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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Delegations will find attached document COM(2024) 251 final.

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COM(2024) 251 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Common Implementation Plan for the Pact on Migration and Asylum**

{SWD(2024) 251 final}

## INTRODUCTION

The reform of the migration and asylum policy envisaged in the Pact on Migration and Asylum<sup>1</sup> represents a historic breakthrough. It provides the EU with the legal framework and tools to further enhance the effective management of its external borders, to set up fast and efficient procedures for asylum and return, while ensuring strong safeguards. It puts in place a fair and effective system of solidarity and responsibility to collectively manage migration, where no Member State is left alone under pressure.

The successful adoption of this reform also reflects the collective commitment of the EU and its Member States to find solutions to common challenges, with reinforced mutual trust. It is a new chapter in implementing the two-track approach of pursuing sustainable structural reform alongside targeted operational response including through comprehensive partnerships with partner countries. It has allowed the EU to turn the page on past fractures and consolidate a common approach to migration and border management over the past four years<sup>2</sup>.

We must now seize this positive momentum to translate the Pact from legislative acts into an operational reality. Two years from their entry into force on 11 June 2024, the legal instruments that constitute the Pact on Migration and Asylum will become applicable as of mid-2026<sup>3</sup>. This Common Implementation Plan will support the Union and its Member States to effectively prepare for their implementation. It will ensure that the two-year transition period is used in an effective manner, ensuring that the necessary administrative, operational, and legal steps are taken by all relevant stakeholders.

The Commission is required, under the Asylum and Migration Management Regulation and Asylum Procedure Regulation, to present a Common Implementation Plan<sup>4</sup>. In view of the importance of the implementation as well as its complex nature, the Commission has decided to advance its adoption from September to June 2024 so that Member States have the maximum time to prepare their National Implementation Plans due by 12 December 2024.

### *Objective and purpose of the Common Implementation Plan*

The Common Implementation Plan takes a pragmatic approach and focuses on the fundamental aspects that Member States need to consider when developing their National Implementation Plans and that need to be in place at Union and national levels to ensure the Pact on Migration and Asylum becomes operational by mid-2026. It provides the framework for a joint work programme for the next two years, including the legal and operational deliverables, the structures for discussion, and relevant operational and financial support.

The rationale of the Common Implementation Plan is that it is **common**: common to all Member States, common to all legislative instruments of the Pact on Migration and

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<sup>1</sup> [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum/legislative-files-nutshell\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum/legislative-files-nutshell_en)

<sup>2</sup> Communication from the Commission, Striking a balance on migration: an approach that is both fair and firm, COM/2024/126 final.

<sup>3</sup> Except Regulation (EU) 2024/1350 of the European Parliament and of the Council of 14 May 2024 establishing a Union Resettlement and Humanitarian Admission Framework and amending Regulation (EU) 2021/1147 that became applicable on 11 June 2024.

<sup>4</sup> Article 84, Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, OJ L, 2024/1351, 22.5.2024; Article 75, Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union, OJ L, 2024/1348, 22.5.2024.

Asylum that need to be implemented and it seeks to achieve the common objective of a well-prepared system in place by the end of the transition period.

Firstly, the Common Implementation Plan is **common because it brings together all Member States**, in recognition of the fact that in a Union of 27 Member States, migration is a common European challenge that requires a common European solution. The success of the system will inevitably rely on the readiness of all Member States – with the actions of one having implications for all. The purpose of the Common Implementation Plan is to make the Pact implementation manageable for everyone, and to manage it together.

The Plan is the result of a close collaboration with Member States, and the relevant EU agencies, notably through the **Ministerial Conference on the Operationalisation of the Pact** organised by the Belgian Presidency on 29-30 April 2024 in Ghent as well as various meetings of the Council's Strategic Committee for Immigration, Frontiers and Asylum (SCIFA). The Commission also held consultations with civil society, including the Commission Expert Group on the views of migrants in the field of migration, asylum, and integration, as well as with UNHCR.

Secondly, the Common Implementation Plan is **common because it encompasses all legislative instruments forming the Pact on Migration and Asylum**, which are interrelated and cannot work effectively separately. Together the Pact instruments form an integrated system, reflecting the comprehensive and balanced European approach to migration, ensuring both solidarity and responsibility, the protection of rights, and the compliance with obligations. This comprehensive approach is embedded in the Asylum and Migration Management Regulation<sup>5</sup>. As a result, the Commission should reflect the key elements of this comprehensive approach in the Common Implementation Plan.

Thirdly, the Common Implementation Plan pursues the **common objective of having a well-prepared system in place by the end of the transition period**, which is essential to build the mutual trust required for the new balanced approach to work. **Well-preparedness** is the critical concept underpinning the key obligations under the Pact, as it is the baseline for Member States to be considered under migratory pressure or facing a significant migratory situation or facing a crisis. It is the concept that enables Member States to benefit from solidarity or deductions from solidarity obligations. It is the concept that ensures that the Pact works as a coherent whole.

But common does not mean 'the same' for all. The Common Implementation Plan provides the **flexibility** Member States need to adapt obligations under the Pact to their national systems. Every Member State has different challenges to tackle and is at a different stage of preparation, but none is starting from scratch. Many of the innovations in the Pact build on existing practices or scale up existing requirements. Member States are encouraged to leverage their knowledge and experience and share best practices.

In addition, three elements need to be considered to set the right level of ambition during the transition period.

First, while we have in principle two years to prepare for the entry into application of the new legal framework, it is important to stress that some elements will already have to be in place earlier than mid-2026. For instance, the **first annual solidarity cycle** will start in **June 2025** and the first **Commission Decisions which will determine the Member**

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<sup>5</sup> Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013, OJ L, 2024/1351, 22.5.2024.

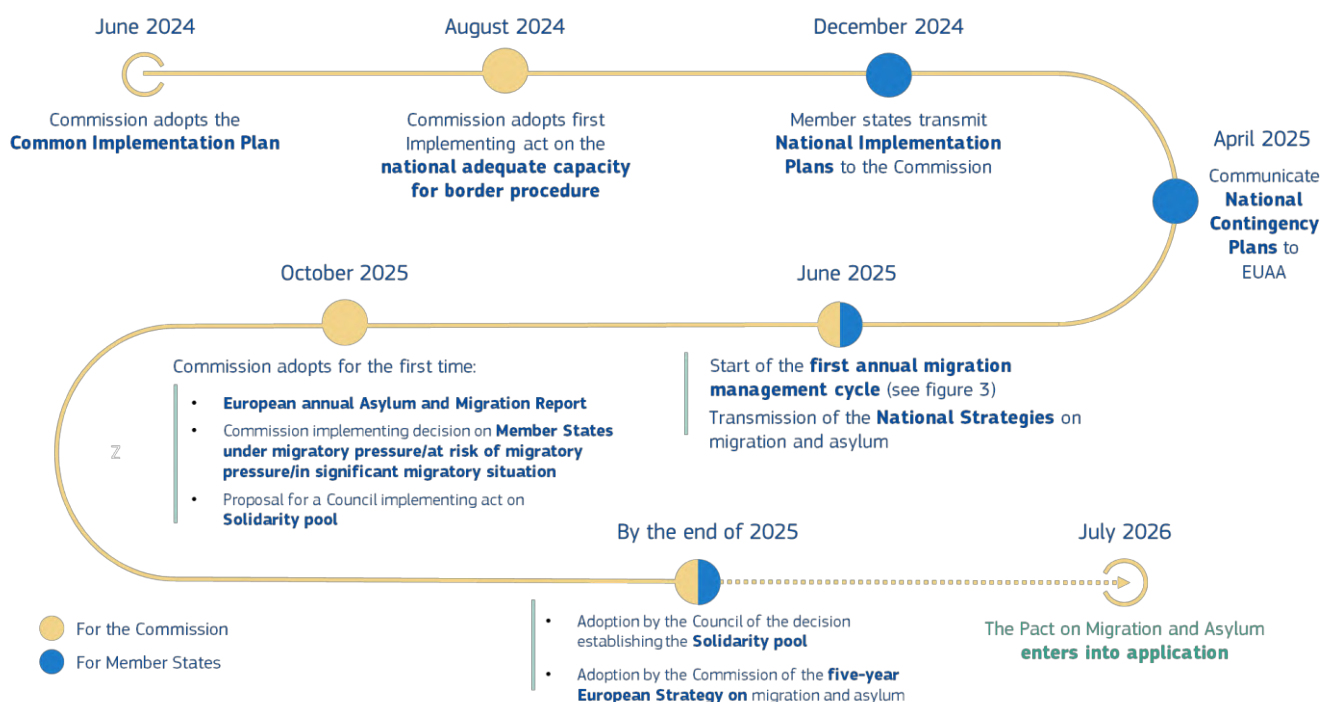
**States under migratory pressure, at risk thereof, or those facing a significant migratory situation** will need to be proposed by the Commission in **October 2025**.

Second, taking measures so that all the essential elements of the new system are in place by the end of the transition period is an immediate task but fully implementing all the opportunities offered by the Pact on Migration and Asylum also consists of medium to long-term work. The implementation of the Pact is not a one-off process but a dynamic one. Further medium- and long-term actions will be needed to enhance the efficiency of the national migration and asylum systems and integrate them further as part of a European migration and asylum policy.

A strategic and forward-looking vision will be reflected in the first **five-year European Migration and Asylum Strategy** to be issued **by the end of 2025**, building on the development of comprehensive **national migration and asylum strategies** to be transmitted by the Member States to the Commission by **June 2025**.

Third, continued work on the external dimension of migration remains crucial. Whilst actions in this area are not tied to legal obligations, it will be essential for the Union to continue to further intensify work with partner countries, notably in three key areas: the fight against migrant smuggling, effective returns, readmission and reintegration as well as legal pathways.

**Figure 1: Timeline of the key milestones during the two years implementation period**



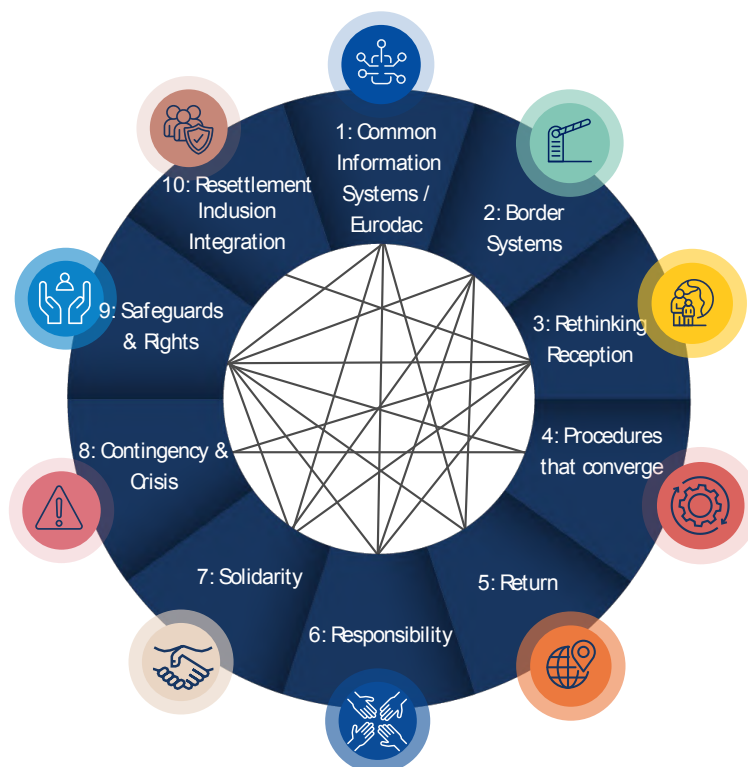
# 1 THE COMMON IMPLEMENTATION PLAN AND THE NATIONAL IMPLEMENTATION PLANS

## *The Common Implementation Plan*

The Pact on Migration and Asylum includes a set of 10 comprehensive legislative acts. To facilitate understanding and implementation of these complex texts, the Common Implementation Plan groups the different obligations stemming from the various legal acts and the actions needed to operationalise them into 10 building blocks. This pragmatic approach allows focusing resources on the fundamentals required for the new system to work.

There can be no picking and choosing. All building blocks need to be implemented and are interdependent. For example, a good reception system (building block 3) will get overloaded if procedures are not carried out promptly (building block 4); or if beneficiaries of international protection remain in the accommodation intended for applicants for too long (building block 10). Solidarity (building block 7) and responsibility (building block 6) or the new system to manage migration flows at the EU external border (building block 2) will not be operational unless Eurodac (building block 1) is up and running on time. Respect of safeguards and rights (building block 9) is a cross cutting dimension of all legislative acts and an aspect which will need to be operationalised in each of the building blocks. While it would be possible to prioritise actions within the building blocks, the implementation of each building block will need to take place in parallel.

**Figure 2: 10 Building blocks to implement the core obligations of the Pact on Migration and Asylum.**



Each building block covers the legal obligations and their consequences for completion of the regulatory framework, administrative processes, organisation, and human and infrastructure capacities that Member States, the Commission, and EU Agencies have to implement.

The Common Implementation Plan also specifies how the work at EU level will support the implementation at national level, by fostering an exchange of information among Member States and “twinning” (including by identifying good practices and areas where Member States can support each other) and by developing practical models, guidance documents and common checklists to ensure a common and harmonised implementation. The detailed elements of each building block are presented in a checklist in the accompanying staff working document.

### *National Implementation Plans*

As provided for in the Asylum and Migration Management Regulation and the Asylum Procedure Regulation, each Member State shall, with the support of the Commission and relevant Union bodies, offices and agencies, establish a National Implementation Plan setting the actions and the timeline for their implementation by 12 December 2024 based on the present Common Implementation Plan.

Every Member State has different challenges to tackle and finds itself at different starting points. Each Member State’s National Implementation Plan should therefore map the current situation first, including the national context, the current legislative framework and administrative practices, the organisational set-up and structures in place, the existing capacities as well as the challenges linked to geographic circumstances.

To ensure Member States put in place the fundamental elements outlined for each building block, which are necessary for a common and comparable approach across all Member States, the Commission has developed a template for the National Implementation Plans reflecting the building block structure annexed to this Communication.

The Commission encourages Member States to work based on **an inter-ministerial and cross-sectorial task force at national level** for the development and implementation of their National Implementation Plan. Efficient coordination will be a key prerequisite to implement all aspects of the Pact on Migration and Asylum by mid-2026.

To develop a robust National Implementation Plan, the Commission invites Member States to take the following steps for each building block:

- **Review their national legal frameworks** and proceed with the necessary adjustments of regulatory and administrative rules. The National Implementation Plan should include the timeline for tabling and adopting such measures at national level.
- **Review and adjust, as necessary, the current organisational set-ups**, including coordination structures within services, across services and ministerial departments and at inter-ministerial level to ensure they are fit for purpose. If need be, Member States will have to identify and plan the establishment of new structures or the reorganisation of services or consider integrated case management systems. The National Implementation Plan should include a description of the current structures and organisation (at national level but also the tasks that are delegated to regional or local authorities), the changes needed as well as the timeline for their implementation.
- **Review and adjust as needed administrative workflows, standard operating procedures, and protocols.** This process should be used to identify the current information tools available as well as the need to develop new ones. The National Implementation Plan should include the main deliverables that will be needed in this area and the timeline for their implementation.

- **Review existing capacity in terms of human resources and identify the needs, including recruitment and training.** The National Implementation Plan should reflect the current number of staff and any increase required for different profiles and provide for a clear planning of the various steps to conclude recruitment of any new personnel. It should also include the training needs, including the planning of such training and the timeline foreseen for its implementation.
- **Identify which activities will be undertaken by stakeholders or relevant organisations** (e.g., lawyers associations, NGOs, private entities) and the capacity needs that would be covered by those. It should also provide for the planning for such outsourcing and the mechanisms to ensure the monitoring and quality control of the activities carried out by these stakeholders or organisations.
- **Review existing capacity and identify needs in terms of infrastructure and equipment and possible logistics requirements.** This includes capacities in terms of physical infrastructure for reception and detention in the territory and at the borders as well as IT infrastructure, internet connectivity and the security environment. The National Implementation Plan should include the current capacity levels related to these elements and the increase needed and provide for clear planning of the various steps to conclude procurement of equipment and construction or refurbishment.

Across all building blocks, it will be necessary for Member States to evaluate the costs to match needs with resources, in full consideration of national budgetary cycles and the availability of EU funds.

The Commission encourages Member States to engage and make use of social partners, local and regional authorities and other stakeholders, in particular representatives of civil society organisations, through regular exchanges and consultation. This helps to identify challenges, improve policy solutions and ensure broader ownership during the preparation of the National Implementation Plans and subsequently during its implementation, where these same actors often play critical roles.

The Commission invites Member States to share their **draft plans by October 2024** to ensure a dialogue on the needs and resources available for timely **finalisation by 12 December 2024**.

***Key indicative milestones for Member States to consider in their planning:***

- By 1 July 2024, Member States should set up national coordination structures and appoint the national coordinator (if not done already).
- By October 2024, Member States should submit their draft National Implementation Plan to the Commission.
- By 12 December 2024, Member States shall communicate their National Implementation Plan to the Commission.
- By first half of 2025, the Commission will adopt the decision allocating funds under the national programmes in the context of the mid-term review of AMIF and BMVI, based on updated statistics reflecting the allocation key in 2021-2023.
- By first half of 2025, the Commission will allocate part of the funding from the MFF mid-term review through the Thematic Facility to Member States.
- By first half of 2025, Member State should launch procurement for acquiring of equipment and building activities.
- By first half of 2025, Member States should launch the recruitment process.
- By mid-2026, Member States shall be ready to apply the Pact on Migration and Asylum.

## 2 10 BUILDING BLOCKS TO IMPLEMENT THE PACT ON MIGRATION AND ASYLUM



### **BUILDING BLOCK 1**

#### **A common migration and asylum information system: Eurodac**

Eurodac is the **large-scale IT system** that, among others, will support the functioning of the Pact in practice, notably with the determination of responsibility and the monitoring of secondary movements.

Eurodac will store and process the biometrics, identity data and other information of applicants for international protection, persons disembarked following search and rescue operations as well as persons apprehended in connection with an irregular crossing of the external border or who are found illegally present on the territory of a Member State. In this way, the system helps to compare new applications for international protection against those already registered in the database to apply the responsibility rules under the Asylum Migration Management Regulation as well as to monitor secondary movements and flag persons who might present a threat to internal security.

The new Eurodac is one of the **operational backbones supporting the new legal framework**. The timely development and entry into operation of the reformed Eurodac system is a critical precondition for the implementation of all the other elements of the Pact. It will enable Member States to operationalise the new solidarity rules, be it relocation or the solidarity offsets. It will also be instrumental for the application of the new responsibility rules, in particular, the new timelines for shift and cessation of responsibility or the new cessation ground for asylum decisions taken in the border procedure.

With the Pact on Migration and Asylum, Eurodac will become part of an **interoperable, and integrated migration and border management system**. The requirements of the new system go well beyond a mere transformation of the current Eurodac. Given the much wider scope of the database and the significantly increased functionalities, the new system will need to be completely built from scratch. This is true both for the database itself that eu-LISA will build and for each of the national components that Member States must build and that will need to be connected to the database. In terms of the way in which competent authorities apply the Eurodac Regulation, biometrics have to be taken in full respect of the person's dignity and physical integrity. Member States should factor in their review and planning the potential impact on the workload of Data Protection Authorities.

In this context, all actors should take the following actions so that Eurodac key functionalities are available and Member States' systems ready to use them by the end of the transition period:

#### **Member State**

##### *Legislation*

- ✓ Member States will have to **review their national regulatory frameworks** and adjust them as necessary to ensure legal and operational access to the system for all competent authorities, such as asylum authorities or border guards, in compliance with EU data protection law.

### *Organisation and administrative processes*

- ✓ Member States will have to **notify the Commission of the designated and verifying authorities for Eurodac** within **three months** of entry into force of the regulation.
- ✓ The new Eurodac brings many new functionalities, but not all of them can be considered a critical precondition for other elements of the Pact to be implemented by mid-2026 (e.g., the new category of beneficiaries of temporary protection). Therefore, given the challenging deadline, a common understanding should be reached between Member States, eu-LISA and the Commission on which Eurodac functionalities should be prioritised for the implementation of the Pact. Similarly, a common understanding regarding the relative weight of different technical solutions to be implemented (centralised solutions and national systems, see below) should be reached.
- ✓ Member States should **revise their internal workflows and standard operation procedures** to ensure the smooth exchange of information between authorities as well as the proper registration of information in Eurodac, with a specific attention to EU data protection requirements.

### *Capacities (human resources, infrastructure, and equipment)*

- ✓ Member States will have to implement and test the readiness of the Eurodac key functionalities at national level to ensure the proper information collection and dissemination via National Access Points. Given the challenging deadlines, Member States should consider all options that could reduce and simplify their national development and implementation, such as the use of off-the-shelf products. The choice of whether to go for a more central system development by eu-LISA or more national system development should also be considered early on. Apart from greatly simplifying development, it could speed-up Eurodac's delivery and ensure flexibility when faced with the need for last-minute adjustments.
- ✓ Member States should ensure that they have sufficient and appropriately trained personnel to carry out the Eurodac checks, factoring recruitment, and training into their planning timelines.
- ✓ Member States should also adequately equip their staff to collect and upload in Eurodac the information required in a timely manner (e.g., Eurodac machines, equipment enabling facial image capturing, etc.). This could entail launching procurement to purchase the necessary hardware for Eurodac data collection and meeting the connectivity requirements. Procurement timelines should be anticipated and factored in.

## **Commission**

### *Legal obligation*

- ✓ The Commission will convene by September 2024 the **Eurodac Regulatory Committee**<sup>6</sup> to be able to adopt the implementing act foreseen in the Eurodac Regulation.

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<sup>6</sup> The Eurodac Regulation sets that the Commission shall be assisted by a committee within the meaning of Regulation (EU) No 182/2011 when exercising its implementing powers when the Commission need to adopt an implementing act in accordance with the Regulation. See governance section.

- ✓ The Commission will **update nine delegated and implementing acts** under the Interoperability Regulations, European Travel Information and Authorisation System (ETIAS) and Visa Information System (VIS) Regulation<sup>7</sup> to enable their use of Eurodac data. It will also adopt the implementing act on cross-system statistics.

#### *Practical support*

- ✓ The Commission will **work closely with eu-LISA** to facilitate the key decisions that Member States have to make.
- ✓ The Commission will **complement the technical work led by eu-LISA** with the necessary support via the existing Eurodac expert group (the ‘Eurodac Contact Committee’)<sup>8</sup> to facilitate the correct application of the Regulation (including by clarifying the meaning of some provisions) and identify the areas that would require further attention in the transition period.

### **eu-LISA**

#### *Legal obligation*

- ✓ By the end of 2024, eu-LISA will have to adopt the **revised Eurodac Interface Control Document (ICD) at central level**, reflecting the new functionalities. To this end, a common early understanding between all Member States, the Commission and eu-LISA should be found on the technical solution to implement the Eurodac Interface Control Document (ICD) and its functionalities, which will set important parameters for national implementation. In this context, the Commission together with eu-LISA will prepare a concept note for discussion with Member States both on the technical solutions for the database as well as for the key functionalities that should be in place by 12 June 2026.

#### *Practical support*

- ✓ eu-LISA will **update the Operator Manual and train Eurodac users** on the technical use of Eurodac.
- ✓ eu-LISA will **identify and address interoperability requirements** that would allow the integration of Eurodac into the interoperability framework.
- ✓ eu-LISA will support the development of technological solutions to enable relevant support by Frontex Teams and EUAA Asylum Support Teams that Member States may request.

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<sup>7</sup> Regulation (EU) 2019/817 and Regulation (EU) 2019/818 of the European Parliament and the Council on establishing a framework for interoperability between EU information systems, Regulation (EU) 2018/1240 of the European Parliament and the Council establishing a European Travel Information and Authorisation System (ETIAS), Regulation (EC) 767/2008 of the European Parliament and the Council concerning the Visa Information System (VIS) and the exchange of information between Member States on short-stay visas, long-stay visas and residence permits.

<sup>8</sup> The Eurodac Contact Committee is an existing Commission informal expert group established in accordance with Commission Decision C(2016) 3301. In accordance with that Decision, the expert group provides advice and expertise on the implementation of Union legislation as well as coordination and cooperation with Member States and stakeholders in that regard, on the preparation of legislative proposals and policy initiatives and delegated acts and can also provide advice and expertise where necessary on the early preparation of implementing acts before submission to the Regulatory committee.

**Key milestones to consider:**

- By end of June 2024, Member States, Commission and eu-LISA should reach a common understanding on the Eurodac key functionalities to ensure that those functionalities are in place by 12 June 2026.
- By end of June 2024, Member States, Commission and eu-LISA and Commission should reach a common understanding on the type of technical solution to be implemented (centralised or not).
- By September 2024, the Commission should convene the Eurodac Regulatory Committee.
- By 12 December 2024, Member States should reach an agreement on the Eurodac Interface Control Document.
- By 12 December 2024, the Commission should ensure an agreement on the stable texts of the implementing and delegated acts necessary for the Eurodac key functionalities.
- By 12 June 2026, the upgraded Eurodac goes live.



## **BUILDING BLOCK 2**

### **A new system to manage migration flows at the EU external borders**

The implementation of the Pact will create a seamless approach to further enhance the effective management of the external borders of the European Union. It offers the necessary tools to manage the arrival of third country nationals and to set up fast and efficient procedures for asylum and return with strong individuals safeguards. Together, the Screening Regulation, the Asylum Procedure Regulation, and the Regulation on a Return Border Procedure, provide for a harmonised approach.

All irregular migrants will be registered and subject to a screening of their identity, security risk, vulnerability, and health. This includes persons apprehended within the territory who have not yet been subject to screening or a border check. The same applies to all persons who apply for international protection at a border crossing point. In a second stage, a mandatory border procedure will apply for those who are likely not in need of international protection, present a security risk or mislead the authorities. The Screening Regulation and the Asylum Procedure Regulation also contain new provisions to improve the identification of stateless persons.

The successful implementation of the new obligations requires that the screening and the border procedures for asylum and (where relevant) return work together in a seamless process, ensuring rigorous decision-making, in full respect of all guarantees and the persons' rights.

Each Member State is required to have capacity to screen all irregular arrivals and to host a certain number of applicants for international protection (and returnees) for the duration of the border procedure in adequate conditions. The '**adequate capacity**'<sup>9</sup> to process asylum applications and returns at the border is set at 30 000 at Union level, with the Member States' individual share of that adequate capacity calculated every three years by the Commission, in line with the formula laid down in the Asylum Procedure Regulation.

A fast procedure can be applied without undermining the quality of the decision-making or the applicants' rights. While during the screening and the border procedure, persons are not authorised to enter the EU territory, they have the right to remain. Member States must carry out these procedures in line with the safeguards and guarantees provided under the Pact legislative instruments and in full respect of fundamental rights as set out in the EU Charter, including the respect of the principle of *non-refoulement* and the right to an effective remedy in relation to decisions taken in the border procedure<sup>10</sup>.

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<sup>9</sup> The concept of 'adequate capacity' requires Member States to set up the reception capacity and human resources, including qualified and well-trained personnel, required to examine at any given moment an identified number of applications and to enforce return decisions. When the adequate capacity of a given Member State is reached, the Member State concerned is no longer obliged to place additional people in the border procedure; instead, the Member State can channel applicants to the accelerated procedure within the territory. Similarly, where the Member State has reached the annual cap of applications as set out in the legislation (adequate capacity multiplied by two in 2026, by three in 2027, and by four in 2028), the Member State is no longer obliged to apply the border procedure and can channel applicants to the accelerated procedure within the territory even if capacity is available for the border procedure. However, applicants who may pose a threat to national security and public order must always be subject to the border procedure.

<sup>10</sup> See building block 9.

The new system for the border builds on existing structures and knowledge. Many Member States are already implementing screening protocols that to a large extent inspired the new legal obligations. Furthermore, at least 14 Member States already apply the asylum border procedure or have some good practices applied at the border.

In this context, the following actions should be taken to ensure the effective implementation of this building block:

## **Member States**

### *Legislation*

- ✓ Member States should **review and adapt their national regulatory frameworks** to the new provisions and ensure that border controls, screening and the asylum and return border procedures are organised seamlessly to comply with the new strict time-limits (7 days for the screening, 12 weeks for the asylum border procedure and 12 weeks for the return border procedure).

### *Organisation and administrative processes*

- ✓ Member States should **review their administrative processes, starting with their workflows and standard operating procedures**, as well as their tools to ensure the adequate flow of information in each step and among the authorities involved and comply with the new strict time-limits and reporting obligations. For this purpose, Member States should consider establishing **integrated case management systems** so that relevant information is collected and shared with the various services, as relevant.
- ✓ Member States will have to take the appropriate actions to ensure that migrants remain available to authorities during the screening and the border procedures (and are prevented from an unauthorised entry and limited from moving in an unauthorised manner<sup>11</sup>). These actions could include protocols covering an assessment of measures to limit the risk of absconding, including alternatives to detention (which should be defined by law), notably for families with children, and possible use of detention.
- ✓ Member States should reflect screening into their national Integrated Border Management strategies.
- ✓ Member States will have to integrate the identity, security, vulnerability and health checks required for screening in the territory into already existing national apprehension/return practices.

### *Capacities (human resources, infrastructure, and equipment)*

- ✓ Member States will need to identify the locations to carry out screening and the border procedures. If necessary, they will have to scale up or build the necessary infrastructure. The infrastructure should include screening facilities for irregular migrants and applicants for international protection which have to conform with the standards of the Return Directive (in the case of irregular migrants) and the recast Reception Conditions Directive (in the case of applicants for international protection). Infrastructure should also include reception centres for applicants for international protection (including appropriate capacity for detention) to meet the Member State's 'adequate capacity' requirements and which have to conform

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<sup>11</sup> Any measure taken by Member States to prevent unauthorised entry has to be in accordance with the recast Reception Conditions Directive (see building block 3).

with the standards of the recast Reception Conditions Directive<sup>12</sup>, also taking into account the specific requirements for families with children<sup>13</sup>. This requires a thorough assessment of existing capacity and planning the building or refurbishment of infrastructure immediately after the Commission establishes the adequate capacity that each Member State needs to put in place.

- ✓ Member States will have to ensure sufficient competent staff<sup>14</sup> to carry out the screening and the asylum/return border procedures within the short deadlines provided in the legislation in due respect of all fundamental rights safeguards. Member States should also ensure sufficient judicial capacity to ensure that any appeal would fit into the deadline for the border procedures.
- ✓ If needed, Member States will have to acquire the necessary equipment to carry out the screening and border procedures (e.g., Eurodac machines, equipment to identify fraudulent documents) and ensure adequate internet connectivity to access the various databases.
- ✓ Member States will also have to ensure that duly authorised staff of the screening authorities have **access** to EU and Interpol databases, and Europol data.
- ✓ Member States will have to develop the necessary data collection capacity to comply with the reporting obligations where the ‘adequate capacity’ or the annual maximum number of applications is reached.

## Commission

### *Legal obligation*

- ✓ By August 2024, (two months after the entry into force of the Asylum Procedure Regulation), the Commission will adopt the implementing act calculating the adequate capacity that each Member State will have to put in place for three years.

### *Practical support*

- ✓ The Commission, with European Union Asylum Agency (EUAA) and the European Border and Coast Guard Agency (Frontex), will **develop models for the border procedure** (including fundamental rights safeguards). The Commission will also revise, as necessary, the Practical Handbook for Border Guards. To ensure a common understanding between border guards, asylum officials and return case workers, the Commission will organise dedicated discussions bringing these three actors together.
- ✓ The Commission will take all necessary actions, including in the follow-up to the Article 25a process of the Visa Code presented in section 5 as well as ‘targeted return actions’ in the context of the work of the EU Return Coordinator (see building block 5) to ensure that the return border procedure can function effectively, taking into account the nationalities that fall under the mandatory border procedure.
- ✓ The Commission will integrate screening into the policy cycle of European Integrated Border Management.

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<sup>12</sup> See building block 3.

<sup>13</sup> See building block 9.

<sup>14</sup> E.g., border guards, asylum officials, return case workers, interpreters, specialists on vulnerability checks, medical staff for health checks, staff specialised on age assessment, legal counsellors, child protection officers, etc.

## EU Agencies

### *Legal obligation*

- ✓ The EUAA will develop **guidance on effective alternatives to detention**.
- ✓ The upcoming EUAA **regular ‘Convergence Reports’** should support Member States in the process of determining those nationalities that would in principle fall within the border procedure and identify cases for which the 20% recognition rate at first instance is not representative because of significant differences between first instance and the final decisions.
- ✓ The EUAA will have to pay particular attention to the application of the border procedure by Member States. Where the EUAA monitoring shows that the conditions to accommodate children are not in place, the Commission has an obligation to issue a public recommendation to suspend the border procedures for families with children.

### *Practical support*

- ✓ The EUAA will update **training modules and guidelines**. Examples of updates needed include the operational workflows for screening, the screening/vulnerability toolbox, or the practical tool for first-contact officials.
- ✓ Frontex will provide **operational support to Member States on screening**, in particular training of screening authorities.
- ✓ The Frontex Management Board should include **screening, as a new tool of the Schengen external border management**, into the Annex of the Technical and Operational Strategy for European Integrated Border Management (TO-EIBM).

### **Key milestones to consider:**

- By 12 August 2024, the Commission shall adopt the implementing act calculating the adequate capacity for each Member State.
- By 12 December 2024, EUAA should adopt guidelines regarding the requirements for personnel in the border procedure and EUAA guidelines on different practices as regards alternatives to detention in the context of the border procedure.
- By 11 April 2026 (i.e., two months before the date where the Asylum Procedure Regulation becomes applicable), Member States shall notify to the Commission the locations for the border procedures.
- By 12 June 2026, Member States shall have finalised the setting-up of their adequate capacity.



## **BUILDING BLOCK 3**

### **Rethinking reception**

Reception capacity entails the ability to provide material reception conditions (housing, food, clothing, personal hygiene products and a daily-expenses allowance which should always include a monetary amount) to applicants for international protection, taking into account their gender, age and any special reception needs. It also entails the capacity to provide physical and mental health care, education for minors, early integration measures and information as well as the protection of their rights<sup>15</sup>.

Convergence towards adequate standards of reception for international protection applicants that create comparable living conditions in all Member States is essential for the European migration and asylum system to function properly, including for transfers under the responsibility rules. The existence of adequate reception conditions is a key element when deciding whether a Member State is well-prepared. Providing material reception in accordance with the standards in the recast Reception Conditions Directive is also a crucial factor for deciding whether border capacity can be considered 'adequate'<sup>16</sup>.

Most Member States are facing numerous challenges on reception. The recast Reception Conditions Directive not only scales up the current system, but also offers an opportunity to rethink the way reception systems are organised at national level. It contains important new tools in the management of reception that provide for added flexibility, efficiency, and the prevention of secondary movements. For example, the recast Reception Conditions Directive offers the possibility of allocating applicants to accommodations and geographical areas, making the provision of material reception conditions subject to actual residence in the accommodation where applicants have been allocated or in a specific area. Member States should take full advantage of these opportunities. Furthermore, Member States will have to provide for basic needs only when applicants are not in the Member State where they are supposed to be.

The recast Reception Conditions Directive also further harmonises standards and strengthens the safeguards for applicants for international protection, including earlier access to the labour market (6 months instead of 9 months), physical and mental healthcare and more protection for families, children, and vulnerable applicants<sup>17</sup>.

Given the numerous actors involved in managing the reception of asylum seekers, multi-stakeholder partnerships with relevant actors have often proven critical in the proper management of the reception systems in some Member States. This includes the involvement of local and regional authorities, social and economic partners, international organisations, NGOs, or migrant-led organisations.

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<sup>15</sup> For specific obligations linked to the new requirements for vulnerable applicants, including children, see building block 9.

<sup>16</sup> See building block 2.

<sup>17</sup> See building block 9.

In this context, the following actions should be taken to ensure the effective implementation of this building block:

## Member States

### *Legislation*

- ✓ Member States will have to **review their national regulatory frameworks** and adopt all necessary legislative measures to transpose the recast Reception Conditions Directive by 12 June 2026 and communicate them to the Commission. For Member States being able to apply the flexible solutions provided for in the recast Directive, for example in relation to residence and allocation of applicants to specific areas, these possibilities need to be transposed into national law. The legislation should also provide for alternatives to detention.

### *Organisation and administrative processes*

- ✓ Member States will have to notify the Commission of the authorities responsible for fulfilling the obligations arising from the recast Reception Conditions Directive.
- ✓ Member States should consider **reviewing the organisation of national reception systems to optimise how they are organised**. For example, Member States could combine reception centres with housing units, support services and cash assistance, depending on the profile of the applicant for international protection, i.e., gender, age, family composition, vulnerabilities, and needs.
- ✓ **New technologies offer automated tools**, currently lacking in many Member States, for a more efficient management of reception capacity. Member States are therefore **encouraged to consider the establishment of an integrated case management system** to effectively collect and share relevant quantitative and qualitative data and information on reception capacity levels. The integrated system could then facilitate access to services by all relevant actors and would also help to detect absconding.
- ✓ Member States should take the necessary administrative measures and develop procedures to reflect the new measures in the recast Directive to curb secondary movements and abuses (following their transposition into national law), such as the obligation to cover only basic needs when applicants are not in the Member State where they are required to be present, or the possibility of allocating applicants to specific accommodation and geographical areas, making the provision of material reception conditions subject to actual residence in the accommodation or areas to which applicants have been allocated<sup>18</sup>.

### *Capacities (human resources, infrastructure, and equipment)*

- ✓ Member States will have to ensure **sufficient reception capacity**, including in relation to infrastructure, housing, cash assistance, etc., (also in relation to persons with special reception needs<sup>19</sup>, to match projected needs and provide for an adequate standard of living. This capacity should include anticipated relocations (if the Member State opts for this solidarity measure), capacity for preparedness purposes<sup>20</sup> as well as capacity for implementing effective alternatives to

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<sup>18</sup> See building block 9.

<sup>19</sup> See building block 9.

<sup>20</sup> See building block 8.

detention. This requires a thorough assessment of existing capacity and planning the necessary changes.

- ✓ Member States will have to **ensure capacity to provide sufficient and adapted access to physical and mental healthcare** and for quicker and effective access to early integration measures (e.g., education, language training, access to the labour market within six months from the registration of the application, employment support). Member States will have to ensure sufficient and adequately trained staff on reception and access to services (such as interpreters, translators, social workers, medical personnel including for mental health, and child protection officers). This requires a thorough assessment of existing capacity and planning the necessary recruitment and training of personnel. The training has to include the core parts of the European Asylum Curriculum related to reception conditions as well as the tool for the identification of applicants with special reception needs developed by the EUAA. Where local and regional authorities, civil society or international organisations take part in the implementation of the recast Reception Conditions Directive, Member States will have to allocate them the necessary resources.

## **Commission**

### *Practical support*

- ✓ The Commission will provide the necessary technical support via the Reception experts group (the ‘Reception Contact Committee’)<sup>21</sup> to facilitate the correct application of the recast Directive, including by clarifying the meaning of some provisions, and identify the areas that would require further attention in the transition period, including in view of the transposition of the recast Reception Conditions Directive.

## **EU Agencies**

### *Legal obligation*

- ✓ The EUAA will develop a standard information template as well as the guidance on alternatives to detention.

### *Practical support*

- ✓ The EUAA will provide support via its Reception Network and will update existing guidance documents, tools, and training materials and revise its standards and indicators for reception and vulnerability. This includes notably the 2024 Guidance on Reception – Standards and Indicators.

### **Key milestones to consider:**

- By the end of 2025, EUAA will provide for a standard information template.
- By 12 June 2026, Member States shall have transposed the requirements of the recast Reception Conditions Directive into national legislation.
- By 12 June 2026, Member States shall notify to the Commission the authorities responsible for fulfilling the Reception Conditions Directive obligations. If possible, Member States are encouraged to notify earlier than the required legal deadline to facilitate contacts with the Commission for implementation purposes.

<sup>21</sup> This is an existing Commission informal expert group established in accordance with Commission Decision C(2016) 3301.



## **BUILDING BLOCK 4**

### **Fair, efficient, and convergent asylum procedures**

Swifter and more harmonised procedures are critical to maintain the integrity of the overall asylum system as well as to reduce secondary movements and prevent abuses. The Asylum Procedure Regulation and the Qualification Regulation streamline and foster convergence in the assessment and decision-making process of individual asylum applications across Europe and reinforce the safeguards, rights and guarantees for applicants and beneficiaries of international protection. The Asylum Procedure Regulation also includes provisions that should facilitate the identification of statelessness.

The Asylum Procedure Regulation streamlines the access to the asylum procedure and harmonises the timelines thereby providing for shorter and more efficient procedures. For example, the Regulation establishes clear deadlines for the three steps of the asylum procedure, i.e., the applicant expressing the wish to receive international protection ('the making') and the consequent receiving by the Member State authorities and registering the application ('the registering') and the applicant lodging the application ('the lodging'). The Regulation clarifies what each of the three steps entails, what obligations the applicant and the authorities have, and what the deadlines for each step are (5 days for registering, 21 days for lodging). The Regulation also establishes deadlines for the examination of the application (6 months for a decision in the regular procedure, 3 months for the accelerated procedure and between 10 days and 2 months for the inadmissibility checks).

Member States will also have to apply new rules that become mandatory, such as the mandatory accelerated procedures (optional until now), as well as the stricter mandatory regime applicable to subsequent applications (including the obligation to consider applications that have been made following the rejection in another Member State as subsequent applications). They will also have to make the necessary adjustments to consider an application as implicitly withdrawn where the applicant fails to comply with certain obligations, such as the requirement to provide biometric data, or to apply the new notion of what constitutes 'effective protection' to designate safe third countries and apply the first country of asylum concept. Furthermore, for most abusive claims and subsequent applications, the appeal will not have an automatic suspensive effect, which means that if the application is rejected and the person is not allowed to remain by a court, the authorities can enforce a return decision.

Member States will also have to apply the new requirements foreseen in the Qualification Regulation such as the obligation to assess an internal protection alternative and the obligation to withdraw the international protection status where certain criminal acts have been committed or the person otherwise poses a security threat.

The changes introduced in the Asylum Procedure Regulation and the procedural aspects of the Qualification Regulation offer an opportunity for Member States to address current challenges in relation to lengthy asylum procedures and existing backlogs. Respect for the fundamental rights of applicants and beneficiaries of international protection in line with the Charter and the specific rights provided for under the two Regulations is essential for the correct implementation of this building block (see building block 9).

In this context, the following actions should be taken to ensure the effective implementation of this building block:

## Member States

### *Legislation*

- ✓ Member States should **review their national regulatory frameworks** and make the necessary adjustments to ensure the effective application of the two Regulations. In this sense, some of the elements that will require particular attention are the way the access to the procedure is organised (i.e., the steps, the timelines, the authorities involved), the non-automatic suspensive effect for a certain type of decisions and the way the final decision is defined. For the latter, it is crucial to ensure that the definition allows for a smooth application of the rules on subsequent applications without creating parallel proceedings between a first application in the appeal stage and a second one at the administrative stage.

### *Organisation and administrative processes*

- ✓ Member States will need to **assign responsibilities adapted to the new framework** and the clearly differentiated steps of the asylum procedure, i.e., making/receiving applications, registering applications and lodging applications.
- ✓ Member States should develop **efficient internal workflows for information exchange between various services** (e.g., to comply with the information obligation when the authority receiving is different from the authority registering) and with other Member States (e.g., when an application has already been rejected in another Member State).
- ✓ Member States should **review and adjust as needed working methods and if necessary, develop standard operating procedures** for the different steps of the asylum procedure in full respect of the new timelines (for regular and accelerated procedures and for the inadmissibility checks) and obligations, including for appeals, while providing for all required safeguards and guarantees<sup>22</sup>.
- ✓ Member States should **review the current organisation of their asylum offices**, taking into account existing challenges in relation to backlogs and average duration of the asylum procedure.
- ✓ Member States will have to ensure that **asylum decisions are issued and notified in accordance with the new requirements**. Member States will also have to incorporate into their administrative procedures, where applicable, the necessary elements to **apply the safe third country and first country of asylum concepts** and notably the notion of **‘effective protection’**. They will also have to incorporate the obligation to consider an application as implicitly withdrawn in the cases foreseen in the Regulation (the decision being immediate, without a suspension period, unless the Member State provides otherwise). They will also have to incorporate in their decision-making procedures the obligation to **assess an internal protection alternative** and the **obligation to withdraw the international protection status where certain criminal acts** have been committed or the person otherwise poses a security threat.
- ✓ Member States should **raise awareness about the EUAA Country of Origin Information and Country Guidance** and they will have to ensure that these products are taken into account by the asylum case workers including in order to

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<sup>22</sup> See building block 9.

support a solid assessment of the mandatory internal protection alternative. Member States should also raise awareness about the EUAA Country of Origin Information and Country Guidance among judges.

#### *Capacities (human resources, infrastructure, and equipment)*

- ✓ Member States will have to ensure sufficient competent staff (asylum case workers, interpreters, etc.), taking into account current shortcomings, backlogs and the average length of the asylum procedure as well as new obligations. They will have to ensure that the training imparted includes core parts of the European Asylum Curriculum.
- ✓ Member states will have to ensure that asylum offices are adequately equipped (with Eurodac machines, etc.) to be able to perform their tasks efficiently within the new timelines and in compliance with new obligations.

### **Commission**

#### *Legal obligation*

- ✓ Commission will review the safe third country concept by 12 June 2025 and where appropriate propose any targeted amendments.

#### *Practical support*

- ✓ The Commission will organise meetings of the expert groups on Asylum Processes and Qualification ('Asylum Processes Contact Committee' and 'Qualification Contact Committee')<sup>23</sup> to facilitate the correct application of the legal framework, including by clarify the meaning of some provisions, and identify the areas that would require further attention. The Commission will aim for joint Contact Committees to cover all procedural aspects under both the Asylum Procedure Regulation and the Qualification Regulation. The Commission will also help coordinate the identification and dissemination of good practices.

### **EU Agencies**

#### *Practical support*

- ✓ The EUAA will establish a **network of units of responsible national authorities and will update all the information and training materials** as well as guidance documents, and if necessary, indicators, that should be considered during the whole decision-making process (including for courts and tribunals).
- ✓ The EUAA will **continue providing Country of Origin Information (COI) and Country Guidance** to all national administrative and judicial authorities and adjust existing data bases such as the Early Warning and Preparedness System to the new frameworks.
- ✓ Upon the Commission's request, the EUAA will provide the Commission with information and analysis on specific third countries which could be considered for designation as safe third countries at Union level.

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<sup>23</sup> These are existing Common informal expert groups established in accordance with Commission Decision C(2016) 3301.

**Key milestones to consider:**

- By 12 June 2025, the Commission shall review the safe third country concept and where appropriate propose any targeted amendments.
- By 12 June 2026, Member States shall notify the Commission of the authorities responsible for receiving applications, registering applications and lodging applications under the Asylum Procedure Regulation.
- By 12 June 2026, Member States shall appoint a national contact point for the purposes of the Qualification Regulation and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.



## **BUILDING BLOCK 5**

### **Efficient and fair return procedures**

The EU's migration policy can only be sustainable if those who do not have the right to stay in the EU are effectively returned. This building block enumerates further steps towards a common EU system for returns, in which returnees are incentivised to cooperate, to remain available throughout the process and to return, whenever possible voluntarily. The measures aimed at incentivising voluntary returns should complement credible and well-functioning forced returns. Member States should also be equipped with tools and procedures that allow efficient internal management and enhanced cooperation and information sharing with other Member States in view of a more effective return process.

To close the loopholes between the asylum and return procedure, the Asylum Procedure Regulation obliges Member States **to ensure that every applicant issued with a negative asylum decision also receives a return decision at the same time or shortly thereafter**. The two decisions will have to be appealed jointly before the same court or tribunal, in the same judicial proceedings, and same timelines if the return decision is taken as part of the related negative asylum decision. If the return decision is issued separately, it may be appealed separately but along the same timelines<sup>24</sup>. **Reinforced rules will be applicable to those attempting to delay the procedures through appeals or subsequent asylum applications for the sole purpose of hampering return from the Union.**

While some Member States have centralised the management of actors involved in the return process under one authority, other Member States have established working arrangements between different actors and authorities to improve the efficiency and sustainability of the return process.

There are 19 Member States that already issue negative asylum decisions together with return decisions, some as part of the same act and others as two separate acts but still at the same time. Five Member States already have digitalised return case management IT-systems, and 11 Member States are in the process of developing one based on the Return Case Management model (RECAMAS) developed by Frontex. EU-funded Readmission Case Management Systems facilitate the readmission procedures with some third countries to which most Member States are connected.

In addition, many actors at national level are involved in the return process and cooperation is key for an efficient process. The ongoing thematic Schengen evaluation in the area of return for an effective EU system for returns is in particular looking at how to bridge gaps between actors in the return process. The results of the evaluation (including the best practices) should be considered as relevant when implementing the elements of the Pact related to more efficient and fair return procedures across Europe<sup>25</sup>.

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<sup>24</sup> Where a return decision is issued as a separate act, it may be appealed in separate judicial proceedings and timelines for lodging the appeal have to be between 5 and 10 days for the border procedure, accelerated procedure, inadmissibility checks and implicit withdrawal. Timelines for lodging the appeal in all other cases have to be between 2 weeks and one month.

<sup>25</sup> The Commission will adopt the report and proposal for Council recommendations in the first quarter of 2025.

Voluntary return, underpinned by credible forced return, together with reintegration, constitutes the more sustainable, cost-effective and humane/dignified way to carry out returns and should continue to be preferred. It is important to reinforce incentives to voluntary return and provide coherent reintegration support, including using the Frontex-led EU Reintegration Programme. Currently 25 out of 31 Member States and Schengen Associated Countries are participating and using the Frontex EU Reintegration Programme.

In this context, the following actions should be taken to ensure the effective implementation of this building block:

## **Member States**

### *Legislation*

- ✓ Member States should **review and adapt the national regulatory frameworks** as required.
- ✓ Member States will have to **ensure that the return decision is issued as part of the negative asylum decision or, if it is issued as a separate act, that the return decision is issued at the same time** as the asylum decision or soon after that one.
- ✓ Member States will also have to **ensure that appeals against negative asylum decisions and the return decision are handled jointly or within the timelines** provided for in the Asylum Procedure Regulation. For example, Member States could set up joint time limits for both in the legislation.

### *Organisation and administrative processes*

- ✓ Member States should **review their internal procedures to establish a clear process and workflow** on how cases are managed to ensure a seamless process between the issuance of a negative asylum decision and the return decision, ranging from the moment the person no longer has a right to stay in the EU to the return decision, to a readmission request to a third country and then the voluntary/forced return and provision of reintegration support. Member States should also **set up structures that guarantee that appeals against negative asylum decisions and the return decision are handled jointly or within the timelines** provided for in the Asylum Procedure Regulation.
- ✓ Member States are encouraged to **take active steps to establish a modern and performing IT return case management system** which provides for information processing and checks that reflect the legislative and administrative changes and workflow requirements. Use of the existing Return Case Management System and of the Reintegration Assistance Tools should also be supported and widened.

### *Capacities (human resources, infrastructure, and equipment)*

- ✓ Member States should **review both infrastructure requirements and staffing capacity** to be able to provide for the effective measures ensuring the availability of the returnee throughout the procedure to prevent the risk of absconding, including where relevant through the application of alternatives to detention.
- ✓ Member States should provide **capacity to reinforce return counselling** to ensure that those who need to be returned are swiftly accompanied throughout the process.
- ✓ Member States should **reinforce incentives to voluntary return and streamline reintegration support**, in close cooperation with Frontex.

## Commission

### *Practical support*

- ✓ The **Return Coordinator** will play a key role in the follow-up to specifically identified challenges in the area of return and by fostering efficiency gains, internal coherence, and cooperation among Member States. The Return Coordinator will do so through **targeted return actions** building on the work already launched to improve joint planning of flights and identification missions including to optimise the use of Frontex support, exchange practices and experience on the joint issuance of negative asylum decisions and return decisions and cooperation on return of returnees posing a security threat. The High-Level Network on return and Frontex will also support these efforts.
- ✓ The Commission will work with Member States to enhance the practical implementation of the Team Europe approach and **strengthen third countries' effective cooperation on readmission**, using all leverages and incentives at their disposal such as the follow up to the Article 25a of the Visa Code mechanism that links visa and readmission cooperation, described in section 5 below, as well as trade, visa, development, and other policies.
- ✓ The Commission will **develop general orientations on digitalisation of the EU return system** with a holistic approach to all the elements of the Pact implementation.

## EU Agencies

### *Practical support*

- ✓ Frontex, in close cooperation with the Commission and the Return Coordinator, will play a key role in the implementation of this building block by supporting Member States in all phases of the return process. Reinforcing and making full use of Frontex support for identification, return operations and sustainable reintegration support will be critical.
- ✓ A predictable coordination system within Frontex, based on joint planning of Member States' use of Frontex support, should allow for a better pooling of resources during all phases of return. This system should build on the work on targeted return actions, focusing on strengthening coherence, coordination, efficiency gains and exchange of best practices between and within Member States, under the steer of the Return Coordinator.

### **Key milestones to consider:**

- By end of 2024, all Member States should actively use the Frontex EU Reintegration Programme.
- By January 2025, Frontex, working closely with the Commission and Member States, will set up a comprehensive planning system, focused on key priority third countries.
- By June 2025, the Return Coordinator will develop as a 'targeted action' a manual to guide actors involved in return within Member States to be linked through an efficient workflow.
- In 2025, the Commission will set up mechanisms to support those Member States that are not yet issuing return decisions alongside negative asylum decisions to develop capacities to do so.
- By mid-2026, based on Frontex's gap analysis, Frontex will assist Member States to put in place an IT return case management system.



## **BUILDING BLOCK 6**

### **A fair and efficient system: making the new responsibility rules work**

Establishing effective and stable responsibility-sharing across the Union and reducing incentives for secondary movements is one of the top priorities of the Pact and an essential element to build trust among Member States.

Today, the Dublin III Regulation<sup>26</sup> establishes the criteria and mechanisms for determining which Member State is responsible for examining an application for international protection. If applicants for international protection are not present in the Member State responsible for examining their application, they must be transferred to that Member State. There have been important challenges to the implementation of the Dublin Regulation, especially with regard to carrying out transfers.

The newly adopted Asylum and Migration Management Regulation (AMMR) reforms the Dublin system, by introducing fairer and more efficient responsibility rules. The correct application of the new rules is fundamental for the effective functioning of Europe's asylum system, and for ensuring solidarity among Member States. Ensuring systematic and swift transfers to the Member State responsible will help to address 'asylum shopping' and in turn discourage irregular arrivals and reduce some of the factors that incentivise people to move between Member States in an unauthorised manner.

In this process, overcoming current deficiencies swiftly will be key. The new rules on responsibility are a significant evolution from the current system. For example, the Asylum Migration Management Regulation introduces a new responsibility criterion based on diplomas and qualifications and makes responsibility more stable by prolonging, as a rule, the timelines for shift and cessation of responsibility. At the same time, it reinforces the family criteria, including by introducing a new obligation to prioritise family cases.

The new Regulation makes procedures more efficient by shortening deadlines and by transforming the take back procedure into a notification. There are also new obligations for applicants to reduce abuses to the system (such as the obligation to apply in the Member State of first entry) and for the Member State to react in case of secondary movements (such as an obligation to cover only the applicant's basic needs in case of absconding) or if the applicant poses a security threat. These are balanced with new guarantees for applicants<sup>27</sup>.

The Commission Staff Working Document entitled "The Dublin Roadmap in action-Enhancing the effectiveness of the Dublin III Regulation: identifying good practices in the Member States"<sup>28</sup> identifies practices that can help Member States in tackling some of the existing challenges of the current system, as we transition towards the new one.

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<sup>26</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

<sup>27</sup> See building block 9.

<sup>28</sup> Report from the Commission to the European Parliament and the Council: Long-term forecast of future inflows and outflows of the EU budget (2024-2028) COM/2023/390 final.

To successfully move from the Dublin III system to the Asylum and Migration Management Regulation legal and operational standards, the following action should be taken:

## Member States

### *Legislation*

- ✓ Member States should **review and adjust as necessary their national regulatory frameworks** to ensure effective application of the Asylum Migration Management Regulation. Among others, Member States will have to pay particular attention to effective remedies<sup>29</sup>, non-entitlement to reception conditions in case of absconding, and alignment with the new timelines under the different procedures.

### *Organisation and administrative processes*

- ✓ Member States should **review and where needed adjust the structure and functioning of the national Dublin units**. This includes reviewing the Dublin units' working methods and updating standard operating procedures to implement the new procedures (namely take back notifications, relocations, and responsibility offsets as well as the continuation of responsibility determination in the absence of the applicant) and to comply with the shorter timelines for all procedures.
- ✓ Member States should **develop coordination structures and working methods between their Dublin units and other authorities** to ensure the effective application of the new rules. This includes for example developing specific methods of cooperation with the screening and law enforcement authorities (e.g., to cover the outcome of the security check during the screening, or the exchange of security-relevant information before a transfer is carried out) and reception authorities (monitoring the presence in the accommodation, etc.).

For these purposes, Member States should **consider developing or updating their existing IT case management system** to allow for the integration of the reformed Dublin procedure with the other asylum and reception-related processes. An integrated case management system will facilitate compliance with the new obligations and increase the efficiency of existing procedures. It will also ensure a better overview of the different stages of the procedure as well as more effective cooperation and communication among the competent national authorities (e.g., asylum, reception, return, migration, and border management). Member States should also consider the automation of certain parts of the procedure, including automatic calculation of the applicable timelines, reminders for approaching expiration of timelines or suggestions for next steps in the procedure.

- ✓ Member States are **encouraged to develop an inventory of diplomas and other qualifications** from level two of the International Standard Classification for Education upwards for the purpose of facilitating the effective application of the new criterion on diplomas and qualifications. This inventory could also include a list of education establishments in the Member States that are entitled to issue such diplomas and qualifications.

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<sup>29</sup> See also building block 9.

- ✓ Member States will have to ensure the **prioritisation of the family-related cases at every stage of the procedure**, for example by developing specific standard operating procedures. Member State should consider cooperation arrangements with organisations entrusted with family tracing.

*Capacities (human resources, infrastructure, and equipment)*

- ✓ Member States will have to ensure that the competent authorities have the necessary human, material and financial resources to carry out their tasks under the Asylum Migration Management Regulation, including sufficient and adequately trained staff. In this context, Member States should review and if necessary, increase the capacity of national Dublin Units to carry out all their tasks within the new shorter time limits. Member States will also have to ensure sufficient capacity to ensure the effective implementation of transfer decisions by, for example, limiting absconding<sup>30</sup>, improving communication between Member States, increasing flexibility in the responsible Member State and supporting the transferring Member State<sup>31</sup>. This requires human resources and the necessary logistics, including for example dedicated facilities for Dublin transfers.
- ✓ Member States need to ensure that DubliNet is updated nationally so that DubliNet remains operational and allows for the exchange of all information required under the Asylum Migration Management Regulation.

**Commission**

*Legal obligation*

- ✓ The Commission will convene by September 2024 the new **Asylum Migration Management Regulation regulatory committee** to adopt the implementing acts required under the Regulation.
- ✓ The Commission will **adopt the implementing rules** necessary for the functioning of the AMMR, replacing Commission Regulation 1560/2003 ('the Dublin Implementing Rules')<sup>32</sup>.

*Practical support*

- ✓ The Commission, working with the EUAA, will organise meetings of the **Dublin expert group (the 'Dublin Contact Committee')** to facilitate the correct application of the new provisions (including by clarifying the meaning of some provisions), identify the areas that would require further attention in the transition period, and develop guidance where needed. It will strive to organise these meetings back-to-back with the EUAA Dublin Network, which focuses more on operational challenges.
- ✓ The Commission, working with eu-LISA and the Member States, foresees a **phased upgrade of DubliNet** to adapt it to the new legal framework and the

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<sup>30</sup> For example, by having more personnel monitoring presence in accommodation centres, by creating accommodation centres for Dublin transfers purposes. For more examples, see SWD (2023) 390 final.

<sup>31</sup> For example, by showing flexibility on the number of transfers they can accept per day/per month, on the hours where transfers can take place, giving more alternative days for carrying out transfers, allowing Dublin transfers at different border crossing points. For more examples, see SWD (2023) 390 final.

<sup>32</sup> Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

needs of the national Dublin units.

- ✓ The Commission will support a common structure of inventories for diplomas and other qualifications and education establishments, drawing on existing EU databases (such as <http://eter-project/com>) and further work in the context of the European Qualifications Framework and Europass<sup>33</sup> relating to interoperability of databases for qualifications, as well as with the network of national academic recognition centres (ENIC-NARIC network).

## EU Agencies

### *Legal obligation*

- ✓ By April 2025 (ten months after entry into force of the AMMR), the EUAA will **develop the template for family-related cases and guidelines for tracing and identification** of family members.
- ✓ The EUAA will also, with the support of Member States, **develop adapted and comprehensive information leaflets and materials** and provide **guidance on conducting personal interviews by video conference**.

### *Practical support*

- ✓ The EUAA will **adjust the functioning and scope of its network of Dublin units to reflect the new system** and update guidelines supporting the application of the new responsibility rules.
- ✓ eu-LISA will be responsible for the **technical and operational upgrade of DubliNet**. The first phase (priority upgrade) will roll out between mid-2024 and mid-2026 and ensure the adequacy of the DubliNet forms. It will also provide key technological and security upgrades. The second phase 2026-2028 will continue the automation of processes and the full integration with national systems.

### **Key milestones to consider:**

- By September 2024, the Commission will convene the AMMR Regulatory Committee.
- By 12 June 2025, the Commission will aim to adopt the implementing acts replacing the Dublin Implementing Rules.
- By 12 June 2025, the Commission will aim to adopt the delegated acts required by the Asylum Migration Management Regulation.
- By September 2024, the Commission will issue a concept note on the gradual upgrade of DubliNet.
- By April 2025, EUAA will develop the template for family-related cases and guidelines for the tracing and identification of family members.
- By 12 March 2026, Member States should notify to the Commission the competent authorities responsible for fulfilling the obligations under the Asylum Migration Management Regulation. Soon after, the Commission shall publish a consolidated list of these authorities.

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<sup>33</sup> <https://europass.europa.eu/en>.



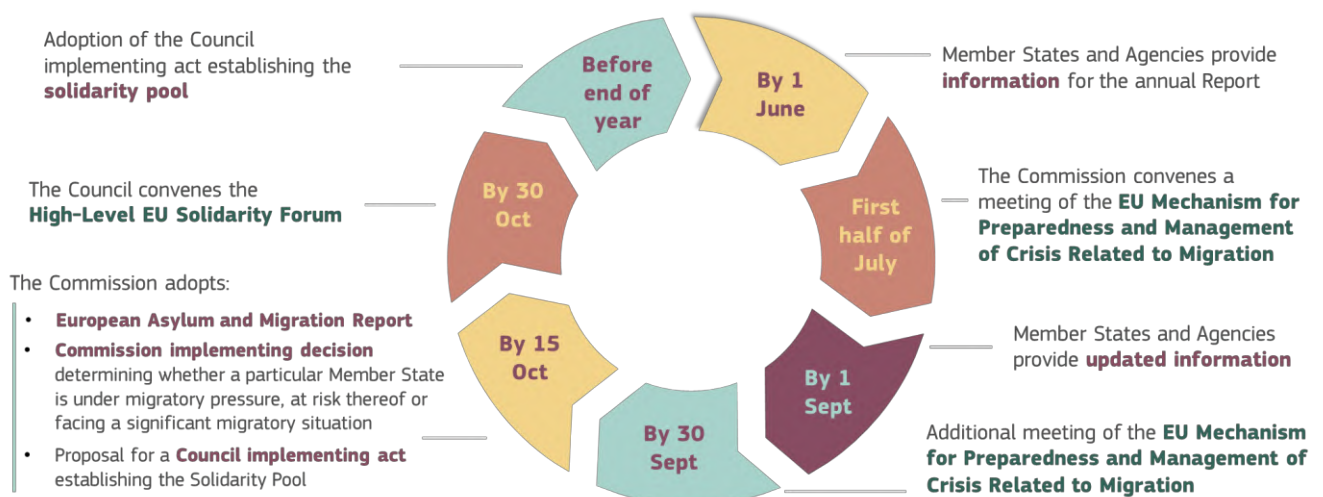
## **BUILDING BLOCK 7**

### **Making solidarity work**

Solidarity is a fundamental principle of the EU enshrined in Article 80 of the TFEU. For the first time, the Union will have a **permanent, legally-binding but flexible solidarity mechanism** to ensure that no Member State is left alone when under pressure. It is the counterpart of the enhanced responsibility rules described in building blocks 2 and 6.

The Asylum Migration Management Regulation introduces a **solidarity mechanism with minimum thresholds of 30 000 relocations and EUR 600 million of financial support at Union level** that the Commission must respect when calculating the needs for the year. All Member States will need to participate but they will be able to choose their solidarity measures between relocations, financial solidarity, or alternative measures (staff or in-kind support). The Asylum Migration Management Regulation foresees the establishment of the High-Level EU Solidarity Forum chaired by the Member State holding the presidency of the Council, where the pledging should take place, and of the Technical-level EU Solidarity Forum, chaired by the Solidarity Coordinator, which will be responsible for the operationalisation of the Annual Solidarity Pool set out in the annual Council implementing act.

**Figure 3: The annual migration management cycle**



Many of the actions required to implement the annual solidarity cycle need to be put in place at Union level. The Commission will take the corresponding steps that are necessary for the first **annual migration management cycle**, and it takes all necessary legal, administrative, and operational measures to ensure that each step of the annual cycle works smoothly, including operationalising the first **Annual Solidarity Pool that the Council has to adopt at the end of 2025**.

Actions are also needed at **national level**. As for many of the previous building blocks, the Commission and Member States can leverage existing practices, building on the experience so far of *ad hoc* solidarity mechanisms. The implementation of the Voluntary Solidarity Mechanism since 2022<sup>34</sup>, in particular, constitutes a source of inspiration for

<sup>34</sup> [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/relocation-eu-solidarity-practice\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/relocation-eu-solidarity-practice_en); French Presidency of the Council of the European Union 2022. (2022, June

the Commission and Member States concerning practices, practical experiences and lessons learnt on how to implement the principle of solidarity – both for relocations of applicants for international protection as well as financial solidarity. These experiences and investments should be taken into consideration when operationalising the obligations under this building block.

In this context, the following actions should be taken to ensure the effective implementation of this building block:

## **Member States**

### *Legislation*

- ✓ Member States should **review their national regulatory frameworks** and adjust them as needed to ensure the effective application of the Asylum Migration Management Regulation.

### *Organisation and administrative processes*

- ✓ Member States will have to establish the necessary decision-making procedures and structures for participating in the annual migration management cycle, for example by appointing a **national coordinator** and setting up a **national coordination mechanism**. In particular, Member States will have to define the internal process for choosing how they want to contribute to solidarity and timely pledging at the **High-Level EU Solidarity Forum**. National-level consultation will also feed into the Commission consultation process that precedes the adoption of the Commission proposal for a Council implementing act.
- ✓ Member States will also need processes to **collect and transmit the required information and data to the Commission** for the preparation of the European Annual Asylum and Migration Report within the time limits foreseen in the Regulation (reporting due by 1 June and an update by 1 September from 2025 onwards). For this purpose, Member States should develop the necessary standard operating procedures and coordination structures.
- ✓ Member States that opt for or benefit from relocation will need to comply with the 1.5-month time limit to complete the relocation process (which starts running from the transmission of the relevant information to the Member State of relocation) set out in the Regulation. For this purpose, Member States should establish standard operating procedures and internal workflows. These workflows will need to cover identification of persons eligible for relocation through the examination of all relevant factors, such as the existence of meaningful links between the person concerned and the Member State of relocation, and information on the procedures as well as ensure the best interests of the child and related safeguards. These procedures will also need to cover security checks and the transfer of security-related information by the benefiting Member States, and where relevant the security verification by the Member State of relocation.

### *Capacities (human resources, infrastructure, and equipment)*

- ✓ Member States and EU Agencies will need to ensure the **necessary resources to provide quality and timely inputs** for the European Annual Asylum and Migration Report – reporting due by 1 June and an update by 1 September from

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22). *First step in the gradual implementation of the European Pact on Migration and Asylum: modus operandi of a voluntary solidarity mechanism.*

2025 onwards – including participation in the key Blueprint Network<sup>35</sup> meetings in July and September from 2025 onwards.

- ✓ Member States will have to **develop the necessary capacity to identify their solidarity needs** and specific actions for support through the financial contributions or in-kind support, to submit them to the Technical-Level EU Solidarity Forum and subsequently ensure absorption of any such financial or in-kind contribution effectively.
- ✓ Both **benefiting and contributing Member States will need to ensure the necessary capacity to implement relocations** (see previous building block 6 as well) if they opt for or benefit from this measure. This means ensuring the necessary resources and sufficient competent personnel, including in the Dublin units and for any additional security checks; building the necessary infrastructure and procuring the equipment required to implement relocations within the required time limit. Member States should ensure coverage through a case management system as well as transport and reception capacity, including relocation hubs and (remote) interview facilities.

## Commission

### *Legal obligation*

- ✓ The Commission will adopt the **first European Annual Asylum and Migration Report** by 15 October 2025, based on quantitative and qualitative data and information provided by the Member States and Union Agencies. This will build a situational picture of the area of migration and asylum and serve as an early warning and awareness tool.
- ✓ By 15 October 2025, the Commission will also adopt the **first Commission implementing act establishing which Member States are under migratory pressure, at risk of migratory pressure or facing a significant migratory situation** as well as the first **Commission proposal for a Council implementing act setting up the Annual Solidarity Pool**.
- ✓ The Commission will appoint the first **Solidarity Coordinator**, who will establish and convene the **Technical-Level EU Solidarity Forum**. The existing Solidarity Platform-Pact will transition towards becoming the Technical-Level Solidarity Forum.
- ✓ The Commission will convene the **AMMR Regulatory Committee** (see building block 6) and adopt the **two implementing acts related to the functioning of solidarity**. The first one is on the uniform conditions for the preparation and submission of information and documents for the purpose of relocation, including related to security checks. The second is on the rules for the operation of the financial contributions.
- ✓ In cooperation with the EUAA, the Commission will also provide for tools to identify and match the persons to be relocated with the contributing Member State to ensure compliance with the obligation of the benefiting Member State to take into account the existence of meaningful links between the person concerned and

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<sup>(35)</sup> Commission Recommendation (EU) 2020/1366 of 23 September 2020 on an EU mechanism for preparedness and management of crises related to migration (Migration Preparedness and Crisis Blueprint).

the Member State of relocation, also in view of the reasonable preferences expressed by that Member State.

#### *Practical support*

- ✓ The Commission will carry out a **test (dry-run) of the European Annual Asylum and Migration Report in 2024** to anticipate and address any possible gaps in data and information and shortcomings in the process. To ensure critical consolidation of the required data and analysis-sharing, the Commission will make full use of the **Blueprint Network**.
- ✓ The Commission, working with the EUAA, will organise a **series of Commission expert meetings** (the extended ‘Dublin Contact Committee’) to facilitate the correct application (including by clarifying the meaning of some provisions) of the new system, identify the areas that would require further attention in the transition period, and coordinate the identification and dissemination of good practices.

#### **EU Agencies**

##### *Legal obligation*

- ✓ The EUAA, Frontex, Europol and FRA will have to gather relevant data and information from the Member States and provide their inputs to the Commission for the preparation of the European Annual Asylum and Migration Report within the time limits foreseen in the Regulation.

##### *Practical support*

- ✓ The EUAA will prepare templates and operating procedures for solidarity pledges and contributions.

#### **Key milestones to consider:**

- By 30 October 2024, the Commission will conclude the dry-run for the European Annual Asylum and Migration Report and present the results to the EU mechanism for preparedness and management of crisis related to migration.
- By the beginning of 2025, the Commission will appoint the Solidarity Coordinator and provide for the necessary resources to effectively carry out the tasks.
- By early May 2025, the Commission will request Member States and EU Agencies the necessary information with a view to starting the first annual migration management cycle on 1 June 2025.
- By 12 June 2025, the Commission will aim to adopt the two implementing acts foreseen in relation to solidarity (for relocation and financial contributions respectively).



## **BUILDING BLOCK 8**

### **Preparedness, Contingency Planning and Crisis response**

To better respond to future challenges, the new legislative framework includes several new and complementary measures to ensure preparedness, contingency planning and crisis response across the EU. This should help build more resilience to the evolution of migratory situations as well as reduce the risks of situations of crisis.

The level of preparedness and contingency planning are important elements to consider a Member State as ‘well-prepared’. They are closely linked to maintaining adequate reception systems across the EU (see building block 3) and thus essential for a proper functioning of the responsibility obligations (see building block 6). A Member State cannot be considered as well-prepared if contingency planning is not in place, which in turn may have an impact on the possibility for the Member State to benefit from solidarity or deductions from solidarity contributions (building block 7). In this sense, the European Annual Asylum and Migration Report, as the first step of the annual migration management cycle, will have to include information about the level of preparedness in the Union and in the Member States. Preparedness and contingency planning will also support a rapid, efficient, and coordinated response in case of a migration crisis, taking into account geographic specificities, including border regions.

Preparedness entails the allocation of the necessary human, material and financial resources and infrastructure to guarantee the functioning of the asylum and migration systems, as well as coordination among relevant authorities, at national and EU level.

Contingency planning as mandated by the Reception Conditions Directive is part of preparedness. This contingency planning aims at building and maintaining more resilient reception systems across the EU that are able to function efficiently, including in crisis situations. For this reason, it is crucial that these contingency plans also cover asylum procedures (see building block 4). If there are no contingency measures to process asylum applications, the strain on reception systems in situations of pressure or crisis would only worsen. Encompassing asylum procedures in the reception contingency plans required under the recast Reception Conditions Directive will also facilitate synergies among the different actors involved and ensure processes are streamlined and that the necessary measures are in place. These contingency plans must be regularly assessed and reviewed (at least every three years).

At the same time, while broader in scope, the national strategies to be prepared under the Asylum Migration Management Regulation should encompass the newly introduced obligations on contingency planning in a consistent and complementary manner with existing obligations on border management and return (see building blocks 2 and 5).

Operationally, the EU mechanism for preparedness and management of crisis related to migration (the Migration Preparedness and Crisis Blueprint) in its two stages (monitoring and preparedness, on the one hand and crisis management, on the other) provides, through the Blueprint Network, a participatory framework for monitoring and anticipating migration flows and migration situations, building resilience as well as organising a coordinated response to a migration crisis. EU agencies also have a key role in offering targeted support as well as monitoring preparedness and contingency planning, in line with their respective mandates.

Work under this building block also feeds into the development of a **cross-sectoral, all-hazards and whole-of-society approach to preparedness and crisis response** at EU level, based on the March 2024 European Council Conclusions.

In this context, the following actions should be taken to ensure the effective implementation of this building block:

## Member States

### *Legislation*

- ✓ Member States should **review their national regulatory frameworks** and adjust as needed. Member States, in particular, will have to transpose the relevant provisions of the Reception Conditions Directive related to contingency planning.

### *Organisation and administrative processes*

- ✓ Member States will have to develop by April 2025 (within ten months of entry into force of the new Reception Conditions Directive) **national contingency plans on reception** (and asylum), using the newly developed EUAA template.
- ✓ Member States should make the necessary administrative arrangements to support the design, adoption, implementation, and **regular review of comprehensive contingency plans on migration and asylum**. This could include the set-up of inter-ministerial coordination structures that bring together the work strands covering different contingency plans under different legal basis (borders, reception, asylum, etc.).
- ✓ Member States will also have to ensure that relevant **information on preparedness is collected and shared** as relevant within the time limits of the Asylum Migration Management Regulation for the purposes of the preparation of the European Annual Asylum and Migration Report (see building block 7).

### *Capacities (human resources, infrastructure, and equipment)*

- ✓ Member States are invited to **conduct systemic reviews to support operational preparedness and contingency planning** to be able to effectively upscale and downscale relevant capacity levels in case of need. Member States should therefore consider resources needed, for instance in terms of trained staff, IT, and other equipment, as well as reception, logistics and wider infrastructures.

## Commission

### *Practical Support*

- ✓ The Commission and the EUAA will support Member States in **drafting and reviewing their national contingency plans on reception and asylum**, when requested by the Member States, and facilitate the exchange of best practices and knowledge through the EU mechanism for preparedness and management of crises related to migration.

### *Legal Obligation*

- ✓ The EUAA will develop a **template for the national contingency plans on reception and asylum**, currently foreseen for the fourth quarter of 2024 and provide support to Member States in developing and reviewing their contingency plans, when requested by the Member States.

### **Key milestones to consider:**

- By end 2024, EUAA will develop a template for contingency plans.
- By 12 April 2025, Member States shall adopt their national contingency plans and notify them to the EUAA.



## **BUILDING BLOCK 9**

### **New safeguards for applicants for international protection and vulnerable persons, and increased monitoring of fundamental rights**

The Pact sets out and further clarifies **important safeguards and guarantees for the applicants for international protection and people with specific needs**, particularly minors and families with children or single women and mothers. Across all new legal acts, new and enhanced rights are foreseen. These are brought together in this cross-cutting building block.

The **implementation of these rights, safeguards and guarantees serves to protect human dignity and ensure a genuine and effective right to asylum**, including for the most vulnerable, as well as the access to effective remedies. These safeguards and guarantees serve to protect fundamental rights in line with the EU Charter. At the same time, they also help protect the integrity of procedures across all building blocks.

These rights, safeguards and guarantees can be summarised as follows:

- **New and strengthened information rights for applicants for international protection** across the new legislative acts, so that applicants can understand their rights and obligations and the consequences of non-compliance with their obligations in a timely manner. The provision of information is necessary for the rules to fight abuse by applicants to be applied. Information has to be provided taking into account the specificities of the applicant's profile.
- **A new right to free legal counselling for applicants for international protection in the administrative phase of the procedure.** This applies to all administrative procedures, including the border procedure and the procedure to determine Member State responsibility for an application for international protection. All applicants will continue to have the right to be assisted and represented by a lawyer at the appeal stage.
- **Earlier identification of vulnerabilities** and special procedural and reception needs with clearer deadlines for first and individual assessments as well as fast follow-up for victims of torture and violence.
- **Stronger guarantees to ensure that detention is used as a measure of last resort**, following an individualised assessment, with safeguards where physical or mental health are at serious risk (where the detention of applicants with special reception needs would put their physical and mental health at serious risk, those applicants cannot be detained).
- **New guarantees for minors:** In the implementation of the Pact, Member States always have to ensure the centrality of child protection, in particular, that the best interests of the child has to be the primary consideration for Member States<sup>36</sup>.

In addition, the Pact instruments set up new guarantees for minors as set out below.

A representative should be appointed swiftly for all unaccompanied minors – with reinforced training standards – to ensure the full respect of the child's interests, including their well-being (a temporary representative immediately, including for the taking of the fingerprints<sup>37</sup>, and a permanent one within 15 days from the making of the application

<sup>36</sup> In line with Commission Recommendation on developing and strengthening integrated child protection system in the best interests of the child, C(2024) 2680 final.

<sup>37</sup> The unaccompanied minor should be accompanied by a representative or, where a representative has not been designated, a person trained to safeguard the best interests of the child and his or her general

with a ratio of 1 representative for 30 unaccompanied minors). If the unaccompanied minor becomes a beneficiary of international protection, further safeguards as regards guardians apply (requirements for guardians, each guardian shall represent a proportionate and limited number of unaccompanied minors, possibility to lodge complaints against the guardian, supervision and monitoring of guardians).

The Pact also includes reinforced guarantees for unaccompanied minors in relation to the border procedure. They are automatically excluded unless they, on serious grounds, pose a threat to national security or public order. But in that case, all the procedural and reception rights for unaccompanied minors must apply, including the automatic suspensive effect of the appeal in the case of a rejected asylum application.

For all minors: new provisions to prevent children from going missing (fingerprinting as of the age of 6) and stronger guarantees to ensure alternatives to detention (as children should not be detained as a rule), to take the view of the children into account and to provide child-friendly information.

An obligation for a multidisciplinary approach to age assessment is introduced to minimise the use of intrusive medical examinations which are only to be used if the first multidisciplinary assessment is inconclusive. Access to education has to be ensured as soon as possible for all children and within two months from lodging an asylum application at the latest, while access to healthcare has to match that of minors who are nationals.

Furthermore, where families with children are subject to the border procedure, the examination of applications of minors and their family members must be given priority and reception facilities for minors and their family members have to be suited to their needs, in full respect of the recast Reception Conditions Directive.

**- Right to remain and right to effective remedy:** A person has the right to remain in the Member States where the application is being processed during the administrative stage of the procedure. The exceptions from this right are clearly framed. In case of a negative decision, a person has the right to an effective remedy (appeal) that would provide for a full and *ex nunc* examination of both facts and points of law at least before a court or tribunal of first instance. The appeal may entail an automatic suspensive effect, meaning that the person has the right to remain for the duration of the appeal, with clearly defined exceptions. One of such exceptions is the border procedure, where as a rule, appeals do not have automatic suspensive effect, but the person has the right to request a court or tribunal the right to remain for the duration of the appeal.

**- Independent mechanism for the monitoring of fundamental rights** during the screening phase and the asylum border procedure. In addition, Member States have to provide for an effective mechanism to investigate allegations of failure to respect fundamental rights to enable victims to access civil or criminal justice.

The national independent monitoring mechanism will have to monitor compliance with Union and international law, as regards access to the asylum procedure, the principle of *non-refoulement*, the best interests of the child and the relevant rules on detention, during screening and the asylum border procedure. It must ensure that substantiated allegations of failure to respect fundamental rights are dealt with effectively and, that investigations into such allegations are carried out as necessary.

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wellbeing, throughout the time his or her biometric data are taken. Such a trained person should not be the official responsible for taking the biometric data, should act independently and should not receive orders either from the official or the service responsible for taking the biometric data.

The independent monitoring mechanism must carry out its tasks based on on-the-spot checks and random and unannounced checks, and enjoy access to all relevant locations, including reception and detention facilities. The monitoring mechanism may involve relevant international and non-governmental organisations or, in case such organisations are not involved, the independent monitoring mechanism has to establish and maintain close links with them. The monitoring bodies have the power to issue annual recommendations to Member States and their findings may be relevant for national and EU level procedures<sup>38</sup>.

In this context, the following actions should be taken to ensure the effective implementation of this building block:

## **Member States**

### *Legislation*

- ✓ Member States should **review their national regulatory frameworks** and adjust them as needed to ensure the effective application of the new rights and guarantees. Member States' review of their national regulatory frameworks will have to consider adjustments to ensure the effective application of the new right to free legal counselling for applicants across all procedures (within the scope and conditions in the Asylum Migration Management Regulation and the Asylum Procedure Regulation), including the border procedure and the procedure to determine the Member State responsible for examining an asylum application. If the Member State is already providing free legal assistance and representation also during the administrative phase for all procedures, adjustments to their systems are not necessary.

Member States will have to ensure that the national legal framework foresees **alternatives for detention, relevant child-protection safeguards**, including provisions to ensure the **effective application of the new multi-disciplinary age assessment**, as well as the enhanced guarantees on **representation and guardianship for unaccompanied minors**.

- ✓ Member States will have to provide the **legal framework for an independent monitoring mechanism for fundamental rights for the screening and border procedure** complying with the requirements laid down in the Screening Regulation and the Asylum Procedure Regulation. Where Member States already have a fundamental rights monitoring mechanism in place, the legal framework has to ensure its independence and the scope, tasks and powers laid down in the Screening Regulation and the Asylum Procedure Regulation. Furthermore, Member States have to adopt relevant provisions under national law to investigate allegations of failure to respect fundamental rights in relation to the screening and ensure, where appropriate, referral for the initiation of civil or criminal justice proceedings in cases of failure to respect or to enforce fundamental rights.

### *Organisation and administrative processes*

- ✓ Member States will have to **develop information material** and ensure that applicants can understand their rights and obligations in a timely manner across the procedures and during reception. In this context, Member States should review or if needed develop workflows and procedures for the correct provision of information. The information provision needs to be adapted to the specificities

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<sup>38</sup> Article 10(2) of the Screening Regulation.

of the applicant's profile, such as vulnerabilities, as well as procedural and reception needs (for example if the applicant has a specific disability or is a child or a victim of trafficking or violence) and which explain in plain language the applicants' rights and obligations. Workflows should include confirmation of the received information.

- ✓ Member States will need to **review and adapt existing practices and standard operating procedures** as necessary for the **early identification and follow-up to specific procedural or reception needs** to comply with the new deadlines (i.e., the assessment of special reception needs and special procedural needs must be concluded within 30 days from making an application).

In this context, Member States will also have to ensure the **necessary administrative processes** (e.g., appropriate information workflows between the relevant authorities) are in place to not apply or cease to apply the border procedure to applicants with special procedural and reception needs that cannot be catered for in the border procedure, including where justified on health grounds.

In the case of **families with children**, the administrative processes will also have to include the obligation to de-prioritise families with children in the cases foreseen in the Asylum Procedure Regulation (unless they are considered, on serious grounds, to pose a danger to the national security and public order of a Member State).

- ✓ Member States should develop specific instructions or protocols to assess **alternatives to detention** to ensure that detention is not used automatically, also by duly carrying out individualised assessments and applying effective alternatives to detention. Member States will need to take the necessary legal and organisational measures to ensure the new timelines for judicial review against detention decisions are complied with (no later than 15 days or, in exceptional situations, no later than 21 days from the beginning of detention).

As regards children, the general rule is that they should not be detained. Therefore, when developing the specific instructions or protocols on detention, Member States must ensure that children are only detained in exceptional circumstances, where strictly necessary, as a measure of last resort and for the shortest possible period of time, after it has been established that other less coercive alternative measures cannot be applied effectively, and after detention is assessed to be in their best interests.

- ✓ Member States will have to review existing procedures or develop new ones to ensure access to **free legal counselling** (if such free legal counselling is not already provided by the Member State) in compliance with the conditions for access in the Asylum Procedure Regulation and the Asylum Migration Management Regulation. If the Member State is already providing free legal assistance and representation during the administrative phase for all procedures, adjustments to their systems are not necessary.
- ✓ Member states should **review or put in place workflows, protocols and processes to ensure the best interests of the child** are individually assessed and prioritised at all stages of the procedure, taking into consideration Commission recommendation on specific measures for the protection of children in

migration<sup>39</sup>; notably, to ensure an integrated case management system in synergy with national child protection services, international and civil society organisations, particularly in operational support and monitoring processes; to ensure that all relevant proceedings and reception systems are adapted to take into account children's age, needs and vulnerabilities as a priority.

- ✓ Member States will have to **review and adjust standard operating procedures for age assessment** to apply the new multi-disciplinary age assessment. The EUAA Practice Guide on age assessment<sup>40</sup> can provide useful elements to develop such procedures.
- ✓ Member States will also have to ensure the **necessary administrative processes are in place to exclude unaccompanied minors from the border procedure** (unless they are considered, on serious grounds, to pose a danger to the national security and public order of a Member State).
- ✓ Member States will have to **review their systems for appointing representatives for unaccompanied minors and the workflows and procedures for the early identification and evaluation of their needs**, taking into account the new quality and monitoring requirements for representatives and the new deadlines. They should also review their systems for appointing guardians, to ensure the new requirements under the Qualification Regulation are met (necessary expertise, confidentiality rules, verified record) and the new supervision and monitoring requirements. They will also have to set in place (if not already) the necessary procedures and administrative structures to ensure unaccompanied minors can lodge complaints in relation to their appointed guardian.

*Capacities (human resources, infrastructure, and equipment)*

- ✓ Member States will have to **ensure sufficient capacity to identify the specific needs of applicants** and to be able to address those specific needs across all steps of the procedure and in reception. In relation to infrastructure, this requires Member States to have sufficient accommodation adapted to specific needs of applicants. This will also require sufficient and adequately trained staff, including social workers, interpreters, medical personnel, child protection officers, etc.

Where **families with children** (or an unaccompanied minor) are subject to the border procedure, Member States will need to ensure that reception facilities are appropriate to their needs after assessing the best interests of the child, and that they meet a standard of living adequate for the minor's physical, mental, spiritual, moral and social development, in full respect of the requirements of recast Reception Conditions Directive.

- ✓ Member States should have sufficient capacity to implement alternatives to **detention** and maximise their effectiveness.
- ✓ Member states will have to establish **capacity for free legal counselling** across procedures, be it directly or through service arrangements with qualified third parties. This is also an opportunity to identify and address any existing capacity gaps regarding free legal assistance and representation at the appeal stage.

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<sup>39</sup> C(2024) 2680 final.

<sup>40</sup> [Practical guide on age assessment | European Union Agency for Asylum \(europa.eu\)](https://europeanunion.europa.eu/practical-guide-on-age-assessment).

- ✓ Member States will have to ensure they have **sufficient capacity to ensure all safeguards for children**, including unaccompanied minors. Given the significant increase in safeguards included across all Pact instruments, Member States should carefully review the existing capacities and seriously consider strengthening their national child protection services. Sufficient and adequately trained staff has to be available throughout to conduct best interests of the child assessments and provide for follow-up, ensuring child protection safeguards and multidisciplinary support all along the process.
- ✓ Member States will need to have **sufficient capacity to ensure all applicant children have access to education** within two months of the lodging of the asylum application. Reception facilities and infrastructure might have to be adapted accordingly.
- ✓ Member States will need to ensure **sufficient qualified professionals are available for the multi-disciplinary nature of the age assessment** (including paediatricians, psychologists, social workers, etc.). The EUAA Practical Guide on age assessment referred above can provide useful elements to identify staffing requirements.
- ✓ Member States will need to ensure that **sufficient and qualified representatives for unaccompanied minors can be appointed within the new deadlines** (as soon as possible and within 15 days from making the application) and in compliance with the maximum ratio (one representative per 30 unaccompanied minors<sup>41</sup>). Member State will also have to ensure an adequate number of **long-term guardians for unaccompanied minors who become beneficiaries of international protection** and that those guardians represent a proportionate and limited number of unaccompanied minors. To comply with the new obligations regarding representation and guardianship, Member States should carry out a **thorough assessment of the current capacity and shortcomings**. Services for unaccompanied minors in transition to adulthood need to be in place to ensure continuous support and services, prepare the transition from the reception system and help with early integration measures.
- ✓ Member States will have to ensure that the **independent mechanism for the monitoring of fundamental rights** has sufficient capacity and appropriate financial means to carry out its tasks, including planning and ensuring the relevant partnerships, sufficient qualified personnel, administrative arrangements and running costs. They will also need to ensure close links with international and civil society organisations in this continuous process.

## Commission

- ✓ The Commission will provide full support (including financial support) to the implementation of this building block, including by ensuring adequate exchange in the framework of its experts' meetings and **helping to coordinate and identify best practices in the relevant networks**, including the EU Network on children's rights, meetings of the European Child Guarantees Coordinators or the European Judicial Network in civil and commercial matters.

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<sup>41</sup> Participating in European Guardianship Network activities can help share expertise and identify good practices.

The Commission will organise a **dedicated meeting of the expert group on children in migration** bringing representatives from the different national administrations to discuss the child-related provisions across all Pact instruments.

## **EU Agencies**

### *Legal obligation*

- ✓ The EUAA will provide guidance on alternatives to detention and a template for information provision.
- ✓ The EU Fundamental Rights Agency (FRA) will provide guidance on Fundamental Rights Monitoring. This work has already begun and will be shared with Member States in 2024.

### *Practical support*

- ✓ The EUAA will revise its Guidance on Vulnerability - Standards and Indicators to reflect the new legislation and update training modules relating to vulnerability and the protection of minors.
- ✓ The EUAA will provide operational support for legal counselling when requested by Member States.
- ✓ The FRA will update its guidance on minors /guardianship.

### **Key milestones**

- By fourth quarter of 2024, FRA will adopt guidance on Fundamental Rights Monitoring.
- By end of 2025, EUAA will develop information provision templates and materials.



## **BUILDING BLOCK 10**

### **Resettlement, Inclusion and Integration**

The Pact reaffirms the EU's commitment to enhance safe and legal pathways for those in need of protection. To provide a viable alternative to irregular and perilous journeys and strengthen partnerships with non-EU countries hosting large populations of refugees, the EU will continue to help meet rising global resettlement needs and enhance the quality of resettlement and humanitarian admission processes.

In addition, Member States' efforts for the integration and inclusion of migrants remain indispensable for a successful migration and asylum policy. They are also an investment in the long-term cohesion of our societies and our economic well-being. Integration support is most effective when it begins at an early stage. Working with social and economic partners has often proven crucial to advance the labour market integration of beneficiaries of international protection. Simplifying and expediting the recognition of qualifications and validation of skills of third-country nationals by Member States, as recommended by the Commission in November 2023<sup>42</sup>, would facilitate their integration.

The Union Resettlement and Humanitarian Admission Framework Regulation ('the Resettlement Regulation') builds on the expertise that EU Member States have developed during the implementation of six *ad hoc* EU-funded resettlement and humanitarian admission schemes. It puts the EU's work on safe and legal pathways to protection on a more permanent footing, whilst fully respecting the voluntary nature of Member States' efforts.

The Resettlement Regulation provides for a harmonised approach for the admission of those in need of protection, including common eligibility criteria and refusal grounds, and aims to foster convergence on the protection status. Furthermore, the new Union Resettlement and Humanitarian Admission Plan will provide details on the number of persons in need of protection to be admitted and on the geographical priorities for such admissions, over a period of two years, enhancing the predictability and reliability of the process.

The Qualification Regulation further harmonises and clarifies the rights of beneficiaries of international protection, providing Member States with new opportunities to optimise and promote integration. The effective and swift access to these rights is of paramount importance to avoid overloading reception systems for applicants (see building block 3). It is also important for the responsibility rules to work (see building block 6) to ensure Dublin transfers can be implemented.

Early self-reliance of beneficiaries is an important factor in better overall integration outcomes for beneficiaries and the communities they live in, reducing the financial burden on Member States. Member States should use the Pact as an opportunity to identify and address any gaps in their integration strategies and ensure the effective provision of rights to beneficiaries of international protection with a view also to implementing the objectives and recommendations set out in the Action Plan on Integration and Inclusion 2021-2027. In addition to support to labour market integration, ensuring access to education and training, language learning, health care and housing are fundamental part of this.

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<sup>42</sup> Commission Recommendation of 15.11.2023 on the recognition of qualifications of third-country nationals, C(2023) 7700 final.

The Qualification Regulation also offers opportunities to address unauthorised movements of beneficiaries of international protection among Member States. The new rules foresee that if a beneficiary is found in a Member State other than the one who granted protection without a right to stay or to reside there, the calculation of the 5-year residence period required to be eligible for the long-term residence status will restart.

In this context, the following actions should be taken to ensure the effective implementation of this building block:

As regards the **Union Resettlement and Humanitarian Admission Framework Regulation**:

### **Member States**

#### *Legislative*

- ✓ Member States should **review their national regulatory frameworks** and adjust them as needed to ensure an effective application of the Resettlement Regulation.

#### *Organisation and administrative processes*

- ✓ Member States will have to appoint a **national contact point** for the implementation of the Union Resettlement and Humanitarian Admission Plan.
- ✓ Member States should **review and adjust national procedures** and practices and adjust or put in place workflows to respect the obligations set out in the Regulation, notably regarding the admission procedure, and the assessment of the eligibility criteria and of the grounds to refuse admission.

#### *Capacity (human resources, infrastructure, and equipment)*

- ✓ Each Member States should provide for sufficient and knowledgeable staff to implement the obligations set out in the Regulation, in particular the admission procedure.

### **Commission**

#### *Legal obligations*

- ✓ The Commission will convene the **High-level Resettlement and Humanitarian Admission Committee**, which will discuss and advise the Commission on the implementation of the Resettlement Regulation. The High-Level Committee will also provide strategic steer to identify the geographical priorities from which admissions should occur.
- ✓ The Commission will propose the 2-year **Union Resettlement and Humanitarian Admission Plan**, based on the outcome of the discussion of the High-Level Committee and the UNHCR Projected Global Resettlement Needs. The Plan will include indications on **Member States' voluntary contributions** pursuant to the Regulation, and an **indication of the regions** from where admission should occur. This Union Plan will be adopted by the Council as an implementing act.

#### *Practical support*

- ✓ The Commission Resettlement Expert Group and the EUAA Resettlement and Humanitarian Admission Network will provide the opportunities to share best practices, enhance capacity building and foster operational exchanges among Member States and other relevant stakeholders, including international organisations and civil society.

## EU Agencies

- ✓ The EUAA will play a key role in providing operational support to Member States in the implementation of the Union Resettlement and Humanitarian Admission Framework.

As regards the **Qualification Regulation**:

## Member States

### *Legislative*

- ✓ Member States should **review and adjust as needed their regulatory frameworks** to ensure the new elements of the Qualification Regulation can be applied effectively at national level, notably in relation to residence permits and travel documents, freedom of movement of beneficiaries of international protection, access to education for adults<sup>43</sup>, equal treatment for terms of employment, freedom of association and affiliation and employment-related educational opportunities for adults, validation of skills, ‘core benefits’, or possible conditionality of certain forms of social assistance to the effective participation in integration measures.

### *Organisation and administrative processes*

- ✓ Member States will have to appoint a **national contact point** for the implementation of the Qualification Regulation.
- ✓ Member States should **review and adjust national procedures** as needed, notably to comply with the obligation to issue residence permits and travel documents within the new time limits (residence permits have to be issued within 90 days from the notification of the decision granting international protection) and compliance with EU uniform formats and standards<sup>44</sup>. Travel documents have to be valid for more than a year. Member States should review and have to adjust if needed the fees for issuing residence permits as they must be free of charge or not exceed the fees attached to ID documents for nationals. They will also have to take the administrative measures (‘provisional measures’) required to ensure beneficiaries have access to their rights if the residence permit is not issued within 15 days from the decision granting international protection. They should also take the necessary measures to maintain family unit when issuing residence permits.
- ✓ Member States should **review and adjust as needed procedures for the detection of unauthorised movements of beneficiaries of international protection** and they have to ensure the necessary restarting of the period of residence required to be eligible for the long-term residence status.
- ✓ Member States should **review/develop workflows for timely access to early integration measures** and transition support for applicants for international protection once they are granted protection.
- ✓ Member States should **review and if needed update or set up the procedures required to ensure the recognition of qualifications and of prior learning outcomes and experience (‘validation of skills’) of beneficiaries of**

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<sup>43</sup> If Member States opt for the possibility to refuse education related grants and loans to adults, this has to be included in national law.

<sup>44</sup> Regulation (EC) No 1030/2002 for residence permits and Regulation (EC) No 2252/2004 for travel documents.

**international protection.** Member States are encouraged to make full use of the actions included in the Commission Recommendation on recognition of qualifications of third-country nationals<sup>45</sup>. If access to certain forms of social assistance is made conditional on the effective participation in integration measures, Member States will also have to take the necessary administrative measures to ensure these integration measures are accessible and free of charge (unless the beneficiary has sufficient means).

- ✓ Member States will have to provide the information included in Annex I of the Regulation.

*Capacity (human resources, infrastructure, and equipment)*

- ✓ Member States should ensure capacity to **develop and disseminate adapted communication and information material to beneficiaries of international protection** on their rights and obligations, in accordance with Annex 1 of the Regulation including the information on consequence of not complying with the obligations.
- ✓ Member States should ensure sufficient staff and equipment to deliver **residence permits as well as travel documents within the new timelines** (residence permits within 90 days from the notification of the decision granting international protection) and standards. Member States should also ensure sufficient capacity (staff, equipment) to deliver provisional measures (e.g., temporary residence permits) to ensure access to rights if residence permits are not issued within 15 days from the decision granting international protection.
- ✓ Member States will need to **review and adjust capacities as needed to provide effective access to the rights to beneficiaries of international protection** as set out in the Qualification Regulation. In this sense, Member States will need to have sufficient capacity to provide effective access to the labour market, equal treatment for terms of employment, freedom of association and affiliation and employment-related educational opportunities for adults, social security and social assistance (the minimum ‘core benefits’<sup>46</sup>), healthcare, integration measures, education and training for both children and adults, recognition of qualifications and validation of skills as well as access to accommodation, building on the efforts made when implementing the recast Reception Conditions Directive.

Member States are encouraged to follow a **multi-stakeholder approach**, including cooperation with social and economic partners, international and civil society organisations, in particular migrant-led organisation, and local and regional authorities.

- ✓ Member States will have to ensure that authorities and organisations applying the Qualification Regulation have received the necessary training and are bound by the principle of confidentiality in relation to personal information they acquired in the performance of their duties (which has to be laid down in national law).

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<sup>45</sup> Commission Recommendation of 15.11.2023 on the recognition of qualifications of third-country nationals, C(2023) 7700 final.

<sup>46</sup> Income support, illness/pregnancy assistance, parental/childcare assistance, and housing benefits if provided to nationals of the Member States under national law.

## **Commission/EU Agencies**

- ✓ The Commission, in cooperation with the EUAA, will organise a series of Commission expert groups meetings to facilitate the correct application of the new provisions (including by clarifying the meaning of the new provisions). The Commission will strive to organise joint expert meetings between the Qualification and the Reception Contact Committees to foster synergies with early integration measures foreseen in the recast Reception Conditions Directive and the integration measures and rights included in the Qualification Regulation.
- ✓ The EUAA will develop adapted information leaflets and materials, as well as guidelines supporting the application of the new rules.

### **Key milestones to consider:**

- By the third quarter 2024, the Commission will convene a High-Level Resettlement and Humanitarian Admission Committee.
- By 2025, the Commission shall adopt a proposal for the first Union Resettlement and Humanitarian Admission Plan (for the period 2026-2027).
- By 12 June 2026, Member States shall appoint a national contact point for the implementation of the Qualification Regulation

### **3 OPERATIONAL AND FINANCIAL SUPPORT FOR DELIVERING ON THE PACT**

#### **3.1 Operational Support**

Member States can rely on the support of the Commission and of the EU Agencies to develop and implement their National Implementation Plan.

To provide individualised support and assistance, the Commission has engaged bilaterally with each and every Member State. In the spring 2024, the Commission services established a **multidisciplinary country-team for each Member State** and Schengen Associated Country to support their national needs assessments and engage with the responsible national authorities. Each team is led by a Commission senior manager assisted by a technical focal point and experts in each of the relevant policy fields. The teams also include representatives of relevant EU Agencies. The Commission has already initiated the process of conducting a **needs assessment for each Member State**. This assessment aims to support the preparation of the National Implementation Plans.

The **EU Agencies** will primarily provide horizontal support, such as training, tools, and guidance available to all Member States, complemented by direct operational support to Member States to fill temporary capacity gaps and support the build-up of longer-term national capacities.

The **EUAA** is currently providing operational support to 12 Member States. The Agency has also received additional human and financial resources to prepare for the entry into application of the Pact.

**Frontex** will assist in the field of screening-related training and make available experts/teams to Member States for the conduct of screening. Frontex also provides important support for border management, return, the collection of data and their analysis.

**eu-LISA** will build a new Eurodac database and support Member States to build the national components needed to connect to it.

In addition, where in the development of their National Implementation Plans, Member States identify common procurement needs, consideration should be given to the potential benefits of common procurement processes for instance through the EUAA or eu-LISA, be it in terms of timing or economies of scale.

#### **3.2 Financial planning and support**

Calculating the cost of implementation at national level is fundamental to allow for the proper budgeting of the National Implementation Plans, itself a precondition for successful implementation.

In addition to funding from national budgets, Member States will be able to draw on existing as well as newly available resources from the **Asylum, Migration, and Integration Fund (AMIF)**<sup>47</sup> and the **Border Management and Visa Instrument**

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<sup>47</sup> Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund, OJ L 251, 15/07/2021, p. 1.

(BMVI)<sup>48</sup>, as well as other available EU resources, such as **cohesion policy funds**, as possible funding sources to cover identified costs.

The **mid-term review of the national programmes under AMIF and BMVI Regulations**, and the revision of the Multiannual Financial Framework 2021-2027, provide additional resources over the years **2025-2027**.

The **mid-term review of the national Programmes** will be the occasion to allocate more than **EUR 1 billion for the AMIF** and **EUR 600 million for the BMVI**. This allocation will be based on the repartition key set out in the legislation.

The **revision of the MFF for 2021-2027** resulted in a total **increase of EUR 2 billion** for migration and border management. This is split between **EUR 810 million for AMIF**, **EUR 1 billion for BMVI** and **EUR 190 million for the EUAA**. These additional resources for AMIF and BMVI will be added to the **Thematic Facility** of these funds and from there allocated based on the needs in the different Member States.

The Commission is already working in close cooperation with Member States to create effective links between the upcoming reprogramming and the process of preparation of the Common and National Implementation Plans, so that identified gaps can be addressed, and **relevant operational steps initiated via the national programmes**. For the coming years, the next MFF will be the key moment to ensure coherent and effective use of the EU funding for EU priorities, including support to Member States in addressing the identified gaps and needs in the area of asylum and border management.

The additional resources from the mid-term review of the programmes and the MFF revision will not cover all the expected needs. It will therefore be necessary to **prioritise** and concentrate available national and EU funding on the **most urgent and resource-intensive needs**, such as actions for putting in place **adequate capacity for carrying out the border procedure, providing legal counselling, strengthening Member State' asylum and reception systems**<sup>49</sup>.

In addition, Member States may for instance support the implementation of the Pact with cohesion policy funds, which were already instrumental in the implementation of temporary protection for people fleeing the Russian war of aggression in Ukraine. Indeed, the European Council Conclusions of February 2024 recalled the potential of cohesion policy funds to support migration related needs<sup>50</sup>.

Therefore, synergies should be created between AMIF which supports measures for arrival and reception and cohesion policy funds, namely the **European Social Fund (ESF+)** and the **European Regional Development Fund (ERDF)**, which support the long-term integration and inclusion of people with a migrant background. These complementarities are further described in the 2021 Toolkit on the use of EU funds for

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<sup>48</sup> Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy, *OJ L 251, 15.7.2021, p. 48*

<sup>49</sup> Recital 72 and Article 21 (8) of Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, *OJ L, 2024/1351, 22.5.2024*; Recital 11 and Article 16(4) of Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, *OJ L, 2024/1348, 22.5.2024*.

<sup>50</sup> European Council, Conclusions, 1 February 2024, *EUCO 2/24*.

the integration of people with a migrant background for the 2021-2027 programming period<sup>51</sup>.

Member States may also receive support from the **Technical Support Instrument**, under which the Commission will launch a dedicated call to support Member States in developing their National Implementation Plans. Moreover, the Technical Support Instrument has identified support to Member States for the implementation of the Pact as a flagship initiative for 2025. Support from the Technical Support Instrument may take the form of strategic or technical advice, studies assessing reform needs or options in specific areas, training, or in-country missions by experts. It could be used to support the operationalisation of the National Implementation Plans, including reforms necessary under the Pact and help facilitate the use of relevant EU funds.

As part of the bilateral exchanges between the multidisciplinary country-team established by the Commission and the Member States in preparation of their National Implementation Plans, the Member States will be invited to reflect on the best way to combine national and other Union resources to address the implementation costs of the Pact.

#### **4 EXTERNAL DIMENSION OF MIGRATION**

The Pact on Migration and Asylum reflects a whole-of-government and whole-of-route approach to migration management, seeking to ensure coherence and effectiveness among the actions and measures taken by the Union and its Member States internally and externally.

The EU has pursued a two-track approach, accompanying legislative work at EU level with operational activities with Member States and partners. Actions on the external dimension of migration are not tied to the specific building blocks within the Common Implementation Plan. Nevertheless, strong EU cooperation with third country partners of origin and transit, some of them hosting large communities of migrants and refugees, will be important for the sustainability of the Pact.

The EU has developed **four EU Action Plans** which follow a whole of route approach to the main migratory routes to the EU (Western Balkans, Central Mediterranean, Atlantic/Western Mediterranean, and Eastern Mediterranean routes). These set a path for collective operational measures to strengthen cooperation with partner countries along the routes and to increase safeguards for people on the move.

With work well underway, and strong results being delivered, the Action Plans can provide a focus for activities by the EU and Member States complementing the implementation of the Pact, increasing the impact of the EU's and Member States' resources and targeting outreach to third countries. These Action Plans benefit from the toolbox already being deployed to build cooperation with third countries on migration.

##### **4.1 Migration as part of the comprehensive and strategic approach with partner countries**

The Commission works with Member States in a **Team Europe approach** to deepen comprehensive partnerships based on mutual interests, of which migration is often one. **Tailor-made partnerships** that reflect shared goals such as stability and security; economic development and reforms; investment, trade, and employment; energy; the

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<sup>51</sup> Toolkit on the use of EU funds for the integration of people with a migrant background, 2021–2027 programming period, European Commission, November 2021.

green and digital transitions; and people-to-people contacts can deepen trust and a shared strategic vision.

This approach has also allowed an **intensification of operational work with partners** spanning the full range of migration and displacement-related cooperation – tackling root causes, protection of refugees and vulnerable migrants and the related challenges, strengthening border management, preventing irregular departures and tackling the trafficking in human beings or smuggling of migrants, stepping up returns, readmission and reintegration, and creating legal pathways. There is now a clear drive to establish deeper partnerships with key third countries that will situate cooperation on migration alongside other major common interests. This approach has been taken for example with Tunisia, Mauritania and Egypt in **comprehensive and strategic partnerships**. In all of its partnerships, the EU is consistent in asserting the importance of respect for fundamental rights and international law<sup>52</sup>.

To **complement the EU-level efforts** and offer an important extra-dimension to such strategic and comprehensive partnerships, Member States are encouraged to plan actions that can enhance this Team Europe engagement with key third countries, building on their experience and privileged relationships. These actions may focus on the full range of migration-related activities, including support to capacity building and equipment, and support partners in their own work on refugee protection, asylum and return. Bringing these efforts together in specific **Team Europe Initiatives on migration** can have a powerful **collective impact**. In this endeavour, it is important to continue coordination of national measures through EU governance structures, including in the Council.

To support the external dimension of the Pact, the **Neighbourhood, Development, and International Cooperation Instrument (NDICI)**<sup>53</sup> is currently exceeding the indicative spending target of 10% for actions related to migration and forced displacement in the period 2021-27. Support to migration-related cooperation is also a major theme of work under the **Instrument for Pre-Accession (IPA)**.

In the context of the mid-term review of the MFF 2021-2027, to enable the Union to provide necessary support amid extraordinary geopolitical tensions, the priorities of Heading 6 “Neighbourhood and the world” of the MFF, such as migration and external challenges, have been reinforced with EUR 7.6 billion. This funding will help maintain effective migration cooperation with third countries, including support for Syrian refugees in Türkiye (EUR 2 billion) and the broader region (EUR 1.6 billion), as well as the continuation of actions previously undertaken through the EU Trust Fund for Africa. It will also help to support the Western Balkans, the Southern Neighbourhood and Africa, including partnerships and funding for migration routes.

Socio-economic development and the creation of sustainable job opportunities, reducing pressure on the root causes of irregular migration in the countries of origin and transit, is supported for example through projects under the **Global Gateway strategy**.

Actions in or in relation to third countries financed under the **Pact solidarity mechanism** have to be implemented through the AMIF within the scope of the relevant legislation and be coherent with EU external policy.

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<sup>52</sup> COM(2024) 126 final, IV.1 A new paradigm based on comprehensive partnerships.

<sup>53</sup> Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development, and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009, OJ L 209, 14.6.2021, p. 1.

## 4.2 Priorities for action

The whole spectrum of migration-related support to third countries can help complement the Pact. Yet three areas are of particular operational significance: the fight against migrant smuggling, effective returns and readmission, and legal pathways.

### *Fight against migrant smuggling.*

The Commission and Member States should continue to work together on innovative and sustainable measures to prevent irregular migration. The Commission will build on the **Global Alliance to Counter Migrant Smuggling** and its Call to Action.

Expert meetings, calls for proposals for new projects and actions to cooperate with partner countries<sup>54</sup> and international organisations, such as UNODC, are taking place, including on tackling the digital dimension of migrant smuggling. A political level follow-up already took place in Copenhagen with the Conference on Migration Partnerships in May 2024. The next international conference on the Global Alliance is planned for November 2024 in Brussels.

Dismantling criminal groups engaged in migrant smuggling is a key component of EU's actions in partner countries. The EU has provided, and will continue providing, significant support to our partners in the Western Balkans, Türkiye and the Southern Neighbourhood. Continued work with partner countries is necessary to operationalise the tailor-made **Anti-Smuggling Operational Partnerships**<sup>55</sup>.

Prevention of irregular migration with enhanced border management actions and strengthened capacities in training and equipment for partner countries is a key element in the fight against migrant smuggling and part of the Call to Action of the Global Alliance to Counter Migrant Smuggling. This includes EU financed programmes as well as reinforced cooperation with Frontex in partner countries through status agreements and working arrangements.

Such operational action to improve the capacity of the EU to fight migrant smuggling should be complemented by swift progress in the negotiations on the Commission proposal for a **new Anti-Smuggling Directive** that strengthens sanctions on those who put lives at risk for financial gain, and the proposed **Regulation on enhancing police cooperation** which would enable Europol to become a true hub for the fight against migrant smuggling and trafficking of human beings with the European Centre against Migrant Smuggling.

### *Return, Readmission and sustainable reintegration*

For the Pact to achieve its full impact, a humane and effective return and readmission policy is crucial. It must be clear that people without the right to stay in the EU will be returned to their country of origin in a safe, sustainable and dignified way.

The new legislative framework will close some of the loopholes between the asylum and the return procedure. However effective cooperation with third countries is also key to ensuring compliance with the international obligation to readmit own nationals.

The **leverage of all relevant EU policies**, instruments and tools, including diplomacy, development, trade and visas, as well as opportunities for legal migration can play a role in strategically incentivising good cooperation on readmission.

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<sup>54</sup> Call for Proposals for Common Operational Partnership projects for €12 million is currently open [EU Funding & Tenders Portal \(europa.eu\)](https://eufunding.eu).

<sup>55</sup> Anti-Smuggling Operational Partnerships were launched in 2022 with Morocco, Niger (suspended) and Western Balkans and in 2023 with Tunisia.

Visa policy has provided new tools with **Article 25a of the Visa Code**. Under this legislation, every year the Commission assesses third countries' level of cooperation on readmission. Over the past four years, this process has proven instrumental in identifying and addressing challenges with third countries and strengthening the dialogue to improve cooperation on readmission. Examples of the improvements achieved can be seen in cooperation with The Gambia, Iraq, and Bangladesh. Before the summer, the Commission will issue the fifth assessment report and relevant proposals for visa measures.

To make the Pact's border procedure successful, the full potential of this mechanism should be harnessed to increase readmission cooperation with third countries whose recognition rate for the asylum applications of their nationals is 20% or lower.

The Commission, Frontex and Member States should also continue strengthening their combined efforts on sustainable reintegration, offering tailored return counselling and reintegration support to voluntary and forced returnees (through EU or Member State funding, working with UN agencies and NGOs), as well as helping partners with capacity building and working together to target support to benefit both returnees and the receiving communities.

The Parliament and the Council should also swiftly complete the ongoing revision of the **Visa Suspension Mechanism** that should lead to an increased monitoring of visa-free countries and better address possible abuses of visa-free travel by making the mechanism easier to trigger and more effective in its deterrence.

#### *Legal pathways*

Legal migration plays a key and complementary role in supporting the labour market needs of the EU<sup>56</sup>, and also in enhancing migration management, fostering cooperation with countries of origin and transit, and ultimately contributing to the reduction of irregular migration. Developing labour migration cooperation with third country partners, supported by common EU legal migration rules and alternative pathways for those in need of international protection, provides for a balanced approach to migration.

Benefits come not only in terms of sound migration management but also through remittance flows and the transfer of skills and knowledge to partner countries. An active policy to make the most of labour migration in Member States makes a major contribution to addressing labour market shortages. Improving labour migration governance, education and vocational education and training systems, and joint approaches to the recognition of qualifications and skills, are essential elements to promoting skills as a driver for economic growth, to the mutual benefit of the EU and its partners.

The EU is engaged with partner countries under the **Global Gateway strategy**, in developing the skills of the workforce in third countries, notably to promote partner countries' capacity to engage in innovative cooperation areas with the EU, such as the green transition and digitalisation. Boosting the skills base represents a win-win opportunity to build economic integration and strong new international partnerships.

To ensure a comprehensive approach to migration, the EU and the Member States should pursue their efforts to developing **Talent Partnerships** with key third countries to strengthen international fair labour mobility, whilst avoiding the negative impact of 'brain drain'. The Commission has so far launched Talent Partnerships with Morocco,

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<sup>56</sup> See Action Plan on Labour and Skills Shortages in the EU, COM(2024) 131.

Tunisia, Egypt, Pakistan, and Bangladesh. Roundtables held with each of these countries with the involvement of interested Member States have identified common objectives, as well as sectors and professions of mutual interest to be targeted. To succeed, Member States should further mobilise and coordinate their offer of legal migration opportunities and increase their active participation in the Talent Partnerships, for instance bringing bilateral agreements under the Talent Partnership umbrella, which would help to strengthen the EU's collective leverage. The Commission will explore, together with Member States, the possibility to extend the reach of the Talent Partnerships to additional partner countries.

The **EU Talent Pool** will also contribute to fair labour migration, as the first EU-wide platform facilitating international recruitment with built-in safeguards to avoid exploitative and unfair practices and informing jobseekers in third countries about opportunities to work in shortage occupations in the EU at all skills' levels. The fast operationalisation of the tool relies on swift adoption of the legal framework by the European Parliament and the Council.

The Commission is also implementing measures set out in the **Skills and Talent Mobility package** of November 2023 to support the validation of skills and recognition of qualifications gained outside the EU, which remains an obstacle to migrant recruitment and labour market integration. The Commission will continue engaging with Member States and social partners through the **Labour Migration Platform**, which facilitates cross-sectoral discussions on practical issues.

The Commission will also **continue to promote safe and legal pathways** to protection and work closely with Member States to underpin their voluntary **resettlement and humanitarian admission** efforts. Under the ad hoc 2024-2025 EU Resettlement and Humanitarian admissions scheme, Member States provided overall more than 60,000 pledges, demonstrating a sustained commitment to helping global resettlement needs. The Commission will continue to promote **innovative complementary pathways for people in need of protection**, as an alternative to irregular migration.

## **5 GOVERNANCE AND MONITORING**

The common effort essential to the successful implementation of the Pact needs to be reflected in its governance. This will help the consistency of implementation, while preserving the necessary flexibility that Member States need. It should ensure that all legal, administrative, and operational measures necessary for the Pact implementation will be undertaken on time and in a coherent and efficient manner. It should accommodate the interconnected nature of the separate work-strands, allowing also effective coordination among the different actors and institutions responsible for the Pact implementation at the EU and national levels.

### **5.1 Governance and Monitoring during the transition phase**

The **Commission will monitor** the Common Implementation Plan and the National Implementation Plans. To this end, the Commission will keep **regular contacts** with each Member State, including through visits regular bilateral meetings and existing groups and networks, while avoiding unnecessary administrative burden.

Furthermore, the **Commission will work in full coordination with the structures in the Council, and it will keep both the European Parliament and the Council fully informed**. In this context, to ensure effective and transparent sharing of information across all Member States, the Commission will provide regular updates on the state of play of the implementation of the Common Implementation Plan and National Implementation Plans to the European Parliament and the Council. While the

Commission has the obligation to do so **every six months**, updates may be provided more often, as required by the European Parliament and the Council.

To ensure the coherence and coordination of the implementation work, the Commission will maintain a **Pact coordination platform** (of a cross-cutting nature) that will be convened periodically as needed and in full complementarity with Council meetings. The Pact coordination platform will bring together **Commission services**, the **Member States' coordinators for Pact implementation at the national level** and **EU agencies** to ensure the required and regular overview and stock taking of the implementation of different levels and strands of work. The Pact coordination platform will maintain an overview of all the activities, including a calendar of meetings and conclusion of the discussions and provide for a virtual portal for relevant documents. The Commission will also associate the European Parliament and other relevant stakeholders as appropriate.

The main work of the Pact implementation will be carried out in existing groups and networks. The Commission will streamline the work of all existing groups and networks and will ensure meetings are organised on a needs-basis and avoiding overlaps.

Three levels already exist today that will play an important role in ensuring timely and consistent Pact implementation:

- The **regulatory level**, which includes the relevant regulatory committees that should assist the Commission when exercising its implementing powers in accordance with the relevant Regulations. They consist of Member State representatives. Three committees are established, under the Asylum and Migration Management Regulation, under the Eurodac Regulation and under the Screening Regulation, in view of adopting all implementing acts indicated under both acts under the examination procedure<sup>57</sup>. A list of implementing acts that the Commission has to adopt can be found in the accompanying staff working document.
- The **technical expert level**, which includes all the existing Commission-led expert groups<sup>58</sup> set out in accordance with Commission Decision C(2016) 3301. The Commission will make full use of these existing expert groups to strengthen a common understanding and foster a coherent application of the rules in the Pact. The work of these groups could crystallise in handbooks or guidance documents, or updates to existing ones. To create synergies between the different expert groups and avoid extra burden on Member States, the Commission will organise as much as possible joint expert groups meetings where relevant. Furthermore, the Commission will transition the current Solidarity Platform-Pact into the **Technical-level Solidarity Forum** that should ensure the **operationalisation of the Annual Solidarity Pool**. During the transition phase, this group can provide advice for the preparation of the implementing rules related to solidarity.

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<sup>57</sup> For some implementing acts, the Regulations foresee that the Commission will not be assisted by the Committee. This is for example the case of the implementing act setting each Member State's adequate capacity.

<sup>58</sup> These include the Dublin Contact Committee, the Qualifications Contact Committee, the Eurodac Contact Committee, the Reception Contact Committee, the Asylum Procedures Contact Committee, the Contact Group on the Return Directive, the Expert Group on Readmission, the Management of External Borders expert group, the Resettlement expert group and the European Integration Network, the EU mechanism for preparedness and management of crisis. The terms of reference for these expert groups might need to be reviewed and adapted to ensure they now refer to the Pact instruments (instead of the old instruments).

- The **operational level**, which includes the agencies' networks that focus on operational aspects, including development of guidance documents and templates. The Commission will coordinate with the EU agencies to ensure full complementarity with the work of Committees and expert groups. For example, the Reception network will complement the work of the Reception experts group. The work of the Frontex High-Level Round Table on returns will complement the work of the Return expert group.

The Commission will strive to organise back-to-back meetings of the Commission expert groups and the agencies' operational networks to maximise the complementarity between the legal interpretation and the operational application of the new measures (e.g., Dublin Contact Committee followed by Dublin network) and avoid administrative burden.

## 5.2 Monitoring after the entry into application of the Pact

Once the Pact becomes applicable, the monitoring activities foreseen under the relevant mechanisms, such as the monitoring mechanism conducted by the EUAA or the Schengen evaluation and monitoring mechanism, will start in relation to Pact obligations. These monitoring activities will allow to detect any incorrect or partial application of the legal and operational framework to ensure the timely implementation of any necessary remedial action. The Commission stands also ready to engage the appropriate procedures, where deemed necessary and justified, including infringement procedures to play its part fully as guardian of the Treaties.

The EUAA will start its programme to **monitor the operational and technical application** of the Europe's asylum system in mid-2026. In accordance with the EUAA Regulation, each Member State should be monitored at least once in five years. The Agency may also launch thematic monitoring for specific aspects. Where there are serious concerns regarding the functioning of a Member State's asylum or reception system, the EUAA shall initiate an *ad hoc* monitoring exercise on its own initiative or at the request of the Commission.

The **Schengen evaluation and monitoring mechanism** is relevant in so far as it will cover the Screening Regulation and the Return Border Procedure Regulation since these legal instruments of the Pact are part of the Schengen *acquis*. Each Member State will be evaluated every seven years. Under the mechanism, thematic evaluations and unannounced visits can also be carried out. A specific procedure with shorter deadlines is foreseen in the Schengen evaluation and monitoring mechanism Regulation for cases in which serious deficiencies are identified.

## CONCLUSION

The Common Implementation Plan is the operational blueprint on the basis of which the Commission proposes to take forward the implementation of the Pact on Migration and Asylum together with Member States and relevant EU agencies. It will guide our work to achieve our common objective of having a well-prepared system in place by the end of the transition period, in mid-2026. The next important step will be the preparation by Member States of their National implementation Plans by 12 December 2024.

With our shared and coordinated commitment, the Pact on Migration and Asylum will become a reality. Member States can count on the Commission and the EU Agencies at every step of the way, including for the provision of operational, technical, and financial support.