Ensuring a Fair and Rights-Based Solidarity Mechanism under the EU Pact on Migration and Asylum

Joint NGO analysis and recommendations
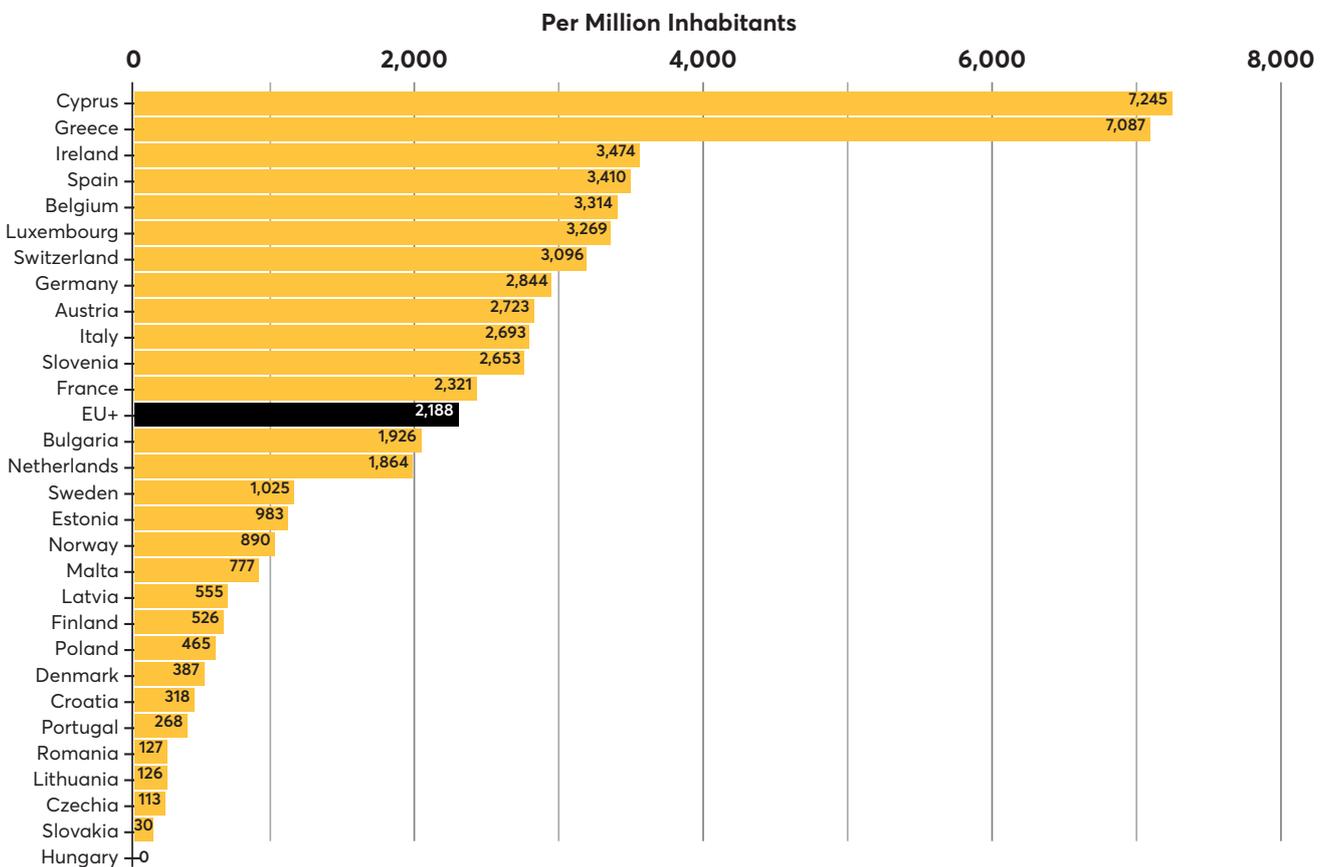
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INTRODUCTION

According to the European Commission, the EU Pact on Migration and Asylum rests on solidarity, responsibility-sharing, and respect for fundamental rights. To achieve these, the solidarity mechanism was introduced to address the unequal distribution of responsibility for asylum seekers across the EU through relocation, financial contributions, and/or alternative assistance, in a flexible but mandatory manner.

In 2024, the EU+ received around a million asylum applications, with four countries, Germany, Spain, Italy, and France, receiving almost half (48%) of them. When looking at the per capita numbers, Cyprus received 7,245 asylum applications and Greece 7,087 per million inhabitants. In contrast, Denmark registered 387 applications per million inhabitants, Romania 127, and Slovakia just 30. This stark disparity highlights the urgent need for responsibility-sharing (**GRAPH 1**).

As organisations working across the EU, we have witnessed the impacts of increased responsibility in first-entry Member States, resulting in overcrowded and inadequate reception conditions, strained asylum systems, and asylum seekers trapped in legal limbo, exposed to human rights violations at borders and within Member States. Solidarity and fair responsibility are vital to avoid deepening EU fragmentation and undermining the principles of unity and shared responsibility which underpin the EU and its Common European Asylum System.

Despite the opportunities for solidarity among the EU countries and towards asylum seekers and refugees presented by the solidarity mechanism, some Member States are already refusing implementation or bypassing the Pact, striking externalisation agreements—such as the Italy-Albania Deal or rejecting solidarity measures. Past relocation efforts have shown that discretion, lack of transparency, and unrealistic criteria can exclude those most in need, leaving vulnerable asylum seekers trapped in overwhelmed systems like Greece's. There is also a risk that financial

Graph 1. EU Member States by Asylum Applications Per Capita | 2024 (EUAA Data)

Per Million Inhabitants

Country	Per Million Inhabitants
Cyprus	7,245
Greece	7,087
Ireland	3,474
Spain	3,410
Belgium	3,314
Luxembourg	3,269
Switzerland	3,096
Germany	2,844
Austria	2,723
Italy	2,693
Slovenia	2,653
France	2,321
EU+	2,188
Bulgaria	1,926
Netherlands	1,864
Sweden	1,025
Estonia	983
Norway	890
Malta	777
Latvia	555
Finland	526
Poland	465
Denmark	387
Croatia	318
Portugal	268
Romania	127
Lithuania	126
Czechia	113
Slovakia	30
Hungary	0

and alternative solidarity contributions will be directed to externalisation and border security rather than improving asylum systems, further shifting the focus from protection to deterrence and from sustainability to reliance on third countries. Furthermore, since Member States can be disqualified from receiving solidarity contributions if the Commission identifies "systemic shortcomings", there is a risk that those most in need of solidarity may be excluded from its benefits.[1] These trends could undermine the Pact's goals and weaken rights-based migration policies without close oversight, transparency, and accountability for transgressions.

As Member States begin to implement the EU solidarity mechanism, they must ensure genuine cooperation that prioritises relocations, enhances internal reception, asylum, and early-integration capacities, and provides technical, operational, and material support to address the needs of people seeking protection and Member States facing migratory pressure.

This brief combines an analysis of the EU Pact's solidarity mechanism by our organisations with field evidence based on our extensive experiences across Europe. Section 2 highlights three key guidelines for Member States: to prioritise relocations, to direct financial contributions toward strengthening internal asylum, reception, and integration systems, and to ensure alternative forms of solidarity equitably cover the array of policy areas determined without an emphasis on border management. This brief is not an exhaustive analysis of the solidarity mechanism. Instead, it aims to showcase risks and opportunities based on past experiences and to call on Member States to deliver on their promises of fair and effective solidarity.

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1   The term "systemic shortcomings" seems to refer to persistent and institutionalized failures to address fundamental issues, such as asylum backlogs, inadequate procedures, non-compliance with responsibility rules, failure to meet minimum standards for asylum seekers, human rights violations, and lack of access to legal representation. However, it remains unclear what the specific standard for applying this principle will be.

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BALANCING RISKS AND OPPORTUNITIES

2.1 Need for EU Member States to Prioritise Relocations to Relieve Pressure on First-entry States

66 *I felt I could [finally] have a safe life and that I could build my future."*
Y., an unaccompanied child who arrived in Greece from Afghanistan when he was 15 years old and subsequently relocated to Portugal.

Relocation is a core component of the solidarity mechanism, including in the framework of the responsibility offset scheme.[2] **Over the last 10 years, various relocation mechanisms have been introduced in the EU, each facing challenges and varying levels of success.** For example, the 2015-2017 Emergency Relocation Scheme aimed for mandatory responsibility-sharing but encountered resistance, slow processing and transfers, and highly selective eligibility criteria, facing structural issues and leading to limited implementation. The 2019 Malta Declaration and the 2020 Voluntary Relocation Mechanism introduced voluntary approaches that faced greater compliance by the Member States involved, improving cooperation but lacking predictability and scale.

Under the June 2022 Solidarity Declaration, 21 Member States and associated countries established the EU-funded Voluntary Solidarity Mechanism (VSM), regarded as a first step in the gradual design of the EU Pact solidarity mechanism. Of the 21 countries that signed the Solidarity Declaration, 13 made relocation pledges, and the others opted for financial contributions. Six Member States (Austria, Denmark, Hungary, Latvia, Poland and Slovakia) are reported to have rejected any participation in the VSM. By June 2024, the VSM reached 5,000 relocations, only

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2   The responsibility offset scheme under the solidarity mechanism allows a Member State to take responsibility for examining an asylum application without physically transferring the applicant, serving as an alternative to relocation when relocation pledges are insufficient.

achieving 31% of its 8,000 annual relocations target. The gap between commitments and implementation raises serious concerns about the future of the solidarity mechanism—echoing the shortcomings of past relocation efforts.

Based on CSOs' experience in Greece supporting relocation cases of unaccompanied children, careful, forward-looking planning and aligned systems and procedures are essential to ensure relocated children and families are efficiently processed and integrated smoothly into their destination countries. This includes access to information and sufficient conditions in the receiving country, including guardianship and legal representation for unaccompanied children, prioritising the child's best interests in the procedure. Of the expected outcomes of relocations in the 2020 scheme, 4,401 out of the anticipated target of 5,200 (84.6%) vulnerable asylum seekers and 1,028 unaccompanied children out of the 1,600 target (64.3%) were relocated. This is a key example of how relocations can fall short, even when targets are designed to address urgent needs—such as Greece's migratory pressures and limited reception capacity at the time.

Based on an analysis by the European Council on Refugees and Exiles (ECRE), the new solidarity mechanism will also likely not meet its minimum target of 30,000 relocations per year. Countries such as Bulgaria, Cyprus, Greece, and Italy, facing different levels of pressure, will probably never offer solidarity in the form of relocations, whilst others, such as Austria, Denmark, and Latvia, will remain reluctant to contribute their fair share, with Poland and Hungary refusing to implement solidarity at all.

CSOs' experience with the 2020 relocation scheme also demonstrated that the absence of harmonised, transparent, and rights-based procedures across the Member States left children and their legal representatives uninformed about eligibility criteria, matching methods, interviews and transfer processes. As a result, children faced prolonged uncertainty, delayed integration, and increased instability, especially when their relocation requests were rejected without the right to appeal or alternative pathways, ultimately un-

dermining the best interests of the child. Member States must improve coordination, transparency and communication and implement clear, uniform timeframes and procedural safeguards, including the right to appeal a rejection, refuse relocation, and seek relocation to another Member State if rejected by one.

A well-functioning relocation mechanism can benefit both relocating and receiving Member States. For Germany, France, and Sweden, for example, relocation provides a structured, regularised pathway that can allow them to prepare for the profiles of people relocated. By expanding relocation opportunities to include recently recognised beneficiaries of international protection in specific situations—such as those with family ties in other Member States—relocation can offer protection-oriented solutions that respect individual agency and improve sustainable integration outcomes. Moreover, receiving countries benefit from dedicated financial support for each relocated person, covering reception, asylum processing, and early integration measures.

In this process, Member States must prioritise protection needs as the primary determining factor alongside an array of familial, cultural, and individual skills and preferences, ensuring discretion does not exclude but instead promotes protection and integration. In the 2020 relocation scheme for unaccompanied children from Greece, CSOs experienced how some states' unrealistic criteria, e.g. that unaccompanied children only qualified if they were under 14 or girls, despite the well-known fact that most unaccompanied children in Greece were boys over 16 years old – created excuses for Member States to go back on their relocation pledges. Such exclusionary standards not only complicate the matching process but deprive people with protection needs of relocation opportunities.

Imbalances in responsibility-sharing and the lack of political will among EU Member States have long contributed to inadequate reception conditions and the erosion of asylum seekers' rights. Member States have consistently fallen short of the required standards for dignified reception and asylum processing. This has led to

overcrowded, unsafe reception centres where vulnerable individuals endure dire conditions. In December 2024, 12 NGOs highlighted the urgent need for relocation of unaccompanied children from Greek reception centres, where hundreds of children lack necessities such as clothing, shelter, healthcare, and education, often remaining in limbo for weeks in unsuitable facilities.

These challenging conditions are further exacerbated by reports of pushbacks, which have been documented and acknowledged by the European Court of Human Rights (*M.H. and others v. Croatia*). The International Rescue Committee (IRC) and Foundation for Access to Rights (FAR) interviewed 66 unaccompanied children whom they supported in Bulgaria, Greece, Italy and Serbia in 2023, finding that 51% of those trying to enter Bulgaria and 70% of those trying to enter Greece reported pushbacks and various forms of violence, with most children identifying those responsible for the violence they endured as law enforcement authorities. The Council of Europe Commissioner for Human Rights, Michael O'Flaherty, called for accountability for human rights violations at borders in February 2025. **This underscores how the pressure of unequal responsibility-sharing can indirectly lead to harsher border policies as first-entry Member States try to reduce the number of people arriving.**

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2.2 Need for EU Member States to Focus on Strengthening Internal Asylum Systems and Reception Conditions Through Financial Contributions

❝ *Strengthening the asylum registration system is essential to ensuring swift access to reception, protection, and the full enjoyment of interconnected rights. Timely and equitable procedures prevent homelessness, reduce exposure to unsafe conditions, and mitigate both humanitarian concerns and broader social implications for the entire territory."*
Staff member, International Rescue Committee (IRC)

The proposed solidarity mechanism allows Member States to contribute financial resources to support fellow Member States facing migration pressures in areas of reception, asylum, pre-departure reintegration, border management and operational support. Financial resources can also be directed to third countries to strengthen their asylum, reception, and migration systems, including voluntary return and reintegration programs. Yet, there is a risk that such contributions will be used to manage and deter migration flows at the EU's external borders.

The IRC FUTURA programme in Greece, funded by EEA and Norway Grants, focused on addressing the urgent needs of asylum seekers with vulnerabilities. By providing quality accommodation and a holistic package of individualised support services, the programme supported 96 unaccompanied children and 11 single mothers, ensuring their protection and early integration, covering a gap in services in the national system. Member States should plan to contribute financially to similar programs that support Member States under migratory pressure to fulfil their obligations under the EU acquis and ensure asylum seekers' reception, protection, asylum processing and integration.

FAR's COMP4SEE project, funded by AMIF, worked to develop complementary pathways for individuals needing international protection in Croatia, Bulgaria, and Slovenia. By designing new private sponsorship models, strengthening national family reunification systems, and providing financial and legal assistance, FAR directly supported 105 families in Bulgaria. At the same time, partner organisations reached 33 families in Croatia and 21 in Slovenia, enhancing their protection and integration. Member States should invest in similar initiatives that expand safe pathways, promote the right to family unity, and strengthen protection and integration opportunities for refugees and asylum seekers.

Any financial contributions made to the solidarity pool must be disbursed to implementing stakeholders in a timely manner. From CSOs' experiences, delays can hinder the effectiveness of projects and services, further straining asylum

and reception systems in the first-entry Member States.

Where Member States opt out of or <u>refuse</u> relocations, their financial solidarity should be targeted to enhance reception capacity, support arrivals, and ensure rights-based assistance. Efforts to use financial contributions in the deterrence and externalisation of responsibility rather than improving internal capacities are a real risk, even with some safeguards in place. A <u>study</u> commissioned by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) highlighted that between 2014 and 2020, AMIF and ISV-BV funds allocated by the European Commission were directed to third countries and potential externalisation efforts. However, the lack of transparency and access to information raises concerns about how these funds were spent, their impact, and whether they have been used in alignment with safeguards.

There is a strong precedent across EU Member States to prioritise deterrence, such as <u>preventing disembarkations</u> or <u>restricting movement</u> towards Europe, rather than harmonising and improving internal EU capacities. Concerns for financial contributions to result in such practices arise from years of externalisation policies and practices monitored by CSOs, including, but not limited to, a series of EU-third-country <u>agreements</u>, memorandums, and enforcement actions, including deals with <u>Serbia</u>, <u>Türkiye</u>, <u>Bosnia and Herzegovina</u>, <u>Libya</u>, <u>Tunisia</u>, <u>Mauritania</u>, <u>Egypt</u>, <u>Lebanon,</u> as well as bi-lateral deals like <u>Italy-Albania</u>. The '<u>Desert Dumps</u>' year-long investigation documented how the EU knowingly finances—and, in some cases, directly participates in—the systematic racial profiling, detention, and expulsion of refugees and migrants in Morocco, Mauritania and Tunisia. Following an <u>investigation</u> into the human rights impact of the European Commission's funding in Tunisia, the EU Ombudsman found a lack of transparency in the Commission's human rights assessments before signing the agreement. The Commission must now publish relevant assessments and transparent criteria for suspending EU funding to projects in Tunisia over human rights violations. Such deterrence-oriented agreements and externalisa-

tion policies not only <u>fail to halt arrivals</u> but also expose people seeking refuge to more significant harm, as the human rights violations they enable directly undermine the EU's fundamental values.

Meaningful close monitoring and full transparency on where Member States and the Commission are directing funds are essential to ensure that financial contributions do not reinforce restrictive, externalisation-focused measures aimed at deterring arrivals or even contribute to third-country border security, undermining rights-based migration policies. **Member States must assess how financial contributions can improve internal systems, invest in interventions that enhance reception capacities and asylum processing, and strengthen integration outcomes for a sustainable long-term approach.**

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2.3 Need for EU Member States to Ensure Equitable Allocation of Alternative Solidarity Measures Across All Migration Policy Areas

"*Without reliable operational support, we [in Bulgaria] wouldn't be able to provide consistent legal assistance and protection to those who need it most. Strengthening our internal systems has allowed us to respond more effectively to the complex and evolving needs of asylum seekers and refugees. It ensures that we're not just offering temporary relief but building sustainable pathways toward protection and integration.*" **Staff member, Foundation for Access to Rights (FAR)**

Alternative solidarity measures provide flexibility in how Member States can share responsibility and provide additional support, including operational, technical, and material assistance to countries facing high migration pressures. Member States may request and provide resources such as staff to assist with asylum processing, training for local authorities, or technical equipment like biometric systems.

While the European Union Agency for Asylum (EUAA) provides essential support for asylum processing, training, and technical assistance, its interventions often fail to meet Member States' specific needs fully. For example, in Italy, challenges persist despite EUAA's operational support in areas like asylum case processing and reception. To harmonise systems across the EU, Member States can contribute complementary solidarity measures, such as deploying additional personnel, enhancing asylum processing capacities, and providing targeted training not covered by EUAA or other agencies.

Based on IRC Italy's experience with the AM-IF-funded FAST project, targeted capacity-building initiatives can be crucial in strengthening protection systems for vulnerable communities. FAST reinforced cooperation between partner organisations, equipping over 600 practitioners and volunteers with the skills needed to identify, support, and protect trafficking survivors. This model demonstrates how Member States can invest in specialised training, cross-sector collaboration, and expertise to enhance national protection frameworks.

Similarly, through the CERV programme of the European Commission, FAR implemented the SUN project. In collaboration with partners from Bulgaria, Greece, Romania, the Netherlands, Italy, Spain, and the Sirius Network, the project identified training needs, documented best practices, and developed a practitioner's handbook, equipping over 300 professionals to better support children in migration.

However, the broad range of eligible areas for alternative solidarity measures—from migration and asylum to border management—risks increased investments to securitise external borders and reduce access to the territory as a 'quick fix'. **It has repeatedly been demonstrated that measures of border securitisation often fail to achieve the intended goals of reducing arrivals and lead to adverse outcomes as people are forced to take more dangerous routes, rely more heavily on smuggling networks and lead to increased fatalities and human rights violations.**

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CONCLUSION

While participation in the solidarity mechanism is legally mandated, experience has shown that commitments made do not always translate into action. Lessons from the past should be taken into account to ensure the solidarity mechanism effectively addresses the unfair responsibility of first-entry Member States. Relocation pledges must be prioritised and respected, with standardised and centralised procedures, clear criteria based on protection needs, and timely pledging, matching, and transfer processes. Financial contributions should strengthen asylum, reception, and integration systems within the EU—not fund externalisation policies that shift responsibility elsewhere. Any complimentary operational, material, and technical support should reinforce reception and asylum capacities. Without strong enforcement and political will, solidarity risks remaining a symbolic gesture rather than a functional tool for alleviating pressure on first-entry states and ensuring fair responsibility sharing across Member States.

By committing to bold, realistic, enforceable relocation targets, streamlining processes, and investing in rights-based reception and asylum structures, the EU can build a more resilient, durable, and fair asylum system that is based on genuine solidarity, both with other Member States and with asylum seekers, strengthening the collective capacity to respond to migration sustainably.

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RECOMMENDATIONS

For the solidarity mechanism to function to its **full potential** across the EU and ensure a **predictable** and **sustainable** system that fosters **political will, upholds fundamental rights** and **meets the needs of asylum seekers and Member States** under migratory pressure, the undersigned organisations recommend that Member States:

1. **Prioritise relocations and bold, realistic solidarity pledges that adequately address needs.**

   - Ensure a timely, harmonised matching process for selecting relocation beneficiaries by making timely relocation pledges and ensuring a clear alignment between applicants, beneficiaries, and opening places.
   - Adopt transparent and standardised matching and transfer processes, ensuring that vulnerable individuals are prioritised and that those with specific protection needs are not overlooked in the matching process. This requires prioritising protection while considering personal preferences, family and cultural ties (including extended family and bonds formed during displacement), language, and professional skills— to enhance protection and integration outcomes.
   - Prioritise the child's best interest in the matching and transfer process, verifying family links of unaccompanied children before relocation and ensuring guardianship and legal representation for every unaccompanied child throughout all procedures.
   - Ensure the right to a fair and effective appeal against a negative relocation decision, in line with due process guarantees. No individual should be denied the opportunity for relocation based on a single rejection.
   - Ensure sufficient reception capacity and integration support are available in the receiving Member States, including comprehensive and transparent pre-departure information to ease arrival and inform individuals about their rights and the following procedural steps.
   - Include local governments, such as regional and municipal, in the matching process by determining receiving communities beforehand to ensure the number of relocation places and the capacity of the integration services.

2. **Direct financial contributions towards strengthening internal asylum and reception systems, focusing on enhancing capacities within the EU.**

   - Ensure transparent allocation and use of funds through regular, publicly available reports outlining expenditure and impact assessments; this could include establishing a publicly accessible digital dashboard for tracking financial contributions, detailing how funds are spent and their impact.
   - Ensure the efficient, transparent, and timely dispersal of financial contributions to implementing organisations.
   - Ensure that using funds for actions in third countries prioritises strengthening reception, asylum, and integration activities over border security and deterrence measures. All funding must comply with human rights and international law standards, and independent monitoring mechanisms must be in place to ensure effective implementation.

3. **Equitably allocate alternative solidarity measures across designated policy areas to balance resources necessary for the Member States' specific context, such as asylum and reception, and prevent overemphasising border management and security.**

   - Establish minimum quotas for critical support areas to ensure balanced assistance across all relevant migration policy areas that meet Member States' needs.
   - Cap the proportion of alternative solidarity contributions that can be allocated to border management and security, redirecting resources to asylum and reception systems, integration programs, and tailored community support services.
   - Incentivise requests for technical, operational, and material support, which enhances reception and asylum systems over border management and security.