

Coffee Conversation Summary

The New Pact on Migration and Asylum: Returns as a solution to European solidarity?

On 29 April 2021, PFEU held its second Coffee Conversation of the month, “The New Pact on Migration and Asylum: Returns as a Solution to European Solidarity?”. Our guest speaker was **Florian Trauner**, Professorial Fellow (UNU-CRIS), Jean Monnet Chair at the Vrije Universiteit Brussel and Visiting Professor at the College of Europe. He recently published a [discussion paper](#) together with Olivia Sundberg Diez on the effects of the New pact, which inspired this discussion. Our moderator was **Chibuye Changwe**, one of PFEU’s Migration Research Associates.

The discussion covered the effects of the New Pact on Migration and Asylum; specifically if return sponsorship is a solution to European solidarity and responsibility-sharing. The Commission’s Pact focuses on three main points. Firstly, with mandatory but flexible solidarity, the pact ends mandatory relocation quotas. Member States who do not want to relocate recently-arrived persons, have the possibility to take over responsibility for returning a person with no right to stay on behalf of another Member State instead. Secondly, more effective procedures are to ensure clearer responsibilities. By introducing modernised and mandatory screening and accelerated border procedures it is to bring more clarity to applicants and trust between member states as stronger control is enforced by EU agencies. Thirdly, it entails more cooperation with third countries, coordinating the use and maximising the impact of EU funds with new tools for positive engagement and partnerships. This also implies the use of negative conditionality, i.e., stricter visa rules for states who do not cooperate on return and readmission.

The Coffee Conversation discussion focused on whether with return sponsorships, the commission has succeeded in their intent, whilst taking into consideration all the possible challenges that can occur in the implementation process. Two overarching objectives of return sponsorships can be identified. First, it is to provide a solution to the complex question of responsibility-sharing within Europe. Return sponsorship gives member states two burden-sharing options, relocation or facilitating the return of unsuccessful applicants, both alleviating pressure from countries at the EU’s external border. Second, it is to increase returns from Europe, which is part of a broader political objective by the Commission and member states.

Professor Trauner outlined four main challenges for return sponsorships in the EU. The first challenge illustrates political fault-line in the relocation, relocation remains a highly politicised and polarising topic in member states. He fears the existing conflicts over responsibility-sharing will not be settled but transposed onto discussions about the precise requirements of return sponsorship, as it could be used as a backdoor mechanism by many member states. Countries ask for stronger solidarity in practice, not on paper, highlighting that member states have previously benefitted from the absence of a codified approach to responsibility sharing. Hence, solidarity provisions need to be strengthened as some member states remain to carry more burden than others. A second challenge is that flexibility in the new pact trumps predictability. As Member States can choose nationality, solidarity contributions, and percentages of relocation for return sponsorships, the conditions make it possible for Member States to shrink responsibilities. The third challenge is new vulnerability for migrants, as readmission agreements are not always harmonised and accountability and responsibility framework on returns and readmission are not entirely clear. Finally, the most pertinent challenge is if third countries would take part in return sponsorships mechanisms, as more conditionality and more pressure does not necessarily lead to more return cooperation.

Coffee Conversation Summary

The New Pact on Migration and Asylum:

Returns as a solution to European solidarity?

Key Takeaways

- For border states to manage migration, there is a need for collective response. However, approaches to what migration management should be are currently diverging.
- The New Pact on Migration and Asylum is trying to ensure responsibility-sharing in Europe, establishing alternative burden sharing approaches agreed by most to ease border state's migration management.
 - To give incentives to EU Member States who refuse to accept burden sharing through relocation, return sponsorships have been introduced. The focus on deterrence and returns is however striking. Responsibility-sharing is not going to be settled with the increase of returns.
 - Policy externalisation or border externalisation only complicates a consensus on European migration management, depoliticises external and trans-regional border control and merely shifts responsibility and policy making to transit and migrant "sending states".
 - New tools of negative conditionality impact visa. External states who do not cooperate on returns will have more extensive visa restrictions for diplomats. Politically very sensitive and works as a strong foreign policy signal as it is very much focused on diplomats being targeted.
 - The migration-development nexus aims at directing funding for development projects to migration management. For example, the EUTF has directed more emergency funding to displaced persons and migration management in Africa. This is important to flag as it is a new negotiation table, perhaps contradicting priority issues.

