

Pact - Migration and Asylum (PMA) - a text, a context and a mindset

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The European Pact on Migration and Asylum (PMA) adopted by the European Council on 14 May 2024 is a good example for understanding the decision-making process in Europe and the pedagogy applied by the European institutions on a sensitive issue that divides the member states. The chronology is closely linked to national, European and international events. The PMA was ready before the European elections of June 2024, with the real threat of anti-migration extremist parties, specializing in disinformation strategies and anxiogenic information.

On the 23rd of September 2020, the European Commission discussed a new Pact on Asylum and Migration. On this basis, the Council adopted its position by five legislative acts in June 2022, June 2023 and October 2023 respectively. Afterwards it negotiated with the European Parliament to reach agreement on a common position. The Spanish Presidency presented a progress report on a new Pact on the 5th of December 2023. An agreement was reached on the 20th of December between the Council and the European Parliament on the necessary reform of the asylum and migration system, whose flaws have been denounced by the countries most affected (geographically) by the arrival of exiles. The representatives of the member states gave their green light for an agreement with the European Parliament on 8 February 2024.

The operation is launched with the strike force and regulatory expertise that the European Commission and Parliament are familiar with. In three months, the European Parliament adopts the new Pact on the 10th of April 2024. The texts were debated and clarified in January and February. In the process, a set of 10 regulatory texts are published. The first concerns Eurodac, the database for collecting more precise and complete data on different categories of migrants, including applicants for international protection and exiles in an irregular situation in the European Union. Two other regulations concern the asylum process and the return procedure at the border for rejected asylum seekers. A fourth regulation establishes a framework for the resettlement and humanitarian admission of international protection applicants. A fifth regulation covers crisis situations and cases of force majeure. Two regulations concern screening, which allows national authorities to return irregular migrants and asylum seekers to an external border, with the relevant procedure, and ensures that identity checks are fair, security and vulnerability assessment and health. Two other regulations provide for longer-term management of asylum and migration, as well as reception policies. A final regulation specifies the conditions to be fulfilled to qualify for asylum.

Finally, a directive, which has the force of law superior to regulations (and must be transposed into national laws), specifies the conditions of reception.

Texts are as important as context to understand the motivations of their authors and the audience they are addressed to. In September 2020, when a new pact is relaunched, the European countries and the European Union are mobilized by a global pandemic that has shaken our certainties. European solidarity was not immediately apparent when Italy was the hardest hit country in March 2020, and then the disastrous episodes of mask purchases for its own nationals. The European Commission, and its president, finally reacted collectively for vaccines, and to support economies. Honor was safe, in Europe and in the eyes of the world.

In June 2022, the war in Ukraine began since February, with a massive exile of Ukrainians. Temporary protection has allowed for immediate and collective assistance to many displaced persons who arrived in the EU with no hope of returning to their country of origin in the short term. Solidarity with Ukraine was evident in Poland and Germany, the two countries that hosted the largest number of Ukrainian refugees. In June 2023, Italy, the founding country of the EU, has been governed since September 2022 by a post-fascist party called *Fratelli d'Italia*. The first skirmishes begin in the Mediterranean with attacks by the Melloni government against NGOs rescuing exiles at sea, accusing them of playing the game of smugglers. Since October 2023, international geopolitics has become increasingly explosive and does not give hope for better relations with the countries of the South (with Iran-backed terrorist organizations in the Middle East, Talibans in Afghanistan, persecutions in China and India against minorities...).

The European Union is accused of applying «double standards» by welcoming and supporting its Ukrainian neighbours, Europeans, while ostensibly closing its doors to nationals of third countries (non-members of the European Union). The important words of this new European Pact on Asylum and Migration (WFP) are responsibility and solidarity. The European Council specifies that «the new rules combine mandatory solidarity to support member states facing a large influx of migrants and flexibility regarding the type of contributions». Member states have two years to implement the legislation adopted in 2024 with the help of the European Commission. The mindset is essential to anticipate how governments will proceed.

Cimade, a French NGO that defends the rights of exiles, has proposed a very useful decipherment to understand the European legislative process started in 2015. The migration crisis in Europe (with the civil war in Syria) is a consequence of the major destabilization of the region after the Arab Spring (started in 2011 in Tunisia). According to the association, the new MAP does not introduce any disruption of the current system, and follows the same “repressive and secure approach of containment and evictions, at the expense of a reception policy that would seek to guarantee and protect the dignity and fundamental rights of people outside the Community”.

The new Asylum and Migration Pact lacks a more constructive long-term approach to migration policy. The Pact is mainly aimed at national public opinion, often manipulated by extremist parties that publicize events involving foreign nationals. The Pact also sends a very negative message to the countries of the South, and reinforces the idea of a “fortress Europe”. You can't prevent mobility as you don't leave your country with a cheerful heart. You have no choice when you are born in Afghanistan, Iran or Syria, or countries where people are persecuted by their own governments.

To welcome more worthily the nationals of third countries, which the European Union needs, in many sectors of economic activity (care, building, catering, cleaning...) would be a first step to change the state of mind. It would also be the best way to tackle massive disinformation against the European Union coming from both countries hostile to western democracies and extremist anti-migration parties in Europe.

A text (the Pact), a context (the rise of extremist parties), but above all a state of mind (European governments increasingly sensitive to the migration topic) are essential to consider to mobilize civil society -Europeans need the Countries of the South, and vice versa. NGOs have two years to work on a convincing advocacy for public opinion.

1. European Consilium- <https://www.consilium.europa.eu/en/press/press-releases/2024/05/14/the-council-adopts-the-eu-s-pact-on-migration-and-asylum/>
2. Cimade- <https://www.lacimade.org/publication/decryptage-du-pacte-europeen-sur-la-migration-et-lasile/>