

# A Gendered Approach to the New Pact on Migration and Asylum: Analyzing the Placement of Migrant Women in Europe



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## Preface

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# Abstract

This research analyzes the representation of migrant women in the new pact on migration and asylum from the gender approach. The study aims to check out the fundamental rights of migrant women, the humanitarian system at the border during the reception, detention centers, return, relocation, and social integration. After 2014, Europe faced a troublesome border system, migrants' deaths at the Mediterranean Sea, unmanageable asylum centers, a hotspot approach, and impervious social integration, which made it forceful to look for a more sustainable, muscular, confident, and soldier policy. To tackle the invulnerable situation, the European Commission proposed a new pact on migration and asylum in 2020 and now continues its consultation process with stakeholders to pass the law. This research project has two main goals: to determine whether there is a special provision for migrant women in the new pact and a humanitarian system for women.

This research has been conducted by analyzing the proposal of the new pact and its seven sub-sections through framing analysis with an inductive bottom-up approach. The placement of migrant women in these seven sub-sections has been discussed prospectively. This has also brought gendered power relations into the future of migration policy in the European Union. After analyzing the proposal, I get the four main frames: solidarity, border system, externalization, and Social Integration. Migrant women have been neglected all this frame, and their fundamental human rights have also been abolished. Patriarchal and secularization moves have been shown in the proposal by not giving any significance to migrant women.

**Keywords:** migration and asylum, migrant women, new pact, European Union, European Commission, European Parliament, proposal, policy, human trafficking, border reception, sexual violence, harassment, humanitarian system, reproductive rights, social integration, discrimination, patriarchy.

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# Introduction

Living a fulfilling life encompasses various daily activities, including traveling to different locations. Two primary types of migration exist: internal and international. Internal migration refers to relocation within a country from one area, such as a province, city, or district, to another. Conversely, international migration refers to moving from one country to another. Europe is a popular destination for those who choose to migrate globally, whether to European member states or Schengen countries.

However, men's and women's migration experiences differ for several reasons, and sometimes, it can be severe, particularly for those from underdeveloped and developing countries. Women have deep roots in the land, making them more connected to family members, relatives, surroundings, and even nature (Das, 2020). Despite this, situations often force them to migrate, causing them to shift from one place to another with great force. These situations can include factors such as war, climate change, natural disasters, and conflict (United Nations, 2020). Additionally, other factors, including push and pull factors, also have an impact on migrant women's decisions to leave their land and country. Push factors signify the reasons for leaving their own country, while pull factors influence migration to any specific country.

Migrant women often choose Europe as their destination, with family reunification being one of the primary reasons for their shift (Bouchoucha, I. 2010). In this regard, male members usually migrate to the EU first and subsequently bring their female family members to Europe. This includes wives, mothers, daughters, and children, with the aim of creating a family. In some cases, migrant men marry in their home country and bring their wives to Europe.

The high standard of living in European countries and the financial support provided by their governments to dependent children and family members make these countries an attractive destination for family reunification. Moreover, Europe offers advanced living systems in all spheres of society, from education to job opportunities, which often open the way for engagement in the workforce. As a result, both the husband and wife in the family can work together.

To further strengthen their family's income source, elderly parents are also brought from their country of origin to care for their children. By doing this, the family's income becomes much more stable. Additionally, bringing women together through family reunification makes it easier to obtain valid residence permits. This is evident from the fact that by the end of 2021, 36 percent of the total number of family reunification migrants had received valid residence permits (Eurostat, 2022).

Reasons for migration, such as family reunification, are often influenced by pull factors. Women are particularly susceptible to the uncertainties and challenges of migration, as they hope for a better life in the face of issues like political instability and war. The experiences of female migrants can differ significantly from those of men, and the physical and mental effects of war, including sexual violence, can have both short- and long-term impacts on women and children. Leaving behind their homes and loved ones, these women move to new and uncertain futures in unfamiliar places.

Along with this kind of uncertain situation also comes poverty, which, to a large extent, has a destabilizing effect not only on the migrants but also on the economic aspect of the destination country (Mlaba, 2022). Women and children, in terms of migration to new places, are more likely not to have any opinion of their own. In this case, the destination countries of migration are most likely Europe, which is also chosen by the male member, sometimes not having any other options. In most cases, these migrants cross the sea in fishing boats. As Italy is by the Mediterranean Sea, migrants' first choice is to shift to Sicily, Italy. People often come by boat because it is near countries like Lebanon, Tunisia, Libya, Syria, Algeria, Morocco, etc. The reasons are economic improvement, escape from the civil war, political instability, and leading a good life (Riaño, 2005). Another factor is comparatively easier to shift than in other countries. Not all wars open European country's borders to migrants. For example, 2015 saw the world's largest migration due to the Syrian Civil War, the war in Afghanistan, the Boko Haram insurgency in Nigeria, etc. (Kingsley & Kirchgaessner, 2018). The total number of people who reached Europe across the Mediterranean Sea in 2015 was more than 1 million, and around 3,735 people went missing; they are believed to have drowned and died. These migrants' main target was to enter Greece and Italy (Clayton, Holland, & Gaynor, 2015). According to the size of these boats, the number of people is so high that, in most cases, people die after the boat sinks. That's

why, along with migration, death during migration is also a regular occurrence. Whereas in 2015, more than 5,350 people died during migration, mainly from Syria, Lebanon, Afghanistan, and various countries from Africa through the Mediterranean Sea (IOM, 2015). Among these death statistics, there is no data on how many women and children died at the time they crossed the Mediterranean Sea. While half of the migrants that migrated in 2015 to Europe were women and children, most of these women migrated from Iraq, Syria, and Afghanistan (UN Women, 2018).

One of the causes of migration is political instability, with the most recent examples being the unrest and political instability that occurred in Belarus in 2021. That caused an outnumbering of migration; the people from Belarus, mainly women and children, traveled from Belarus to different European countries by walking, but they were not allowed to enter Europe. At the same time, Poland and Lithuania accused the Prime Minister of Belarus in various ways (P. U. D. 2021). As an example- the Lithuanian government accused the Belarusian Government of pushing to migrant enter Europe, more specifically Lithuania and Poland. From the president, the European Parliament has also mentioned that Belarus is forcefully sending its people to Europe as a weapon (B.B.C., 2021). Because of this reason, even if standing at the borders of different European countries or due to the construction of camps, the migrant women from Belarus were not allowed to enter Europe. They were driven elsewhere against their will. They were also tortured physically and mentally.

On the other hand, among the migrants from Belarus, the number of women and children was comparatively higher. Due to these restrictions from the EU and member states, migrants from Belarus have a more difficult path. At the same time, students from Belarus are being prevented from studying in Europe. Many European universities are directly rejecting the applications of Belarusian students (Marples & Lozka, 2022).

The most recent example of war and conflict is the ongoing conflict between Russia and Ukraine. Where examples of the harmful and adverse effects of war and conflict on women are seen with the naked eye. More than 500,000 people migrated to a neighboring country, Poland, with trauma and devastation (UN Women, 2022). Besides this number, according to another current UN report, about 660,000 Ukrainians have left their country in the first five days of Russia's invasion and migrated to other countries; most of them are women. Aside from that, from the very beginning of the war, Ukrainian women were dealing with a variety of issues, such

as sexual assault, a lack of access to contraception, sanitary conditions, primary health care, etc., in various ways. At the same time, the Ukrainian government banned adults (ages 18–60) and all physically healthy boys and men from leaving the country. Due to this, 90% of the total number of migrants are women and children who fled from Ukraine (UN Women, 2022). In this case, arrangements were made to send women and children to other countries with priority. Due to being deprived of reproductive care, pregnant women also did not get basic facilities like maternal care.

Deprived of these essential benefits, many pregnant mothers died at the time of giving birth, bringing about complex problems for future children and mothers. Along with these factors, other ancillary conditions are affecting women as an effect of anxiety, depression, and trauma (Gupta, 2023), which is more challenging to treat due to the devastation of the war. Whereas in a normal situation, women do not receive any cooperation in matters such as mental health without any war problems, getting collaboration on mental health in such a difficult time as war is unthinkable. The harassment that these migrant women face does not stop after they flee. They are frequently harassed at the border, in refugee camps, and even in their host country. According to a study commissioned by IOM, 46,000 Ukrainians were victims of human trafficking between 2019 and 2021 (UN Ukraine, 2022). In all the instability, anarchy, war, and everything else, women are the first victims of torture, violence, and oppression. The war also allows those traffickers access to the international human trafficking market.

Different wars began simultaneously, yet the reaction of the EU agencies and member states towards these two countries differed. Since the beginning of the ongoing battle between Russia and Ukraine, the borders of European countries have been opened. Also, women and children were removed on a priority basis. Separate financial assistance has also been arranged for their food and daily living arrangements. Whereas, for the Belarusian nationalities, no separate action had been taken by any of the EU members who went through a devastating situation at the European border. This also shows the EU's securitizing move towards Belarus and other third-world nations.

Due to the abovementioned concerns and the migration and asylum crises that the European Union and its member nations have experienced, the European Commission proposed a new pact for the European Union on migration and asylum. On September 23, 2020, this agreement was

put up for policy execution by the European Commission in the same manner as all other principles and policies relating to immigration and asylum among the European Union member states. A common framework will be provided to manage migration and asylum in the future (EUR-Lex, 52020DC0609, EN-EUR-Lex, 2020). At the same time, it is the tool that faces all the problems related to migration and asylum and has a process to deal with them. The commission proposal was divided into seven subsections to describe the issues related to migration and asylum in the new pact. The following seven subsections are:

- ✓ A Common European Framework for Migration and Asylum Management
- ✓ A Robust Crisis Preparedness and Response System
- ✓ Integrated Border Management
- ✓ Reinforcing The Fight Against Migrant Smuggling
- ✓ Working With the International Partners
- ✓ Attracting Skills and Talent to the EU
- ✓ Supporting Integration for More Inclusive Societies (EUR-Lex - 52020DC0609 - EN - EUR-Lex, 2020)

### **Research Objectives**

This study's primary goal or objectives are two, around which the rest are organized. The two focal goals that are emphasized in this paper and about which more can be known are:

- I. To learn about the new migration and asylum pact's particular provisions for women,
- II. To know about the humanitarian system for women in the new pact on migration and asylum.

### **Research Hypothesis**

To prove the conjecture of this research goal, following the new pact on migration and asylum, the hypotheses of this paper are:

- I. No signification is given to women separately in border reception. "Border system" means pre-screening, screening, result hearing, sending to a detention center, return procedure, and reapplication. Matters up to the entry of migrant women into the host country will be explained under "Border System."

- II. No additional actions are taken for women who are victims of sexual violence. This refers to the situation of migrant women who are victims of sexual violence by exploitative men, smugglers, human traffickers, border guards, and those in employment in the host country.
- III. No disparate urgency is given to women regarding mental health, sanitation, primary health care, or reproductive rights. Unstable mental health, sexual and physical abuse, unwanted pregnancy, giving birth at a critical time, the right to abortion, proper menstrual support, and adequate medical support are described here.
- IV. No particular arrangements or benefits are given to women for social integration. Education, training, social programs, job security, easy access to job sectors, equal pay, women-friendly job sectors, and encouraging women to come to Europe as skilled labor will be highlighted here, explicitly focusing on migrant women.

### **The Rationality of the Research**

From the beginning of knowing about migration, women and men were affected. What is the difference is that women need to depend on men for any migration, which impacts them diversely. Impact here signifies the negative impact in most cases, such as human trafficking, sexual exploitation, violence, and many other difficult situations. At the same time, migrated women give birth to more children when they are migrating than at standard times (UNFPA, 2018). As a result, women have mental and physical health problems. In a hectic and critical time like migration, women are often excluded from primary health care because such issues are not considered.

Europe is one of the target destinations for migration. During the migration of women, most of the time, migrants do not have any choice or opinion, so they have to move to Europe due to the male members of the family or due to the "push factor." Academically and socially, we know that women, for example, do not have their ideology or presence in the family, in society, or the state, and even in any new migration-related policy, women are not seen as being specifically highlighted. The European Commission has proposed a new pact to lift the migration crisis as seen in the last few years and to manage a smooth, supportive, one-act migration and asylum policy to the European Parliament. This proposed new pact opens a new path for the European Union to face and tackle any situation regarding migration and asylum. From there, if no specific measures are taken about women right now and women are not included in this new pact,

migrant women's lives will become more miserable in the future. One of the effects of migration is that it brings poverty into a woman's life. The new pact will open a new door for migrant women and help them economically free. It will assist them in associating concepts such as women's fundamental rights. At this stage, it is high time to discuss how women are being portrayed and where the position of women is in the new pact on migration and asylum. Before executing the new pact, there is an open field to change the pact through discussion and finding out the hole in it. From that point on, this research is a sphere to discuss this pact rationally, mainly focusing on migrant women and their representation.

### **Methodology of the Research**

In this research, it is the goal to check the positions of migrant women in the new pact of migration and asylum. For methodology, I use framing analysis and explore women's status in the new pact on migration and asylum. To conduct this research, I use the proposal of the European Commission on the "new pact of migration and asylum" to the European Parliament. I collected this proposal from the EU Commission website. The status of the migrant women shown in the frame has been thoroughly examined to ensure that they are given priority in the new pact, along with the threats, discrimination, and violence that these women face.

I follow an inductive logical approach to analyze the proposed new pact on migration and asylum by using framing analysis. A bottom-up approach is used to analyze previously accepted hypotheses. With a bottom-up approach, the seven sub-sections mentioned in the proposal are described separately as a frame. Explaining the presence and status of women in all the sub-sections at the bottom of the New Pact, the position of women in the overall proposal of the New Pact is discussed. Women only sometimes have a separate place in the so-called policies that are formulated in stereotypical ways. Through this framing analysis and bottom-up approach, the illustration focuses on either the stereotypical position of the institutions and policies of the European Union's migration policies, which are structured as before or the fundamental rights of migrant women they need. While there is still a struggle over migrant women's fundamental rights, the proposal of the new pact on an important issue such as migration and asylum is analyzed inductively and logically to determine whether women are being given any particular importance in this new pact or whether migration is being used simply as a metaphor to highlight the brutal reality of migration in the world that current European countries and the European Union are facing.

In the world of migration, although many organizations work by highlighting women all the time, the presence of women is not seen separately in any new policy, law, or rule. From that point of view, the work of organizations with women is also a metaphor. In this research paper, the placement of women in the new pact on migration and asylum is evaluated outside of this stereotypical situation. This looks for patterns in the data and information, and later, it helps to discover the causes of such a pattern. Overall, in this way of reasoning, I find a definite answer based on my predefined observations and hypotheses.

### **Chapter Design:**

This study comprises five chapters that offer an in-depth examination of the New Pact on Migration and Asylum Proposal. Chapter One introduces the study, including its objectives, anticipated outcomes, methodologies, rationality, and the theoretical framework underpinning the analysis. Chapter two examines the European asylum system and migration from the perspective of scholars, considering previous policies that constructed and represented gendered institutions. It provides a background for the research and highlights different doctrines and definitions that inform the work. Chapter three focuses on the commission's presentation of migrant women in seven subsections of the New Pact on Migration and Asylum Proposal and provides a detailed analysis of the proposal. Chapter four contains discussions about the portrayal of migrant women in the New Pact on Migration and Asylum, drawing on opinions from various stakeholders, including academicians, civil society organizations, and Christian groups. It also highlights the Commission's negligence towards migrant women in every sector of the proposal. Chapter five concludes the study by testing four hypotheses and discussing the research's weaknesses. It also offers eight recommendations, including the need to reshape the proposal and involve migrant women in policymaking. The study underscores the importance of representing migrant women in policymaking and calls for a re-proposal of the New Pact on Migration and Asylum outside patriarchal institutions.



# Literature Review: EU Migration Policy Regime

Each country in the European Union has a separate policy for migrants. All countries have more or less specific laws on fundamental issues such as residence cards, inclusion in the education system, learning a migrated country's language, joining the workplace, etc. From there, in 2004, the Justice and Home Affairs Council of the European Union adopted a new policy for integrating immigrants. There are 11 common basic principles (CBPs). With these principles, the EU mainly works on fundamental rights (FRA, 2017). This policy is implemented to integrate migrants into society and ensure their basic rights are respected. This policy was adopted to maintain stable economic conditions, maintain social harmony, and facilitate adjustment and adaptability despite cultural differences in European countries. This assists member states in adhering to a set of rules governing migration and migrants.

A large number of migrants to Europe are women. According to 2020 data, about 51.6 percent of women migrated to Europe (Gender and Migration, 2021; UN DESA, 2020). However, there are no suitable laws, regulations, or strategies for integrating migrant women. Even though there are fewer migrant women than migratory men, no program focused on women has been implemented in the field of policy (EC, 2018). In addition to better living arrangements, women are migrating at a relatively high rate to European member states due to reasons such as family reunification (Zlotnik, 2003). While member states have adopted policies for migrants separately, they are lagging in policies focusing on women. Only seven of 32 government systems, including 27 member states, four Belgian regions, and Norway, have adopted policies prioritizing women (EC, 2018). Since there is no specific policy, women are discriminated against in various ways on the board or in the host country. They need to catch up linguistically, financially, and politically. It takes work to arrange a job in the case of employment. Even when working part-time, migrant women face wage discrimination.

For migrant women, there is much publicity for domestic work or as a care worker. Women's positions are different in all sectors, including jobs. At the same time, the impact of migration on

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women is different, but the presence of a gender-based migration policy or law needs to be improved among member states. UN women theorize this lack as "*collecting and analyzing sex-disaggregated data is critical in developing effective gender-responsive policies, programs, and laws that address migration's unique impacts on women and girls*" (Women, U.N. 2020). In addition, in the case of immigration, women get into the hierarchy and status based on gender permits. Subject to the situation and circumstances of the family member, they get permission to stay in the host country from immigration (Briddick, 2021). Furthermore, due to the victims of discrimination in border reception, CEDAW stated in Article 1:

*"Any distinction, exclusion, or restriction made based on sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field."* (Briddick, 2021).

The migration policy affects immigrant women based on the border disparity and what visas are issued. After coming to Europe on a family visa, member states with specific laws and policies for immigrant women focus mainly on language education and social orientation (EC, 2018). So far, before the new pact proposal, all the laws related to migration have been governed by the "Dublin Regulation." This regulation was adopted in 1990 and has been reformed twice since then. The last revision was done in 2013 (Panti, 2021). In the previous reformation, they changed some specific parts and added more things focusing on gender-based status. In the 2013 reformation, they focused on people who were victimized by human trafficking.

Along with sexual violence, it is mentioned that separate opportunities will be arranged for victims who are victims of genital mutilation. Women appear to be more vulnerable to human trafficking, genital mutilation, and sexual violence, especially during times of war, political crisis, and conflict. From that point of view, this arrangement has been made in border reception, focusing on women separately, which is a positive aspect for immigrant women (EMN, 2014). According to Statista statistics, women face higher rates of human trafficking (46%) than men (20%) (Statista, 2023). Additionally, a new action plan under the Women, Peace, and Security Agenda (WPS) was adopted in 2014 after Attorney Suaad Allami, a women's rights activist from Iraq, appealed to the UN. The name of this action plan is the National Action Plan (NAP). A

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total of nine member states agreed to the appeal to protect refugee women and girls from gender-based violence. But even after this reform in 2013, women on the borders of European countries continue to suffer physical and mental exploitation. Sexual abuse and exploitation are prevalent and pose a severe threat to women at the border (Holvikivi & Reeves, 2020).

Many times, immigrant women are forced to spend "alone time" instead of getting basic things, such as clothes and food, from security guards at the border. Here, "alone time" considers sexually pleasing the detention center guards, security checkers, or border guards. Many women are also victims of physical abuse. In that case, pregnant women also have to be victims of this torture at the border. Without a way to get necessities like food and water, women are sexually harassed. Again, women traveling from Syria, Iraq, or other Middle Eastern countries are often introduced by smugglers and human traffickers with the idea of crossing the border quickly and getting a resident permit more easily. By learning about such opportunities, women seek help from smugglers and human traffickers in exchange for sex. If the women say no to such offers or the proposal of physical relations, they often face verbal and physical abuse. They also get beaten by the security guard at the border. They also kept each other in mind when going to the restroom. They also lack medical services at the border reception (Hassan, 2016). Furthermore, migrant men with visas are not required to show a marriage certificate, whereas married women are required. For migrant women, immigration is much more complicated, and they have to show more reliance on paper to travel to Europe (Mwamba, 2018).

After crossing the border, the next thing that comes up is the integration of migrant women into the host country's society. Due to the cultural and social diversity of Europe, the process of this integration is also done according to the top-down model, with all decisions made by the central authority. The government above implements the rules at the ground level (EC, 2018). Immigrants have several indicators for integrating into the host country. Member states take action according to these indicators. Though there is no separate information about women anywhere in these indicators, aside from these, many EU countries have implemented integration policies funded by the European Social Fund, with a particular emphasis on migrant women who are newcomers. Consider the German initiative "Strong at Work," the Swedish initiative "Mirjam," the Irish initiative "Building a Better Future," and so on. Some European member states focus on three different integrations: social integration, discrimination, and access to rights

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and participation in the labor market. However, to keep the economic wheel turning, most member countries focus on refugee women's involvement in the job sector (EC, 2018). The private sector encourages people to start businesses (EC, 2018). At the same time, they mainly consider language courses and social orientation to be the primary needs of women coming for family reunification. There is also a social divide among migrant women. Refugee women are distinguished based on the reason for their migration. Although there are few policies and programs, they do not reach migrant and refugee women due to inadequate publicity and attention. Many women are also deprived of this benefit by prioritizing family and children. European countries have failed to take separate measures for women and men, among other indicators, including social integration. Countries are still lagging in making progress, such as identifying the problem separately for migrant women and adopting a policy accordingly (EC, 2018).

Along with the above description, migrant women are marginalized at every level of society. They face intersectional discrimination in employment, education, health care, host-country politics, policy, and law. Fundamentally, when migrant women are discriminated against, they are paid much less than migrant men. Male migrants, on the other hand, have more job preferences than female migrants (Mwamba, 2018). In addition, sectors of specific jobs, such as domestic work, are unofficially determined for migrant women (Hassan & Meijers, 2022). For such reasons, disadvantages can be seen in the job market, specifically gender-based discrimination and disadvantages (Schieckoff & Sprengholz, 2021). There is also more trust among women in migrant women's participation in the labor force. Migrant women are also constrained by social and cultural diversity. They fall into marginalization (Schieckoff & Sprengholz, 2021).

# **Migrant Women's Presence in the Sub-sections of the New Pact on Migration and Asylum**

Migration is an ongoing process in Europe. It is a process closely related to Europe's way of life, culture, and social system. Along with migration, there is also a significant impact on a European country's financial condition, political status, and social condition. There is also a substantial effect on a European country's financial, political, and social conditions. To deal with such influential issues as migration and keep European countries' rules, the European Commission has also adopted the migration law in the past. However, due to the large-scale arrival of migrants in Europe in 2015–16, facing unstable conditions, the European Commission proposed a New Pact in 2020. This new pact on migration and asylum will serve as a beacon of hope for the future of the European Union and the countries included in it. The European Commission proposed this new pact, considering issues such as turning migrants into skilled labour, balancing Europe's socioeconomic aspects, ensuring the security of fundamental human rights, and ensuring security issues. This new pact on migration and asylum will serve as a solid policy to face all problems related to future migration and migrants.

The presence of women as immigrants in Europe has also increased. This chapter describes the representation and presence of migrant women in the New Pact on Migration and Asylum subsections. In particular, it examines how women are addressed in policy proposals on border controls, asylum procedures, reinstatement, legal immigration routes, and integration systems. This chapter highlights the overall view of the seven sub-sections as the European Commission focuses on and prioritizes women migrants, women's rights, and fundamental human rights.

The proposal is divided into seven subsections by the EC to outline the specifics of the new pact on migration and asylum. The first sub-section is on ensuring a common European framework for migration and asylum. The focus is adapting a common European framework among member states on border reception, screening, return policies, and asylum management. Under these subsections, the EC divided the common European framework into six sections to describe the

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regulations and guidelines. This helps to significantly understand the views of the EC on migration and asylum management and find out the border reception. The following sub-section is about robust crisis preparedness and responding accordingly in a systematic way. After border management, some crises might need to be handled quickly, and the steps for acting accordingly must be prepared beforehand. In this sub-section, there will be a description of preparedness and responses taken at the time of crisis, specifically for migrant women.

The following sub-section focuses on border integration management to ensure strong IT support, an adequate EU external border, a common European framework for searching and rescuing migrants, and a common Schengen area for tackling situations together with solidarity and resilient relations. The following subsection discusses active action against migrant smugglers. Migrant smuggling is a big issue at EU borders and in member states. The objective is to enhance cooperation and support the endeavors of law enforcement in thwarting illegal immigration and combating criminal syndicates, all while complying with the Security Union Plan of the European Union. The following sub-section is a proposal for working collaboratively with EU international partners. This sub-section is that the European Union forge strong ties with its global allies to manage and address migration-related problems, emphasizing migration policy. For the EU, action alone on this issue is never satisfactory. Adequate security, management, and coordination, specifically on migration, require a stable and impactful relationship with international partner countries. At the same time, ensuring robust security, a support system for those in need and host countries, opening a field with an economic opportunity, an integration system, the legal process for entering Europe, finding out the leading cause of an unstable migration system, etc., will be given priority.<sup>1</sup>

The following sub-section is to create a field for skilled international workers, specifically from third-world nations, and attract them to the EU as per the critical shortages.<sup>2</sup> This fills the

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<sup>1</sup> This aligns with the concept of international skills alliances, where two countries come together to cooperate in enhancing the competencies of individuals who might relocate from one nation to another. Prior to the relocation, the receiving country takes an active role in developing human resources. Sources: The European Commission, 2020, "Communication from the Commission on a New Pact on Migration and Asylum,"

<sup>2</sup> European Commission, (2020), Eurostat (online data code: [migr\\_pop1ctz](#)). "Communication from the Commission on a New Pact on Migration and Asylum", [EUR-Lex - 52020DC0609 - EN - EUR-Lex \(europa.eu\)](#).

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European member states' shortage in specific job fields with skilled and talented immigrants.<sup>3</sup> Integration into society is one of the problems associated with migration. By promoting migrant integration, this plan reinforces social inclusion even more. Immigrants and those closest to them must join the larger EU initiative to enhance social cohesion. The EU has increased its assistance to member states and other relevant parties since putting the 2016 Action Plan into effect, even though individual member states are primarily responsible for integration policy.<sup>4</sup> This New Pact on Migration and Asylum outlines fair, effective, and sustainable European migration management. The EU must show that it is committed to completing the New Pact more impactfully. The only way to prevent the unstable situations in the EU from happening again is to set up an adequate system for the task at hand. The only way to have the necessary influence on migration management is through a uniform European framework, which is the next step mentioned in the proposal. Below is a descriptive discussion of these sub-sections to help understand the overall motto of this proposal.

### **Common European Framework for Migration and Asylum Management**

2015–16 was a time of turmoil, with many migrants and refugees coming to Europe differently.<sup>5</sup> This crisis created an unstable situation for member states to tackle migrants and refugees in a coordinated manner. Keeping in mind two things, solidarity, and management, the EU agencies and member states came together to share the responsibility of facing the situation related to migration and refugees, border reception, and immigration. Even if decisions and actions were taken, there remains a gap in their proper implementation. Even member states have their policies and return policies on migration and refugees. As a result, all member states had to face obstacles to equal policy implementation. Because of this, it was believed that there was a need for agreement and cooperation to properly enact migration policies with only member states and non-EU countries.

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<sup>3</sup> Gilles Spielvogel & Michela Meghnagi, (2018). "The contribution of migration to the dynamics of the labour force in OECD countries: 2005-2015," OECD Social, Employment and Migration Working Papers 203, OECD Publishing. DOI: 10.1787/a301bef8-en, Mentioned in the proposal with reference too.

<sup>4</sup> Source- Huddleston, T. (2016, July 6). *Europe: Integration Action Plan of Third-Country Nationals launched*. [https://ec.europa.eu/migrant-integration/news/europe-integration-action-plan-third-country-nationals-launched\\_en#:~:text=The%20EU%20Integration%20Action%20Plan%20of%20Third-Country%20Nationals,operational%20and%20financial%20measures%20the%20Commission%20will%20implement.](https://ec.europa.eu/migrant-integration/news/europe-integration-action-plan-third-country-nationals-launched_en#:~:text=The%20EU%20Integration%20Action%20Plan%20of%20Third-Country%20Nationals,operational%20and%20financial%20measures%20the%20Commission%20will%20implement.)

<sup>5</sup> Because the Syrian war, the Afghanistan war, the Boko haram insurgency in Nigeria, and political instability in Middle Eastern countries pushed people to migrate to Europe, the most popular option they had was to enter Europe along with a vision of leading a good life.

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Determining how to tackle the core of the present gaps and problems raised in discussions since 2016 following migration and refugees, including those involving solidarity, requires a systematic approach that acknowledges collective responsibility for EU and non-EU countries. This strategy was constructed focusing on the achievements made since 2016. However, they had a vision to additionally set up a frequent European framework, take care of immigration and asylum requests more effectively, set up a new cooperative mechanism, and make other improvements. Standardizing welcoming stipulations would enhance the effectiveness and dependability of border-crossing procedures.<sup>6</sup> The reason for proposing this New Pact to manage, organize, and cooperate with the policies related to migration and asylum is to operate according to a specific structure, make international protection grants, and make the work of human rights agencies easier and smoother. In 2016 and 2018, these policies regarding migration and asylum were reformed. However, this new pact is different from the previous reformation. Instead, this pact is for well-balanced, smooth future migration and asylum policies.<sup>7</sup> One of them is to develop a shared framework that emphasizes migration and asylum management while maintaining cooperation with all partner countries and European member states.<sup>8</sup> However, in some ways, there was no specific presentation of migrant women in this reformation or new steps toward migration and asylum. When proposing the New Pact, the EC<sup>9</sup> divided this common framework into six procedures to portray the views separately based on different aspects and impacts of migration on society, people, databases, responsibility, and understanding. I try to discuss if there is any representation of migrant women in these six specific procedures in the common European framework.

### **New Procedures to Establish Status Swiftly on Arrival**

The prerequisite for the creation of the Common European Framework is the action taken at the time of migrants' arrival. In this proposal, the European Commission proposes to take adequate and appropriate steps separately to address the gap in border control and migrants' arrival and

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<sup>6</sup> European Commission, (2020), "Communication from the Commission on a New Pact on Migration and Asylum", [EUR-Lex - 52020DC0609 - EN - EUR-Lex \(europa.eu\)](#)

<sup>7</sup> European Commission, (2020), "New Pact on Migration and Asylum - Building on the progress made since 2016: Questions and Answers", [Building on the progress made since 2016: Q&A \(europa.eu\)](#)

<sup>8</sup> European Commission, (2020), "Communication from the Commission on a New Pact on Migration and Asylum", [EUR-Lex - 52020DC0609 - EN - EUR-Lex \(europa.eu\)](#)

<sup>9</sup> European Commission, (2020). "Communication from the Commission on a New Pact on Migration and Asylum", [EUR-Lex - 52020DC0609 - EN - EUR-Lex \(europa.eu\)](#)



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return policies, like the gap in other sectors of migration policy.<sup>10</sup> It is also mentioned that a separate procedure for screening at the border should be ensured. As soon as migrants reach the border, the Commission has proposed taking pre-screening and other measures. Where the primary processes, including what is known as migrant health checkups and registrations, have been kept in mind, especially with migrants coming from third countries. On top of that, at the second step of screening, it would be helpful for the health care providers to identify the origin of the migrants, find out the safe origin country, and treat them according to their health in the safe country zone.

Furthermore, the proposal also mentions that assistance should be arranged separately for each migrant from the place of fundamental rights. For relatively weak, backward migrants, attention will be paid to them separately at the border. At the same time, from prescreening to border crossings, member states<sup>11</sup> will continue to work closely to ensure fundamental rights, ensuring the presence of a fundamental rights agency.<sup>12</sup>

### **A Common Framework for Solidarity and Responsibility Sharing**

The common European framework on the asylum system was reformed explicitly in 2016, and the Dublin Regulation needed more to run. This new pact will be a much broader and more descriptive instrument for managing migration and asylum regulations and will replace the Dublin Regulation to work precisely. An integrated approach to migration issues and asylum policy ensures a distribution of responsibility. It effectively handles mixed arrivals of people needing international protection and those who have yet to be mentioned. The New Pact also ensures that everyone contributes through solidarity so that the real needs caused by irregular migrant and asylum-seeker arrivals are handled not by individual member states alone but by the EU. This includes creating a new solidarity mechanism to embed fairness into the EU asylum system. According to the European Court of Justice, "solidarity" implies that each member state should contribute.

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<sup>10</sup> European Commission, (2020), “ New procedures to establish status swiftly on arrival” in “Communication from the Commission on a New Pact on Migration and Asylum,” [EUR-Lex - 52020DC0609 - EN - EUR-Lex \(europa.eu\)](#)

<sup>11</sup> European Union Member States.

<sup>12</sup> Agency works on Fundamental Rights in the European Union. This is an Agency of the European Union, established on March 1, 2007.

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Under this new solidarity mechanism, the focus is on the relocation of migrants and returning policies, along with sponsorship. Based on some specific criteria, such as the origin and nationality of the migrant, it implies that they should be returned. In this case, member states help each other by providing contributions for relocation or returning them with sponsorship. Member states discuss and have the right to decide about this matter themselves. Besides that, the solidarity contribution also focuses on enhancing capacity, aiding in operations, providing technical and operational understanding, and helping with external migration facts. Concentrating on search and rescue, the Commission also proposed a "short-term projection," where a specific number of migrants would be relocated to other member states with all the associated circumstances, such as expenses, job permits, skilled labor, etc.

This is another term called "responsibility sharing." In this way, relocation would be more accessible inside the EU member states, and short-term projections would be helpful yearly. This pact also focuses on the motive of shifting regulations and is responsible for caring for the applicant or migrants when moving and after relocation. If they are not careful at the time of shifting and if loopholes remain in the policy and regulations, then applicants can run away because they need more robust procedures, motives, and protection. Additionally, the Commission said that member states should prioritize providing international protection and enforcing required residency laws. Doing so facilitates immigrants' societal integration and makes it easier for them to obtain permanent residency.

### **Mutual Trust through Robust Governance and Implementation Monitoring**

The first and foremost things to emphasize in this New Pact are to work on border management, asylum procedures and returning those who have no right to be in Europe following the return policy. Along with these, focusing on an effective integration system for the migrants in the local community should also follow. The Commission has hoped for mutual trust, resiliency, and support throughout its existence, which will help achieve those goals. With this sort of shared understanding, member states will be better able to prioritize their interests and policies while preparing for potential dangers and possibilities in managing migration.

It is also crucial that European Union authorities promote more excellent monitoring and operation. The Schengen evaluation mechanism and the European Border and Coast Guard Agency (Frontex) vulnerability assessments are two systems of quality control connected to



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strategy to eliminate human trafficking, as outlined in the Security Union Strategy<sup>16</sup>, will place a specific emphasis on quickly identifying potential victims who do not belong to the EU. The Commission is making strategic measures in advance to deal with these traffickers and troublemakers.

### **An Effective and Common EU System for Returns**

Starting with border reception and asylum, after focusing on all the issues related to integration, the thing that comes up is the return policy. Not all migrants who migrate have the right to live in Europe; they must return under the Return Directive. The Commission mentioned that it would create more logical credibility to implement the migrant policy more correctly. Through the new pact, a similar set of rules on returning migrants will be provided for each country. The rewritten Return Directive and efficient operational assistance, mainly that provided by Frontex, should be the foundation upon which it is developed. Asylum and Migration Management Regulation will motivate the establishment of relations between Europe and third countries in different aspects.

To successfully implement the return policy, the Commission proposed recreating the 2018 proposal as “The Return Directive.”<sup>17</sup> With this return policy, any kind of problem, such as migrants who disappear, do unauthorized work, or assist host countries, will be under the specific policy, preventing such possibilities from happening and allowing for the use of detention centers to address issues with public order and security concerns and evaluate each case with a set of standards. This will also encourage those migrants who would like to return to the host country sustainably. Additionally, the commission is willing to work with other institutions on the asylum and return procedures so that the existing inconsistencies in the migration and asylum procedures can be reduced and the focus on specific regulations can be undisturbed.

To make the return policy more strategic and stronger, Frontex needs support. This way, Frontex will take care of the EU borders of host countries, coastal areas, and all procedure steps, from

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<sup>16</sup> EU security union strategy. (2020). [PPS - The EU Security Union Strategy \(europa.eu\)](#)

<sup>17</sup> The European Commission published a revised proposal of the Return Directive in September 2018 that proposed a mandatory return border procedure, linking return and asylum policy for the first time. This proposal would have sped up the process by issuing a single administrative decision for both the rejection and return decision. Source- Team, P. (2021, December 12). EU Asylum Returns Policy throughout the years: a move towards restriction or harmonization? - 89 Initiative | The first European think-do tank. 89 Initiative | the First European Think-do Tank. <https://89initiative.com/eu-asylum-returns-policy-throughout-the-years-a-move-towards-restriction-or-harmonisation/#:~:text=In%20September%202018%2C%20the%20European%20Commission%20published%20a, and%20return%20decision%2C%20thus%20speeding%20up%20the%20process.>

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finding an irregular stay to readmission and reintegration in a foreign country. By connecting operational cooperation with Member States and efficient readmission cooperation with third countries, the agency can realize its full potential to support the return policy. The commission will appoint a return coordinator for proper governance, with support from a brand-new high-level return network. The coordinator will provide technical support to connect the various components of the EU return policy. An operational strategy centered on returns will provide a strategic focus. More of it: By advancing the 2018 return directive, the EC encourages a more voluntary return and reintegration system to manage the asylum and migration legislation properly.

### **A new Common Asylum and Migration Database**

A consistent movement and shelter process is needed to legitimize necessary data administration. Eurodac<sup>18</sup>, whose work is to keep data on the migrants wherever they are staying in Europe, should further develop those data to support the Common European Framework. In the 2016 reform proposal on asylum and migration regulation, the Eurodac database would be expanded. Tracking unpermitted motions, addressing irregular migration, and enhancing returns would all benefit from an upgraded Eurodac. The revised strategy would help national authorities deal with asylum seekers whose applications had previously been rejected but may reapply in another Member State. It would also help create the necessary connection between asylum and repatriation processes. It might also be used to track assistance for voluntarily leaving and reintegrating. Updating the Eurodac will be fully compatible with the border management database.

### **A Robust Crisis Preparedness and Response System**

After the unstable migration and asylum system that Europe faced in 2015, the European Union is much more stable. It has replaced migration and asylum procedures with prior preparation, firm policies, and solidity as necessary subjects due to the current Common Framework. But despite this stability, many problems related to migration and asylum still exist, and considering the future of these unexpected problems, the Commission proposed a new pact in 2020. While the EU has all the measures to prepare for and face the crisis, according to the Commission, this

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<sup>18</sup> Eurodac has kept the migrant's fingerprints and where they were taken since they were established in 2003. Source- Demography, M. A. (2003, January 1). EURODAC (European Asylum Dactyloscopy Database) | Knowledge for policy. [https://knowledge4policy.ec.europa.eu/dataset/ds00008\\_en](https://knowledge4policy.ec.europa.eu/dataset/ds00008_en)

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flexibility and preparedness must be strengthened further. One way to do this is to learn from practical examples and take action on that basis. In this regard, it has proposed and commissioned a blueprint for preparedness and the migration crisis. The Blueprint<sup>19</sup> creates a framework for crisis preparedness and response planning and advocates for continuing assessment of Member States' capacity. Operational support would be dispatched at the request of a Member State from both EU agencies and other Member States. Building on the hotspot strategy, this would make use of previous emergency preparedness and civil protection expertise.

The Commission also proposed to launch a new legislative instrument, which will provide a flexible situation for member states to face crises and emergencies. This will help member states prepare in advance and follow the legislative instrument properly. Following the instrument properly, the solidarity that the Commission is focusing on will be significantly established. Additionally, with the new enlargement of possibilities, the number of irregular migrants, relocations, and return sponsorships will be easily manageable. For immigrants in an immediate manner, the guarantee of protecting migrants under the Temporary Protection Directive is also proposed in this New Pact.<sup>20</sup>

## Integrated Border Management

This sub-section talks about operating the external borders of the European Union in a certain way and under the Common Policy. As a result, all matters related to the external border will not have to be managed separately, and it will be easier to integrate the border. It will help the EU and member states work together on migration and asylum policies. The commission presented border management by creating four more sections under it to explain this integration policy and border management.

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<sup>19</sup> Blueprint is a recommendation from the European Commission on an EU-common framework for Crisis Management and Preparation in Relation to Migration. Source- European Union. (2020, October 1). "Migration Preparedness and Crisis Blueprint," Lex - 32020H1366 - en - EUR-lex. EUR. Retrieved March 31, 2023, from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020H1366>

<sup>20</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. Source- EUR-lex. (2001, August 7). 32001L0055. EUR. "Temporary Protection Directive", Retrieved March 31, 2023, from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32001L0055&qid=1648223587338>

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### **Stepping up the Effectiveness of EU External Borders**

Effective border management must share the same policy to tackle any issues, like unauthorized movement, that the migrants may create. This will create an unstable and complex situation for the EU, its member states, the Schengen area, and EU agencies. The Commission proposed focusing on external border management so that national member states do not have to control their internal borders separately. Till now, the European integrated border management system has been controlled directly by the member states' border and coastguard authorities and Frontex. Whereas for policy implementation, the European border and coast guard work significantly.

Taking a step towards this combined progress on asylum and migration, the European Commission has also proposed to launch a "preparatory process," which will give a proper framework and guidelines to all kinds of EU agencies and member states. A Frontex-developed technical and operational strategy will be set out. In this approach by the Commission, the European Parliament and Council will be involved in the discussion. The EU must be able to assist individual countries at the external border quickly, effectively, and adaptably.

A yearly report from Frontex is also essential to get up-to-date information and take action accordingly. The new regulation offers a considerable improvement in the EU's capacity to respond to various circumstances at the external borders by establishing a standing force of operational staff made up of individuals from the Agency and Member States. The EC also mentioned posting the first of this vertical force on the first day of the year 2021.

### **Reaching Full Interoperability of IT Systems**

After ensuring proper policy and regulation at the external border, an effective IT system is essential for providing correct and up-to-date information about migrants and applicants. This will help keep track of information on migrants' legality of staying and identify any unauthorized movement, according to recent data. The IT system will keep and share data among member states and EU agencies. As per the proposal, by the end of 2023, the new and improved Schengen Information System and these other systems must be fully operational and interconnected. Eurodac will also work to prevent illegal migration and identify unauthorized travel inside the EU. Digitalizing the visa process by 2025 has also been mentioned as a way to make the visa process more accessible. Furthermore, to support member states and agencies, the Commission proposed sending an alert related to migration and asylum as soon as possible, with possible

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precise movements to take. All the information will be secured by a "bi-annual high-level implementation forum" created by top coordinators from Member States, the Commission, and the agencies.

### **A Common European Approach to Search and Rescue**

Even with proper IT systems and regulations for an adequate external border, crossing the sea is one of the most common and dangerous ways to enter Europe—Primarily the Mediterranean Sea. Since 2014, the number of migrants crossing the EU border has overflowed. To receive and rescue this migrant, who crossed the sea by a small boat, ship, or any other risky manner, Frontex and EUNAVFOR MED Sophia<sup>21</sup> jointly have operations named Themis, Poseidon, and Indalo. Under these coordinated operations, the rescue mission has been running since 2015. Following international law, helping individuals in need at sea is a moral obligation.

Alongside the relocation system, a more reliable solidarity disembarkation method is required, one that will continue to offer the operational assistance and proactive coordination the Commission mentioned. They will rescue and relocate those migrants, help confirm the support, and reduce the need for any last-minute problem fixation. As an assistant, Frontex will be there to share marine resources with the member states, improving Frontex's potential to save lives at sea in the process. The Commission also mentioned the involvement of the private sector. On the one hand, those privately owned vessels or private actors will help to rescue individuals; on the other hand, they will be part of the cooperation and coordination with the migration management for the EU.

Additionally, the Commission offers a specific direction to constructively implement EU rules on illegal entries, transit, and residence, which criminalize humanitarian workers. To reduce and avoid illegal entry, transit, and journey smuggling, the Commission will cooperate with third-world nations, their partner countries, and precisely the origin of migrants. To avoid smugglers and human trafficking, the Commission has proposed and decided to take steps accordingly.

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<sup>21</sup> The core mission of the mission was initially to combat criminal smuggling in the Central Mediterranean. Source: Mittelmeer—EUNAVFOR MED Operation Sophia (2022). <https://www.bundeswehr.de/de/einsaetze-bundeswehr/abgeschlossene-einsaetze-der-bundeswehr/eunavfor-med-operation-sophia>



### **A well-functioning Schengen Area**

The Commission has proposed strengthening consistency in asylum and migration procedures to improve the speed at which the Schengen area can operate. The Commission described quick controls at the border only for a particular time or a specific timeline to address border problems. Based on these temporary controls, the Commission proposed using the Schengen Borders Code in this new pact. And made decisions regarding the negotiation stage of the 2017 Commission proposal. Understanding the policies and management regarding asylum and migration will be helpful, and proper implementation will be much easier and more prompt. Cooperation from the member states is also required in this procedure.

There are other alternatives to internal border controls, such as police inspections, which may be pretty successful. Readmission agreements between Member States still exist, which might be implemented more successfully. The Commission will promote the measure to strengthen the Schengen border.<sup>22</sup> To encourage more direct collaboration and greater confidence, the Commission will set up a specific Schengen Forum with participation from the appropriate national authorities, including the Ministries of Interior and border police at the national and regional levels. On a year-round basis, the decision and observation should be formatted to garner political support from member states.

### **Reinforcing The Fight Against Migrant Smuggling**

For the sake of profit, organized smuggling entails the exploitation of migrants without any regard for human life. Furthermore, this illegal behavior undermines the EU's goals for managing migration and its humanitarian goals. To prevent this kind of unhumanitarian movement in the EU, there is a new action plan in place from 2021 until 2025 against whoever is related to smuggling the migrants. Along with tackling smuggling, the EU's Security Union will also work

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<sup>22</sup> Measures signify the Schengen internal border crossing and police inspection. Source- Council of the European Union, (2017, 12<sup>th</sup> of May), C(2017) 3349 final, "COMMISSION RECOMMENDATION of 12.5.2017 on proportionate police checks and police cooperation in the Schengen area", [https://www.bing.com/ck/a?!&&p=631f4c00495b3310JmltdHM9MTY4MDMwNzIwMCZpZ3VpZD0wMjAxYjRjZC1kMjIzLTZtMzZ5My1hNTRiZDYyMzYwZDQmaW5zaWQ9NTE2NA&ptn=3&hsh=3&fclid=0201b4cd-d223-66e7-3893-a54bd62360d4&psq=+++C\(2017\)+3349+final+of+12+May+2017+and+C\(2017\)+6560+final+of+27+September+2017&u=a1aHR0cHM6Ly9kYXRhLmNvbnNpbGIlbS5ldXJvcGEuZXUvZG9jL2RvY3VtZW50L1NULTg4OTktMjAxNy1JTklUL2VuL3BkZg&ntb=1](https://www.bing.com/ck/a?!&&p=631f4c00495b3310JmltdHM9MTY4MDMwNzIwMCZpZ3VpZD0wMjAxYjRjZC1kMjIzLTZtMzZ5My1hNTRiZDYyMzYwZDQmaW5zaWQ9NTE2NA&ptn=3&hsh=3&fclid=0201b4cd-d223-66e7-3893-a54bd62360d4&psq=+++C(2017)+3349+final+of+12+May+2017+and+C(2017)+6560+final+of+27+September+2017&u=a1aHR0cHM6Ly9kYXRhLmNvbnNpbGIlbS5ldXJvcGEuZXUvZG9jL2RvY3VtZW50L1NULTg4OTktMjAxNy1JTklUL2VuL3BkZg&ntb=1)

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to ensure law enforcement. The European Migrant Smuggling Centre of Europol, Frontex, Eurojust, and the EU Agency for Law Enforcement Training will all assist in implementing the action plan. New policies and improved inter-agency coordination will address challenges in financial investigations, asset recovery, document fraud, and emerging phenomena like digital smuggling.

The current rules that are working to suppress migrant smuggling are an impactful and functional framework. By providing proper guidance on implementing the counter-smuggling provisions, the Commission proposed that they clarify that there is no criminalization by giving private persons a legal obligation to save migrants who are distressed at sea. Besides getting rescued by private actors, sometimes to get legal advice or a residence or work permit in the EU, smugglers are a threat to migrants as well. To ensure an effective work permit and well-organized implementation of the Directive and to coordinate the actions of the national authorities, the Commission also proposed a cooperative relationship with the European Labour Authority. As part of a broader partnership with significant third countries, the new EU Action Plan on Migrant Smuggling will promote collective beneficiary interests between the EU and third countries through targeted counter-migrant smuggling partnerships. This will help to reinforce the migrant's origin nations and transit nations in building their foundations, both operational and legal, therefore promoting efficient action by the police and judicial systems.

The Commission and Europol will intensify their collaboration in the Western Balkans, whereas Europol individually will work on something similar with Turkey and other neighboring nations. Operations and missions under the Common Security and Defense Strategy that fight against smuggling or irregular migration as a component of their tasks will continue to make a significant contribution. Operation EUNAVFOR MED IRINI is now underway in the Central Mediterranean and aids in dismantling smuggling networks. It supports current missions like EUCAP Sahel Niger and EUBAM Libya. The European network of immigration liaison officers will become even more consolidated with the full implementation of the regulation, strengthening the effort to combat smuggling.

### **EU External Partnership**

Most migrants migrate for several reasons, and their common origins are mainly developing nations. Making sure that migration policies are effective and keeping the best interests of

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partner nations, the EU, and refugees and migrants together by putting their interests first, the EU and partner nations' central discussion topic will be migration. Engaging with partner nations will increase cooperation in all spheres under the New Pact. As soon as possible, the Commission and the High Representative will begin working with Member States to implement this strategy through communication and collaboration with partner countries. The Commission described building relations with partner nations specifically in six additional sections.

### **Maximizing the Impact of the EU International Partnerships**

With a high priority on migration, the EU will have to have a comprehensive partnership with partner countries. To ensure the policy is implemented correctly, time and flexibility will need to be adjusted according to the situation and challenges. Furthermore, the responsibilities must be distributed accurately so that all actors know their duties. According to the proposal, with the help of particular frameworks, dialogues, and collaborations with groups, such as the African Union, the EU should build on the significant progress already achieved at the regional level. To focus on progress and irregular migration, a stable economic situation for young people from partner countries needs to be intensified. As with irregular migration, specific areas like the Western Balkans need an appropriate approach.

An arrangement with Turkey about hosting refugees in the 2016 EU-Turkey Statement also helped to sustain EU funding in some capacity. This specific, significant, and suitable formation example will help the EU focus on relationships with partner countries and build a more mature and wide-ranging relationship. This must be an essential part of a cooperation vision based on mutual interests to support the development of more robust, more resilient economies that provide local citizens with growth and employment while reducing pressure on illegal migration due to the previous regulations. Resources must match the needs of increased international engagement by the EU and be sufficiently flexible in adapting to current circumstances.

### **Protecting those in Need and Supporting Host Countries**

Humanity, unbiasedness, open-mindedness, and sovereignty are fundamental principles for the EU's work in meeting emergency and humanitarian needs. The EU mentioned helping those migrants in the New Pact, along with the partner countries, to make an impactful implementation of the migration and asylum regulations and management. The most vulnerable individuals were able to flee dangerous situations thanks to the humanitarian evacuation of migrants from Libya to

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Emergency Transit Mechanisms in Niger and Rwanda for further resettlement. Helping refugees impacted by the Syrian conflict and the nations that are receiving them will remain crucial. Situations similar to those in Turkey, Lebanon, Jordan, and Iraq have benefited from the EU's Facility for Refugees. The EU mentioned running this sustainable support for those in need, specifically the partner countries and neighbors of the EU.

### **Building Economic Opportunity and Addressing the Root Causes of Irregular Migration**

The initial reasons for migration and the underlying causes of forced displacement and illegal migration are elaborate and complicated. Migration is methodically considered a priority for programming the Commission's next generation of external policy instruments. By giving millions of workers and farmers worldwide employment and opportunities, trade and investment policies already help address core issues. According to the New Pact, increasing investment through programs such as the External Investment Plan may significantly boost economic growth, jobs, and development. The EU will execute these policies and regulations wherever needed and will be efficient in implementation. All the implementations will be run according to the New Pact.

### **Partnerships to Strengthen Migration Governance and Management**

Along with managing migration inside the EU and member states, the EU needs to monitor the proper implementation of migration and asylum policies in developing nations. Strategic communication and other tools will be used more extensively to combat misinformation while educating people about the prospects for legal migration and outlining the dangers of irregular migration. Additionally, based on context and circumstances, the EU can support partner nations in enhancing their border management capabilities, as demonstrated through fruitful cooperation in the fight against migrant smuggling, where joint investigation teams can access hands-on expertise from national administrations.

For asylum management, working with a third nation or developing nation is packed; hence, in the future, with the new pact, a new door will be opened to have systematic migration management that cooperates with third countries. Building on existing collaboration with UNHCR and IMI, for example, the new EU Asylum Agency will be able to help third countries develop capacities and operational support for resettlement schemes within the Union and its Member States.

### **Fostering Cooperation on Readmission and Reintegration**

Member States' efforts in readmission must be reinforced by new efforts to strengthen readmission cooperation with other countries to ensure the sustainability of returns. This entails several measures, including the full and efficient implementation of all existing EU readmission agreements and arrangements with third countries, an end to ongoing readmission negotiations, the beginning of new talks as needed, and practical and mutually beneficial solutions for increasing adequate returns. The Commission will evaluate the degree of third-country cooperation on readmission at least once per year based on data supplied by the Member States and submit its findings to the Council. Every member state may also alert the Commission to request an informal review if it has significant and ongoing practical issues while coordinating readmission with a third nation. Following an evaluation, the Commission may suggest applying tight visa restrictions.

The proposal to create a sustainable asylum procedure and systematic assessment also includes a new kind of visa-free entry for the Schengen+ area and putting third countries outside the Schengen+ area on the visa-free list. The Commission mentioned that a cooperative and joint effort is needed to make this possible. New approaches to third countries will constitute an essential component of the future Voluntary Return and Reintegration Strategy.

### **Developing Legal Pathways to Europe**

The EU's standard immigration policy must consider the interdependence of Member States' labour markets and the integration of the EU economy. They ought to assist member states in using their EU membership as a tool for luring talent. The Commission proposed two years under an ad hoc scheme to ensure smooth resettlement in the EU. Due to COVID, that scheme took much work to fulfill by 2021. That's why the Commission also proposed to extend the timeframe starting in 2022. From 2022, Member States will be invited by the Commission to make commitments. These will get funding from the EU budget and include additional avenues for protection, such as humanitarian admission plans and policies like education- or employment-related programs. To create a European model of community sponsorship that can improve integration results over the long term, the EU will also help Member States that desire to establish community or private sponsorship schemes through finance, capacity building, and knowledge exchange.

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Furthermore, the Commission will build stronger talent partnerships supporting legal migration and mobility with more critical partners. The Commission also suggests specific regions where the Talent Partnership might launch first. This will bring together a comprehensive EU political framework. The Talent Partnership will be a significant framework for all stakeholders to contribute to external relations, home affairs, research, and education.

### **Attracting Skills and Talent to the EU**

The EU's interests align with the work on legal routes being carried out with third countries. Europe's population is gradually decreasing.<sup>23</sup> Along with the anticipated pressure on the labor market structure, regional and sector-specific skills shortages exist in the health, medical, and agricultural industries. The newly revised Skills Strategy for Europe acknowledges how legal immigrants contribute to closing skills gaps and boosting the vitality of the EU labour market.

In a joint statement with the Commission, the European Social and Economic Partners have emphasized the potential of migrant workers to support the green and digital transformations by supplying the necessary skills to the European labor market. Hence, the EU needs more talent in its workforce than in the global context. To tackle this situation, member states must decide how many people to take on for work purposes. Based on their requirements and needs, the EU will try to support them through the immigration system and businesses with the best chance of obtaining the skills. This proposal has introduced a new EU-wide scheme to create a compelling and flexible working scheme in the EU and its member states. Recognition of high-level professional qualifications and appropriate experience should be possible under a new EU-wide scheme. To capitalize on migrants' abilities and promote their assimilation into EU societies, it should also be inclusive, covering groups like highly skilled recipients of international protection. The Commission also requests that the European Parliament and the Council wrap up these discussions as soon as possible to find a consensus.

Making a pathway for international students and researchers who come to the EU in both a legal and skilled manner will help boost the economy and sustainability. Though there are different

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<sup>23</sup> There is a prediction and measurement of European countries will face a vast number of populations decreasing. Source- Bello, C. (2023), "In data: The EU faces a major demographic decline with 27.3 million fewer people by 2100 using Bayesian", 5<sup>th</sup> of April, 2023, [In data: The EU faces a major demographic decline with 27.3 million fewer people by 2100 | Euronews](#)

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ways to improve the legal migration system, fragmentation, less coverage from the EU, and complexity in the procedures make the system rigid. To ensure effective and impactful implementation, the Commission proposed ensuring the present framework is fully and successfully running by stepping up collaboration and communication with Member States. To ensure that, the Commission proposed three new sets of measures to respond to any obstacle regarding the need for the EU. They are based on the long-term residence, single entry, or single permit directive and continue researching the EU Talent Pool for qualified workers from other countries. A public consultation has also been launched by the Commission to provide support to those in need and engage migrants.

### **Supporting Integration for More Inclusive Societies**

Making sure that everyone legally in the EU may participate in and contribute to European countries' welfare, benefits, and cohesiveness is an essential component of a healthy and equitable migration management system. Effective integration benefits the involved people and the local communities and positively impacts the economic sector and social bonds. This will set a favorable example for the EU, its member states, agencies, and the Commission to have effective migration and asylum management in the EU. The broader EU objective to promote social inclusion consequently includes integrating migrants and their families as a significant component. Although Member States are principally responsible for integration policy, the EU has increased its assistance to Member States and other pertinent stakeholders since adopting the 2016 action plan.<sup>24</sup> Following this action plan, the Commission plans to adopt another action plan for 2021 through 2024, in line with its priority of promoting Europe's way of life. Along with Europe's benefit, the migrants' well-being and security will receive priority. The initiatives will encompass the whole spectrum of measures required to help migrants and their families along the path to effective integration and social participation. They will also include direct support for those operating "on the ground." To promote this action plan and integration, the Commission is consulting on every aspect related to migrants. Besides ensuring migrants' participation and involvement in developing migration policies, the Commission has established

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<sup>24</sup> An Action Plan on the Integration of Third Countries nationals was presented by the European Commission in June 2016, which sets out 50 actions to support Member States and stakeholders who want to promote migration integration. Source- European Commission, (2016), "Implementation of the 2016 Action Plan on Integration", [Implementation of the 2016 Action Plan on Integration | European Website on Integration \(europa.eu\)](https://ec.europa.eu/europeaid/en/implementation-of-the-2016-action-plan-on-integration)

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an unofficial expert panel on migrant perspectives. Contributing to preparing an action plan on integration and inclusion will be one of the main tasks of this informal expert. At the same time, it can also provide advice and guidance for the Commission in developing and implementing initiatives across all areas of migration and asylum.



# Migrant Women in the New Pact on Migration and Asylum: A Critical Analysis

Europe is a center for migrants. About 2.3 million migrants arrived in Europe in 2021. This was also 18 percent higher than the total number in 2020 (Eurostat, 2021). The European Union has various laws and regulations focusing on migration and asylum. However, due to the failure of the previous law on migration and asylum, the commission has proposed a new pact, which is also doubtful whether it is giving representation and priority to migrant women properly. In the previous chapter, the issues in this new pact explain descriptively. In this chapter, the new pact highlights critically the migration and politics scholarship on the representation of migrant women, along with the views of scholars, various organizations, and NGOs. At the same time, the policy gaps in migration and asylum procedures for migrant women in the new pact explain.

## **Solidarity: The Inefficiencies of Mutual Trust and Implementation-**

Focusing on the Common European Framework in the EU, the first thing proposed is securing border screening to collect primary data from the beginning. Here, primary data means migrant health check-ups, origin, and registration. However, the Commission mentioned the policy gap in the previous migration and asylum procedures. Amid this gap in this migration policy, as well as in the case of screening, women have yet to be identified separately. In this manner, there is no mention of any information about how migrant women will be monitored for health and identification or whether there will be any separate health examination system or identification for them in prescreening and after the screening. Additionally, suppose there is an uncertain vulnerability or emergency medical condition. In that case, there is no mention of any policy or regulation on how migrant women will be treated and cared for.

Migrant women get pregnant more often than at standard times. Most of the time, women must seek security from men to migrate. Those men take advantage of them, and by the time they are at the border, they are pregnant or have a baby in their arms. It is challenging to get migrated without being pregnant by the men who provide safety (Plambech, 2017). Pregnant migrant

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women are also vulnerable (EUR-Lex, 2020). This raises the question of the agencies that will be appointed at the screening center and are going to focus on migrants instead of discriminating against them by sex, race, or circumstances, prioritizing those who victims of sexual and physical violence are, rape, and smuggling (ENoMW, 2020). In this case, knowing the situation of migrant women, it is obligatory to get help according to their health issues instead of just getting treated for regular health check-ups.

This has also been mentioned in the study by Plambech in 2017 that migrant women do not have access to proper medication, such as birth control or abortion, which makes the situation more critical for them at the time of migration. Whereas, looking at the problem, in the New Pact screening or pre-screening procedure, there is no mention of providing help related to medical health or any agents, lawyers, or social assistants for migrant women in such a crucial and unavoidable situation (ENoMW, 2020). Besides, it has been mentioned in the proposal to provide separate procedures for migrants, but nothing for migrant women separately in the border screening. However, this also shows the discrimination that migrant women will have to face during the screening procedure. In contrast, the commission mentioned not identifying or providing privileges to anyone based on their sex (EUR-Lex, 2020).

The member states can decide whether to allow migrant women to enter their country. In the proposal, the commission invalidates the reproductive rights of migrant women in the absence of all health-related issues. The condition of migrant women in detention centers is already very pathetic. Migrant women do not receive sanitary assistance. Amid this proposal, there is no mention of sanitary or physical illness-related help for migrant women.

Similarly, for migrant women who are pregnant, the Commission does not express any concern about abortions with the consent of migrant women. At the same time, in many European countries, there is now a movement for reproductive rights, including the right to abortion. They enact the abortion law and reproductive rights (CRR, 2022). When migrant women enter the host country, their freedom in reproduction and reproductive health matters will be undermined according to the rules of the host country. They will not have the freedom to have abortions. Like primary healthcare, they will also be deprived of maternal healthcare. Some host countries will not care about things like critical pregnancies or life-threatening pregnancies. No maternal health services are provided to undocumented migrant women in the 16 member states, conversely, in

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11 member states, single mothers are not provided with equal maternal health care (Thomasen, 2021). In other words, there is widespread inequality in member states. Through this proposal, reproductive rights and human rights violations will be strengthened. In doing so, they will be subject to reproductive rights and human rights violations in host countries, such as border reception.

After the pre-screening, the screening procedure began. According to the Commission, during the screening procedure, all the information about the migrant women would be gathered and sent to the authorities to check and get the results. The result is either to return the migrants to their country or to allow them to be held in a detention center. In this case, from search and rescue to external borders and pre-screening, migrant women were not given any separate privileges at all stages. The Commission did not specify any system or policy to collect and provide information based on their health or medical report. In that case, the authority of the screening can manipulate migrant women's data, from prescreening to screening. This fraud is not sending their information to the following authority, not sending complete details on migrant women, or a process to cancel them while they're at the external border. Without complete policy, management, and regulation, the migrant woman may have to face such uncertain situations, which is even more frightening.

After the screening, migrants must wait for the result to cross the border based on their origin, health check-up result, and registration. The timeline is from 5 days to 12 weeks (IRC, 2021). The timeframe to let the migrant women know about the result, whether the EU allows them to enter or they go back to their country, is pretty impractical. It is not just a decision from the border management; the member state will also have to give their opinion on whether they have enough facilities and would like to take those migrant women to their territory under relocation and return sponsorship (JRS Europe, 2021). Hence, between this timeline and now, the Commission mentions no specific service or safety caution about migrant women's accommodation (IRC; Open Letter, 2021). There is also mention of a detention center where, after the pre-screening procedure, along with the asylum and border procedures, migrants will have to stay for around eight months (JRS Europe, 2021). Again, it needs to be said that women are also human, and they have a sense of feeling (probably someone pregnant and traumatized from previous migration experiences). That stay might get longer depending on the return

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directive and reapplication procedure for staying in Europe. Staying at the detention center can be extended to 15 months under the Return Directive. However, staying at the detention center for so long makes migrants lose their liberty and fundamental rights, making it hard for migrant women to remain at the detention center in uncertainty.

The detention center will run briefly before providing any final statement or assessment to the migrant. Though that return sponsorship will finally be done by the member state (as a solidarity tool), this also concerns the fact that if the member state handles this return procedure after eight months of detention, there is a lengthy procedure to monitor, such as identification procedures, sponsorship, logistical arrangements, etc. which might create an imbalance for the member states to implement this return procedure properly (JRS Europe, 2021). The Commission did not mention anything that would have to be followed by the member state or what would happen if the migrant women could not return; there is also no mention of alternative options for them to relocate. Along with that, migrant women already face sexual violence, an unhealthy environment and conditions, unstable mental health, and discrimination until they arrive at the border.

Another primary concern for migrant women is getting enough support for proper hygiene and sanitation. This also includes the menstrual period that women must face every month—nothing the Commission has mentioned about managing such vital issues when they arrive at the border. Nothing has been described in this regard about when migrant women will stay in detention. A detention center is likely unhygienic, including washroom facilities, accommodation, and insufficient food. Which makes migrant women suffer from various diseases, such as irregular menstrual cycles, infertility, low birth rates, and urinary infections. For each month's menstrual cycle, migrant women must use sanitary pads to maintain proper hygiene, which has also been neglected by the Commission, whereas this is also a practical and tangible example of discrimination.

With previous experiences and failures in the asylum procedure, the Commission did not mention migrant women's safety or health issues, including mental instability. In contrast, they are the majority who face violence, rape, and exploitation at the border, asylum, and detention. Aside from that, another negative aspect of staying at the detention center for long is not having social integration and zero connections with the local people and community (IRC, 2021).

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Psychosocial support is an essential tool for resiliency in a woman's mental status; probably someone's journey lasts one month without food or accommodation, or someone is raped multiple times (Lebano, Hamed, & Bradby, 2020). In this context, if someone talks about screening, debriefing forms, or medical checks, it will be meaningless to migrant women. The New Pact on Migration and Asylum doesn't think of women as humans, just like robots who always follow procedures and use strict and worthless linguistic words. However, there will not be anyone to listen to them, as the border and asylum management mainly focus on sending them back without being concerned about other things, as mentioned in the pact. Furthermore, they will be treated based on their country of origin. They will get permission to enter Europe based on their nationality. In this manner, based on the screening report, the migrants will be treated, which also raises concerns of misjudgment, discrimination, and a lack of procedural guarantees (JRS Europe, 2021).

Conversely, the Geneva Convention of 1951 mentioned that every country must examine each case fairly and individually (EUROMED Rights, 2020). When examining individual cases, every case is different in its way. Every country has faults in justifying migrants. When reviewing each case, the Commission significantly mentioned that, based on the origin, they would approve migrants to enter the EU. However, they are not considering the case and situation of migrant women, whose case is different than that of the other gender. Just because of their origin country and the precautions that the Commission has proposed, most of the migrant women will have to leave the border, as they are the most vulnerable ones to enter Europe.

Moreover, the Commission only recognizes 20% or less of the number of migrants arriving at the border based on origin or nationality (JRS Europe, 2021). What would be an option for 80% of women to be sent back to their homeland, which probably has conflict, war, and ethnic cleansing? If so, what would be human rights?

The member state must also give their opinion on this relocation and return policy. They can use their right to the return policy to send the migrant women at any time from their national border. The EU agencies will propose, pass, and monitor the law, but the member states will execute and implement it. This creates uncertainty. Each member state has its own rules. At the same time, the law under the European Commission must be followed. However, the member state may not comply with all the European Commission's procedures related to migration and asylum. The

main reason for this is to prioritize national interests. As a result, if not adequately monitored by the commission, migrant women will be discriminated against in relocation and return policies due to the member state's national policy. However, member states will not provide any security for migrant women, especially for returning, which is a threat to migrant women's lives (JRS Europe, 2021). That is also a critical situation for migrant women, as most of them come from third-world countries or developing nations with unstable governing and political systems, war, rape, and internal migrations. In addition, women are the primary victims of psychosocial problems. Neither has the Commission suggested any policy about migrant women's safety in return procedures, and neither has been directed to member states to follow precisely for migrant women. After going through social and political issues in their own country with the hope of living a stable life, female asylum seekers are also going to face discrimination and challenges in migration border management (ENoMW, 2020). However, beginning from screening to border management, safe, healthy, and dignified asylum should be arranged for migrant women in terms of fundamental human rights, which is missing in the proposal (IRC, 2021).

The Commission's proposal on Border Procedures

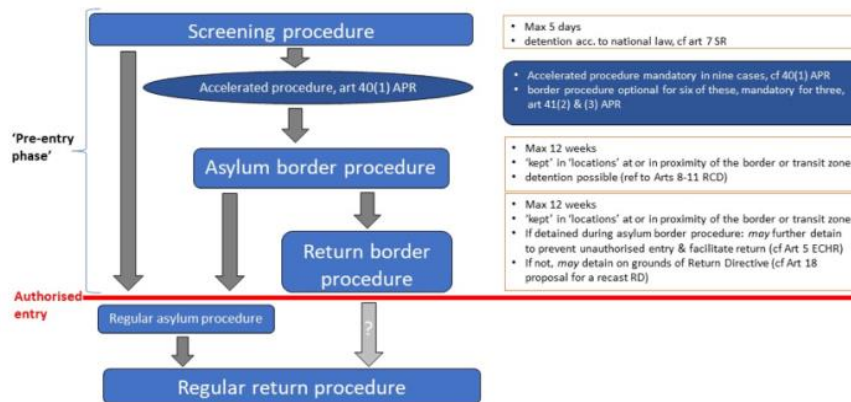


Figure-1. The Commission's Proposal on Border Procedure. Source- Wessels, J. (2021), "The New Pact on Migration and Asylum: Human Rights challenges to border procedures," Refugee Law Initiative.

Migrant women's hardship does not start with the screening. It begins when they start their journey to Europe; migrant women also have to go through hazardous situations like sexual exploitation to the point of death (ENoMW, 2020). The most dangerous route is crossing the

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Mediterranean Sea. Migrant women who cross the Mediterranean Sea to enter Europe also face crucial deaths. According to the statistics in the IOM report, from 2014 to 2023, 2,597 migrant women died in the Mediterranean Sea. Among this total number, in 2023, 31 migrant women died. But Frontex, the Agency, the Schengen evaluation mechanism, or any other response from the EU does not have any straight policy focusing on saving the lives of migrant women (IOM, 2023). According to the Commission, Frontex will also return those migrants to their countries. Many migrant women cannot go back to their country due to either legal issues or empirical reasons, on which the Commission did not suggest anything at all.

After the screening procedure is done and they are permitted to relocate, migrants will be relocated to another place. About this "another place," nothing is mentioned in detail about where this place will be, how they will be relocated, or how they will prioritize migrant women in this relocation system; nothing about looking for family links or migrant women's relocation wish for choosing a destination. In this case, that relocation was mainly to the asylum or detention center. In seeking permission to stay at the asylum center, in the year 2022, the ratio of men (70.8%) will be higher than that of women (29.2%) (Eurostat, 2023).<sup>25</sup> Because they are women, migrant workers who are staying at the border in uncertainty, they do not have any opinion or decision-making opportunities. This significantly influences asking for asylum at the border on their own (ENoMW, 2021). This substantially impacts the return procedure and reapplying to stay in the EU.

In the proposal, no specific details about relocation have been mentioned. Also, migrants who must return because of their origin or nationality need sponsorship. Which also does not specify what kind of sponsorship will be provided or, for migrant women, how they will ensure their security and safety on the way back. The European Commission must continue to ensure that the sponsored asylum seekers receive proper care, including the opportunity to reapply for asylum if their first applications are denied. Concerningly, the Pact does not contain any explicit or tangible steps to guarantee the treatment of women relatively during the relocation process, despite their unique vulnerabilities (ENoMW, 2020).

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<sup>25</sup> As first-time applicants, migrant women sought asylum in the EU. Later, with a regulation extending the timeline for staying at the asylum center and reapplying for entry to Europe.

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The Commission also failed to address migrant women's safeguards during reapplying procedures, what measures will be taken against migrant women regarding relocation, and at the time of reapplying for staying in Europe, ensuring safe and protective accommodation for migrant women. They keep giving some ideas in the proposal; hence, they need details on the procedures or sponsorship (ENoMW, 2020). With the way this proposal emphasizes this screening and return procedure, it can be assumed that migrant women who enter Europe without visa procedures in this way will be eliminated. However, the Commission needs to remember that only some have the option to enter Europe through visa procedures or legally. Many are forced to cross the border illegally because they have no choice. For this reason, the Commission should strengthen the asylum and screening procedures, ensuring an easy integration system for these migrant women (JRS Europe, 2021).

Furthermore, regarding the relocation, member states will have opinions about letting those migrants enter their countries. If so, most member states will prioritize those who are most likely skilled, have physical strength, and do not have any retreat, which is undoubtedly based on the social context. Because most women have children, they need to take care of the family members and listen to the men of the family; moreover, they are vulnerable, weak, and cannot function at the same time as men for several reasons. In this case, this "origin or nationality" term already gives migrant women a lack of privilege; they will also have to hear opinions from the member states, in which the Commission did not mention anything in a descriptive manner about how they will deal with those migrant women who relocate. Under the Return Directive procedure, migrant women are the ones who will face more discrimination, sexual exploitation, rape, and smuggling. They will be at the most significant risk, as the question remains of returning to a safe country based on fundamental human rights (ENoMW, 2020). Sometimes, the country of origin does not want them to return; for example, Turkey has stopped taking back its people from Greece since 2020. In that case, reapplying for their stay at the detention for that prolonged period is also very dangerous for them, as they also face gender-based violence (GBV) at the border and detention center. They also feel scared to go to the toilet at night (Greek Council for Refugees and Oxfam, 2021).

Although it has been mentioned that this whole process of screening, border management, and reception procedures will help to build an intersectional process to implement the migration and



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asylum policies, the Commission did not address the proper method or didn't say explicitly both the member states and border management agencies will follow that. However, if they get the chance to relocate, under the "short-term projection" that the Commission proposed, migrants will stay in one place for a certain amount of time. As soon as these migrant women settle in a new country with their unstable condition, they will be relocated to another country in the name of "responsibility sharing." In that case, there is no mention in the proposal about whether any consent from them will be taken or whether they want to go. In addition, migrant women are the most vulnerable victims of unfairness, sexual violence, and domestic violence, which might increase based on the country they will relocate to.

Every country in Europe has its laws. Some stereotypes are never fruitful for migrant women. Giving migrant women less importance is one of them. The proposal also does not shed any light on how this country will process women who will be relocated from detention or asylum centers, where these migrant women will be shifted, what kind of guarantees will be given in terms of their safety and security, or what type of security the newly relocated member state will provide (ENoMW, 2020). In this regard, the Commission did not mention any separate proposal for migrant women. On the one hand, migrant women take longer to be included in Europe's job market, society, and culture compared to migrant men. This relocation will create another new problem in their migrating lives.

Migrant women get molested and sexually harassed by border security and detention center security (Hadjicharalambous & Parlalis, 2021). They also face sexual violence by the police and border management people at the asylum (Amnesty International, 2016). They cannot deny or protect themselves from that molester or predator. If they do, they will be physically abused and threatened with death (Amnesty International, 2016). Migrant women who stay at the detention center have already lost their humanity, dignity, and lives in prison. They become more unstable at the detention center as their future remains uncertain (Greek Council for Refugees and Oxfam, 2021).

In the proposal, the presence of women is only available directly in the case of eliminating human trafficking, and women and girl children who are prior and exceedingly victims of human trafficking will be justified under the Security Union Strategy. In that case, the Commission has directly mentioned that this strategy is for girls and women who do not belong to the EU.

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Although it is noted that migrant girl children will be handed over to legal guardians after the border crossing, there is no discussion in the proposal about what measures will be taken separately for migrant girl children's health and situation. Also, in the proposal, girls will be identified as children until they are under the age of 12. which is also a big concern, as most girls start to face physical growth and their menstrual cycle around this time. Suppose they identify as adults after 12 years old. This will be problematic for them, as the member state and EU agencies will send them to the detention center according to the border and asylum procedures. And for girls under age 12, they will be sent under guardianship. For the girl child under age 12, she will not be able to get proper treatment, both physically and mentally, at the detention center. They are not required to take appropriate medication or menstrual materials at the detention center. When playing with dolls, they face such critical circumstances and uncertainty because of this incomplete proposal.

Additionally, migrant girl children will face sexual and physical harassment both at the border and detention center, and according to the border procedure, they will not get any special treatment for being sexually and physically abused. The commission's negligence will put them in a dangerous situation. During this period, if they are sexually harassed, they will also be victims of unwanted pregnancy, which is even more dangerous for them. Where they are being denied primary medical care, through this proposal, the commission is also taking away the reproductive rights of migrant girl children without giving them any protection. They will not be able to get abortions because the Commission does not have anything proposed in this regard. Being a mother at a young age will increase the ratio of early pregnancy and the delivery of dead infants, and the health of girl children will be threatened. Furthermore, under the United Nations and international law, all female children under the age of 18 are considered children. While some countries identify girls under the age of 16 as children, The commission's treatment of all girl children under the age of 12 as children violates child rights and girl child rights compliance and is an example of girl child lives being threatened at the border and during asylum procedures (The Convention on the Rights of the Child: The Children's Version, 1989). Moreover, the policy will be constructed by the Commission and European agencies. In contrast, execution and implementation will be done by the member states, which brings more concern about inequality, improper implementation, and segmental monetization in terms of giving enough regard to the fact that migrant girl children are also being discriminated against.

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There is no program for migrant women who migrate with only children and without any male family members. Even though there are references to children's reception, border management, asylum centers, society, and education, there has been no discussion about giving separate priority to migrant women in society. The EU and member states do not provide any urgency for migrant women who are staying at detention centers. This raises a particular concern: the negligence of the EU and member states currently exists and will continue under the New Pact if it gets executed (Greek Council for Refugees and Oxfam, 2021).

Migrant women will have to go through the registration procedures for relocation, including reception, border, asylum, etc. There is also no explanation in the proposal as to whether any different approach will be adopted to store all the data about them in Eurodac through this registration process. Not all migrant women come to Europe for the same reason. In the context of the difference in the cause of their health, the effect of the situation is different. If the data is not taken separately, there will be a vast difference between knowing the correct information about their background and working on them as such. Neither the EU, the Commission, nor the Agency has given any opinion or precedent on how to store data about migrant women at Eurodac and make it convenient for them, which is, ultimately, a negative and negligible step toward migrant women.

In its context, Amnesty International says it is a "false start" rather than a "fresh start" for migration and asylum procedures, which presents the previous migration and asylum policy in a new way (Amnesty International, 2020). In such circumstances, there is no mention of whether there is a separate step for women in fundamental rights or whether the European Union will judge women separately under any specific provision or women's human rights. In other words, no separate treatment, opportunity, or privilege has been mentioned for migrant women under women's human rights in this new pact. From prescreening to all the procedures, regulations, and policies of borders, nothing has been discussed separately or mentioned in the provision for migrant women, how to include them, or how to treat them at screening and border management. More information about their inclusion in the European Union and the Member States in this new pact's first migration phase is needed.

To focus on preparedness and an immediate response system, the Commission promptly mentioned learning from practical experience and taking action accordingly following the New

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Pact. To face the migration crisis, they also proposed a plan. Proper planning has been mentioned for preparedness and covering the migration crisis. Through this blueprint, if the member state faces a crisis on any issue related to migration, other member states and EU agencies will come forward to help. At the same time, operational support will be provided to deal with the crisis. But nowhere in this blueprint is there any mention of the migration crisis that can happen to migrant women. The case of migrant women is relatively different from that of other genders. In that case, all steps should be taken in advance to deal with the most excellent preparedness and crisis with migrant women. Preparation should be taken by learning from practical experience and all the previous experiences mentioned by the Commission. This will make it easier for migrant women to be treated according to the situation at borders, asylums, and host countries.

While everything is mentioned, despite previous experience, this blueprint, like other sections of the New Pact, has entirely ignored migrant women. This could have been a fruitful and positive aspect for migrant women. There is no mention in this new pact about what kind of strategy will be taken in case of an emergency related to migrant women. After crossing the border, preparing for the future and reducing the number of emergencies and problems is also an essential part of dealing with it.

The Commission's proposal of a common framework since the mid-1980s is a new definition of the criminalization of migration. The EU is running its migration policies under the umbrella of criminal law and traditional criminal law. In this way, third-country nations can ask for support at the EU border with humanitarian aspects. Still, both the national and the EU policies on migration mix it up for migrants from third countries, and member states prioritize their policies inside the member states rather than the combined policies (Carrera & Others, 2019; Guild, 2010; Mitsilegas, 2015; Parkin, 2013; Provera 2015). In this case, the Commission proposed to distribute the policies among the Member States in the same way as before. This will again hurt migrants, specifically migrant women, as they mostly face inequity, unfairness, and sexism at the border due to fundamental human rights. The Commission has not explained migrant women in this proposal or Blueprint. There is no discussion on how the agency will help the member state or what kind of operational support the other member states will provide if the commission faces any emergency related to migrant women or in the future.

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There is also mention of providing temporary protection to member states for managing many migrants. Under the "Temporary Protection Directive," the situation will be justifiable if there are any unavoidable consequences to the backing. Surprisingly, under temporary protection, the Commission also shows biases. The TPD aims to focus on migrant people who came from Ukraine, whereas, long before that, Syrian, Lebanese, and Afghan migrant people were struggling at the border, in asylum centers, and even in the host country. Ukrainians have been identified separately because they are European. At that time, the EU agencies and the Commission took only some significant steps. This proposal from the Commission is an example of "Europe's Double Standard" (Ineli-Ciğer, 2022). The EU has made more flexible policies for Ukrainian migrant women seeking refuge, which, if we look at the other migrant women, takes years to apply, reapply, and get rejected each time.

Furthermore, no details have been found about whether migrant women will be given any separate care or support, a residence permit, educational support, mental health care, rights to look after the minor, access to freedom in the host country, access to proper accommodation, or freedom of speech immediately. This is putting the lives of migrant women at risk. However, there is no mention of whether migrant women will be treated like average migrants or whether separate steps will be taken for them in that unreliable situation with their return to their country or staying in Europe under TPD. They have not been given any priority in providing temporary protection with financial support through employment so that they can be financially stable during that short-term emergency period. There is no indication of what consequences they can face in such a terrible situation, so at least they can be economically stable and get some educational and health support, access to social welfare, and guarded accommodation.

#### **Border Management: Endangering Migrant Women and Selective Partner Countries-**

The Commission proposed to take on the responsibility of border management themselves. The responsibility will be shared with coastguard authorities and Frontex. But the migrant women enter at certain countries' borders. This means they will be treated according to national and human rights laws. Besides that, their entry cannot be illegal as they are inside EU territory and have been officially found by EU agencies. So, the Fundamental Human Rights Act will also be used in this manner. Hence, defining this law, these migrant women would be identified as either

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"illegal entry" or "unauthorized" persons. After being rescued or reaching the border, the migrant women would officially have to go through the screening procedure, where they would be inside the EU with either temporary residence or a proper registration procedure that they had done in the screening center. Still, from the member states and the EU agencies at the border, migrant women would not be dignified (Wessels, 2021).

When it comes to treating migrant women under Fundamental Human Rights or Women's Human Rights, the Commission just ignored the whole international law by not prioritizing them in this border and asylum management separately (Standke-Erdmann, 2021). The training and attainment requirements mentioned by the Commission and the need to be explicitly monitored for proper implementation have also not been met for migrant women. Furthermore, there is nothing specific, unique, or attainable for migrant women that the Commission thinks about working on to implement the New Pact effectively.

To create an effective IT system, data on migrant women must be collected separately to identify their situation and health and take appropriate action. To make the visa process digital, how migrant women will have to go through the process and adjust to the procedure is not described, nor are any directions for implementing this procedure mentioned in the proposal. Also, no significant actions had been mentioned throughout the proposal for search and rescue in border management. Frontex is also responsible for search and rescue in coastal and border areas. But, with the responsibilities that the Commission has proposed, there is no specific strategy for migrant women. In a strategic manner, if Frontex takes any particular measures of rescuing migrant women, shifting, relocation, and return procedures for migrant women after being rescued, will migrant women give importance to them separately at the border or asylum center that will need to be taken care of by Frontex.

There is also a situation where, after being rescued by Frontex and a third party, member states argue about which states will consider those migrants for their territory, detention center, border, and asylum management. As this also brings a huge responsibility, member states often try to ignore those rights when treating migrants (JRS Europe, 2021), which creates a question of unsureness about where those migrant women will stay for that period before arriving for the pre-screening procedure. The decreasing power of member states in search and rescue, along with other EU agencies, makes it complicated to implement the new pact and will create a gap

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between the proposal and implementation in real life (EUROMED Rights, 2020). Migrant women will also lose both their fundamental rights and their human rights.

As for search and rescue, NGOs or international bodies usually try to help the countries or borders to make an effective and efficient border crossing. However, the Commission did not mention any NGOs' involvement in this search and rescue in this proposal. There was no particular policy for NGOs in the previous migration and asylum procedures. It looks like history is repeating itself. In the New Pact, NGOs have been ignored. Along with that, there is no suggestion for cooperation with the NGOs to make border management smoother and more accessible, as various NGOs are indeed working on issues related to migrant women (IRC, 2021). That would ensure seamless implementation of the new pact for the Commission. In addition, when an NGO gets involved in this kind of activity, it makes a separate procedure specifically for migrant women, which the Commission failed to propose or represent in this proposal.

Furthermore, the Fundamental Rights Agency can help work on migrant women's situations by providing fundamental rights. Frontex will violate fundamental rights for migrant women by not including them in the search and rescue and relocation processes separately. Frontex is the first level at which migrant women start to face discrimination (Standke-Erdmann, 2021).

Also, the private sectors the Commission mentioned in the proposal for efficient search and rescue, along with Frontex, needed to be adequately described in their assignment and action plan. The EU should provide separate funding for NGOs, grassroots organizations, or other civil society organizations working on migrant women at the ground level (ENoMW, 2020). Furthermore, these specific organizations, called "civil society," can work on migrant women in a much broader way than the private sector the Commission proposed without providing plentiful information about their preferred work. Working for migrant women in search and rescue along with Frontex and EU agencies, the Commission must make an independent mechanism for NGOs and the Fundamental Rights Agency (IRC, 2021).

Migrant women and children are the most at risk among those who come to the European border through the sea. Migrant women are most likely to suffer from malnutrition-related diseases, unstable mental health, rape, an impact on productivity, smuggling, and human trafficking. Although the private sector is mentioned, there is no very detailed explanation about what kind

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of private sector it is. Also, there is no mention in the proposal about how this private sector will work, whether migrant women will be rescued separately, or whether they will be given priority from the beginning of the rescue. This puts migrant women in more danger of human security. Additionally, the ignorance towards migrant women inserted into physical riskiness compared to men (Freedman, 2016). However, the private sector means those who have private vessels or will cooperate in the rescue individually in line with Frontex. Hence, along with these private sectors and border agencies, the Commission did not mention if the NGOs will be allowed to provide a hand of support to the migrant women at the border or asylum center, even after being relocated (ENoMW, 2020).

Focusing on practical implementation, solidarity, and well-functioning Schengen areas, one of the essential aspects of migration, which is migrant women, has not been represented in any way in this entire policy and border management. Although it has been said that the Schengen border should be easily used when migrant women cross the border between Schengen, there is no explanation as to whether they will be identified separately, or their situation will be reviewed independently. It should have been discussed whether they would be prevented from entering, thinking they needed to be stronger and more skilled. In the case of police inspection at the border, migrant women face problems differently due to being migrants and women at the same time. In that case, whether any impartiality would be shown to migrant women in the police inspection creates doubt and questions. In this case, Secretary General of Solidar, Mikael Leyi, described the situation: "The Commission just focused on solidarity to make an effective implementation of the new pact and return the migrant without showing proper procedures, regulations, and policies that would be followed" (Solidar, 2020). Which also brings the concern of unhumanitarian and disrespectful behavior towards migrants' human rights, specifically migrant women, by keeping them outside of this whole pact.

One of the problems caused by the border management gap is that migrant women are victims of smuggling, and the rate of human trafficking has increased immensely, which is currently a common issue at the EU border. To tackle this situation, the Commission introduced a new action plan in which there is also no presence of migrant women. In contrast, they are the foremost victims of smuggling and human trafficking. The Commission also mentioned the operation EUNAVFOR MED IRINI, whose main task is to work in the Central Mediterranean Sea to save



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migrants from smugglers (EUNAVFOR MED Operation IRINI, 2021). Frontex oversees these search and rescue, relocation, and return procedures. Handling all of these tasks together, along with managing the border and asylum procedures, there is a high chance of gender discrimination. But in this vast operation, they also did not mention anything about migrant women's presence or priority for rescue. In this search and rescue mission, there is no explanation or action plan to prioritize women, in which content migrant women's security and safety will be ensured, how they will be treated for the first time after being found, or whether they will be given any primary health care (Standke-Erdmann, 2021).

Search and rescue, which creates a platform for durable relations with third countries, are also important. The commission also explained the need to maintain proper relations with third countries as they would be subject to the relocation and return policy. Sadly, the Commission has also prioritized certain countries in protecting partnerships with third countries. Only countries close to Europe will be prioritized more than other third countries, such as African countries. Most migrant women come from Asian countries, specifically southern Asia, and the Middle East. Under this specific partnership and mutual understanding mentioned by the Commission, migrant women who come from Asian developing or underdeveloped countries make no appearance of their position and situation (Panayotatos, 2021). In this sense, they will face discrimination long before they migrate to Europe. They will be underprivileged because of the mature and wide-ranging relationships the Commission is focusing on to approve.

Hence, the Commission mentioned helping those in need. Even in that case, they will prioritize their neighboring and partner countries, which creates another kind of division between migrant women. This hurts migrants when thinking about overalls. In the meantime, this is even worse news for migrant women who move in Europe from the countries of the Middle East. They mostly migrate from war-devastated countries or politically unstable societies. During migration, they are always behind in deciding their destination. In most cases, they need the proper transportation system and the correct guidelines for where they would go and where their families and children would be safe. In that sense, most of the time, they encounter human trafficking and smugglers for the sake of crossing the border. Although they come to the border of Europe against all odds, there is this missionary pact on migration and asylum prepared by the

Commission. Before they think, understand, and fully justify their situation, they will be returned to their country under the Return Directive.

In that case, the commission explained that they would work on finding the root cause of such irregular migration. But they forget that the root cause isn't always created internally. Due to wars in another part of the world, political instability, rape cases, and mass killings, Europe will also be affected in some cases. In that case, there is no discussion about how they will continue to deal with the problems happening on the other side of the world with such a shaky pact. At the same time, many countries may not be included in the Treaty of Partner Countries with them. In that case, there is no mention in the proposal of how they will take action with those countries. Where they are creating discrimination by themselves, any action plan proposed in the proposal is not significantly followed by migrant women.

Whereas the commission also proposed to monitor developing nations' migration and asylum policies, they did not propose any rules or regulations just focusing on migrant women, as in developing countries, migrant women are affected most. The scheme they proposed is like regular migration or migration through the legal visa process, which is also necessary. However, for those who will go through legal visa processing, in which case they have to go through the hassle with their documents, no separate policy or regulation is mentioned in this proposal. Those from developing nations must undergo lengthy procedures for spouse, child, mother, or family reunion, which does not apply to migrant men. But migrant women who cannot migrate legally wait at the EU borderline for months; the treatment for them is not mentioned. Without any presence, it is pretty much clear that migrant women who cross the border without a visa process or legal way are not given any significance at all in this proposal. The Commission is trying to fit all the migration and asylum policies and procedures into the same frame for aggregating all the migrants (ENoMW, 2020). Based on the proposal of making a legal pathway for migrants, the commission also neglected migrant women, unsure whether that would be good for them or if it would create a positive aspect for migrant women who would like to migrate to Europe without being marginalized by their situation, origin, or sex.

### **Integration System: Incomplete Social, Skilled Labor, and Job Sector Bias-**

The Commission proposed a legal pathway for skilled laborers willing to work in the EU. In this manner, women are always behind in coming outside their territory. The Commission should

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have mentioned whether they will create a more open and wide-ranging platform for women outside the EU to enter Europe. According to the European Network of Migrant Women, the EU has different justifications for recognizing and accepting qualifications into its territory. With proper qualifications and applying through the appropriate procedure, every member state has its way of justifying an individual. A national-based policy will considerably increase the complexity of selecting skilled labour for migrant women. A statistic it has been seen that migrant women are overqualified compared to native women, which is 40.7% for migrant women and 21.1% for native women. (ENoMW, 2020). Still, they face discrimination because, as I mentioned in the previous sub-section, they are migrants and women at the same time. Despite the number of obstacles, they need to face, migrant men do not have to go through that much. One of the reasons behind this is social stereotypes.

A proper chance to be educated and access formal education, 2 out of 3 women still need to be educated, as mentioned by UNESCO. Moreover, migrant women migrating to Europe from developing nations are also the same. The number of uneducated migrant women is around 18–24, which is also a good age to get involved in the workforce and be financially independent (ENoMW, 2020). The new migration and asylum policy proposes a more complex system for migrant women to access European skilled labor. As a result, women will be measured as the standard of European society, two aspects of which are to justify their educational qualifications based on their sex and situation. which are women and migrant women (IED, 2020). At the same time, since their justification has already been done through sex, they cannot apply for asylum separately. If they are to seek asylum separately, they will be returned to their home country based on the member state's national policy.

Under this policy, women who apply from underdeveloped countries as skilled labor will be given less prominence than men. They will not just have to compete with the candidate but also with the European standard. Aside from that, to run the economic wheel of the member states, migrant women cannot be left behind. Migrant women's integration into the job sector is as important as member states' focus on migrant men's involvement in the workforce. For their integration into the job sector, their mental health needs to be taken into consideration. Working on migrant women's psychological health will have a positive impact, which will boost their self-confidence (ENoMW, 2020). The whole process of inviting migrants while neglecting men

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portrays the patriarchal social system of the EU and its agencies. The proposal also fully illustrates a draft of economic terms for the EU and member states.

Additionally, women from developing nations are not as updated as men. They are often left behind because they need proper access to visa procedures. Sometimes, they must be financially independent enough to apply for a job overseas. Also, the visa procedures could be more transparent and easier for them to understand and follow accordingly. Each country has its visa requirements. They needed to be included in terms of access to the internet and information. However, women from developing countries already face discrimination in terms of choosing the option of working in Europe. The culture is so backdated that they cannot go further than imagining working overseas. While they need specific policies and monitoring regulations through which they would get support specifically, they can choose Europe as their workplace. The EU is forgetting one of the essential parts: this skilled labor opportunity has to be a gendered approach, and professional, low-skilled, and all kinds of labor are necessary for European society, economy, and political aspects (Panayotatos, 2021).

Furthermore, the Commission has mentioned prioritizing its neighboring and partner countries more than other countries. Suppose they are going to prioritize their own neighbors and partner countries. In that case, attracting skilled labor into the EU from third countries will create barriers and make it more competitive between partner countries and developing nations. The competition will be more challenging if they do not pay any attention to migrant women separately. In the absence of an organized migration policy focusing on migrant women, they are more likely to suffer from discrimination (ENoMW, 2020). The commission's explanation of legal pathways for migrants is also hollow, which is another example of migrant women being victimized by European migration policies.

Researchers at the Commission proposed three new sets for immigrant students to respond to any obstacle. Hence, they did not describe how migrant women would be granted permits to stay in Europe. However, the commission should have proposed other options for attracting skilled labor from third countries or the procedure for welcoming them without being a student or researcher. This signifies the need for more skill in this proposal to attract skilled labor into the EU. Without suggesting proper procedures and policies, working in this sector will also cause the unproductive implementation of migration management. The commission should propose a safe

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and legal pathway for migrants who can come to Europe for several reasons aside from students and researchers. That pathway should be open to specific countries and bounded by a "safe country of origin" course of action (Adelasandu, 2020).

After entering the EU, the following essential thing is social integration. For social integration, the Commission proposed to follow the 2016 Reformation Act. For social integration, migrant women face the most barriers. These causes are insufficient educational background, prioritizing family and children first, and inadequate language learning training. Because of these reasons, they cannot get involved in the job market. Additionally, the member states do not have any concern about giving uneducated, low-skilled migrant women the opportunity to be involved in the job integration system. Sometimes, the host country does not have any training or program focusing on migrant women's involvement in society. Regarding concentrating on only male migrants, the host country or the EU forgets to make migrant women engaged in the job sector and financially independent (ENoMW, 2020). Hence, migrant women who are low-skilled, not highly educated, and do not have proper training can be hired as domestic workers or caretakers. Specifically, member states near the Mediterranean Sea. The reasons behind joining as a caretaker are uncomplicated and permitted by the family and society. Also, taking leave early and scheduling their time off work is easy and does not require much skill, which is also considerable for them (Lebrun, 2019).

Migrant women are also bound by a lack of safety and support for traveling regularly. Due to this, getting a residence permit and bringing a family member from their country is also hard for them compared to the male migrants. The choice of involving themselves in the job sector for migrant women is also so limited that they join domestic work (PICUM, 2020). As migrant men, they always get priority when working at the factories, agriculture, packaging companies, etc., because they are strong and can work hard. They run according to unannounced rules in member states' societies. The Commission did not describe or take this social discrimination into account, which migrant women will still have to face in the future. Giving emphasis on gender discrimination and promoting gender equality, the commission kept this proposal blind.

Jean-François Lebrun, a famous author, wrote about domestic work in the European Trade Union Institute, saying that more than 8 million migrant workers are involved with domestic work or as caretakers. Among these 8 million migrant workers, around 91% are women. This means that

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women get more advantages from working as domestics. The reason behind hiring migrants as domestic workers is also patriarchal because women are good at only managing families; they are not as skilled or strong as men. Still, migrant women get advantages by working as caretakers or domestic workers; they get paid less (Lebrun, 2019). They also do not have a proper job contract as domestic workers. This also portrays the injustice they bear in the job sector and creates social insecurity, deprivation of their fundamental rights, economic poverty, a risky working environment, and sexual exploitation. This is also a way of getting paid less, and the local government does not pay any attention to such socially prejudicial cohesion (PICUM, 2020). Knowing about the practical imbalance that migrant women face even after entering Europe, they remain undocumented. The Commission should also focus on these women to ensure gender equality and ensure effective implementation of the gender equality strategy.<sup>26</sup>

Surprisingly, migrant women are not safe in this job sector either. They also face sexual and physical violence, which can be countered by domestic violence. Unfortunately, they cannot report it to the policymakers or the community, as their disadvantages already are that they are migrants and women, and the community or police will give priority to those who are in power. Furthermore, they will lose their job, from which they could care for their family member (Papadakaki & others, 2021). The Commission slighted this part of the member states' society in the New Pact. They did not give extra concern to providing this migrant woman security in the job sector, job integration, or society. However, the Commission did not mention any additional support they might give migrant women through member state communities or agencies, as it is hard for them to file a report.

In this proposal, the Commission explained the need for an action plan for social integration, specifically for migrant people and their family members. This indirectly shows a positive sign for migrant women, as they are the ones who mostly stay at home and do not have a proper way to integrate into society through education. The Commission's actions will aid in officially integrating migrant women into society. After the 2016 Action Plan, the Commission only proposed to follow the same path for social integration; hence, the Commission did not signify

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<sup>26</sup> The EU Gender Equality Strategy has been taken by the EU with a timeline of 2020-2025. This strategy's policy goals and steps are intended to make significant strides toward gender equality by 2025. The primary objective is to create a Union where men, women, and children of all ages are given the freedom and equal opportunity to pursue any career path they want. Source- [Gender Equality Strategy 2020-2025 \(gov.mt\)](https://ec.europa.eu/equality/gender-equality-strategy-2020-2025)

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how the migrant women's case would be upheld. Additionally, that action plan will be followed for third-country nationals. However, there is no declaration of goal or outcome that the Commission would like to focus on when working on migrant women (ENoMW, 2020).

However, in this action plan, the commission explained that social integration is a two-way process. However, there is no explanation in this proposal as to which method will be explicitly followed for migrant women. Even so, the proposal did not mention that it was proposed with migrant women in mind. Also, migrant women are often so busy with household work that, if there are programs for them to participate in, there is no opportunity to leave the family work and join these processes. In that case, it is also necessary to include migrant women in social integration for social, financial, and economic reasons in the host country. The commission also did not discuss how it would prepare for any issue related to migrant women or make the work more women-friendly. Keeping alternative options on hand is essential when executing policies in succession is impossible. The Commission considers violence, hostilities, and persecution factors but ignores structural, economic, environmental, or other political factors regarding migration and asylum management (Standke-Erdmann, 2021). This aspect of the New Pact creates a tight doorway for migrants and policies related to them to enter, and they will ultimately become marginalized.

By dividing this entire chapter into three sub-sections, I have tried to explain the New Pact on Migration and Asylum from the perspective of migrant women. Here, I have tried to explain the new pact from the point of view of migrant women, from whom they have been excluded. I have tried to analyze the New Pact from my personal views and various reports, blogs, journals, articles, scholars' perspectives, press releases, commentary, and academic references. After analyzing the situation, I found that the Commission did not directly represent the migrant woman anywhere except in one place in this New Pact. That is, the commission mentions giving them extra safety when it comes to dealing with human trafficking. On the other hand, considering the integration into society, the Commission wants to activate the 2016 Action Plan, which also indirectly gives hope and is a positive sign for migrant women.

In the next chapter, I explain the results and conclusions per hypothesis. At the same time, I discuss my research's weaknesses, strengths, and recommendations. Finally, I discuss further research opportunities on this new pact on migration and asylum from a gender perspective.

# Conclusion

My research objectives are specific provisions for migrant women and a humanitarian system for women in the new pact on migration and asylum. These objectives highlight migrant women's representation and presence in the new pact. To explore and analyze the proposal, I aim to determine if this new pact is mainstreaming or conventional. This research shows how the New Pact on Migration and Asylum in Europe has gendered implications. The specific focus is on migrant women's presence in the new proposal proposed by the European Commission. The thesis emphasizes the demand for gender-responsive interventions and policies to address these issues. To secure the safety, solidarity, and integration of migrant women in Europe, migration and asylum frameworks must incorporate a gendered perspective. After analyzing the proposal, I have found that migrant women have not been represented in the New Pact except in two places. One aspect was tackling human trafficking and smugglers harder than ever before. In that case, separate measures should be taken for both women and girls, who are the most vulnerable. On the other hand, according to the action plan for 2016, social integration work will be carried out. Here, while nothing specific is said about migrant women, there is a hope that the Commission might give a positive sign that migrant women will also be considered family members and get the chance to join various programs proposed by the Commission.

I have taken the four hypotheses at the beginning of this research, and in this stage, I am testing my hypothesis according to the result I get. My first hypothesis is that no separate designation is given to migrant women at the border reception. At the border system, the first thing migrant women face is the pre-screening procedure. After the pre-screening, the screening procedure is for finalizing migrant women based on their origin, nationality, health issues, and vulnerability. Based on this, either this migrant would be taken care of under international protection or would be sent back under the Return Protection Directive at the external border. In both the pre-screening and screening procedures, the Commission did not mention anything about migrant women's representation, their separate significance, or where they would be given priority and taken care of at the first phase of the border reception. Nothing is also mentioned about special health care, medical support, or mental health support for them to get to the external border.



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Aside from that, migrant women are the most vulnerable ones; nothing has been described about their accommodation or enough food support until they hear the result from the authorities.

The next frame under the border system is return, detention, and relocation procedures. Here, about the return procedure, the Commission failed to give any response or consideration for migrant women's safety and security at the time of returning them to their country. The Commission also did not mention accepting migrant women from their origin. The commission did not describe or mention any details about how this procedure would focus on fundamental human rights and women's human rights. Before sending migrant women to the detention center, the Commission mentioned human trafficking and smugglers to get rid of them and protect girl children and migrant women. In this case, under which procedure would be given protection for migrant women's safety and security until they arrive at the detention center, nothing had been described in the proposal. The Commission also did not mention whether migrant women would have to stay at the external border before they were allowed to go to the detention, where they would be placed on additional accommodation, or where they would be kept until all the procedures for returning them under the return directive were completed.

The commission also did not elaborate on whether there would be a separate tent or accommodation for women, even though they could be sent to detention centers. The commission did not mention separate measures for medical help, health assistance, or emergency care for women in detention centers. The proposal also does not say what steps can be taken in case of an emergency or any pre-emptive measures to deal with the problems related to migrant women. Besides that, staying at the detention center has a time limit, but there is uncertainty about shifting from there to member states. Migrant women would have to reapply to enter Europe by staying at the detention center. There is nothing mentioned about safety at the detention center for migrant women. After the detention center, the relocation procedure will have to be followed. The Commission neglected migrant women's presence and which methods and rules would be followed to prioritize migrant women. No policy significantly represented migrant women in the relocation procedure. Even after being in the member states, under "Responsibility Sharing," migrant women would have to relocate to other member states. The Commission also ignored the presence of migrant women in terms of the whole procedure of obtaining consent for relocating, their safety, social inclusion, job integration, etc. Overall, in the

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border system, migrant women had been portrayed by the Commission partially, and my hypothesis on border reception is also partially true.

The following hypothesis is that no separate measures are taken for migrants who are victims of sexual violence. Migrant women try to migrate, both on land and by water. In this case, they are sexually violated in both ways. Until they arrive at the external border and border reception, they are already broken mentally and physically. Regarding their broken health and sexual violations, the Commission did not take any significant steps. Sometimes, migrant women turn to human traffickers and smugglers for help at the border crossing. Even in that case, they are sexually harassed by these smugglers and human traffickers. However, because of external border management, there is no mention in the proposal of how the commission would treat these sexually harassed women or how to proceed to prescreening and screening by providing exceptional treatment. Even though the Commission mentioned identifying possible victims at the border from smugglers and human traffickers and about getting health care and support as being victimized, nothing had been described by the Commission at all. At the same time, these women are sexually harassed by security personnel in detention centers. While in the detention center, migrant women everywhere in the tent and washroom are insecure because of sexual harassment. Which remains an open secret. Just as there is no presence of migrant women in the matter of detention, the commission does not mention any separate measures to provide support to migrant women in the matter of being sexually and physically harassed in detention centers.

The process of entering the member states or returning from a detention center would also create uncertainty for migrant women. The commission had not made any proposal in this regard either. Due to their relocation from one country to another, migrant women can be victims of internal sexual and physical harassment. The commission did not mention any separate system regarding migrant women in the entire relocation procedure. Therefore, the second hypothesis I take is entirely accurate. The commission did not take any measures separately for migrant women who were sexually abused, as visualized in this proposal.

My following hypothesis is that these migrant women were not given separate agencies for mental health, sanitation, and primary health care. As migrant women will be given priority based on their country of origin, their country of origin can be war-torn, politically unstable, and influenced by climate change. While the impact is most pronounced on migrant women, the

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Commission has proposed nothing about sanitation care. No sign was seen in the proposal for medical support based on unhygienic sanitation, irregular menstruation, etc. Even at the time of migration, many women die while giving birth. In this case, the commission did not mention any separate steps to secure a safe pregnancy or the safe birth of the child. Throughout the migration process, migrant women suffer the most from mental instability. However, the commission did not propose any action to ensure their mental health. In most cases, migrant women become pregnant voluntarily or forcibly. In this regard, even when it comes to border procedures, social inclusion, and job integration, the way they are being abandoned has an impact on their reproductive rights. There is no mention of any discussion of reproductive rights in this proposal. This also proves my third hypothesis: there is no separate urgency from the Commission at all toward migrant women.

Finally, social integration is one of the most essential aspects and the last hypothesis. While the commission had called for the 2016 Reform Action Plan to be reused, the proposal did not mention any action on migrant women. While there was only mention of separate planning for migrants and their families, the commission did not mention any training, education system, or programs for migrant women significantly. Even the commission did not take any separate steps to encourage migrant women to enter the job sector, arrange work, ensure health protection in the field, etc. The Commission did not manifest any separate policies or regulations for the Member State to make the host country's society more migrant women-friendly. One aspect of social integration is securing the reproductive rights of migrant women. Proper application of reproductive rights can ensure pregnancy, menstruation, and the physical well-being of migrant women. At the same time, it is possible to guarantee women's human rights. However, the commission has completely excluded migrant women from the field of social integration. The commission did not mention any separate measures for the social inclusion of women directly. This proves my latest hypothesis to be partially true.

It is worth noting that the New Pact on Migration and Asylum was passed on April 10th, 2024. However, despite rigorous research, consultation with NGOs, advocacy, policy analysis, parliamentary discussion, and committee discussion on the situation of migrant women, including their experience of sexual violence, mental health, primary healthcare, sanitation, and social integration, no significant changes were made. Furthermore, the same frame still exists

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where migrant women have been ignored in the pre-selection, return, detention, and relocation process. This disregard has had a negative impact on their mental health, basic healthcare, sexual exploitation, and sanitation, which is unacceptable. It is imperative that migrant women's presence is recognized and that their safety and well-being are given top priority. It is clear that the new pact is a significant threat to migrant women, and it's crucial to work toward creating a more inclusive and equitable migration policy that is free from patriarchal and hierarchical notions. We must take action to ensure a more just and fair society for all.

Migration policy is always framed as patriarchal and hierarchical. In society, institutions, or any organization, migrant women are at the bottom of this hierarchical order (Briddick, 2021). The new Pact on Migration and Asylum is a case in point. In the new pact, migrant women have been completely overlooked in the name of policy, regulation, and priority. This proposal demonstrates four main frames: solidarity, border systems, externalization, and social integration. The proposal only portrays solidarity as a relation between member states, Schengen areas, and other European countries. Solidarity for migrant women has been passed over in the new pact, specifically in the relocation procedure, where migrant women will have to relocate to another member state from the host country. Besides, at the border system, migrant women's fundamental human rights have been abolished by not giving them any priority.

Furthermore, by eliminating migrant women from solidarity and the border system and justifying them based on their origin and nationality, they have been externalized. The Commission has proposed to return them to their country of origin without consenting to their situation, which will also create a discriminatory social integration system in the host country. It created existential and systemic problems for migrant women. The commission did not represent women anywhere but one place in the new Pact, which sets out the future of migration and asylum in Europe. Like every step of the New Pact, the presence of migrant women has been abolished. Similar to previous migration policies, this proposed new pact systematically excludes migrant women from the entire migration and asylum procedures. The Commission systematically eradicated migrant women from the proposal, reducing the permanent presence of migrant women in migration and asylum to zero. The presence and representation of the authority through which this entire migration and asylum policy is administered are male. The New Pact is another new reflection of patriarchal seriousness. It helps to highlight the patriarchal

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representation of the Commission through the existential and systematic eradication of migrant women, which vanquished migrant women through patriarchy and hierarchical order. My research has provided hypotheses and results on the importance of including migrant women sooner rather than later.

In this era of the 21st century, where gender equality, fundamental human rights, and equity are being talked about, through the proposal of this new pact, the commission has created another obstacle in the way of human rights violations and irregular gender representation. The Commission has shown a secularization move towards migrant women through this proposal. Instead of reshaping the institutions built on the pattern of culture and socialism for hundreds of years, the old document has been presented in a new way in this new pact. This is the term I have tried to discuss throughout my research that migrant women have been abandoned in this research thoroughly.

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## Appendixes

### Appendix 01: The Proposal of the New Pact on Migration and Asylum

Brussels, 23.9.2020  
COM(2020) 609 final

#### **COMMUNICATION FROM THE COMMISSION on a New Pact on Migration and Asylum**

‘We will take a human and humane approach. Saving lives at sea is not optional. And those countries who fulfil their legal and moral duties or are more exposed than others, must be able to rely on the solidarity of our whole European Union... Everybody has to step up here and take responsibility.’

President von der Leyen, State of the Union Address 2020

#### **1. INTRODUCTION: A NEW PACT ON MIGRATION AND ASYLUM**

Migration has been a constant feature of human history with a profound impact on European society, its economy and its culture. With a well-managed system, migration can contribute to growth, innovation and social dynamism. Key societal challenges faced by the world today – demography, climate change, security, the global race for talent, and inequality – all have an impact on migration. Policy imperatives such as free movement in the Schengen area, safeguarding fundamental rights, ensuring security, and filling skills gaps, all call for an effective migration policy. The task facing the EU and its Member States, while continuing to address urgent needs, is to build a system that manages and normalises migration for the long term and which is fully grounded in European values and international law.

The New Pact on Migration and Asylum offers a fresh start to address this task. The refugee crisis of 2015-2016 revealed major shortcomings, as well as the complexity of managing a situation which affects different Member States in different ways. It unearthed genuine concerns, and brought to the surface differences which need to be acknowledged and overcome. Above all, it highlighted a fundamental truth inherent in the nature of the EU: that every action has implications for others. While some Member States continue to face the challenge of external border management, others must cope with large-scale arrivals by land or sea, or overpopulated reception centres, and others still face high numbers of unauthorised movements of migrants. A new, durable European framework is needed, to manage the interdependence between Member States’ policies and decisions and to offer a proper response to the opportunities and challenges in normal times, in situations of pressure and in crisis situations: one that can provide certainty, clarity and decent conditions for the men, women and children arriving in the EU, and that can also allow Europeans to trust that migration is managed in an effective and humane way, fully in line with our values.

- 20.9 million non-EU nationals were legally resident in EU Member States in 2019, some 4.7% of the EU total population.
- EU Member States issued around 3.0 million first residence permits to non-EU nationals in 2019, including around 1.8 million for a duration of at least 12 months.
- 1.82 million illegal border crossings were recorded at the EU external border at the peak of the refugee crisis in 2015. By 2019 this had decreased to 142 000.

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- The number of asylum applications peaked at 1.28 million in 2015 and was 698 000 in 2019.
- On average every year around 370,000 applications for international protection are rejected but only around a third of these persons are returned home.
- The EU hosted some 2.6 million refugees at the end of 2019, equivalent to 0.6% of the EU population.

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: working closely with partners has a direct impact on the effectiveness of policies inside the EU. Addressing the root causes of irregular migration, combatting migrant smuggling, helping refugees residing in third countries and supporting well-managed legal migration are valuable objectives for both the EU and our partners to pursue through comprehensive, balanced and tailor-made partnerships.

In designing the New Pact, the Commission undertook dedicated high-level and technical consultations with the European Parliament, all Member States, and a wide variety of stakeholders from civil society, social partners and business. The New Pact has been shaped by the lessons of the inter-institutional debates since the Commission proposals of 2016 to reform the Common European Asylum System. It will preserve the compromises already reached on the existing proposals and add new elements to ensure the balance needed in a common framework, bringing together all aspects of asylum and migration policy. It will close gaps between the various realities faced by different Member States and promote mutual trust by delivering results through effective implementation. Common rules are essential, but they are not enough. The interdependency of Member States also makes it indispensable to ensure full, transparent and consistent implementation on the ground.

The New Pact on Migration and Asylum:

- robust and fair management of external borders, including identity, health and security checks;
- fair and efficient asylum rules, streamlining procedures on asylum and return;
- a new solidarity mechanism for situations of search and rescue, pressure and crisis;
- stronger foresight, crisis preparedness and response;
- an effective return policy and an EU-coordinated approach to returns;
- comprehensive governance at EU level for better management and implementation of asylum and migration policies;
- mutually beneficial partnerships with key third countries of origin and transit;
- developing sustainable legal pathways for those in need of protection and to attract talent to the EU; and
- supporting effective integration policies.

## 2. A COMMON EUROPEAN FRAMEWORK FOR MIGRATION AND ASYLUM MANAGEMENT

Since the refugee crisis of 2015-2016, the challenges have changed. Mixed flows of refugees and migrants have meant increased complexity and an intensified need for coordination and solidarity mechanisms. The EU and the Member States have significantly stepped up cooperation on migration and asylum policy. Member States' responses to the recent situation in the Moria reception centre have shown responsibility-sharing and solidarity in action. The plan of the Commission to work with national authorities on a joint pilot for a new reception centre shows how cooperation can work in the most operational of ways. To support the implementation of this joint pilot, the Commission will set up an integrated task force together with Member States and EU Agencies. However, ad hoc responses cannot provide a sustainable answer and major structural weaknesses remain, both in design and implementation. Inconsistencies between national asylum and return systems, as well as shortcomings in implementation, have exposed inefficiencies and raised concerns about fairness. And at the same time, the proper functioning of migration and asylum policy inside the EU also needs reinforced cooperation on migration with partners outside the EU.

A comprehensive approach is therefore needed which acknowledges collective responsibilities, addresses the most fundamental concerns expressed in the negotiations since 2016 – in particular in relation to solidarity – and tackles the implementation gap. This approach will build on progress made since 2016 but will also introduce a common European framework and better governance of migration and asylum management, as well as a new solidarity mechanism. It will also make procedures at the border more consistent and more efficient, as well as ensuring a consistent standard of reception conditions.

Building on the progress made since 2016

The Commission's previous proposals to reform the Common European Asylum System aimed to create a fair and swift process guaranteeing access to the asylum procedure, as well as equal treatment, clarity and legal certainty for asylum seekers, and addressing shortcomings on return. These goals remain valid and the New Pact has sought to maintain as much as possible the progress made and the compromises reached between the European Parliament and the Council. The Commission supports the provisional political agreements already reached on the Qualification Regulation and the Reception Conditions Directive. These proposals should be agreed as soon as possible. The Qualification Regulation would further harmonise the criteria for granting international protection, as well as clarifying the rights and obligations of beneficiaries and setting out when protection should end, in particular if the beneficiary has become a public security threat or committed a serious crime. The recast of the Reception Conditions Directive would bring more harmonised rules and improved reception conditions for asylum applicants, including earlier access to the labour market and better access to education for child migrants. It would also make clear that reception conditions are only to be provided in the responsible Member State, disincentivising unauthorised movements, and rules on detention would be clarified. The regulation to set up a fully-fledged European Union Agency for Asylum is another essential building block in a coherent and operational system whose swift adoption would bring immediate benefits. The proposal for a Union Resettlement and Humanitarian Admission Framework Regulation would provide a stable EU framework for the EU contribution to global resettlement efforts. The Commission's 2018 proposal amending

the Return Directive also remains a key priority, to close loopholes and streamline procedures so that asylum and return work as part of a single system 1 .

## 2.1 New procedures to establish status swiftly on arrival

The external border is where the EU needs to close the gaps between external border controls and asylum and return procedures. This process should be swift, with clear and fair rules for authorisation to enter and access to the appropriate procedure. The Commission is proposing to establish a seamless procedure at the border applicable to all non-EU citizens crossing without authorisation, comprising pre-entry screening, an asylum procedure and where applicable a swift return procedure – thereby integrating processes which are currently separate.

The first step should be a pre-entry screening 2 applicable to all third-country nationals who cross the external border without authorisation. This screening will include identification, health and security checks, fingerprinting and registration in the Eurodac database. It will act as a first step in the overall asylum and return system, increase transparency for the people concerned at an early stage and build trust in the system. It will foster closer cooperation between all relevant authorities, with support from EU Agencies. The screening will accelerate the process of determining the status of a person and what type of procedure should apply. To ensure that the same checks are conducted for all irregular arrivals before legal entry to the territory of a Member State, Member States will also need to carry out the screening if a person eludes border controls but is later identified within the territory of a Member State.

The Commission is also proposing a targeted amendment of its 2016 proposal for a new Asylum Procedures Regulation 3 to allow for more effective while flexible use of border procedures as a second stage in the process. The rules on the asylum and return border procedures would come together in a single legislative instrument. Border procedures allow for the fast-tracking of the treatment of an application, much like acceleration grounds such as the concepts of safe countries of origin or safe third countries. Asylum claims with low chances of being accepted should be examined rapidly without requiring legal entry to the Member State's territory. This would apply to claims presented by applicants misleading the authorities, originating from countries with low recognition rates likely not to be in need of protection, or posing a threat to national security. Whilst asylum applications made at the EU's external borders must be assessed as part of EU asylum procedures, they do not constitute an automatic right to enter the EU. The normal asylum procedure would continue to apply to other asylum claims and become more efficient, bringing clarity for those with well-founded claims. In addition, it should be possible to relocate applicants during the border procedure, allowing for procedures to be continued in another Member State.

For those whose claims have been rejected in the asylum border procedure, an EU return border procedure would apply immediately. This would eliminate the risks of unauthorised movements and send a clear signal to smugglers. It would be a particularly important tool on routes where there is a large proportion of asylum applicants from countries with a low recognition rate.

All necessary guarantees will be put in place to ensure that every person would have an individual assessment and essential guarantees remain in full, with full respect for the principle of non-refoulement and fundamental rights. Special attention to the needs of the most vulnerable would include a general exemption from the border procedures where the necessary guarantees cannot be secured. To guarantee effective access to asylum procedures and respect for fundamental rights, Member States, working closely with the Fundamental Rights Agency, will



put in place an effective monitoring mechanism, already at the stage of the screening as an additional safeguard.

The new procedures will allow asylum and migration authorities to more efficiently assess well-founded claims, deliver faster decisions and thereby contribute to a better and more credible functioning of asylum and return policies. This will be of benefit both to Member States, and to the EU as a whole: the work should be supported by resources and expertise from EU agencies as well as EU funds.

The Asylum Procedures Regulation would also establish an accessible, effective and timely decision-making process, based on simpler, clearer and shorter procedures, adequate procedural safeguards for asylum seekers, and tools to prevent restrictions being circumvented. A greater degree of harmonisation of the safe country of origin and safe third country concepts through EU lists, identifying countries such as those in the Western Balkans, will be particularly important in the continued negotiations, building on earlier inter-institutional discussions.

## 2.2 A common framework for solidarity and responsibility sharing

Drawing on the experience of the negotiations on the 2016 proposals to reform the Common European Asylum System, it is clear that an approach that goes beyond the limitations of the current Dublin Regulation is required. Rules for determining the Member State responsible for an asylum claim should be part of a common framework, and offer smarter and more flexible tools to help Member States facing the greatest challenges. The Commission will therefore withdraw its 2016 proposal amending the Dublin Regulation to be replaced by a new, broader instrument for a common framework for asylum and migration management – the Asylum and Migration Management Regulation [4](#) . This reform is urgent and a political agreement on the core principles should be reached by the end of 2020.

This new common framework will set out the principles and structures needed for an integrated approach for migration and asylum policy, which ensures a fair sharing of responsibility and addresses effectively mixed arrivals of persons in need of international protection and those who are not. This includes a new solidarity mechanism to embed fairness into the EU asylum system, reflecting the different challenges created by different geographical locations, and ensuring that all contribute through solidarity so that the real needs created by the irregular arrivals of migrants and asylum seekers are not handled by individual Member States alone, but by the EU as a whole. Solidarity implies that all Member States should contribute, as clarified by the European Court of Justice [5](#) .

The new solidarity mechanism will primarily focus on relocation or return sponsorship. Under return sponsorship, Member States would provide all necessary support to the Member State under pressure to swiftly return those who have no right to stay, with the supporting Member State taking full responsibility if return is not carried out within a set period. Member States can focus on nationalities where they see a better chance of effecting returns. While each Member State would have to contribute to relocation and/or return sponsorships and a distribution key would be applied, Member States will have the flexibility to decide whether and to what extent to share their effort between persons to be relocated and those to whom return sponsorship would apply. There would also be the possibility to contribute through other forms of solidarity such as capacity building, operational support, technical and operational expertise, as well as support on the external aspects of migration. Whilst always leaving Member States with viable alternatives

to relocation, a safety net will ensure that the pressure on a Member State is effectively alleviated by relocation or return sponsorship. The specific situation of search and rescue cases and particularly vulnerable groups should also be acknowledged, and the Commission will draw up a pool of projected solidarity measures, consisting mainly of relocations, indicated by Member States per year, based on the Commission's short-term projections for anticipated disembarkations on all routes as well as vulnerable groups projected to need relocation.

Current rules on the shift of responsibility for examining an application for international protection between Member States can act as an incentive for unauthorised movement, in particular when the shift of responsibility results from the behaviour of the applicant (for example, when an applicant absconds). The system therefore needs to be strengthened and loopholes closed. While the current criteria for determining responsibility will continue to apply, the rules on responsibility for examining an application for international protection should be refined to make the system more efficient, discourage abuses and prevent unauthorised movements. There should also be clear obligations for the applicant, and defined consequences if they do not comply. An additional step will be to amend the Long-term Residents Directive so that beneficiaries of international protection would have an incentive to remain in the Member State which granted international protection, with the prospect of long-term resident status after three years of legal and continuous residence in that Member State. This would also help their integration into local communities.

### 2.3 Mutual trust through robust governance and implementation monitoring

To be effective, border management, asylum and return policies must work well at the national level, and in the case of the integration of migrants at the local level. National policies therefore need to be coherent with the overall European approach. The new Asylum and Migration Management Regulation will seek to achieve this through closer European cooperation. It will improve planning, preparedness and monitoring at both national and EU level. A structured process would offer EU help so that Member States could assist one another in building a resilient, effective, and flexible system, with national strategies integrating asylum and return policies at national level. A European strategy would guide and support the Member States. The Commission will also prepare a report on preparedness and contingency, based on Member State reporting on an annual basis. This would bring a forward-looking perspective on addressing the risks and opportunities of migration management, to improve both the ability and the readiness to respond.

Key to trust in EU and national policies is consistency in implementation, requiring enhanced monitoring and operational support by EU Agencies. This includes more systematic Commission monitoring of both existing and new rules, including through infringement procedures.

Systems of quality control related to management of migration, such as the Schengen evaluation mechanism and the European Border and Coast Guard Agency (Frontex) vulnerability assessments, will play a key role. Another important step will be the future monitoring of the asylum systems included in the latest compromise on the proposal for a new European Union Agency for Asylum. The new mandate would respond to Member States' growing need for operational support and guidance on the implementation of the common rules on asylum, as well as bringing greater convergence. It would boost mutual trust through new monitoring of Member States' asylum and reception systems and through the ability for the Commission to issue recommendations with assistance measures. This legislation should be adopted still this year to

allow this practical support to be quickly available, while acknowledging that new structures such as the monitoring may need some time to be put in place.

#### 2.4 Supporting children and the vulnerable

The EU asylum and migration management system needs to provide for the special needs of vulnerable groups, including through resettlement. This Commission has identified the needs of children as a priority, as boys and girls in migration are particularly vulnerable 6. This will be taken fully into account in broader initiatives to promote the rights and interests of children, such as the Strategy on the Rights of the Child, in line both with international law on rights of refugees and children and with the EU Charter of Fundamental Rights 7.

The reform of EU rules on asylum and return is an opportunity to strengthen safeguards and protection standards under EU law for migrant children. The new rules will ensure that the best interests of the child are the primary consideration in all decisions concerning migrant children and that the right for the child to be heard is respected. Representatives for unaccompanied minors should be appointed more quickly and given sufficient resources. The European Network on Guardianship 8 should be strengthened and play a stronger role in coordination, cooperation and capacity building for guardians. Unaccompanied children and children under twelve years of age together with their families should be exempt from the border procedure unless there are security concerns. In all other relevant asylum procedures, child-specific procedural guarantees and additional support should be effectively provided. The system needs to be geared to reflect the particular needs of children at every stage, providing effective alternatives to detention, promoting swift family reunification, and ensuring that the voice of child protection authorities is heard. Children should be offered adequate accommodation and assistance, including legal assistance, throughout the status determination procedures. Finally, they should also have prompt and non-discriminatory access to education, and early access to integration services.

The risks of trafficking along migration routes are high, notably the risk for women and girls of becoming victims of trafficking for sexual exploitation or other forms of gender-based violence. Trafficking networks abuse asylum procedures, and use reception centres to identify potential victims 9. The early identification of potential non-EU victims will be a specific theme of the Commission's forthcoming approach towards the eradication of trafficking in human beings, as set out in the recent Security Union Strategy 10.

#### 2.5 An effective and common EU system for returns

EU migration rules can be credible only if those who do not have the right to stay in the EU are effectively returned. Currently, only about a third of people ordered to return from Member States actually leave. This erodes citizens' trust in the whole system of asylum and migration management and acts as an incentive for irregular migration. It also exposes those staying illegally to precarious conditions and exploitation by criminal networks. The effectiveness of returns today varies from Member State to Member State, depending to a large extent on national rules and capacities, as well as on relations with particular third countries. A common EU system for returns is needed which combines stronger structures inside the EU with more effective cooperation with third countries on return and readmission. It should be developed building on the recast of the Return Directive and effective operational support including through Frontex. This approach would benefit from the process proposed under the Asylum and Migration Management Regulation to identify measures if required to incentivise cooperation with third

countries 11 . The common EU system for returns should integrate return sponsorship and serve to support its successful implementation.

The main building block to achieve an effective EU return system is the 2018 proposal to recast the Return Directive. This would bring key improvements in the management of return policy. It would help prevent and reduce absconding and unauthorised movements, with common criteria to assess each case and the possibility to use detention for public order and security concerns. It would boost assisted voluntary return programmes, as the most efficient and sustainable way to enhance return. It would also improve delivery, with tailor-made IT tools and a clear obligation for those in the procedure to cooperate, as well as accelerating procedures. It is important that the European Parliament and the Council find agreement on provisions on common assessment criteria and detention. The Commission is ready to work closely with the other institutions to find swift agreement on a revised Directive that brings these improvements: this also would be helped by bringing together the rules on the asylum and return border procedures in the new Asylum Procedures Regulation, closing existing loopholes and further reducing the possibilities to circumvent the asylum system.

National return efforts also need operational support. Work on return is often hampered by scarce financial and human resources in Member States. Embedding return in national strategies under the common framework should result in better planning, resourcing and infrastructure for return and readmission operations.

Frontex must play a leading role in the common EU system for returns, making returns work well in practice. It should be a priority for Frontex to become the operational arm of EU return policy, with the appointment of a dedicated Deputy Executive Director and integrating more return expertise into the Management Board 12 . The deployment of the new standing corps will also assist return. Frontex will also support the introduction of a return case management system at EU and national level, covering all steps of the procedure from the detection of an irregular stay to readmission and reintegration in third countries. In this way the Agency can realise its full potential to support return, linking up operational cooperation with Member States and effective readmission cooperation with third countries.

An effective system to ensure return is a common responsibility and it will need strong governance structures to ensure a more coherent and effective approach. To this end, the Commission will appoint a Return Coordinator, supported by a new High Level Network for Return. The Coordinator will provide technical support to bring together the strands of EU return policy, building on positive experiences of Member States in managing returns and facilitating a seamless and interlinked implementation of the return process. A strategic focus will be provided by an operational strategy on returns.

Return is more effective when carried out voluntarily and accompanied with strong reintegration measures. Promoting voluntary return is a key strategic objective, reflected in the Commission's 2018 proposal on the Return Directive as well as in a forthcoming Strategy on voluntary return and reintegration. This strategy will set out new approaches to the design, promotion and implementation of assisted voluntary return and reintegration schemes 13 , setting common objectives and promoting coherence both between EU and national initiatives and between national schemes. This work can also draw on the reinforced mandate on return of the European Border and Coast Guard.

## 2.6 A new common asylum and migration database

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A seamless migration and asylum process needs proper management of the necessary information. For this purpose, Eurodac should be further developed to support the common framework 14. The 2016 Commission proposal, on which a provisional political agreement was reached by the European Parliament and the Council, would already enlarge the scope of Eurodac. An upgraded Eurodac would help to track unauthorised movements, tackle irregular migration and improve return. The data stored would be extended to address specific needs, with the necessary safeguards: for example, the European Parliament and the Council had already agreed to extend its scope to resettled persons.

These changes should now be complemented to allow an upgraded database to count individual applicants (rather than applications), to help apply new provisions on shifting responsibility within the EU, to facilitate relocation, and to ensure better monitoring of returnees. The new system would help create the necessary link between asylum and return procedures and provide additional support to national authorities dealing with asylum applicants whose application has already been rejected in another Member State. It could also track support for voluntary departure and reintegration. The new Eurodac would be fully interoperable with the border management databases, as part of an all-encompassing and integrated migration and border management system.

### Key actions

#### The Commission:

- Proposes an Asylum and Migration Management Regulation, including a new solidarity mechanism;
- Proposes new legislation to establish a screening procedure at the external border;
- Amends the proposal for a new Asylum Procedures Regulation to include a new border procedure and make asylum procedures more effective;
- Amends the Eurodac Regulation proposal to meet the data needs of the new framework for EU asylum and migration management;
- Will appoint a Return Coordinator within the Commission, supported by a new High Level Network for Returns and a new operational strategy; and
- Will set out a new Strategy on voluntary returns and reintegration.

#### The European Border and Coast Guard Agency (Frontex) should:

- Fully operationalise the reinforced mandate on return and provide full support to Member States at national level; and
- Appoint a Deputy Executive Director for Return,

#### The European Parliament and the Council should:

- Adopt the Asylum and Migration Management Regulation, as well as the Screening Regulation and the revised Asylum Procedures Regulation, by June 2021;
- Give immediate priority to adoption of the Regulation on the EU Asylum Agency by the end of the year to allow effective European support on the ground;
- Ensure adoption of the revised Eurodac Regulation this year;
- Ensure quick adoption of the revised Reception Conditions Directive and the Qualification Regulation; and
- Ensure the swift conclusion of the negotiations on the revised Return Directive.

### 3.A ROBUST CRISIS PREPAREDNESS AND RESPONSE SYSTEM

The New Pact's goal of putting in place a comprehensive and robust migration and asylum policy is the best protection against the risk of crisis situations. The EU is already better prepared

today than it was in 2015, and the common framework for asylum and migration management will already put the EU on a stronger footing, reinforcing preparedness and making solidarity a permanent feature. Yet the EU will always need to be ready for the unexpected.

The EU must be ready to address situations of crisis and force majeure with resilience and flexibility – in the knowledge that different types of crises require varied responses. The effectiveness of response can be improved through preparation and foresight. This needs an evidence-based approach, to increase anticipation and help to prepare EU responses to key trends 15 . A new Migration Preparedness and Crisis Blueprint 16 will be issued to help move from a reactive mode to one based on readiness and anticipation. It will bring together all existing crisis management tools and set out the key institutional, operational and financial measures and protocols which must be in place to ensure preparedness both at EU and national level.

The Blueprint entails continuous anticipation and monitoring of Member States' capacities, and provides a framework for building resilience and organising a coordinated response to a crisis. At the request of a Member State, operational support would be deployed, both from EU agencies and by other Member States. This would build on the hotspot approach and draw on recent experience of crisis response and civil protection. The Blueprint will be immediately effective, but will also act as important operational support to the EU's ability to respond under the future arrangements. It will set out the array of measures that can be used to address crises related to a large number of irregular arrivals. Experience, however, tells us that we also need to add a new element to the toolbox.

A new legislative instrument would provide for temporary and extraordinary measures needed in the face of crisis 17 . The objectives of this instrument will be twofold: firstly to provide flexibility to Member States to react to crisis and force majeure situations and grant immediate protection status in crisis situations, and secondly, to ensure that the system of solidarity established in the new Asylum and Migration Management Regulation is well adapted to a crisis characterised by a large number of irregular arrivals. The circumstances of crisis demand urgency and therefore the solidarity mechanism needs to be stronger, and the timeframes governing that mechanism should be reduced 18 . It would also widen the scope of compulsory relocation, for example to applicants for and beneficiaries of immediate protection, and return sponsorship.

In situations of crisis that are of such a magnitude that they risk to overwhelm Member States' asylum and migration systems, the practical difficulties faced by Member States would be recognised through some limited margin to temporarily derogate from the normal procedures and timelines, while ensuring respect for fundamental rights and the principle of non-refoulement 19 .

Protection, equivalent to subsidiary protection, could also be immediately granted to a pre-defined group of people, notably to people who face an exceptionally high risk of indiscriminate violence due to armed conflict in their country of origin. Given the development of the concepts and rules of qualification for international protection, and in view of the fact that the new legislation would lay down rules for granting immediate protection status in crisis situations, the Temporary Protection Directive would be repealed 20 .

Key actions

The Commission:

- Presents a Migration Preparedness and Crisis Blueprint; and

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·Proposes legislation to address situations of crisis and force majeure and repealing the Temporary Protection Directive.

The European Parliament and the Council should:

·Prioritise work on the new crisis instrument.

The Member States, the Council and the Commission should:

·Start implementation of the Migration Preparedness and Crisis Blueprint.

#### 4.INTEGRATED BORDER MANAGEMENT

Integrated border management is an indispensable policy instrument for the EU to protect the EU external borders and safeguard the integrity and functioning of a Schengen area without internal border controls. It is also an essential component of a comprehensive migration policy: well-managed EU external borders are an essential component in working together on integrated policies on asylum and return.

##### 4.1 Stepping up the effectiveness of EU external borders

The management of EU external borders is a shared responsibility of all Member States and Schengen Associated Countries, and of the EU and its agencies. This also means that where there are shortcomings, the impact is twofold, both an extra challenge for the Member State in question, and consequences such as unauthorised movements which affect the credibility of the entire EU system. Effective management of EU external borders is a key element for a Schengen area without internal border controls.

European Integrated Border Management is implemented by the European Border and Coast Guard, composed of the Member States' border and coastguard authorities and Frontex. It is designed to prevent fragmentation and ensure coherence between different EU policies.

The Commission will launch the preparatory process in view of submitting the policy document for the multiannual strategic policy and implementation cycle in the first half of 2021. This cycle will ensure a unified framework to provide strategic guidelines to all relevant actors at the European and national level in the area of border management and return, through linked strategies: an EU technical and operational strategy set out by Frontex, and national strategies by Member States. This will allow all the relevant legal, financial and operational instruments and tools to be coherent, both within the EU and with our external partners. It will be discussed with the European Parliament and the Council.

The EU must be able to support Member States at the external border with speed, scale and flexibility. The swift and full implementation of the new European Border and Coast Guard Regulation is a critical step forward. It strengthens day-to-day cooperation and improves the EU's reaction capacity. Developing common capabilities and linked planning in areas like training and procurement will mean more consistency and more effectiveness. Frontex's yearly vulnerability assessments are particularly important, assessing the readiness of Member States to face threats and challenges at the external borders and recommending specific remedial action to mitigate vulnerabilities. They complement the evaluations under the Schengen evaluation mechanism, carried out jointly by the Commission and the Member States. The vulnerability assessments will also help to target the Agency's operational support to the Member States to best effect.

The new Regulation sets up a standing corps of operational staff, bringing together personnel from the Agency as well as from Member States, and exercising executive powers: a major reinforcement of the EU's ability to respond to different situations at the external borders. A standing corps with a capacity of 10 000 staff remains essential for the necessary

capability to react quickly and sufficiently. The first deployment of the standing corps should be ready for 1 January 2021.

#### 4.2 Reaching full interoperability of IT systems

Strong external borders also require up-to-date and interoperable IT systems to keep track of arrivals and asylum applicants. Once operational, different systems will form an integrated IT border management platform checking and keeping track of the right to stay of all third country nationals, whether visa-free or visa holders, arriving in a legal manner on EU territory, helping the work of identifying cases of overstaying 21.

Interoperability will connect all European systems for borders, migration, security and justice, and will ensure that all these systems ‘talk’ to each other, that no check gets missed because of disconnected information, and that national authorities have the complete, reliable and accurate information needed. It will bring a major boost to the fight against identity fraud. Each system will keep its established safeguards. It is essential that these new and upgraded information systems are operational and fully interoperable by the end of 2023, as well as the upgrade of the Schengen Information System. The Commission will also table the necessary amendments in the proposed revision of the Eurodac Regulation to integrate it into this approach, so that Eurodac also plays a full part in controlling irregular migration and detecting unauthorised movements within the EU. Trust in the Schengen area will be further reinforced by making the visa procedure fully digitalised by 2025, with a digital visa and the ability to submit visa applications online.

The tight schedule for delivering the new architecture of EU information systems requires both monitoring and support for preparations in the Member States and in the agencies. The Commission’s rapid alert process for IT systems will enable early warning and, if needed, fast and targeted corrective action. This will inform a bi-annual High-Level Implementation Forum of top coordinators from Member States, the Commission and the agencies.

#### 4.3 A common European approach to search and rescue

Since 2014, attempts to reach Europe on unseaworthy vessels have increased, with many lives lost at sea. This has prompted the EU, Member States, and private actors to significantly step up maritime search and rescue capacity in the Mediterranean. The EU joint naval operation EUNAVFOR MED Sophia and Frontex-coordinated operations – such as Themis, Poseidon and Indalo – have contributed to over 600 000 rescues since 2015.

Assisting those in distress at sea is a moral duty and an obligation under international law. While national authorities remain ultimately responsible for implementing the relevant rules under international law, search and rescue is also a key element of the European integrated border management, implemented as a shared responsibility by Frontex 22 and national authorities, making the boosting of Frontex’s access to naval and aerial capacity essential.

Dangerous attempts to cross the Mediterranean continue to bring great risk and fuelling criminal networks. The disembarkation of migrants has a significant impact on asylum, migration and border management, in particular on coastal Member States. Developing a more coordinated EU approach to the evolving search and rescue practice, grounded in solidarity, is crucial. Key elements should include:

- Recognising the specificities of search and rescue in the EU legal framework for migration and asylum. Since January 2019, at the request of Member States, the Commission has coordinated the relocation of more than 1 800 disembarked persons following



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rescue operations by private vessels. While the Commission will continue to provide operational support and proactive coordination, a more predictable solidarity mechanism for disembarkation is needed. The new Asylum and Migration Management Regulation will cater for help through relocation following disembarkations after search and rescue operations. This should help to ensure the continuity of support and to avoid the need for ad hoc solutions.

- Frontex should provide increased operational and technical support within EU competence, as well as deployment of maritime assets to Member States, to improve their capabilities and thus contribute to saving lives at sea.

- Cooperation and coordination among Member States needs to be significantly stepped up, particularly in view of the search and rescue activities that have developed over the past years with the regular involvement of private actors. The Commission is issuing a Recommendation on cooperation between Member States in the context of operations carried out by vessels owned or operated by private entities for the purpose of performing regular rescue activities, with a view to maintaining safety of navigation and ensuring effective migration management 23 . This cooperation should also be channelled through an expert group on search and rescue established by the Commission to encourage cooperation and the exchange of best practices.

- The Commission is also providing Guidance on the effective implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence 24 , and how to prevent the criminalisation of humanitarian actors 25 .

- The EU will strengthen cooperation with countries of origin and transit to prevent dangerous journeys and irregular crossings, including through tailor-made Counter Migrant Smuggling Partnerships with third countries 26 .

#### 4.4 A well-functioning Schengen area

The Schengen area is one of the major achievements of European integration. But it has been put under strain by difficulties in responding to changing situations at the Union's border, by gaps and loopholes, and by diverging national asylum, reception and return systems. These elements increase unauthorised movements, both of asylum seekers and of migrants who should be returned. Measures already agreed and which now need to be adopted by the European Parliament and the Council will help to bring more consistency in standards in asylum and migration systems. Further steps under the New Pact – on screening and border procedures, on reinforced external borders, on more consistent asylum and return procedures under the more integrated approach of the common framework – also add up to a major reinforcement of Schengen.

Concerns about existing shortcomings have contributed to the triggering of temporary internal border controls. The longer these controls continue, the more questions are raised about their temporary nature, and their proportionality. Temporary controls may only be used in exceptional circumstances to provide a response to situations seriously affecting public policy or internal security. As a last resort measure, they should last only as long as the extraordinary circumstances persist: for example, in the recent emergency circumstances of the COVID-19 pandemic, internal border control measures were introduced but most of them have now been lifted.

Building on experience from the multiple crises of the last five years, the Commission will present a Strategy on the future of Schengen, which will include initiatives for a stronger and

more complete Schengen. This will include a fresh way forward on the Schengen Borders Code, with conclusions to be drawn on the state of play of the negotiations on the Commission's proposal of 2017. It will also cover how to improve the Schengen evaluation mechanism to become a fully effective tool for evaluating the functioning of Schengen and for ensuring that improvements are effectively implemented. An efficient Schengen evaluation mechanism is an essential tool for an effective Schengen area, building trust through verifying how Member States implement the Schengen rules. It is important that Member States remedy deficiencies identified during the evaluations. Where Member States persistently fail to do so, or where controls at internal borders are kept in place beyond what is necessary, the Commission will more systematically consider the launching of infringement procedures.

There are also alternatives to internal border controls – for example, police checks can be highly effective, and new technology and smart use of IT interoperability can help make controls less intrusive. At the moment, readmission agreements also remain between Member States which could also be implemented more effectively.

Building on the work already in place to promote these measures <sup>27</sup>, the Commission will put in place a programme of support and cooperation to help Member States to maximise the potential of these measures. The Commission will establish a dedicated Schengen Forum, involving the relevant national authorities such as Ministries of Interior and (border) police at national and regional level in order to stimulate more concrete cooperation and more trust. Once a year, a discussion in the Forum should be organised at political level to allow national Ministers, Members of the European Parliament and other stakeholders to bring political momentum to this process.

Key actions

The Commission:

- Adopts a Recommendation on cooperation between Member States concerning private entities' rescue activities;
- Presents guidance to Member States to make clear that rescues at sea cannot be criminalised;
- Will adopt a Strategy on the future of Schengen which reinforces the Schengen Borders Code and the Schengen evaluation mechanism;
- Will establish a Schengen Forum to foster concrete cooperation and ways to deepen Schengen through a programme of support and cooperation to help end internal border controls; and
- Will launch a new European group of experts on search and rescue.

The Commission, the Member States and Frontex should:

- Ensure the swift and full implementation of the new European Border and Coast Guard Regulation; and
- Ensure the implementation and interoperability of all large scale IT systems by 2023.

## 5.REINFORCING THE FIGHT AGAINST MIGRANT SMUGGLING

Smuggling involves the organised exploitation of migrants, showing scant respect for human life in the pursuit of profit. This criminal activity therefore damages both the humanitarian and the migration management objectives of the EU. The new 2021-2025 EU Action Plan against migrant smuggling will focus on combatting criminal networks, and in line with the EU's Security Union Strategy, it will boost cooperation and support the work of law enforcement to tackle migrant smuggling, often also linked to trafficking in human beings. The Action Plan will

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build on the work of Europol and its European Migrant Smuggling Centre, Frontex, Eurojust and the EU Agency for Law Enforcement Training. New measures and strengthened inter-agency cooperation will address challenges in the areas of financial investigations, asset recovery and document fraud, and new phenomena such as digital smuggling [28](#).

Existing rules to clamp down on migrant smuggling [29](#) have proven an effective legal framework to combat those who facilitate unauthorised entry, transit and residence. Reflection is ongoing on how to modernise these rules [30](#). The Commission will bring clarity to the issue of criminalisation for private actors through guidance on the implementation of the counter-smuggling rules, and make clear that carrying out the legal obligation to rescue people in distress at sea cannot be criminalised.

Finding employment in the EU without the required legal status is one of the drivers for smuggling to the EU. The Commission will assess how to strengthen the effectiveness of the Employers Sanctions Directive and evaluate the need for further action. The Commission will also work with the European Labour Authority to coordinate the efforts of the national authorities and ensure the efficient implementation of the Directive, which is indispensable to deter irregular migration by ensuring effective prohibition of the employment of irregularly staying third-country nationals.

Combatting smuggling is a common challenge requiring international cooperation and coordination as well as effective border management. The July 2020 Ministerial Conference between the EU and African partners confirmed the mutual determination to address this problem [31](#). The new EU Action Plan against migrant smuggling will stimulate cooperation between the EU and third countries, through targeted counter migrant smuggling partnerships, as part of broader partnerships with key third countries. This will include support to countries of origin and transit in capacity-building both in terms of law enforcement frameworks and operational capacity, encouraging effective action by police and judicial authorities. The EU will also improve information exchange with third countries and action on the ground, through support to common operations and joint investigative teams, as well as information campaigns on the risks of irregular migration and on legal alternatives. EU agencies should also work more intensively with partner countries. Europol will strengthen cooperation with the Western Balkans and the Commission and Europol will work towards similar agreements with Turkey and others in the neighbourhood. The Commission will also include this in its cooperation with the African Union (AU).

Common Security and Defence Policy operations and missions will continue making an important contribution, where the fight against irregular migration or migrant smuggling is part of their mandates. Complementing existing missions, such as EUCAP Sahel Niger and EUBAM Libya, Operation EUNAVFOR MED IRINI is now under way in the Central Mediterranean and helps to disrupt smuggling networks.

Immigration Liaison Officers provide a valuable connection in the fight against irregular migration and migrant smuggling. The full implementation of the Regulation on the European network of immigration liaison officers [32](#) will further consolidate this network and enhance the fight against smuggling.

### Key actions

The Commission will:

- Present a new EU Action Plan against Migrant Smuggling for 2021-2025;
- Assess how to strengthen the effectiveness of the Employers Sanctions Directive; and
- Build action against migrant smuggling into partnerships with third countries.

## 6. WORKING WITH OUR INTERNATIONAL PARTNERS

The majority of migrants undertake their journeys in a regular and safe manner, and well-managed migration, based on partnership and responsibility-sharing, can have positive impacts for countries of origin, transit and destination alike. In 2019, there were over 272 million international migrants <sup>33</sup>, with most migration taking place between developing countries. Demographic and economic trends, political instability and conflict, as well as climate change, all suggest that migration will remain a major phenomenon and global challenge for the years to come. Migration policies that work well are in the interest of partner countries, the EU, and refugees and migrants themselves.

The prerequisite in addressing this is cooperation with our partners, first and foremost based on bilateral engagement, combined with regional and multilateral commitment. Migration is central to the EU's overall relationships with key partner countries of origin and transit. Both the EU and its partners have their own interests and tools to act. Comprehensive, balanced and tailor-made partnerships, can deliver mutual benefits, in the economy, sustainable development, education and skills, stability and security, and relations with diasporas. Working with partners also helps the EU to fulfil its obligations to provide protection to those in need, and to carry out its role as the world's major development donor. Under the New Pact, engagement with partner countries will be stepped up across all areas of cooperation. The Commission and the High Representative will immediately start work, together with Member States, to put this approach into practice through dialogue and cooperation with our partners.

### 6.1 Maximising the impact of our international partnerships

The EU needs a fresh look at its priorities, first in terms of the place of migration in its external relations and other policies, and then in terms of what this means for our overall relations with specific partners. In comprehensive partnerships, migration should be built in as a core issue, based on an assessment of the interests of the EU and partner countries. It is important to address the complex challenges of migration and its root causes to the benefit of the EU and its citizens, partner countries, migrants and refugees themselves. By working together, the EU and its partners can improve migration governance, deepen the common efforts to address shared challenges and benefit from opportunities.

The approach needs to deploy a wide range of policy tools, and have the flexibility to be both tailor-made and able to adjust over time. Different policies such as development cooperation, security, visa, trade, agriculture, investment and employment, energy, environment and climate change, and education, should not be dealt with in isolation. They are best handled as part of a tailor-made approach, at the core of a real mutually beneficial partnership. It is also important to bear in mind that migration issues such as border management or more effective implementation of return and readmission can be politically sensitive for partners. Tackling the issues we see today – the loss of life first and foremost, but also shortcomings in migration management – means working together so that everyone assumes their responsibilities.

EU level engagement alone is not sufficient: effective coordination between the EU level and Member States is essential at all levels: bilateral, regional and multilateral. Consistent messaging between the EU and Member States on migration and joint outreach to partners have proven to be critical to showing the EU's common commitment. The EU should in particular draw on the experience and privileged relationships of some Member States with key partners – experience has shown that the full involvement of Member States in the EU migration partnerships,

including through the pooling of funds and expertise via the various EU Trust Funds, is key to success.

The EU has credibility and strength through its role in the international and multilateral context, including through its active engagement in the United Nations (UN) and close cooperation with its agencies. The EU should build on the important progress made at the regional level, through dedicated dialogues and frameworks [34](#) and through partnerships with organisations such as the African Union. Further innovative partnerships could building on the positive example of the AU-EU-UN Taskforce on Libya. The specific context of the post-Cotonou framework with States in Africa, the Caribbean and the Pacific is of particular importance in framing and effectively operationalising migration cooperation.

Dialogue has deepened with a range of key partners in recent years [35](#) . The EU's neighbours are a particular priority. Economic opportunity, particularly for young people, is often the best way to reduce the pressure for irregular migration. The ongoing work to address migrant smuggling is one example of the critical importance of relations with the countries of North Africa. The Western Balkans require a tailor-made approach, both due to their geographical location and to their future as an integral part of the EU: coordination can help to ensure they are well equipped as future Member States to respond constructively to shared challenges, developing their capacities and border procedures to bring them closer to the EU given their enlargement perspective. The 2016 EU-Turkey Statement reflected a deeper engagement and dialogue with Turkey, including helping its efforts to host around 4 million refugees [36](#) . The Facility for Refugees in Turkey continues to respond to essential needs of millions of refugees, and continued and sustained EU funding in some form will be essential [37](#) .

Migration is an integral part of the approach under the Joint Communication towards a Comprehensive Strategy with Africa to deepen economic and political ties in a mature and wide-ranging relationship [38](#) and give practical support. The reality of multiple migration routes also underlines the need to work with partner countries in Asia [39](#) and Latin America.

With all these partners, we need to recognise that the COVID-19 pandemic is already causing massive disruption. This must be a key part of a vision of cooperation based on mutual interests, helping to build strengthened, resilient economies delivering growth and jobs for local people and at the same time reducing the pressure for irregular migration.

EU funding for refugees and migration issues outside the EU, amounting to over €9 billion since 2015, has proven to be indispensable to the delivery of the EU's migration objectives. In July 2020 the European Council underlined that this must be developed further and in a more coordinated manner in programmes across the relevant headings of the EU budget [40](#) . Strategic, policy-driven programming of the EU's external funding will be essential to implement this new comprehensive approach to migration. The 10% target for migration-related actions proposed in the Neighbourhood, Development and International Cooperation Instrument recognises that resources need to match the needs of the EU's increased international engagement, as well as being sufficiently flexible to adjust to circumstances. The proposed architecture of the EU's external financial instruments also provides for additional flexibilities to respond to unforeseen circumstances or crises.

## 6.2 Protecting those in need and supporting host countries

The EU's work to address emergency and humanitarian needs is based on principles of humanity, impartiality, neutrality and independence. Over 70 million people, men, women and children are estimated to have been forcibly displaced worldwide, with almost 30 million

refugees and asylum seekers 41 . The vast majority of these are hosted in developing countries and the EU will maintain its commitment to help.

The EU can build on a track record of cooperation with a wide range of partners in delivering this support. The humanitarian evacuation of people from Libya to Emergency Transit Mechanisms in Niger and Rwanda for onward resettlement helped the most vulnerable to escape from desperate circumstances. Assisting refugees affected by the Syrian crisis and their hosting countries will continue to be essential. Millions of refugees and their host communities in Turkey, Lebanon, Jordan or Iraq are benefitting from daily support, through dedicated instruments such as the EU's Facility for Refugees in Turkey and the EU Regional Trust Fund in Response to the Syrian crisis.

As reiterated in December 2019 at the Global Refugee Forum, the EU is determined to maintain its strong commitment to providing life-saving support to millions of refugees and displaced people, as well as fostering sustainable development-oriented solutions 42 .

### 6.3 Building economic opportunity and addressing root causes of irregular migration

The root causes of irregular migration and forced displacement, as well as the immediate factors leading people to migrate, are complex 43 .

The EU is the world's largest provider of development assistance. This will continue to be a key feature in EU engagement with countries, including on migration issues. Work to build stable and cohesive societies, to reduce poverty and inequality and promote human development, jobs and economic opportunity, to promote democracy, good governance, peace and security, and to address the challenges of climate change can all help people feel that their future lies at home. In the Commission proposals for the next generation of external policy instruments, migration is systematically factored in as a priority in the programming. Assistance will be targeted as needed to those countries with a significant migration dimension. Flexibility has been built into the proposals for the instruments since experience of recent years has shown that the flexibility of instruments such as Trust Funds is key to rapid delivery when required, compared to funding predetermined for specific countries or programmes.

Many other policies can be harnessed to help build stability and prosperity in partner countries 44 . Conflict prevention and resolution, as well as peace, security and governance, are often the cornerstone of these efforts. Trade and investment policies already contribute to addressing root causes by creating jobs and perspectives for millions of workers and farmers worldwide. Boosting investment through vehicles such as the External Investment Plan can make a significant contribution to economic development, growth and employment. Better exploiting the potential of remittances can also help economic development. Cooperation in education, skills and research, as well as in policies such as digital, energy or transport, also helps to deepen economic development. The EU will use these policies wherever relevant in the engagement with partner countries under the New Pact.

### 6.4 Partnerships to strengthen migration governance and management

Supporting the EU's partners in developing effective migration governance and management capacity will be a key element in the mutually beneficial partnerships the EU seeks to develop. The EU can support capacity building in line with partners' needs. This will help partner countries manage irregular migration, forced displacement and combat migrant smuggling networks 45 . Tools such as strategic communication will be further deployed, providing information on legal migration opportunities and explaining the risks of irregular

migration, as well as countering disinformation. In addition, depending on the contexts and situations, the EU can assist partner countries in strengthening capacities for border management, including by reinforcing their search and rescue capacities at sea or on land, through well-functioning asylum and reception systems, or by facilitating voluntary returns to third countries or the integration of migrants [46](#).

EU cooperation with partner countries in the area of migration governance will continue to ensure the protection of the rights of migrants and refugees, combat discrimination and labour exploitation, and ensure that their basic needs are met through the provision of key services. Support may also be targeted at maximising the positive impact of migration and reducing the negative consequences for partner countries, for example by reducing the transfer costs of remittances, reducing “brain drain”, or facilitating circular migration.

Member States have a key role to play in providing such practical support, as demonstrated by the fruitful cooperation in the fight against migrant smuggling, where joint investigation teams benefit from the hands-on expertise of national administrations.

The EU should use all the tools at its disposal to bring operational support to the new partnerships, including through a much deeper involvement of EU agencies. Frontex’s enhanced scope of action should now be used to make cooperation with partners operational. Cooperation with the Western Balkans, including through EU status agreements with the Western Balkan partners, will enable Frontex border guards to work together with national border guards on the territory of a partner country. Frontex can also now provide practical support to develop partners’ border management capacity and to cooperate with partners to optimise voluntary return. The Commission will continue encouraging agreements with its neighbours [47](#). As for asylum, the possibilities today to work with third countries are limited, but well-functioning migration management on key routes is essential both to protection and to asylum and return procedures. The new EU Asylum Agency would be able to work on capacity building and operational support to third countries, and support EU and Member State resettlement schemes, building on the existing cooperation with UN agencies such as the UN Refugee Agency UNHCR and the International Organisation for Migration.

#### 6.5 Fostering cooperation on readmission and reintegration

Strands of work such as creating economic opportunity, increasing stability or tackling migrant smuggling can reduce the number of irregular arrivals to the EU and the numbers of those in the EU with no right to stay. Nevertheless, for those with no right to stay, an effective system of returns needs to be in place. Some of them may take up voluntary return options, and this should be proactively supported. Currently, one of the key gaps in European migration management is the difficulty to effectively return those who do not take up this option. Working closely with countries of origin and transit is a prerequisite for a well-functioning system of returns, readmission and reintegration.

Action taken by Member States [48](#) in the field of returns needs to go hand in hand with a new drive to improve cooperation on readmission with third countries, complemented by cooperation on reintegration, to ensure the sustainability of returns. This first and foremost requires the full and effective implementation of the twenty-four existing EU agreements and arrangements on readmission with third countries, the completion of ongoing readmission negotiations and as appropriate the launch of new negotiations, as well as practical cooperative solutions to increase the number of effective returns.

These discussions should be seen in the context of the full range of the EU's and Member States' policies, tools and instruments, which can be pulled together in a strategic way. A first step was made by introducing a link between cooperation on readmission and visa issuance in the Visa Code [49](#). Based on information provided by Member States, the Commission will assess at least once a year the level of cooperation of third countries on readmission, and report to the Council. Any Member State can also notify the Commission if it is confronted with substantial and persistent practical problems in the cooperation with a third country on readmission, triggering an ad hoc assessment. Following an assessment, the Commission can propose to apply restrictive visa measures, or in case of good cooperation, propose favourable visa measures.

Visa policy can also be used to curb unfounded asylum applications from visa-free countries, keeping in mind that almost a quarter of asylum applications received by Member States were lodged by applicants who can enter the Schengen+ area visa-free. More cooperation and exchange of information would help to detect visa abuse. The Visa Suspension Mechanism provides for the systematic assessment of visa-free countries against criteria including irregular migration risks and abusive asylum applications. This can ultimately result in the removal of third countries from the visa-free list.

To deliver on the goal set out by the European Council [50](#) to mobilise relevant policies and tools, joint efforts need to be taken a step further. This is why the proposed Asylum and Migration Management Regulation includes the possibility that the Commission, when reporting to the Council on the state of play of the cooperation on readmission, could identify further effective measures to incentivise and improve cooperation to facilitate return and readmission, including in other policy areas of interest to the third countries [51](#), while taking into account the Union's overall interests and relations with the third country. In this respect, close cooperation with the High Representative will be important. The Commission, the High Representative and the Member States should ensure that progress on readmission accompanies progress in other areas under the partnerships. This would require more coordination, and flexibility in legislative, policy and funding instruments, bringing together action at both EU and Member State level.

An important component of the future Voluntary Return and Reintegration Strategy will consist in setting out new approaches in third countries and include better linkages with other development initiatives and national strategies, to build third countries' capacity and ownership. The effective implementation of the Strategy will require close cooperation with Frontex under its reinforced mandate on return and as part of the common EU system for returns.

## 6.6 Developing legal pathways to Europe

Safe channels to offer protection to those in need remove the incentive to embark on dangerous journeys to reach Europe, as well as demonstrating solidarity with third countries hosting refugees. Legal migration can bring benefit to our society and the economy. While Member States retain the right to determine volumes of admission for people coming from third countries to seek work, the EU's common migration policy needs to reflect the integration of the EU economy and the interdependence of Member States' labour markets. This is why EU policies need to foster a level playing field between national labour markets as migration destinations. They should also help Member States use their membership of the EU as an asset in attracting talent.

Resettlement is a tried and tested way to provide protection to the most vulnerable refugees. Recent years have already seen a major increase in resettlement to the EU, and this work should be further scaled up. The Commission is recommending to formalise the ad hoc scheme of



approximately 29 500 resettlement places already being implemented by Member States, and to cover a two-year period, 2020-2021 52 (due to the COVID-19 pandemic, it will not be possible to fulfil all resettlement pledges during 2020). To ensure a seamless continuation of EU resettlement efforts beyond 2021 and to confirm the EU's global lead on resettlement, the Commission will invite Member States to make pledges from 2022 onwards. This will be supported by the EU budget and include complementary pathways to protection, such as humanitarian admission schemes and measures such as study or work-related schemes. The EU will also support Member States wishing to establish community or private sponsorship schemes through funding, capacity building and knowledge-sharing, in cooperation with civil society, with the aim of developing a European model of community sponsorship, which can lead to better integration outcomes in the longer term.

The EU also works with its partner countries on legal pathways to Europe as part of migration partnerships, opening the way for cooperation on schemes to match people, skills and labour market needs through legal migration. At the same time, developing legal pathways should contribute to the reduction of irregular migration, which often leads to undeclared work and labour exploitation in the EU. The Commission will reinforce support to Member States to scale up legal migration together with partner countries as a positive incentive and in line with the EU's skills and labour market needs, while fully respecting Member States' competencies.

The EU has a strong track record in labour mobility schemes. Legal migration pilot projects 53 have shown that by providing targeted support, the EU can help Member States implement schemes that meet the needs of employers. The EU has also opened Erasmus+ and vocational training to third country nationals and offered support grants for the mobilisation of the diaspora. However, the scope and ambition of existing schemes remains limited.

A reinforced and more comprehensive approach 54, would offer cooperation with partner countries and help boost mutually-beneficial international mobility. The Commission will therefore launch Talent Partnerships in the form of an enhanced commitment to support legal migration and mobility with key partners. They should be launched first in the EU's Neighbourhood, the Western Balkans, and in Africa, with a view to expanding to other regions. These will provide a comprehensive EU policy framework as well as funding support for cooperation with third countries, to better match labour and skills needs in the EU, as well as being part of the EU's toolbox for engaging partner countries strategically on migration. Strong engagement of Member States will be essential, as will involvement of the private sector and the social partners, and ownership from partner countries. The Commission will organise a high-level conference with Member States and key EU stakeholders to launch the Talent Partnerships. The Talent Partnerships should be inclusive, building strong cooperation between concerned institutions (such as Ministries of Labour and Education, employers and social partners, education and training providers, and diaspora associations). The Commission will stimulate this cooperation through dedicated outreach and build a network of involved enterprises.

The Talent Partnerships will provide a single framework to mobilise EU and Member States' tools. EU funding streams in the area of external relations, home affairs, research, and education (Erasmus+) could all contribute. The Partnerships would combine direct support for mobility schemes for work or training with capacity building in areas such as labour market or skills intelligence, vocational education and training, integration of returning migrants, and diaspora mobilisation. Greater focus on education would help to support and reinforce investment in local skills.

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As part of the comprehensive approach to migration and mobility, visa measures can act as a positive incentive in the engagement with third countries. Full implementation of the recently revised Visa Code [55](#) and additional efforts on visa facilitation with third countries will bring more consistency and should encourage bona fide short-term mobility, including student exchanges. Short-term mobility could complement other legal pathways to improve upstream cooperation with third countries (for example, in stemming irregular migratory flows).

### Key actions

The Commission, where relevant in close cooperation with the High Representative and Member States, will:

- Launch work immediately to develop and deepen tailor-made comprehensive and balanced migration dialogues and partnerships with countries of origin and transit, complemented by engagement at the regional and global level;
- Scale up support to help those in need and their host communities;
- Increase support for economic opportunity and addressing the root causes of irregular migration;
- Step up the place of migration in the programming of the new instruments in the next Multiannual Financial Framework;
- Ensure full and effective implementation of existing EU readmission agreements and arrangements and examine options for new ones;
- Make use of the Visa Code to incentivise and improve cooperation to facilitate return and readmission, as well as working through the Asylum and Migration management Regulation when in place;
- Take forward the recommendation on legal pathways to protection in the EU, including resettlement; and
- Develop EU Talent Partnerships with key partner countries to facilitate legal migration and mobility.

The European Parliament and the Council should:

- Conclude swiftly negotiations on the Framework Regulation on Resettlement and Humanitarian Admission.

### 7. ATTRACTING SKILLS AND TALENT TO THE EU

Working with third countries on legal pathways is fully in line with the EU's interests. Europe has an ageing and shrinking population [56](#). The structural pressure this is expected to create on the labour market is complemented by specific skills shortages in different localities and sectors such as health, medical care, and agriculture. The contribution of legally staying migrants to reducing skills gaps and increasing the dynamism of the EU labour market was recognised in the recently updated Skills Agenda for Europe [57](#).

Activating and upskilling the domestic workforce is necessary but not sufficient to address all existing and forecasted labour and skills shortages. This is already happening: in 2018, Member States issued over 775,000 first residence permits to third country nationals for employment purposes [58](#). Workers from third countries are filling key shortages in a number of occupations across Member States [59](#), including in occupations that were key to the COVID-19 response [60](#). In a joint statement with the Commission, the European Social and Economic Partners have highlighted the potential of migrant workers to contribute to the green and digital transitions by providing the European labour market with the skills it needs [61](#). Nevertheless, the EU is currently losing the global race for talent [62](#). While Member States are responsible for deciding on the number of persons they admit for labour purposes, an improved framework at

EU level would put Member States and businesses in the best possible position to attract the talents they need.

In addition to launching Talent Partnerships, it is important to complete the unfinished work of reforming the EU Blue Card Directive, to attract highly skilled talent [63](#). The Commission acknowledges the diversity of labour market situations across Member States and their wish for flexibility through retaining national schemes tailored to specific labour market needs. At the same time, the reform must bring real EU added value in attracting skills through an effective and flexible EU-wide instrument. This requires more inclusive admission conditions, improved rights, swift and flexible procedures, improved possibilities to move and work in different Member States, and a level playing field between national and EU systems. The new EU-wide scheme should be open to recognising high-level professional skills and relevant experience. It should also be inclusive, covering categories such as highly skilled beneficiaries of international protection, to benefit from their skills and foster their integration into EU societies. The Commission calls on the European Parliament and the Council to finalise negotiations swiftly, and is ready to work towards a compromise along these lines.

The international mobility of students and researchers can increase the pool of expertise available to European universities and research institutions, boosting our efforts to manage the transition towards a green and digital economy. Full implementation of the recently revised Directive on Students and Researchers [64](#) is essential to make it easier and more attractive to come to the EU, and to promote the circulation of knowledge by moving between Member States. Talent Partnerships may also directly support schemes facilitating the mobility of students and researchers.

More could be done to increase the impact of the EU legal migration framework on Europe's demographic and migration challenges [65](#). There are a number of inherent shortcomings in the EU legal migration system (such as fragmentation, limited coverage of EU rules, inconsistencies between different Directives, and complex procedures) that could be addressed through measures ranging from better enforcement to new legislation. The Commission will first ensure that the current framework is implemented fully and effectively, by intensifying cooperation and dialogue with Member States.

The Commission will also address the main shortcomings in three new sets of measures, responding to the overall objective of attracting the talent the EU needs. Admission of workers of different skills levels to the EU, and intra-EU mobility of third-country workers already in the EU, would both be facilitated.

- A revision of the Directive on long-term residents [66](#), which is currently under-used and does not provide an effective right to intra-EU mobility. The objective would be to create a true EU long-term residence status, in particular by strengthening the right of long-term residents to move and work in other Member States.

- A review of the Single Permit Directive [67](#), which has not fully achieved its objective to simplify the admission procedures for all third-country workers. This would look at ways to simplify and clarify the scope of the legislation, including admission and residence conditions for low and medium skilled workers.

- Further explore an EU Talent Pool for third-country skilled workers which could operate as an EU-wide platform for international recruitment, through which skilled third-country nationals could express their interest in migrating to the EU, and could be identified by EU migration authorities and employers based on their needs [68](#).

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The Commission has also launched a public consultation on attracting skills and talent. This aims to identify additional areas where the EU framework could be improved, including through possible new legislation. It also invites new ideas to boost the EU's attractiveness, facilitate skills matching, and better protect labour migrants from exploitation. As part of the consultation, the Commission will pursue its dialogue with social and economic partners on all these initiatives. The results will inform the development of an EU Talent Pool and help the Commission to decide what other initiatives are needed to address the long-term challenges in this area.

### Key actions

The Commission will:

- Launch a debate on the next steps on legal migration, with a public consultation; and
- Propose a Skills and Talent package including a revision of the Long-term Residents Directive and a review of the Single Permit Directive, as well as setting out the options for developing an EU Talent Pool.

The European Parliament and the Council should:

- Conclude negotiations on the EU Blue Card Directive.

## 8.SUPPORTING INTEGRATION FOR MORE INCLUSIVE SOCIETIES

Part of a healthy and fair system of migration management is to ensure that everyone who is legally in the EU can participate in and contribute to the well-being, prosperity and cohesion of European societies. In 2019, almost 21 million non-EU nationals were legally resident in the EU [69](#). Successful integration benefits both the individuals concerned, and the local communities into which they integrate. It fosters social cohesion and economic dynamism. It sets positive examples for how Europe can manage the impacts of migration and diversity by building open and resilient societies. But despite numerous success stories, too many migrants and households with migrant backgrounds still face challenges in terms of unemployment, lack of educational or training opportunities and limited social interaction. For example, in 2019, there was still a significant shortfall in the employment prospects of non-EU nationals – at around 60% of 20-64 year olds, compared to around 74% for host-country nationals. This creates concern amongst citizens on the pace and depth of integration – and a legitimate public policy reason to make this work.

The integration of migrants and their families is therefore a key part of the broader EU agenda to promote social inclusion. While integration policy is primarily a Member State responsibility, the EU has stepped up its support to Member States and other relevant stakeholders since the adoption of the 2016 Action Plan [70](#). The European Integration Network works to boost cooperation and mutual learning between the national authorities responsible for integration. The EU has also strengthened cooperation with local and regional authorities and civil society and has created new partnerships with employers and social and economic partners [71](#). The Commission has recently renewed the European Partnership for Integration with social and economic partners to offer opportunities for refugees to integrate into the European labour market [72](#). This should lead to further dialogue and future cooperation to attract the skills our economy needs.

This work now needs to be deepened, to ensure that meaningful opportunities are provided for all to participate to our economy and society. As part of the priority on promoting our European way of life, the Commission will adopt an Action Plan on integration and inclusion for 2021-2024. The integration of migrants and their families will be a key aspect of this. This work will provide strategic guidance and set out concrete actions to foster inclusion of migrants and

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broader social cohesion, bringing together relevant stakeholders and recognising that regional and local actors have a key part to play. It will draw on all relevant policies and tools in key areas such as social inclusion, employment, education, health, equality, culture and sport, setting out how migrant integration should be part of efforts to achieve the EU's goals on each. Ensuring migrants fully benefit from the European Pillar of Social Rights will be a key objective. It will recognise that people with a migrant background (e.g. foreign born or second generation migrants) often face similar integration challenges to third-country nationals. The actions will include direct support to those active 'on the ground' and cover the full range of measures needed to accompany migrants and their families along the path to successful integration and social inclusion. The Commission is now consulting to seek the views of stakeholders, citizens and migrants on possible actions to promote the integration and social inclusion of migrants and EU citizens with a migrant background.

To ensure that migrants are actively involved in the development of EU migration policies, the Commission is creating an informal expert group on the views of migrants. One of its first tasks will be to provide input to the preparation of the Action Plan on integration and inclusion, but it will also be able to provide advice and expertise to the Commission on the design and implementation of initiatives in any area of migration and asylum.

Key actions

The Commission will:

- Adopt a comprehensive Action Plan on integration and inclusion for 2021-2024; and
- Implement the renewed European Partnership for Integration with social and economic partners and look into expanding the future cooperation to the area of labour migration.

## 9.NEXT STEPS

This New Pact on Migration and Asylum sets out the end-to-end approach needed to make migration management in Europe fair, efficient and sustainable. The EU will now have to show the will to make the New Pact a reality. This is the only way to prevent the recurrence of events such as those seen in Moria this month: by putting in place a system to match the scale of the challenge. A common European framework for migration management is the only way to have the impact required. Bringing policies together in this way is essential to provide the clarity and results needed for citizens to trust that the EU will deliver results that are both robust and humane.

Such a system can only function if it has the tools needed to deliver. This means a strong legal framework able to give the clarity and focus needed for mutual confidence, with robust and fair rules for those in need of international protection and those who do not have the right to stay. It requires migration to be at the heart of mutually beneficial partnerships with third countries to effectively improve migration management. It calls for an intelligent approach to legal migration to support the economic need for talent and the social need for integration. It also requires sufficient budget to reflect the common responsibilities and the common benefits of EU migration policies, inside and outside the EU.

Finally, it needs the engagement and commitment of all. That is why the New Pact has been built on careful consultations: with the European Parliament and the Council, the Member States, and with stakeholders. It is grounded in our values but will also provide the results needed. The Commission considers that the result is a balance of interests and needs which deserves the support of all. The Commission now calls on the European Parliament and the Council to bring a new impetus. A first step should be to reach a common understanding of the new solidarity

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mechanism and the responsibility elements in the form of the new screening and border procedure by the end of this year, followed swiftly by adopting the full package of legislation required. By working together, the EU can and must ensure that a truly common migration and asylum policy is quickly made a reality.

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