

Illegal Migration Processes Management In The Light Of The New European Union Pact On Migration And Asylum

Jordan Deliversky

*Department of National Security
University of Library Studies and
Information Technologies
Sofia, Bulgaria
j.deliversky@unibit.bg*

Abstract. Contemporary border control and migration management policies and practices national wide and within the European Union are usually structured within a framework characterised by a collaboration between public and private interests.

Migration is often related to various risks to national security, including some of them closely related to the regulatory framework. Migration itself, as a complex issue requires the provision of international protection, especially as the pressure to EU external borders provide challenges to border EU countries member states.

This article focuses on specific regulations introduced within the new European union Pact on Migration and Asylum refer to migration management regulation, as its implementation requires exceed of capacities of EU member states countries as well as introduction of specific mechanisms for strengthening cooperation and solidarity in fight against negative consequences for illegal migration.

Keywords: Border control, illegal migration, prevention, regulatory measures.

I. INTRODUCTION

The European Union has established a unified system for asylum to ensure protection for individuals escaping persecution or being at risk in their home countries. This system, known as the Common European Asylum System (CEAS), is based on the principles of solidarity and fair treatment across all Member States, ensuring that asylum seekers receive consistent and dignified consideration no matter where they apply within the EU. The bases of the Common European Asylum System are formed by several legal instruments and include a specific body established to harmonize asylum procedures and standards across the EU. This includes directives and regulations that outline the

procedures for asylum applications, establish common standards for the treatment and reception of asylum seekers, and determine the Member State responsible for processing an asylum application. The European Union Agency for Asylum supports the implementation of these standards, offering operational and technical assistance to Member States [1].

The bases of evolution of Common European Asylum System reflects the EU's response to fluctuating migration pressures and aims at enhancing the system's efficiency and fairness. Reforms have been introduced to streamline processes, promote equitable responsibility sharing among Member States, and foster stronger cooperation within the European Union and also with non-EU countries. These efforts are included in initiatives like the New Pact on Migration and Asylum, which seeks to rebalance the principles of responsibility and solidarity within the EU's asylum policy.

As a Member State country of the European Union, Bulgaria is actively involved in the implementation of the main legislative acts on migration in the EU, including the Asylum procedures directive, the reception conditions directive, the qualification directive and the Dublin regulation determining which Member State is responsible for examining a given asylum application. The country has introduced CEAS's directives and regulations into its national legal framework, adhering to the shared objectives and standards set by the EU for asylum procedures and refugee protection. This alignment ensures that asylum seekers in Bulgaria are subject to the same levels of protection and procedural fairness as in other EU countries [2], [3].

The ongoing developments within the Common European Asylum System underline the EU's commitment

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to refining its asylum system. These efforts aim to address contemporary challenges and ensure that the rights and needs of asylum seekers and refugees are met with the required respect and safety across the European Union [4].

The focus of researching and presenting the issue of illegal migration management processes in the light of the New European Union Pact on Migration and Asylum provides bases for analyses of the Pact presenting specific mechanisms for managing illegal unauthorised migration. By conducting a thorough assessment such research is of capability to shed light on the practical outcomes of the EU's migration policies. It is a contributing valuable perspective to enhance future policy migration management framework within the European Union especially upon the aspect of obligations towards migrants and asylum seekers.

II. MATERIALS AND METHODS

The European Union's recent provisions of the New Pact on Migration and Asylum represents a significant evolution in its approach to managing migration and asylum requests. Enacted to offer a more equitable, effective, and sustainable system, this framework, finalized in late 2023, emphasizes a harmonized strategy focused on human rights, shared responsibility, and solidarity among EU countries.

At its core, the pact regulates several legislative and policy changes aimed at enhancing the EU's migration and asylum processes. Key innovations include a standardized screening process for arrivals from outside the EU to bolster the security of the Schengen zone, the creation of an upgraded Eurodac database for improved monitoring of movements, streamlined procedures for asylum and returns, a novel mechanism to distribute the responsibility of asylum applications more evenly among Member States, and preparations for handling future migration crises efficiently [5], [6].

Prior initiatives under the pact have laid the groundwork for improved crisis management, search and rescue operations, and the establishment of the European Union Agency for Asylum, which succeeds and expands upon the European Asylum Support Office's mandate. These steps, alongside the appointment of an EU Return Coordinator and the launch of a Voluntary Solidarity Mechanism, signify the EU's commitment to a cooperative and coordinated approach to migration challenges [7].

This landmark pact aims to reconcile the diverse interests and capacities of EU member states in handling migration and asylum issues, set against a backdrop of political and social complexities. The successful implementation of this comprehensive strategy hinges on member states' adherence to its principles, effective execution of its policies, and the adaptability of the EU to future challenges in migration management.

The Pact's impact on future EU migration policy remains to be seen, with its ultimate success depending on a bases of solidarity, protection of human rights and efficient management of migration and asylum procedures across the EU.

An in-depth policy analyses of the European Union's New Pact on Migration and Asylum illustrates a complex

strategy aimed at revising the EU's approach to managing migration and asylum requests to better confront modern challenges. The pact, officially endorsed by both the European Parliament and the Council in late 2023 after its initial proposal in 2020, strives to deliver a harmonized and enduring framework that emphasizes human rights, equitable responsibility distribution, and enhanced procedural efficiencies for migration and asylum within the EU [8].

The pact lays out several specific legislative and policy initiatives designed to refine the EU's asylum and migration framework. These include elements related to:

- Focusing on the prompt identification and security assessment of non-EU nationals upon entry, aiming to solidify the security across Europe and the Schengen zone.
- Steps to improvement and higher efficiency of the use of asylum fingerprint database for better tracking and managing migration activities.

III. RESULTS AND DISCUSSION

The efficacy of the implementation of the European Union's Pact on Migration and Asylum new solidarity mechanism is crucial for its overall success. This approach aims at equitable distribution of migration-related responsibilities across the EU, addressing longstanding points of contention. The mechanism's impact will largely depend on the collaborative spirit and mutual support among EU countries.

The introduction of the Pact represents a reform effort within the EU's approach to migration and asylum, necessitating a thorough evaluation against global human rights standards, including key international treaties and conventions [9]. Special attention has to be paid to how the new EU Pact addressing the needs of vulnerable migrants and asylum seekers. The effectiveness of the Pact's provisions for identifying and protecting vulnerable individuals, including integration and protection measures, is critical for evaluating its human rights impact [10].

It is important for visibility to be provided for understanding how the New Pact's initiatives result to ensuring equitable asylum procedures, strengthen border security, and promoting Member State solidarity comport with established specific measures related to applying human rights protection mechanism.

Analyzing Bulgaria's approach to the European Union's Migration and Asylum Pact, along with its domestic legal development, is easy to provide insights into the country's strategic positioning and operational effectiveness within the EU framework. Due to the geographic extend and the position where the county is situated within the EU's borders, Bulgaria is important factor in managing external borders and handling migrant inflows [11]. Bulgaria's role in EU solidarity mechanisms and partnerships with third countries is critical for distributing asylum responsibilities and managing repatriations. This involves assessing Bulgaria's participation in EU-wide redistribution initiatives and its agreements with non-EU countries on migration management.

Identifying obstacles to the effective implementation of the new regulatory steps in the light of the New European Union's Pact on Migration and Asylum, as specifically the level of implementation in Bulgaria is crucial for enhancing Bulgaria's migration management systems.

The policy of the Republic of Bulgaria in the field of migration, integration and granting of asylum is based on the national interests of the country and the coordinated approach of the EU member states and the institutions operating within the framework of the European Community, as well as in accordance to the principles of international law - including the principle of rule of law and the principle of protection of human rights.

Bulgaria has adopted National Migration Strategy from 2021 to 2025 which is being implemented and is currently applied. In administrative context, the regulation of migration processes, in regards to the implementation of activities by the executive power, places the Ministry of Internal Affairs - via the Directorate of Migration - at the focus of significant importance. This applies with particular accuracy in regards to the implementation of administrative control rules over the residence of foreigners in the Republic of Bulgaria and activities directed to countering illegal migration on the territory of the country. The Directorate of Migration is also engaged in administrative services to citizens of the European Union, citizens of countries - parties to the Agreement on the European Economic Area, citizens of the Swiss Confederation, as well as their family members [12], [13].

The resultativeness in counteraction of illegal migration and detecting illegal human trafficking activities is being specifically affected by the conditions and the mechanism by which border control is carried out when entering and leaving the territory of the country. Specific elements and main factors, related to activities of the "Border Control" Directorate provides the bases for setting the structure at the Ministry of Interior, as the responsible national competent authority for the implementation of the EU rules and procedures on return of non- EU nationals who are staying on the territory of the county not based on legal grounds [14].

The current national legislative framework in the field of migration has been under dynamic development on the one hand, following the guidelines set by the European Union, as on the other hand, providing the ability to respond to the national interest [15]. The development in policies and regulatory processes related to the adoption of legislative acts at a European level is being guided and fulfilled by specialists and by experts in the field of migration and asylum. These actions are being reflected in legislative initiatives undertaken by the competent authorities responsible for implementing and conducting migration policy.

Last but not least, the legislation is to be updated to meet the changing needs within the Bulgarian society, so that it responds to national requirements, synchronized with regional strategies and international policies, especially in the context of detecting and countering illegal migration.

IV. CONCLUSION

The European Union's recent provisions of the New Pact on Migration and Asylum represent a significant evolution in its approach to managing migration and asylum requests. Enacted to offer a more equitable, effective, and sustainable system, this framework, finalized in late 2023, emphasizes a harmonized strategy focused on human rights, shared responsibility, and solidarity among EU countries. The European Union's Pact on Migration and Asylum is a landmark initiative attempting to navigate the complex realm of migration and asylum with a more cohesive and humane approach.

For Bulgaria, as for other European Union member states the Pact on Migration and Asylum address challenges as to the migration management system introducing significant focus on resilient and alignment with human rights grounds and standards, as balancing responsibilities of frontline EU Member State countries, which are also external border countries.

At the core of the Pact has been focused the mechanism of solidarity, offering Member States to apply various mechanisms to support one another especially in regards to intense migration pressure without mandating the relocation of migrants.

The actual success of this Pact will largely hinge on the collective efforts of EU Member States to implement its guidelines faithfully, ensuring a balance is struck between procedural efficiencies and the safeguarding of human and asylum seekers' rights. Continuous monitoring and adjustment will be necessary to ensure the pact meets its goals while adapting to the global migration landscape's evolving nature

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