

The EU Pact on Migration and Asylum

Implications for asylum seekers in Denmark and the EU



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For many years, Danish Refugee Council's (DRC) has been providing legal counselling to asylum seekers. With this policy brief, DRC aims to inform about how the EU Pact on Migration and Asylum (the EU Pact) will change the asylum rules in Denmark and the EU, and present DRC's recommendations for implementation.

The EU Pact on Migration and Asylum

The EU Pact on Migration and Asylum (the EU Pact) was adopted in May 2024 and will take effect across EU Member States — and parts of it in associated states — on 12 June 2026. The EU Pact will imply major changes for Europe's national asylum systems, introducing ten new or reformed legislative files aimed at further harmonizing the Common European Asylum System (CEAS).

The EU Pact also has a significant external dimension, which reflects the political focus on increasing cooperation with third countries aimed at reducing the number of people that seek protection in Europe. The external dimension covers cooperation with third countries and a reform of the EU rules on returns, the proposed Return Regulation, which is currently being adopted by the EU legislators.

The reform of the EU rules on asylum and migration was initiated in 2015-2016 following an increase in the number of asylum seekers compared to the previous years, especially people fleeing the civil war in Syria. The negotiations among the EU legislators were lengthy, largely because of disagreement amongst the EU Member States on how to show solidarity and best share responsibility for asylum seekers and refugees.

Overview of the new EU asylum rules

The EU Pact reforms the Common European Asylum System (CEAS):

- **Screening Regulation:** New screening procedure for registration, identification, and referral of people, who have arrived or are staying irregularly in the EU.
- **Eurodac Regulation:** Revision of the EU fingerprinting database to include more information and biometric data on asylum seekers upon arrival to the EU.
- **Asylum Procedures Regulation:** Revision of the rules on processing applications for international protection, including introduction of mandatory border procedures, both admissibility and accelerated procedures.
- **Return Border Procedure Regulation:** New procedure for return of asylum seekers, who have been rejected in the asylum border procedure. Asylum seekers rejected in the regular procedure are still subjected to the Return Directive (that is expected to be replaced by the proposed Return Regulation).
- **Asylum and Migration Management Regulation (AMMR):** Both a revision of the responsibility rules used to decide the EU Member State responsible for examining an asylum application (replacement of the Dublin III Regulation) and a new solidarity mechanism to counter the increased responsibility for the countries at the EU's external borders.
- **Crisis and Force Majeure Regulation:** New rules on how the EU Member States should manage situations of crisis, including mass arrivals and cases of so-called "instrumentalisation of migrants", as well as situations of force majeure.
- **Reception Conditions Directive:** Revision of the reception standards and rules regarding detention for asylum seekers.
- **Qualification Regulation:** Revision of the standards for recognition of refugee or subsidiary protection status, including derived rights for people, who have been granted refugee status.
- **EU Resettlement Framework:** New framework on the EU Member States' ambitions on voluntary resettlement and humanitarian admission.
- **EU Asylum Agency:** Expanded mandate for the European Asylum Support Office (EASO) that has been replaced by the EU Asylum Agency (EUAA).

Main elements of the EU Pact

Increased use of border procedures

Upon arrival at the external border, asylum seekers will be screened to ensure registration and referral to the appropriate procedure. The authorities will conduct health and vulnerability checks to identify special reception or procedural needs, including statelessness. Many asylum seekers will have their applications processed in accelerated border procedures, entailing increased responsibility for countries at the EU's external border.

Stricter responsibility rules

A new Asylum and Migration Management Regulation (AMMR) will replace the existing "Dublin system", which is used to allocate responsibility for the processing of an asylum application. Legal safeguards under the new responsibility procedure under the AMMR have been considerably reduced compared to the Dublin III Regulation, i.e. limiting the right to appeal, removing automatic suspensive effect, and permitting unaccompanied children to be transferred to the first EU Member State of registration. Asylum seekers may face sanctions for non-compliance with a responsibility decision, such as losing the right to accommodation.

New solidarity mechanism

The AMMR also introduces a new solidarity mechanism aimed at alleviating the increased responsibility of EU Member States at the external border. An annual process will assess which countries need support and which can contribute. EU Member States may choose between different forms of solidarity contributions, such as relocation of asylum seekers or providing financial support.

Introduces the new concept of "legal fiction of non-entry"

During the screening and border procedures, asylum seekers are perceived as if they are at the external border and have not yet entered the Schengen area — a concept known as "the legal fiction of non-entry". Even though an asylum seeker physically is present at the territory of an EU Member State, the person is not considered as having entered the Schengen area until she or he has been granted entry by the authorities.

Increased risk of *de facto* detention

The EU Member States must "ensure the presence" of asylum seekers in screening and border procedures. Combined with the legal fiction of non-entry, this creates a significant risk that more asylum seekers will be detained during these procedures.

Legal aid and procedural rights

Asylum seekers will have the right to increased access to legal advice ("legal counselling") during the initial phase of the asylum procedure, and child rights protections have been strengthened. However, the new EU asylum rules are complex, carry tight deadlines, and in many procedures do not grant automatic suspensive effect on appeal — creating an even greater need for impartial and qualified legal assistance.

New rules for crisis situations

In situations of crisis or force majeure situations, such as (undefined) high numbers of arrivals, the EU Member States may derogate from standard asylum rules. The term "instrumentalization of migration" is introduced to describe situations where a third country uses asylum seekers to destabilise the EU by letting people cross its territory towards an EU Member State.

Laying the groundwork for externalization policies

The external dimension of the EU Pact is aimed at lowering the number of asylum seekers. Complementary reform of the Asylum Procedures Regulation changed the criteria for the assessment of a "safe third country", so that a "connection" with the third country is no longer required when an agreement exists with an EU Member State or when the applicant has transited through that country. While such arrangements must still comply with EU and international law, this is widely seen as a significant step toward enabling broader externalization policies.

DRC's position on the EU Pact

The current Common European Asylum System (CEAS) is challenged by a lack of enforcement and poor implementation by the EU Member States, e.g. pushbacks at the border and lack of adequate reception conditions. Along with many other NGOs, DRC finds that if the rules and rights of the CEAS were properly enforced, the need for reform would have mainly concerned the rules governing responsibility sharing between EU member states.

However, with the adoption of the EU Pact, DRC finds that it is key that the EU Member States focus on national implementation including by ensuring the necessary resources and capacities to enable the systems to work in practice and by safeguarding fundamental rights for asylum seekers. DRC thus finds it concerning that the EU Member States are not ready for implementation of the EU Pact¹, and continue to call for so-called “innovative solutions” related to the external dimension of the EU Pact, such as returns and cooperation with third countries – instead of having giving their undivided attention to making the new rules work in practice.

DRC finds it positive that the EU Pact introduces:

- **Solidarity between the EU Member States:** The introduction of a solidarity mechanism can contribute to responsibility-sharing among the EU Member States and thus – hopefully – better protection for refugees. It will be important that all EU Member States have well-functioning asylum system and pledge solidarity measures that aim to safeguard rights of asylum seekers.
- **Increased focus on selected rights:** The screening procedure underlines the focus on swiftly identifying people in a vulnerable situation to ensure access to adequate procedures. Access to legal counselling during the initial asylum procedure and consideration to the rights of children have also been strengthened. However, it remains to be seen whether access to rights will be enhanced for asylum seekers, as it depends on the enforcement of the EU Member States, which is often deficient in the current system.
- **Monitoring of fundamental rights:** The introduction of independent monitoring during the screening procedure to ensure that fundamental rights of asylum seekers are not violated during the procedure. It will be important to ensure that the national monitoring mechanisms are independent and that the scope of the monitoring safeguards fundamental rights of asylum seekers.

But DRC is also concerned that the EU Pact will cause:

- **Restricted access to fair asylum procedures:** Mandatory use of border procedures will underpin that the EU Member States at the EU's external border are responsible for the processing of most asylum applications. Furthermore, new asylum rules will allow for expanded use of safe country concepts and prevent in merits assessment of asylum claims in the EU through complex procedures and weak legal safeguards – which ultimately can cause refoulement. If the new solidary mechanism does not ensure adequate responsibility-sharing, there will thus be risk that the EU Member States at the external border will become overwhelmed – and that asylum seekers will not be able to access fair and efficient asylum procedures.
- **Increased use of detention:** The new EU rules can cause increased use of detention during border procedures, where asylum seekers are perceived as not having entered the Schengen area, the so-called “legal fiction of non-entry”. Detention has a severe negative impact on people and makes it especially difficult for asylum seekers in vulnerable situations to engage in the asylum procedure. It must be stressed that it is NOT a crime to ask for asylum, and children should never be detained.
- **High complexity and short deadlines:** The new EU asylum rules are complex and have short deadlines, which will make it difficult for many asylum seekers to navigate the system. There is thus increased risk that asylum seekers will not get fair processing of their cases. Increased use of detention will make it even harder for asylum seekers to engage in the procedures, e.g. due to the severe impact on the individual and limited access legal aid.

¹ European Commission, Communication, [State of play on the implementation of the Pact on Migration and Asylum](#), 8 May 2026.

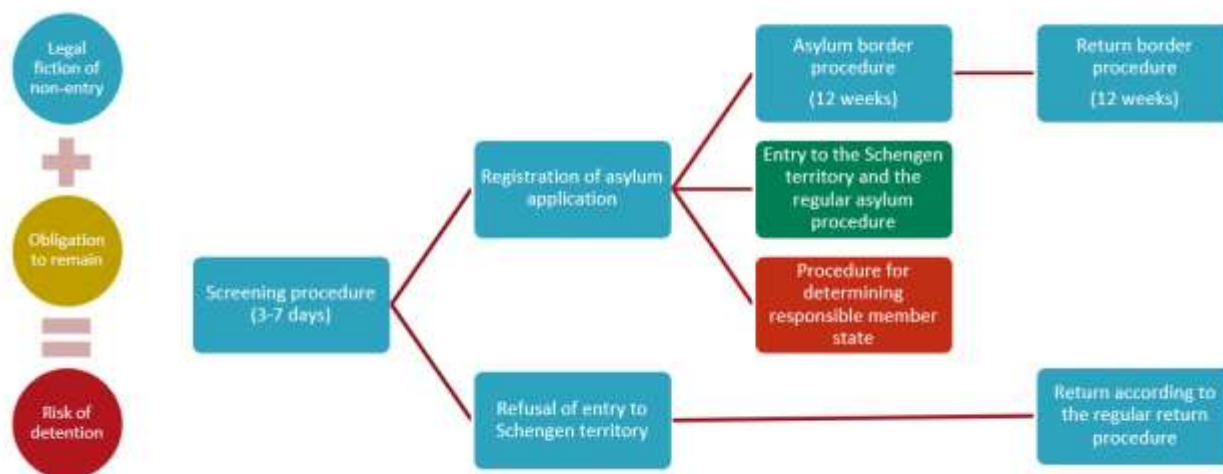
DRC's calls for a rights-based implementation of the EU Pact

To safeguard the rights of refugees and migrants and ensure a well-functioning asylum system, implementation of the EU Pact must address the current gaps and be in line with fundamental rights and international law.¹

- **ACCOUNTABILITY.** Ensure that the planning and implementation of the EU Pact safeguard the rights of refugees and migrants. To safeguard the fundamental rights of refugees and migrants asking for international protection in the EU, the Members of the European Parliament have an important role in monitoring both the planning phase of the EU Pact implementation as well as the operationalization.
- **THE RIGHT TO ASYLUM.** Ensure access to fair and effective asylum procedures. The EU Pact introduces both new and often complicated procedures while also limiting the right to appeal, which will be challenging for asylum seekers to navigate. The increased use of border and admissibility procedures, most likely during detention, can have a negative impact on a person's ability to meaningfully engage in the asylum procedure, thereby risking refoulement. It is paramount that asylum systems have the necessary capacity to ensure that asylum seekers get access to high-quality and independent legal aid throughout the procedure and that they have access to effective remedies.
- **ADEQUATE RECEPTION.** Ensure access to adequate reception conditions - not detention. With the Pact, refugees and migrants are not perceived as having entered EU territory until the authorities have allowed them to enter, the so-called fiction of non-entry. Asylum seekers are also required to remain at specific locations during the initial part of the screening and border procedures. This new framework might lead to asylum seekers being imprisoned upon arrival to the EU. Asylum seekers should not be detained for claiming asylum, especially not children and families. Detention should only be used based on justifiable reasons and as a last resort as the deprivation of liberty limits access to legal aid and the judicial system, thereby hindering access to fair and efficient asylum procedures.
- **ADDRESS THE REASONS FOR ONWARD MOVEMENT.** Rather than sanctioning asylum seekers for moving within the EU, the drivers for onward movement should be addressed. Article 43 of the AMMR limits the right to appeal although the EU Pact has not addressed the current reasons that people move within the EU. Drivers behind onward movement in the EU are often the wish to reunite with family or having experienced pushbacks or undignified living conditions in the first EU Member State of arrival. When applying the responsibility rules of the AMMR, the EU Member States must ensure that the individual situation of an asylum seeker is adequately considered, including rights of families and children.
- **SOLIDARITY.** Ensure a well-functioning solidarity mechanism. The EU Pact aims to counter the additional responsibility of increased use of border procedures through the new solidarity mechanism, introduced with the AMMR. To ensure that the EU Member States at the EU's external borders receive the necessary support from the other EU Member States, pledges should focus on expanding capacity of the national asylum and reception systems to ensure that implementation gaps does not violate rights of asylum seekers.

² DRC recommendations, [Ensuring fair implementation of the EU pact to protect rights for refugees and migrants](#), January 2025.

The new EU asylum procedure: screening and border procedures



This overview shows the new screening procedure and the possible border procedures, which asylum applications can be challenged into. The legal fiction of non-entry is marked with blue to illustrate the steps in the procedure, where people are perceived as not having been allowed to enter the Schengen territory.

Implementation of the EU Pact in Denmark

Denmark has a legal reservation to the area of Justice and Home Affairs, which includes the CEAS. But Denmark still applies parts of the EU asylum rules based on parallel agreements related to the regulations on Dublin and Eurodac. Denmark is also part of the Schengen cooperation, and thus also implements derived EU legislation, such as the Return Directive.

With the adoption of the EU Pact in 2024, Denmark has decided to opt in to the parts of the reformed EU asylum rules, which relate to the Schengen cooperation, the Dublin system, and Eurodac. The legal proposals on the implementation of the EU Pact were adopted by the Danish Parliament in August 2026 and implemented from 3 September 2026.³

Denmark's implementation of the EU Pact

Denmark will implement the follow files of the EU Pact:

- Screening Regulation
- Eurodac Regulation
- The part of the Asylum and Migration Management Regulation (AMMR) that replaces the responsibility rules of the Dublin III Regulation - but not the new solidarity mechanism that is covered by the Danish opt-out
- The articles of the Regulation on Crisis and Force Majeure that regulates deadlines in relation to the responsibility rules (AMMR)
- Return Border Regulation

Additionally, Denmark adopts new legislation on:

- A new national asylum border procedure that is similar to the EU asylum border procedure and can be activated by the Minister of Immigration and Integration in "special situations" for the duration of six months at the time

³ The legal proposals on implementation of the EU Pact were to be adopted by the Danish Parliament in March 2026, but due to the Danish elections in the same month, all legal proposals were annulled. A new Danish government was formed in June 2026, and [the legal proposal for implementation of the EU Pact](#) was then presented again and officially adopted on 27 August 2026.

Main changes for asylum seekers coming to Denmark

The EU Pact represents a focus on speedy processing of asylum applications at the EU's external border to control entry into the Schengen area. With Denmark's geographical location in Northern Europe and limited external Schengen borders, the new EU rules will not have the same impact on asylum as in EU Member States in Southern Europe. The main changes for asylum seekers coming to Denmark will relate to the:

New screening procedure

- People, who are in Denmark without legal stay, and new asylum seekers, who enter Denmark at the external Schengen border, e.g. the airports or the harbours, will undergo a new screening procedure (duration of three days).
- The screening procedure is initiated by the Danish police and finalized by the Danish Immigration Service. The Danish Red Cross will conduct the health and vulnerability check for asylum seekers staying at reception centre Sandholm.
- Unlike other EU Member States, Denmark does not – yet – have an asylum border procedure, so new asylum seekers will be challenged into either the regular asylum procedure or an accelerated procedure for manifestly unfounded asylum claims. Denmark also uses admissibility procedures, but they can be applied throughout the asylum procedure.
- Monitoring will be done by the Danish Parliamentary Ombudsman with the participation of Danish Institute against Torture (Dignity) and the Danish Institute for Human Rights.⁴

New responsibility procedure (replacing the Dublin procedure)

- Denmark already applies the regulations on Eurodac and Dublin, so the new responsibility rules under the AMMR will also apply. The short deadlines in the procedure and limited grounds for appeal will impact the possibility to challenge responsibility decisions.
- The Danish Immigration Service makes first instance decisions with the possibility of appeal to the Refugee Appeals Board (quasi-judicial body and final instance).
- DRC provides independent legal counselling to new asylum seekers and free representation in responsibility cases (new Dublin cases). For special appeal cases which require further scrutiny, the Refugee Appeals Board can decide that an asylum seeker should be represented by a lawyer.
- In situations of crisis, Denmark will also apply art. 12-13 of the Crisis and Force Majeure Regulation which concern derogations from time limits and take back obligations.

Possible new border procedures

- A legal proposal for a national asylum border procedure has been presented but not yet adopted by the Danish Parliament. If activated by the Minister of Immigration and Integration, asylum seekers arriving at the Danish external border can be challenged into a 12-week asylum border procedure, based on the same grounds as the Asylum Procedure Regulation.
- If activated, DRC would provide independent legal counselling and free representation to asylum seekers in the asylum border procedure.
- The return border procedure can be used for asylum seekers, who have been rejected in the asylum border procedure.

Danish externalization schemes

The Danish government has for many years been pushing for externalisation schemes aimed at limiting the number of asylum seekers coming to Denmark and the EU. In 2021, the Danish Parliament adopted an amendment to the Danish Aliens Act establishing the legal basis for the transfer of asylum seekers to a third country for asylum processing, as well as protection of recognised refugees and return of rejected asylum seekers.⁵

This externalisation scheme has not yet been implemented, because Denmark has not been able to make an international agreement with a third country. Instead, the Danish governments have been supportive of the changes to the EU asylum rules that would allow for the externalization of asylum processing to third countries, such as the expanded use of the safe third country in admissibility procedures.

⁴ The monitoring mechanism is aligned with the Danish OPCAT cooperation (Cooperation regarding the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).

⁵ DRC, [Evading responsibility for refugee protection](#), November 2022.

Access to legal aid during the asylum procedure

Access to legal aid during the asylum procedure is an essential safeguard. Asylum seekers can access different types of legal aid during the asylum procedure, such as legal information, legal counselling, legal assistance, and legal representation. With the EU Pact, the right to the different legal aid modalities depends on which procedure is being applied to the asylum application.

New right to legal counselling

To counter the increased complexity of accelerated and border procedures and to help asylum seekers navigate the asylum system, the EU Pact introduces the right to free legal counselling during first administrative procedure, covering both asylum procedures and the responsibility procedure that replaces the Dublin procedure. As with the current procedures, access to free legal assistance and representation is available during the appeal.

Legal counselling is a positive novelty in the administrative procedure, but the actual impact on the asylum seekers' ability to engage in the procedure will depend on the EU Member States' practical implementation, e.g. whether asylum seekers can access legal counselling that goes beyond mere information provision.

With the complex and accelerated procedures as well as limited possibilities for appeal as foreseen in the EU Pact, asylum seekers must have access to high-quality independent legal aid services to ensure that procedural guarantees are respected.⁶

DRC's definition of legal counselling

The term "legal counselling" is not clearly defined in the EU Pact, so it is important to clarify what the right entails.

DRC has provided legal aid to asylum seekers for many years⁷ and defines legal counselling as part of legal aid services. The DRC definition of legal counselling is the provision of structured individualised advice to a person, which goes beyond information dissemination of information. Meaning that the information and advice provided to the asylum seeker during legal counselling is tailored to the specific needs and circumstances of each case.

DRC is a member of the European Council on Refugees and Exiles (ECRE), and we support the definition of legal counselling in the EU Pact that ECRE has developed⁸ with the addition that also legal advisors can provide legal counselling:

"[L]egal counselling is the provision of legal advice and guidance by a lawyer on procedural and substantive issues related to an asylum application during the administrative procedure, including assistance with the lodging of the application, support during the preparation for the first-instance interview and guidance on any legal issues arising throughout the procedure."

⁶ DRC, [Ensuring fair asylum procedures requires access to high-quality independent legal aid](#), January 2025.

⁷ DRC, [DRC expertise as a legal actor – Asylum & Legal Stay](#), October 2024.

⁸ ECRE, [The Guarantees of the EU Charter of Fundamental Rights in Respect of Legal Counselling, Assistance and Representation in Asylum Procedures](#), 7 August 2024.

The importance of identifying people in vulnerable situations

For asylum seekers to be able to meaningfully engage in the procedure, it is essential that vulnerabilities or special needs are identified, so people can get access to adequate reception conditions, appropriate procedures, and special procedural guarantees.

The EU Pact introduces a new screening procedure that includes a health and vulnerability check, which can be used to swiftly identify people in vulnerable situations. Additionally, the EU Member States are obliged to conduct a full vulnerability assessment within 30 days after registration, i.e. assessment of the need for special procedural guarantees and special reception needs. In accordance with art. 24 of the EU Charter of Fundamental Rights, the EU Member States must also ensure primary consideration to the best interests of the child.

During the screening procedure, organizations and people providing advice and counselling shall have access to asylum seekers. But it is not a right to legal counselling as asylum seekers have during the asylum and responsibility procedures. There is thus a risk that people do not get the necessary legal support to understand the screening procedure and explain about possible vulnerabilities.

Detention can limit access to legal counselling

The EU Pact lists the regular requirements for the use of detention to be necessary, proportionate, and based on an individualized assessment and used as a measure of last resort. But with the “legal fiction of non-entry” to be applied during screening and border procedures as well as the expanded grounds for detention, the EU Pact is expected to cause increased use of detention.

Even people in vulnerable situations, such as families with children and unaccompanied children, may be detained as a measure of last resort. The EU Pact states that detention must be assessed to be in the best interests of the child, which contradicts expert statements that detention can never be in the best interests of a child⁹.

Applying for asylum is not a crime, and the use of detention has devastating impact on the individual person.¹⁰ Additionally, detention centres or reception centres in remote areas can hinder access to important support for asylum seekers, such as legal aid and psycho-social services, thereby raising safeguarding concerns and the likelihood of prolonged (de facto) detention.

Combined with the risk of detention, the short timelines of the screening procedure can hinder safe disclosure of people in vulnerable situations, including children and traumatized individuals. The lack of access to legal aid during the screening procedure becomes especially concerning in relation to the choice of asylum procedure, because people in vulnerable situations can be exempted from the use of border procedures.

⁹ E.g. UNHCR, [UNHCR's position regarding the detention of refugee and migrant children in the migration context](#), January 2017, and International Detention Coalition (IDC), [Urgent protections needed to prevent child detention in Europe](#), June 2024.

¹⁰ International Detention Coalition, [Immigration Detention as an Exceptional Measure of Last Resort](#), July 2023.

DRC's calls to ensure access to fair asylum procedures

With the complex and accelerated procedures as well as limited possibilities for appeal as foreseen in the EU Pact, asylum seekers must have access to high-quality independent legal aid services to ensure that procedural guarantees are respected.¹¹

- ENSURE ACCESS.** All asylum seekers must have efficient access to free, tailored, and high-quality legal aid services throughout the procedure. Asylum seekers must have access to legal counselling tailored to the individual needs from the initiation of the procedure. EU Member States must ensure that the national legal aid system is robust and flexible to adequately meet the needs. The EU Pact introduces the right to legal counselling in the administrative procedure, but if necessary and to ensure the right to an effective remedy, legal counsellors should be able to refer the case to legal assistance or representation.
- INDIVIDUALIZED ADVICE.** Legal counselling must be provided in confidentiality and one-on-one to ensure that the person can meaningfully engage in the asylum procedure. The aim of legal counselling is to provide structured information about rights, possibilities, and consequences and individualized advice to ensure that the asylum seeker can ask questions and make informed decisions about how to engage in the procedure and gain access to rights.
- INDEPENDENT LEGAL AID PROVIDERS.** Legal aid providers should be sufficiently independent from the EU Member State and well-trained to ensure that asylum seekers are able to gain trust in the asylum system and to avoid conflict of interest. To establish a well-functioning independent legal aid system, the EU Member States must ensure good conditions for legal aid providers such as adequate funding, fair number of clients, and easy access to the clients. Legal aid staff should be well-trained and have knowledge about law and practice as well as good communication skills.
- PROCEDURAL GUARANTEES.** Adequate procedural safeguards are paramount to ensure that asylum seekers get access to fair and efficient asylum procedures. It is important that services and procedures are tailored to a person's individual needs, such as child-friendly procedures for children. But asylum seekers can only get access to special procedural guarantees if their vulnerabilities or special procedural needs are identified, which can be a complicated process. With the short deadlines of the initial procedures and the risk of detention, the EU Member States should apply a wide scope for the identification of vulnerabilities to ensure that all asylum seekers access adequate reception conditions, specialized care, and special procedural guarantees. To successfully meet these standards, EU Member States' case workers and legal aid providers must work in close cooperation with other actors such as guardians for children.
- PROPER RECEPTION.** With the implementation of the EU Pact, asylum seekers risk being detained upon arrival to the EU, which can risk hindering access to fair asylum procedures. Asylum seekers should not be detained because they ask for international protection. The EU Member States should only use detention as a last resort and never for children. People, who are detained or placed in remote areas, can face challenges to meaningfully engage in the asylum procedure and have difficulties accessing legal aid providers. The EU Member States must thus ensure that all asylum seekers receive adequate reception conditions – and not detention.

¹¹ DRC recommendations, [Ensuring fair asylum procedures requires access to high-quality independent legal aid](#), January 2025.

The external dimension of the EU Pact

The legislative reform is accompanied by an external dimension of the EU Pact aimed at limiting arrivals to the EU by strengthening the EU's cooperation with third countries on asylum and migration.

The AMMR art. 5 describes the necessity of "*a comprehensive approach to asylum and migration management which brings together internal and external components*" to ensure mutual trust between the EU Member States. The list of external measures which the EU Member States can take to contribute to the comprehensive approach includes both the promotion of legal migration to the EU and addressing root causes to forced displacement, but also enhancing returns, as well as providing support to third countries in relation to management of asylum, migration, and borders.

But the EU Pact did not seem to fulfil the externalisation agenda of the EU Member States. Instead of focusing on implementation of the EU Pact, which will require substantial national resources and capacity, the EU Member States called for "innovative solutions"¹² to address irregular migration, such as external processing of asylum applications or establishing return hubs in third countries for people without legal stay in the EU. These requests were met with both additions to the asylum procedure regulation that allow for expanded use of safe country concepts and establishing the legal basis for sending rejected asylum seekers a third country, where they have not been before, so-called return hubs, which are included in the swiftly adopted Return Regulation.¹³

In recent years, EU and the EU Member States have made jointly or bilaterally agreements with third countries, both countries neighbouring the EU, such as North Africa, the Balkans, and the Middle East, but also countries further away from the EU's external border in Central Asia and other parts of Africa. One concrete example is the agreement between Italy and Albania that is being used to test different types of externalisation schemes. Judicial scrutiny has however halted the proposed plans regularly.¹⁴

DRC is very concerned about attempts by the EU and its Member States to evade responsibilities through outsourcing asylum processing and refugee protection to third countries. Such externalisation schemes can cause human rights violations and risk undermining the international protection system.¹⁵ Instead, the EU Member States should ensure that refugee can access protection by safeguarding the right to seek and enjoy asylum under art. 18 of the EU Charter of Fundamental Rights and uphold their commitments to the international refugee protection system.¹⁶

New EU safe country concepts

In March 2026, two additional changes to the Asylum Procedure Regulation were adopted as part of the EU Pact:

- **Joint EU list for safe countries of origin** that can be used to process asylum applications is accelerated procedures, based on the presumption of the asylum claim being manifestly unfounded due to nationality.
- **A new assessment of when a third country can be considered safe for an asylum seeker** which can lead to increased use of admissibility procedures instead of in merits assessment of asylum claims in the EU. The new rules remove the connection criteria and allow the EU Member States to make agreements with third countries about the transfer of asylum seekers from the EU to third countries for processing of their asylum applications.

These additions will increase the complexity of the new EU asylum rules without ensuring the necessary legal safeguards, thereby causing increased risk of both human rights violations and ultimately refoulement.

¹² European Parliamentary Research Service, [Outcome of the European Council meeting of 17 October 2024](#), October 2024.

¹³ DRC, [DRC recommendations on the proposed Return Regulation](#), June 2025, and DRC, [DRC policy brief on the proposed Return Regulation](#), April 2025.

¹⁴ Association for Juridical Studies on Immigration (ASGI), [Extraterritorial detention and return of migrants from Albania: ASGI's legal analysis and doubts about compatibility with EU law](#), 8 July 2025.

¹⁵ DRC, [Evading responsibility for refugee protection](#), November 2022.

¹⁶ Joint Statement, [The future EU must uphold the right to asylum in Europe](#), 9 July 2024.



Founded in 1956, the Danish Refugee Council (DRC) is Denmark's largest international NGO, with a specific expertise in forced displacement. DRC is present in close to 30 countries and employs 6,000 staff globally.

DRC advocates for the rights of and solutions for displacement-affected communities, and provides assistance during all stages of displacement: In acute crisis, in exile, when settling and integrating in a new place, or upon return. DRC supports displaced persons in becoming self-reliant and included into hosting societies. DRC works with civil society and responsible authorities to promote protection of rights and inclusion.

Our 4,350 volunteers in Denmark make an invaluable difference in integration activities throughout the country.

DRC's code of conduct sits at the core of our organizational mission, and DRC aims at the highest ethical and professional standards. DRC has been certified as meeting the highest quality standards according to the Core Humanitarian Standard on Quality and Accountability.

HM Queen Mary is DRC's patron.

To read more about what we do, see: www.drc.ngo

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