

EMN Asylum & Migration Policy Event

Reflections on the future of Dublin and CEAS

State of play

- New Pact on Asylum and Migration to be delivered soon by the Commission. This has promised a relaunch of the asylum reform. However, political Communication may differ from the actual legislative proposals to be outlined later.
- There will likely be a withdrawal of the Dublin IV and Asylum Procedures Regulation proposals, possibly of the Return Directive proposal too. Possibly a new instrument bringing together all elements will attempt to consolidate barriers to access to the EU through border procedures, swifter return etc.
- Alongside Commission plans, Member States have made proposals through non-papers:
 - French proposal on mandatory border procedures at the external Schengen borders, with the possibility of relocation in cases of disproportionate pressure or search and rescue. Where these are not respected, reintroduction of border controls.
 - German proposal for initial processing at external borders [cf. pre-Dublin checks under Dublin IV proposal] followed by EUAA-managed distribution.

Legal and policy implications

- Proliferation of border procedures, despite well-documented (i) systematic deprivation of liberty, (ii) deficiencies in quality e.g. France, Germany, Greece
- Variable geometry, as some Dublin countries are not bound by the *acquis* (e.g. CH, NO, IE, DK), some countries bound by the *acquis* are not in Schengen (IE, CY, BG, RO) etc. Those Member States' relationship with the *acquis* may need to be redefined.
- Re-packaging of pre-Dublin checks and mandatory border procedures is liable to prolong the Council divide on Dublin IV and the Asylum Procedures Regulation. It is not clear how the blockage is being overcome.
- Can Council blockage on the rest of the package be overcome? Are the Member States of the blocking minority likely to endorse the proposals that will be left on the table?