the country to which they have been forcibly displaced;
> (vi) persons with disabilities;
> (vii) persons who lack a foreseeable alternative durable solution, in particular those in a protracted refugee situation;
> (b) in the case of humanitarian admission, the family members, as referred to in paragraph 4, of third-country nationals or stateless persons legally residing in a Member State, or of Union citizens."

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The *family members* considered are the spouse or unmarried partner, minor children, parents or adults responsible for an unmarried minor, the siblings and dependants (see for details Art. 5 para. 4).

The *refusal grounds* are divided into two categories: Compulsory refusal grounds relate to the subsidiarity of resettlement or humanitarian admission in view of existing protection, unworthiness, or security threats (see for details Art. 6 para. 1). Discretionary refusal grounds refer to security risks considered less severe, contradictory actions on behalf of the concerned person, or inability of a Member State to provide the adequate support needed on the basis of the concerned person's vulnerability (see for details Art. 6 para. 2).

Third-party nationals have to *consent* to the procedure. Failing to provide essential and available data or non-attendance to the personal interview is in general regarded as a withdrawal of consent (see for details Art. 7).

A two-year *Union Resettlement and Humanitarian Admission Plan* (Union Plan) shall be proposed by the Commission and adopted (Art. 8 para. 1), respectively amended by the Council (Art. 8 para. 6) taking into regard the outcome of meetings of the High-Level Resettlemend and Humanitarian Admission Committee and the UNHCR Projected Global Resettlement Needs (Art. 8 para. 2). The content of the Plan is defined in Art. 8 para. 3 and 4:

> "3. The Union Plan shall include:
> (a) the total number of persons to be admitted to the territory of the Member States, indicating, respectively, the proportion of persons who are to be subject to resettlement, to humanitarian admission and to emergency admission, the proportion of persons subject to resettlement being not less than approximately 60 % of the total number of persons to be admitted;
> (b) details about the participation of the Member States and their contributions to the total number of persons to be admitted and the proportion of the persons who are to be subject to resettlement, to humanitarian admission and to emergency admission in accordance with point (a) of this paragraph, fully respecting the indications made by Member States at the High-Level Resettlement and Humanitarian Admission Committee established pursuant to Article 11;
> (c) a specification of the regions or third countries from which resettlement or humanitarian admission is to occur pursuant to Article 4.
> 4. The Union Plan may, where necessary, include:
> (a) a description of the specific group or groups of third-country nationals or stateless persons to whom the Union Plan is to apply;
> (b) local coordination, as well as practical cooperation arrangements among Member States, supported by the Asylum Agency in accordance with Article 10, and with third countries, the UNHCR and other relevant partners."

Regarding the *admission procedure*, the Member States would ask for referrals (see for details Art. 9 para. 1), assess whether the referred persons fall under the scope of the Union plan with a discretion related to family or social links, as well as particular protection needs or vulnerabilities (Art. 9 para. 2), and register (Art. 9 para. 3) and inform the person concerned (Art. 9 para. 4, 5). The Member State would then conduct an eligibility assessment (Art. 9 para. 6) by involving UNHCR (Art. 9 para. 7, 8) and reaching a conclusion as soon as possible, but no later than seven months (extendable by up to three months owing complexity; in case of an emergency admission – for the definition see Art. 2 para. 4 – latest within one month, Art. 9 para. 10) from the date of registration (Art. 9 para. 9). Where it is negative, the person shall not be admitted to that Member State (Art.

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9 para. 13). Where it is positive, the following shall apply before or after entry to the Member States' territories (Art. 9 para. 14):

- decision to grant refugee or subsidiary protection status, including (eventually permanent) residence status (Art. 9 para. 15);
- in case of humanitarian admission, a decision to grant international or national protection (Art. 9 para. 17);
- decision to grant residence status to family members not qualifying for international protection, maintaining family unit in accordance with Art. 23 para. 1 Procedure Directive (Art. 9 para. 16, 18);
- notification of the persons concerned for any decisions pursuant to Art. 9 para. 15 and 17 (Art. 9 para. 19);
- efforts to ensure entry to the Member State's territory as soon as possible and no later than 12 months from the date of conclusion (Art. 9 para. 20);
- offer of travel arrangements and transfer (Art. 9 para. 21);
- offer of pre-departure orientation programmes (Art. 9 para. 22).

While the required operational cooperation is outlined in Art. 10, an advisory *High-Level Resettlement and Humanitarian Admission Committee*, composed of representatives of the European Parliament, the Council, the Commission and the Member States and with EUAA, UNHCR and IOM as guests, shall be established in accordance with Art. 11. Following its meetings' outcome, the Commission

> "shall invite Member States to indicate the details of their participation and of their contribution on a voluntary basis to the total number of persons to be admitted including the type of admission and the regions or third countries from which admission shall take place" (Art. 11 para. 5).

Financial support for the implementing Member States shall be implemented in accordance with the revised Regulation (EU) 2021/1147 establishing the Asylum, Migration and Integration Fund (AMIF) pursuant to the following scheme (Art. 19 AMIF Regulation):

- for each resettled person: €10,000
- for each admitted person:
  - in general €6,000;
  - if belonging to one or more of the following vulnerable groups €8,000:
    - women and children at risk;
    - unaccompanied minors;
    - persons having medical needs that can be addressed only through humanitarian admission;
    - persons in need of humanitarian admission for legal or physical protection needs, including victims of violence or torture.

4 Conclusions

This outline demonstrates a truly ambitious and comprehensive reform of the CEAS. The intense national and European discourses related to migration management and reform proposals have proven that such a reform is inevitable to sustain social cohesion and the future of the CEAS – if not the European Union as we know it as such. Finally, Member States and EU institutions overcame remaining reservations to prove their capacity to act

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and function – less than one month before the European elections, the outcome of which was feared to be heavily influenced by these discourses and could have led to a discontinuity of the envisioned reform programme. A decision has been taken. It's impact on the election results will be analysed.

As effects on the ground will not materialize before the implementation of the Pact in 2026, the discourses will continue. They will now shift to interpretation, compliance with EU primary law, implementation and – once implemented – to the question whether the EU Migration Pact will actually succeed to reduce migration pressure. They will continue to be superimposed by even more far-reaching calls for extraterritorial migration management including extraterritorial asylum procedures.

Thus, while legislation has been passed, its subject will remain at the top of the European and national political agendas.

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