



State of the Union 2018 – Commission proposes last elements needed for compromise on migration and border reform

Strasbourg, 12 September 2018

European Commission proposes last elements needed for compromise on migration and border reform.



#SOTEU

On 12 September 2018, on the occasion of his State of the Union Address, President Jean-Claude **Juncker** said: *"We cannot continue to squabble to find ad-hoc solutions each time a new ship arrives. Temporary solidarity is not good enough. We need lasting solidarity – today and forever more."*

In his State of the Union Address 2018, President Jean-Claude **Juncker** presented 3 new and ambitious proposals to ensure full EU solidarity on migration and better protection of Europe's external borders. These new initiatives are being presented one week ahead of the Informal Meeting in Salzburg and constitute a concrete contribution to the discussions that EU Leaders are expected to have on migration. They are intended to facilitate an overall compromise on the ongoing reform of the EU's asylum system. Today's proposals set a new level of ambition for the **European Border and Coast Guard** and the **EU's Agency for Asylum**, reinforcing both to ensure that Member States can rely on full EU operational support at all times. The Commission is also today proposing to improve the effectiveness of **return procedures**, updating existing EU rules on return, and setting out the next steps on **legal migration**, an essential component of a balanced migration policy.

First Vice-President Frans **Timmermans** said: *"The European Border and Coast Guard's new operational arm of 10,000 EU staff and a reinforced EU Asylum Agency will ensure EU solidarity is effectively delivered on the ground – whenever and wherever needed. We are providing Member States with the necessary tools to agree on the overall reform of the EU's asylum system and strike the right balance between solidarity and responsibility. It is now high time they deliver on this commitment."*

Commissioner for Migration, Home Affairs and Citizenship Dimitris **Avramopoulos** said: *"Today we offer more Europe where more Europe is needed by maximising EU support on border and migration management. From now onwards, the European Border and Coast Guard and the future EU Agency for Asylum will be able to ensure EU solidarity on the ground at all times, in all situations, whilst fully respecting Member States' competences. We are also putting in place stronger rules on return to ensure a more harmonised and effective return system across the EU. Finally, we call on Member States to deliver credibly and ambitiously on legal pathways, both for humanitarian and economic purposes."*

Enormous progress has already been made on the overall work to reform the Union's Common European Asylum System. The intense efforts of the past two years mean that 5 out of the 7 proposals tabled by the Commission in 2016 are close to being finalised. Today's additional elements are intended to help achieve a compromise on all proposals taken together. The Commission is today responding to the call from Leaders at the European Council of June 2018 and preparing the ground for swift progress on all asylum reforms.

A fully equipped European Border and Coast Guard

Building on two years of work, the Commission is proposing to reinforce the European Border and Coast Guard even further and give it the right level of ambition, corresponding to the common challenges Europe is facing in managing migration and borders. While the mandate of the European Border and Coast Guard expands, it serves to support Member States and does not replace their responsibilities in external border management and return. Today's proposal includes:

- **A standing corps of 10,000 operational staff by 2020:** To ensure predictable and appropriate resources, the Agency will be able to rely on its own staff and its own equipment, such as vessels, planes and vehicles;
- **Executive powers:** Under the authority and control of the Member State to which they are deployed, members of the EU Border and Coast Guard standing corps will be able to carry out

tasks requiring executive powers such as identity checks, authorising or refusing entry at the external borders, and intercepting people at the border in order to ensure their full operational effectiveness;

- **More support on return:** In addition to organising and financing joint return operations, the Agency will now also be able to support return procedures in Member States, for example by identifying irregularly staying non-EU nationals, acquiring travel documents and preparing return decisions for national authorities, who remain responsible for taking the actual return decisions;
- **Stronger cooperation with non-EU countries:** The Agency will be able – subject to prior agreement of the country concerned – to launch joint operations and deploy staff outside the EU, beyond countries neighbouring the EU;
- **Increased financial means:** The total cost of the proposed upgrade of the European Border and Coast Guard amounts to €1.3* billion for the period 2019-2020. Under the next EU budget period 2021-2027, a total of €11.3 billion is proposed.

A reinforced Asylum Agency

Today's proposal will further equip the future EU Asylum Agency with the necessary mandate, tools and financial means needed to provide a rapid and full service to Member States throughout the asylum procedure. Today's proposal includes:

- **Full operational support on asylum procedures:** The Agency's asylum support teams will be available to provide the full range of support activities, including by carrying out the entire administrative stage of the asylum procedure;
- **Joint EU migration management teams** will support Member States when needed and requested, including in hotspots and controlled centres. Composed of experts from the European Border and Coast Guard, the EU Agency for Asylum and Europol, the teams will be coordinated by the Commission. Under the authority of the host Member State, they will be able to carry out all tasks necessary to receive arrivals, distinguish between persons in need of protection and those not and carry out asylum and return procedures;
- **Increased financial means:** To ensure the Agency can carry out its increased tasks, the Commission proposes a budget of €321 million for the period 2019-2020 and €1.25 billion for the period 2021-2027.

A stronger and more effective European return policy

A targeted review of the Return Directive will contribute to speeding up return procedures, better prevent absconding and irregular secondary movements and increase effective returns in full respect of fundamental rights.

- **A new border procedure:** Persons whose asylum applications have been rejected during border procedures will be channelled directly towards a simplified return procedure, with no period for voluntary departure and shorter time limits for appeals. This will ensure that return decisions can be quickly adopted and fully enforced at the border and in controlled centres;
- **Clear procedures and rules to prevent abuses:** To avoid delays, return decisions will have to be issued immediately after or together with a decision ending the legal stay. Common timelines of a maximum of 5 days will apply for appeals to return decisions in the case of rejected asylum seekers and an obligation to cooperate for persons subject to a return procedure will be introduced, including on identity verification and to obtain travel documents;
- **Efficient voluntary returns:** To promote voluntary returns and enhance financial and practical support, Member States will have to set up voluntary return programmes. At the same time, Member States will be able to shorten the period granted for voluntary return, for example to prevent absconding;
- **Clear rules on detention:** Common criteria to determine the risk of absconding, one of the determining factors for whether detention would be justified, will help ensure a more efficient use of detention during return procedures in full respect of fundamental rights. To better reflect the period of time needed to successfully carry out returns, and provided the conditions for the need to make use of detention are met, Member States should allow for an initial detention period of not less than 3 months. In addition, Member States will now also be able to detain persons subject to a return decision who pose a threat to public order or national security.

Enhancing legal pathways to Europe

Developing orderly legal pathways for persons in need of protection as well as creating attractive channels for needs-based labour migration is an indispensable element for a balanced and

comprehensive migration policy. The Commission has already put forward a number of initiatives and proposals to strengthen safe and legal migration which should now be swiftly implemented by Member States:

- **New EU Blue Card:** The Council should agree on the new EU Blue card scheme proposed by the Commission already in 2016 to attract highly-skilled workers to the EU and improve the competitiveness of the EU economy;
- **Resettlement:** Member States must step up delivery on their commitment to resettle 50,000 persons in need of international protection by October 2019. To ensure fully coordinated efforts in the long term, an agreement should be found on the Commission proposal from 2016 for a Union Resettlement Framework;
- **Strengthen cooperation with non-EU countries** including by launching pilot projects on legal migration with key African countries by the end of 2018 that can help improve cooperation on overall migration management.

Background

From President **Juncker's** [Political Guidelines](#) of July 2014 to his latest State of the Union address on 12 September 2018, border management and migration have been a political priority since the beginning of the **Juncker** Commission's mandate.

Considerable progress has been achieved under the 2015 [European Agenda on Migration](#) to equip the EU with the tools to better manage migration in the medium and long term, in the areas of irregular migration, borders, asylum and legal migration.

The Commission is today completing its work under the Agenda on Migration with three new proposals to ensure a fully European approach to managing migration in the spirit of solidarity and responsibility and following up on the [European Council conclusions](#) from June.

For more information

[Webpage on the State of the Union 2018](#)

[A fully equipped European Border and Coast Guard – Questions and Answers](#)

[A reinforced Asylum Agency – Questions and Answers](#)

[Stronger EU rules on return – Questions and Answers](#)

Factsheets, legal documents and other useful documents, as listed below, are all available [here](#)

Factsheets

A Strengthened and fully equipped European Border and Coast Guard

A Reinforced European Union Agency for Asylum

A Stronger and more effective return policy

Enhancing legal and safe pathways to Europe

Legal documents

Regulation: European Border and Coast Guard

- Annexes

- Report on the assessment of the European Border Surveillance System

Regulation: European Union Agency for Asylum (amended proposal)

Directive: Common standards and procedures for returning illegally staying third-country nationals (recast)

- Annex

Communication: Enhancing legal pathways to Europe

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