

ROADMAP

Roadmaps aim to inform citizens and stakeholders about the Commission's work in order to allow them to provide feedback and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to make available any relevant information that they may have.

TITLE OF THE INITIATIVE	New Pact on Migration and Asylum
LEAD DG – RESPONSIBLE UNIT	SG – F2
LIKELY TYPE OF INITIATIVE	Commission Communication
INDICATIVE PLANNING	Q3 2020
ADDITIONAL INFORMATION	TBD

This Roadmap is provided for information purposes only and its content might change. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the Roadmap, including its timing, are subject to change.

A. Context, Problem definition and Subsidiarity Check

Context

The Commission's [political guidelines](#) underline the need for a fresh start and a comprehensive framework for migration and asylum, including strong external borders, a fully functioning Schengen Area of free movement, a modernised Common European Asylum System with a new mechanism for solidarity, and pathways for legal migration, together with stronger cooperation with countries of origin and transit. This comprehensive approach should also include a more predictable response to search and rescue and a clear understanding of how to deal with those third-country nationals who are not eligible for protection and who need to be returned to their countries of origin.

In this context, the [2020 Commission Work Programme](#) includes a New Pact on Migration and Asylum, which will build on the Commission's work on migration and borders since the 2015 European Agenda on Migration, and at the same time, give the impetus and the fresh start needed. The New Pact seeks to take a whole-of-route approach and acknowledge that the internal and external aspects of migration are inextricably linked. The reform of the Common European Asylum System will remain important building blocks in this comprehensive approach. The Communication on the New Pact will set out the policy framework for the legislative and non-legislative initiatives that aim to deliver a more resilient, humane and effective migration and asylum system.

Problem the initiative aims to tackle

No Member State can cope on its own with irregular immigration and secondary movements or deal with a disproportionate part of the asylum applications made within the EU. As witnessed since 2015, all too frequently migrants are able to enter the EU via the external borders, but do not declare themselves at a designated border crossing point. Similarly, since 2015, onward movements from countries with external borders to other Member States have been the reality the EU is facing. The rules laying down the procedure for establishing the Member State responsible for examining an asylum application have become ineffective and Member States have introduced controls at internal borders in response to such secondary movements and to manage large flows of asylum seekers. Moreover, arrivals following search and rescue operations at sea have increased. They have affected some Member States of first entry in particular; without a functioning system in place for solidarity and responsibility sharing. Many of the persons arriving to the EU through these routes are not in need of protection and therefore should be returned to their countries of origin. The corresponding return process is often lengthy and resource-intensive, and it also requires good relations and cooperation on readmission with the countries of origin.

Following the migration crisis in 2015-2016, the Commission put forward proposals to reform the Common European Asylum System. Negotiations have been ongoing since then between the co-legislators. However, despite some progress, a sustainable and future-proof European Asylum and Migration system has not yet been achieved.

Basis for EU intervention (legal basis and subsidiarity check)

According to Article 4(2) TFEU, the “area of freedom, security and justice” is a shared competence between the Union and the Member States. Within the limits of this shared competence, Articles 77-79 TFEU establish that the Union shall develop common policies on border checks, asylum and immigration and Article 80 determines that these policies and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.

Member States alone cannot ensure the monitoring of compliance with EU rules and procedures, such as the procedure for establishing the Member State responsible for examining an asylum application or ensuring the relevant status and reception conditions to an applicant for international protection. In an area without internal borders, action to tackle irregular immigration and facilitate legal mobility must be based on common standards that safeguard internal security and ensure a high level of trust between Member States. The EU is better placed than Member States to take the appropriate measures in this area. Moreover, the EU has the competence to negotiate agreements with third countries in order to achieve effective cooperation in terms of migration management, including on return and readmission.

B. What does the initiative aim to achieve and how

The New Pact aims to respond to the need for a more effective and long-term sustainable comprehensive framework for asylum and migration management, which should ensure seamless procedures and better integrate border management, internal and external policies related to asylum and migration. This framework will complement the proposals presented in 2016 and fill the gaps to establish a truly Common European Asylum System. It should be crisis-proof and respond to the challenging question of how to ensure effective solidarity and clear responsibility sharing.

C. Better regulation

Consultation of citizens and stakeholders

This Roadmap is open for comments from stakeholders and citizens.

The European Parliament and Member States provided input through debates on this topic in relevant Committees and Council formations and through consultations by the responsible Commission Vice-President and Commissioner.

There have also been held targeted meetings with stakeholders, including practitioners and representatives of civil society (e.g. the European Migration Forum), to gather their opinions.

Public consultations are planned on some of the specific initiatives to be announced in the New Pact, for example on legal migration.

Evidence base and data collection

The Communication will draw on past reports on the European Agenda on Migration and on specialised reports of all relevant EU services or agencies, such as the European Union Asylum Office (EASO) and the European Border and Coast Guard Agency (FRONTEX), etc.

The Communication will also take into account the knowledge gained through the different meetings and events organised by the Commission with Member States, civil society and other stakeholders in the fields of migration and asylum, as well as debates on migration and asylum organised by the European Parliament and its relevant committees.

The Communication will present the overall context, logic and rationale of various legislative and non-legislative initiatives which the Commission intends to put on the table together with the Communication setting out the New Pact. In line with the Better Regulation Guidelines, an impact assessment will not be prepared as the Communication itself is not intended to have significant direct impacts.