



# **EU asylum and migration challenges**

## **A parliamentary perspective**

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## Content

- Asylum
- Monitoring and enforcement
- External dimension
- Legal Migration
- Returns



## To a New Pact on migration and asylum

Change of Dublin system is priority

External border procedure:

option 1: filtering asylum requests, successful distributed, the rest stays at the border until return

option 2: registration and security check, then distribution of all

Who will apply procedure: member state, EASO?

Flexible solidarity?

Incentives, sanctions?



## Harmonisation requires enforcement

- Lack of compliance with current standards; impunity?
- Lack of capacity is a political choice
- Commission two roles: supervisory and policymaker. Is it reconcilable?
- Independent monitoring?





## Parliamentary control on compliance

- Push for evaluations, own investigations
- Cooperation with national monitors (Nafplion group, NPMs)
- Schengen scrutiny group (lack of transparency)
- Fundamental rights assessment in Schengenevaluations





## Quality legislation and common enforcement

- Impact assessments on legislation with significant impact
- Accessible information on implementation and guidelines
- Member States can also address non-compliance of other MS



## Agencies: more tasks, more responsibility?

- Frontex, more on returns, cooperation with third countries and expansion with 10.000 border guards, 40 FR monitors
- External monitoring, parliamentary control?
- External cooperation: risks?



## External dimension

- From readmission agreements with countries of origin
- to comprehensive partnerships with transit countries
- Objective preventing irregular migration through border control and return.
- In exchange for money, visa, resettlement, development aid, trade etc. .
- From *more for more* to *less for less*
- From formal to informal (no democratic or judicial control)
- Human rights implications require ex ante risk assessments and independent and transparent monitoring





## Bilateral or EU level? Who is responsible?





## Role for Parliament?

- Budgetary role: trilogue AMIF en NDICI
- \* controlling implementation of the funds, from perspective of fundamental rights
- Calling on Commission to report back on cooperation
- Conducting studies and doing fact finding missions to effects of migration cooperation
  
- Involve European Court of Auditors and EU Ombudsman
  
- Litigation at Court of Justice about excluding Parliament with informalised cooperation on migration



## Legal migration

- Blue Card Directive in deadlock in Council
- Different implementation BCD and Longterm Residents Directive, little intra EU mobility third country nationals
- System of legal migration fragmented, complex and not consistent: more information practioners, guidelines
- New legislation for low skilled, self-employed?
- or operational harmonisation?



## Recast Returns Directive

- More grounds for detention
- Minimum detention period in legislation
- List with criteria for risk of absconding
- Less voluntary return
- more re-entry bans
- border procedure
  
- Partial agreement Council (border procedure excluded)
- In May report Parliament