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Network Against Migrants Detention Assembly

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The **EU Pact on Migration and Asylum** has been presented as a necessary reform to manage migration more efficiently. It promises **faster procedures, stronger border control, and better cooperation among EU countries**. However, behind these promises lies a reality that is far more complex—and, in many ways, deeply concerning.

### What Does the Pact Actually Change?

- ◇ **First, border screening procedures will be tightened.** People arriving in the EU will undergo a **7-day screening process, including biometric data collection and security checks**. The goal is to determine **who has the right to apply for asylum and who will be quickly deported**.
- ◇ **Second, asylum applications will be judged based on statistical probabilities.** If an applicant comes from a country where fewer than 20% of asylum requests are granted, they will automatically be placed in a **fast-track rejection process**.
- ◇ **Third, responsibility for migrants will be outsourced to non-EU countries.** The Pact introduces the controversial concept of **“safe third countries”**—meaning that asylum seekers could be sent to countries outside the EU, even if these nations **lack proper human rights protections**.

### A System That Weakens Rights

This Pact raises **serious concerns about human rights**. It **limits fundamental rights and freedoms in several ways**.

⚠️ **It could lead to racial discrimination in asylum decisions.** By relying on nationality-based statistics rather than individual assessments, it risks creating **systematic exclusion** of certain groups.



(the 20% rule as per the procedural regulations)

⚠️ **It increases mass detention at the borders.** Thousands of people could be **held in detention centers** for weeks or months while their cases are processed.

(Example: In 2023, out of 157,652 people who arrived in Italy, nearly 93,703 would have been detained under the new rules)

It means that the borders zone could not being allocated in the fisically border but everywhere (in italy for ex we have 17 border zone) Our suspicion is that the current extraordinary reception system could become the new 'detention' system for asylum seekers, gradually cancelling out the reception system.

⚠️ **It weakens the principle of asylum itself.** The **fiction of "non-entry"** means that even if a person is physically present in Europe, they are not legally considered as having entered. This prevents them from exercising their rights.

The "fiction of non-entry" principle means migrants in border detention are not legally considered to have entered EU territory, restricting their legal protections.

### What about "Solidarity"? RAAM and CRISIS regulation

The **theater of this mass detention scenario** will be the **southern border of Europe** placed on **border countries like Italy, Greece, and Spain.**

Instead of **creating a fair relocation system**, the proposal allows countries to **opt-out of accepting asylum seekers** by **making financial contributions instead.** This means that some nations can simply **pay their way out of responsibility**, leaving **border countries to deal with the crisis alone**—turning them into **Europe's migrant detention zones.**

the crisis regulation also provides for a crisis derogation from a series of fundamental rights when the member state is under particular pressure. the central and winning point of european propaganda, and which justifies approaches of this nature, is exactly the concept of invasion that must be smashed by focusing on the fundamental right of freedom of movement but also on the reality of numbers and statistics.

### Next step and news



The European Commission is set to revise the definition of a "safe third country" for migrants, with a proposal expected by June 2025.

This revision is mandated by the new Asylum Procedures Regulation, part of the EU's Migration and Asylum Pact adopted in May 2024, which requires the Commission to reassess the concept by June 12, 2025.

The concept of a "safe third country" pertains to nations where migrants can seek protection outside the EU. However, recent developments, such as the European Court of Justice's ruling on October 4, 2024, have complicated its application. The court determined that a country cannot be designated as a safe third country if parts of its territory do not meet the necessary protection standards. This decision has influenced the Commission's decision to revise the definition.

In parallel, the Commission is developing a list of "safe countries of origin" and updating criteria for "safe third countries." These updates aim to facilitate the transfer of migrants awaiting repatriation to designated countries. The Commission has indicated that the proposal for revising the "safe third country" concept could be presented as early as March 2025, ahead of the June deadline.

## **New EU Return Regulation Proposal**

Eve Geddie, director of Amnesty International's European Institutions Office, described the March 11, 2025, proposal for a revised EU Return Directive as "a new low for Europe." This statement reflects the extreme nature of many of the measures included in the proposal, which significantly reduce protections for migrants subject to deportation, particularly those held in detention.

### **Key Changes in the New Regulation Proposal**

- ◇ Weakened procedural guarantees

Compared to the 2008/115/EC Return Directive—once labeled the "shame directive"—the proposed regulation limits procedural safeguards for expelled individuals.



Return decisions must be in writing, but oral translation is allowed, reducing legal clarity.

If no return country is immediately identified, provisional return destinations may be designated, turning deportation into a game of multiple-choice options.

- ◇ Restriction of voluntary return options

Under the current directive, voluntary return is a priority, except in cases of public security risks or flight risk.

The new regulation makes voluntary return conditional, only available if the migrant actively cooperates and in "justified cases."

It removes the requirement that forced removal should be a last resort, replacing it with a vague principle that coercive measures must be "necessary and proportionate."

- ◇ Stricter reentry bans

The reentry ban for deported individuals increases from 5 to 10 years, extendable to 15 years based on a "case-by-case assessment."

This approach contradicts logic: rather than incentivizing cooperation, it eliminates hope for legal reentry, which could lead to more irregular migration instead of reducing it.

- ◇ Deportation of unaccompanied minors

The proposal permits the deportation of unaccompanied minors—currently prohibited in Italy—if they are returned to a family member, guardian, or adequate reception center.

This raises serious concerns: if EU countries remove protections for minors, they may disappear from shelters, increasing child homelessness and exploitation.

- ◇ Expansion of detention powers

Detention is allowed to verify identity or prepare deportation, but the categories for detention are so broad that it could apply to almost any case.



The maximum detention period is extended:

From 18 months to 12 months, but renewable for another 12 months, and even longer for those with criminal records.

Unlike the current directive, which requires release when deportation is no longer feasible, the new proposal removes this safeguard, making detention potentially indefinite.

External Detention Centers and "Return Hubs"

One of the most controversial aspects of the debate is whether this regulation would allow detention centers outside the EU—like Italy's proposed deportation centers in Albania.

- ◇ The regulation does not explicitly authorize such centers, as removal is defined as the physical transfer out of EU territory.
- ◇ However, it goes even further by allowing EU countries to sign agreements with third countries that could become "return destinations" even if they are neither the migrant's country of origin nor a place of previous residence.
- ◇ These agreements do not set limits on how third countries should treat deportees, how long they can detain them, or whether they must ensure their eventual return to their country of origin.

A Human Trade System?

This policy raises fundamental ethical concerns:

✂ Why would a non-EU country agree to accept people deported from Europe? The only incentive would be financial compensation, effectively creating a modern form of human trade, where migrants are treated as commodities to be transferred for economic gain.

✂ This turns deportation into a business, where third countries profit from taking in individuals Europe refuses to keep.



## A Dark Moment for Europe

The proposed regulation marks a turning point in EU migration policy, shifting from human rights protections to a system designed for deterrence and exclusion.

a new low for Europe,

if adopted, this regulation could push the EU further away from its founding values—and closer to an era of systematic human rights violations under the guise of migration control.