FUNDAMENTAL RIGHTS CHALLENGES AND THE PRE-ENTRY SCREENING PROCEDURE UNDER THE NEW PACT ON MIGRATION AND ASYLUM

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Contents: 1. Introduction; 2. The Pre-Entry Screening Procedure under the New Pact; 3. Screening and Fundamental Rights Challenges: Inseparable Companions?; 4. Reflections on Future Prospects; 5. Conclusion.

Abstract: This paper addresses the main fundamental rights challenges of the proposed Screening Regulation under the New Pact on Migration and Asylum, launched by the Commission in 2020 and expected to be adopted in April 2024. It starts with an overview of the proposed regime, considering the information available on the negotiation process since 2020 and its outcomes. It also outlines the main critiques advanced by academic and civil society actors in relation to the pre-entry screening procedure and relates them to a series of fundamental rights recognized in EU law. Building upon these critiques, it puts forth a set of recommendations for the Court of Justice of the European Union to follow on the interpretation of key fundamental rights in future preliminary reference procedures and/or actions for annulment.

Keywords: EU Migration and Asylum Law; Fundamental Rights; New Pact on Migration and Asylum.

1. INTRODUCTION

On Decemb er 20, 2023, the European Parliament and the Council of the European Union reached a political agreement on five key regulations of the New Pact on Migration and Asylum, proposed by the European Commission in September 2020. On the European Union institutional level, this has been understood as a major progress toward the adoption of the final text by the end of the current legislative mandate.[2] The adoption of the package is now expected by April 2024. On the level of civil society actors, however, this has been decried as a dramatic turn for migrants' and asylum seekers' human and fundamental rights.[3] The critiques have been numerous and severe.

This paper seeks to understand better the fundamental rights challenges posed by one specific proposed regulation under the New Pact: the Screening Regulation. This is one of the most controversial proposals in the New Pact. The Regulation introduces a 'pre-entry screening procedure' that recalls, at least in part, the 'hotspot' practices of screening migrants in Greece and Italy associated with the 2015 'crisis' approach.[4] The proposal has been

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[2] Directorate-General for Migration and Home Affairs. "Historic agreement reached today by the European Parliament and Council on the Pact on Migration and Asylum." News article. 20 December 2023. Available at: https://home-affairs.ec.europa.eu/news/historic-agreement-reached-today-european-parliament-and-council-pact-migration-and-asylum-2023-12-20_en.

[3] See note 9.

[4] Cornelisse, Galina, and Reneman, Marcelle. "Border Procedures in the Commission's New Pact on Migration and Asylum: A Case of Politics Outplaying Rationality?" *European Law Journal* 26 (2021): 181-193. DOI: 10.1111/eulj.12382. Jakulevičienė, Lyra. "Pre-screening at the border in the Asylum and Migration Pact: A paradigm shift for asylum, return and detention Policies?" In *Reforming the Common European Asylum System: Opportunities, Pitfalls, and Downsides of the Commission Proposals for a New Pact on Migration and Asylum*, edited by Daniel Thym and Odysseus Academic Network, Baden-Baden: Nomos, 2022.

criticized for facilitating a series of fundamental rights violations. Are these critiques well justified? If so, what courses of action would be open before the Court of Justice of the EU? Part II of the paper outlines the main features of this proposal, by tracing the most important developments in the process of negotiation since 2020 and identifying their outcomes. The last version of the New Pact is not yet publicly available, but we rely mostly on the information provided by the European Council on Refugees and Exiles, an alliance of 122 civil society organizations. Part III identifies the main critiques made by academic and civil society actors in relation to this proposal and relates them to the relevant fundamental rights recognized by EU law. In Part IV, the paper provides some thoughts on possible future courses of action before the Court of Justice of the EU. Finally, Part V concludes.

2. THE PRE-ENTRY SCREENING PROCEDURE UNDER THE NEW PACT

The pre-entry screening procedure proposed by the New Pact establishes a mechanism under which a person who has attempted to elude EU's external borders upon entry is subject to a series of checks conducted at, or in the proximity of, EU's external borders, and sometimes even within Member States' territory. These include processes of identification and registration, as well as the performance of health and security checks. The results of the screening would serve as a basis for determining whether the person should be channeled into (border or regular) asylum or return procedures, or be subject to a refusal of entry. At the end of the screening, a debriefing form will be issued enabling the competent authorities, depending on the applicable procedure, to take the relevant decisions. The debriefing as such is not considered a decision subject to judicial review.

Pre-entry screening is conceived as closely connected to the amended proposal for a Regulation on Asylum Procedures. For the Commission, the New Pact aims to establish a "seamless link between all stages of the migration process, from arrival to processing of requests for international protection until, where applicable, return".[5]

The length of the screening procedure is between five and ten days[6], a period during which, under the initial proposal of the Commission, the concerned persons are not authorized to enter Member States' territory.[7] This means that the screening is carried out based on a fiction of non-entry.[8] This seems to be also the final outcome of negotiations,

[5] European Parliament and Council. Proposal for a Regulation of the European Parliament and of the Council introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817. COM/2020/612 final, p. 7.

[6] The ten-day limit applies only in cases of 'mass influx'. Otherwise, pre-entry screening should be carried out within a limit of five days.

[7] Proposal for a Screening, note 5, Article 4(1).

[8] Mitsilegas, Valsamis. "The EU external border as a site of preventive (in)justice." *European Law Journal* (2022). DOI: 10.1111/eulj.12444.

despite Parliament's previous position that the fiction of non-entry should be optional and not mandatory.[9]

This procedure concerns those who are apprehended as crossing - or believed to have crossed - external borders in an unauthorized manner, those who are disembarked after search and rescue operations, and anyone who applies for international protection during border checks without fulfilling the conditions for entry in the EU.[10] The proposal controversially includes those who are apprehended on the territory of Member States and who are believed to have entered the EU by eluding external borders. Although the Parliament has rejected this possibility during legislative negotiations, it seems that the positions of the Commission and the Council have ultimately won.[11] This means that the scope of pre-entry screening procedures will be most likely very wide, allowing their applications to irregularly staying migrants who might not be always able to prove that they had entered the EU in an authorized manner.

Moreover, the scope of application of the procedure points to another controversial consequence: it seems that applying for international protection as such would not be sufficient for acquiring the status of 'asylum seeker' with the rights and procedural safeguards associated to it under EU law. A person who applies for international protection would still be subject to a pre-entry screening for determining the suitable procedure: a border (fast-track) or a regular asylum procedure. Amidst legislative negotiations, the European Parliament adopted a different position. It insisted on the need to introduce a provision according to which an application for international protection would automatically trigger the application of the EU asylum regime on procedures and reception conditions.[12] This, too, seems to have ultimately failed. Indeed, at least according to ECRE, the political agreement reached in December 2023, seems to have reinstated the initial proposal of the Commission, which has been supported by the Council throughout the legislative negotiations.[13]

To what extent is the proposed pre-entry screening procedure new? After all, under the current regime, some EU law provisions cover practices conducted at EU's external

[9] ECRE - European Council on Refugees and Exiles. Editorial: All Pact-ed up and ready to go: EU asylum law reforms. 16th February 2024. Available at: <https://ecre.org/editorial-all-pact-ed-up-and-ready-to-go-eu-asylum-law-reforms/>. ECRE - European Council on Refugees and Exiles. Reforming EU Asylum Law: The Final Stage ECRE's Analysis of the Most Important Unresolved Issues in the Legislative Reform of the Common European Asylum System (CEAS) and Recommendations to the Co-Legislators. Policy Paper. 10 August 2023. Available at: <https://ecre.org/wp-content/uploads/2023/08/Policy-Parper-Reforming-EU-Asylum-Law-the-Final-Stage-August-2023.pdf>.
[10] Proposal for a Screening, note 5, Articles 3 and 5.
[11] ECRE - European Council on Refugees and Exiles. Editorial: All Pact-ed up and ready to go, note 9.
[12] ECRE - European Council on Refugees and Exiles. Reforming EU Asylum Law, note 9.
[13] ECRE - European Council on Refugees and Exiles. Editorial: All Pact-ed up and ready to go, note 9.

borders. Indeed, there are already specific provisions in EU law on identification, registration, health checks and vulnerability assessment.[14] Also, following the 2015 'hotspot approach' of the European Commission to deal with the then-'crisis', the 2019 Regulation on the European Border and Coast Guard Agency gave legal expression to practices of screening of third-country nationals at EU's external borders with the support of relevant Union bodies in case of "disproportionate migratory challenges".[15] Moreover, some authors have argued that the pre-entry screening coupled with the border procedures under the New Pact are together to some extent also inspired by the border asylum procedure under the Asylum Procedures Directive, at least because a decision on the applicant's entry is made upon the completion of this procedure.[16]

What seems to be new is not the 'screening' as such, but rather its wider scope (as outlined above) and the way in which it will be conducted. Under the current regime, those who seek international protection are considered asylum seekers as soon as they express their intention to apply for protection, even if they entered the EU in an unauthorized manner.[17] This does not seem to be the case if the regime created by the New Pact, under which asylum seekers' reception and procedural rights are delayed until the outcome of the pre-entry screening procedure. Moreover, under the current regime, although the fiction of non-entry applies at external borders during processes of verification of entry conditions, the concerned persons may be admitted "on humanitarian grounds, on grounds of national interest or because of international obligations".[18] Another novelty of the proposed regime would then be the mandatory character of the fiction of non-entry.

The following section provides some reflections on some of the main implications of these changes, by examining the critiques advanced by academia and civil society actors, especially in relation to migrants' deprivation of liberty.

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[14] Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (Asylum Procedures Directive) OJ L180/60, 26 June 2013, Articles 6 and 24; Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) (Reception Conditions Directive) OJ L 180, 29 June 2013, pp. 96–116, Articles 13 and 22; Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) OJ L 77, 23 March 2016, Articles 8(3) and 13(1).

[15] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624. Official Journal of the European Union L 295, 14 November 2019. Article 40(1).

[16] Cornelisse and Reneman, note 4, p. 190.

[17] Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast). OJ L 337, 20 December 2011, pp. 9–26, Article 2(i). Reception Conditions Directive, note 14, Article 2(b); Asylum Procedures Directive, note 14,Article 2(c).

[18] Schengen Borers Code, note 14, Article 6(5)(c).

3. SCREENING AND FUNDAMENTAL RIGHTS CHALLENGES: INSEPARABLE COMPANIONS?

By now, academic and civil society actors and have put forth an extensive array of critiques in relation to the New Pact, including the proposal for a Screen Regulation. An important (though not the only) implication of the proposed Screening Regulation stands out in these critiques: a systematic detention at the border with less procedural safeguards. To be sure, similar issues have been highlighted in relation to border procedures that might follow the pre-entry screening. Here, however, the primary focus is on the screening regime.

The proposed Screening Regulation does not explicitly provide that detention is a necessary measure through which the pre-entry screening would be carried out. Yet, academic voices and civil society actors widely concur that "deprivation of liberty comes as a silent, yet inevitable consequence".[19] There are two aspects of the screening regime that lead to this conclusion: the mandatory fiction of non-entry during screening and States' discretion to provide for "measures pursuant to national law to prevent the persons concerned from entering the territory".[20] In other words, States' discretion in relation to the way in which they implement the fiction of non-entry will most likely lead in practice to systematic detention. It has been also argued that this is further supported by the experience of countries like Hungary and Greece, which have systematically contained asylum seekers at or in proximity to external borders.[21] It is also supported by the 'hotspot approach', which often gave rise to practices of confinement and to which the Screening proposal explicitly refers for indicating that screening can be carried out in established hotspot areas.[22]

Moreover, the deprivation of liberty for screening purposes, although arguably a direct consequence of the proposed Screening Regulation, would not be as such regulated by EU law. Under the current regime, as well as under the soon-to-be adopted regime of the New Pact, the secondary legislation on detention is confined to asylum seekers and

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[19] Mouzourakis, Minos, "More Laws, Less Law: The European Union's New Pact on Migration and Asylum and the Fragmentation of 'Asylum Seeker' Status" *European Law Journal* 26 (2020): 171. DOI: 10.1111/eulj.12378; Manzotti, Cecilia. "Nationality Status Determination in Asylum Procedures under the CEAS and the Potential Impact of the 'New Pact on Migration and Asylum'." *International Journal of Refugee Law* 35, no. 2 (2023): 193–212. DOI: 10.1093/ijrl/eead006. Campesi, Giuseppe. "Proposal for a New Pre-Entry Screening Regulation." In *The European Commission's legislative proposals in the New Pact on Migration and Asylum*, Study Requested by the LIBE Committee, European Parliament. Policy Department for Citizens' Rights and Constitutional Affairs. European Parliament, 2021, pp. 48-64.

[20] Proposal for a Screening Regulation, note 5, Recital 12.

[21] Campesi, p.57. See also Papoutsi, Anna, et al. "The EC hotspot approach in Greece: creating liminal EU territory." *Journal of Ethnic and Migration Studies* 45, no. 12 (2019): 2200-2212; Kallius, Annastiina, Daniel Monterescu, and Prem Kumar Rajaram. "Immobilizing mobility: Border ethnography, illiberal democracy, and the politics of the 'refugee crisis' in Hungary." *American Ethnologist* 43, no. 1 (2016): 25-37.

[22] European Union Agency for Fundamental Rights. "Update of the 2016 FRA Opinion on fundamental rights in the hotspots set up in Greece and Italy." 11 March 2019. Available at: < https://fra.europa.eu/en/publication/2019/update-2016-fra-opinion-fundamental-rights-hotspots-set-greece-and-italy>. Danish Refugee Council. "Fundamental Rights and the EU Hotspot Approach: A Legal Assessment of the Implementation of the EU Hotspot Approach and its Potential Role in the Reformed Common European Asylum System." October 2017. Available at: < https://pro.drc.ngo/resources/documents/fundamental-rights-and-the-eu-hotspot-approach/>.

persons subject to a return procedure. As argued in the previous section, under the New Pact the rights and procedural entitlements associated with asylum seem to be delayed until the outcome of the pre-entry screening. The same goes for returns, since the return procedure can be triggered only upon completion of the screening, i.e., once the debriefing enables the competent authorities to initiate it. In this sense, deprivation of liberty within the screening procedure will be left to domestic law. If migrants continue to be detained after screening under a return or asylum procedure (a very likely scenario), albeit potentially in a different place, EU law provisions on detention would kick in only after five to ten days after their arrival.

Academic and civil society actors have stressed that this will have a considerable impact on the screened persons' fundamental rights, including the right to liberty and the prohibition of torture, and inhuman and degrading treatment.[23] To be sure, the fiction of non-entry should not be seen as somehow relieving Member States from their human or fundamental rights obligations. This has been confirmed by the European Court of Human Rights in relation to the European Convention on Human Rights.[24] It must be considered as equally true for the Charter of Fundamental Rights of the EU, at least because the Charter is addressed both to national authorities when implementing EU law and to EU institutions and bodies. In this sense, EU institutions and bodies, including when adopting the New Pact, and Member States, when implementing the instruments of the New Pact, must comply with the Charter.

Cornelisse and Reneman have argued that not only the pre-entry procedures in the New Pact will most likely lead to increased detention, but that such detention – in the absence of sufficient regulation by EU law – might often be without a legal basis.[25] This is supported by evidence that, *even* under the current asylum border procedures, which is regulated by EU law, States have often violated EU law by resorting to *de facto* detention. Because the New Pact does not take seriously such existing evidence, the proposed regime will most likely exacerbate, instead of address, fundamental rights challenges.

Others have also argued that such challenges concern not only the right to liberty and the prohibition of inhuman and degrading treatment, because of the increased risk to be detained arbitrarily and in dire conditions, but also persons' access to asylum, encompassed

[23] Campesi, note 19. Uriarte, Joana Abrisketa. "The European Pact on Migration and Asylum: Border Containment and Frontline States." *European Journal of Migration and Law* 24, no. 4 (2022): 463-488.
[24] ECtHR Amuur v. France, Application no. 19776/92. See also ECtHR Ilias and Ahmed v. Hungary, Application no. 47287/15. Jakulevičienė, note 4.
[25] Cornelisse, and Reneman, note 4.

both by the right to asylum and the prohibition of inhuman and degrading treatment.[26] One of the main issues in relation to this is the lack of the possibility to challenge the outcome of the screening, since the debriefing is not understood as a decision subject to judicial review, which also raises an issue in relation to the right to an effective remedy.[27] If the debriefing enables the competent authorities to initiate the return procedure, that person will have to wait for the notification of the decision to return to contest it. Being however already identified as 'returnable' might hinge upon the likelihood of successfully challenging the decision of return. Also, if the debriefing leads to an asylum border procedure, that increases the likelihood of receiving a rejection, since such fast-track procedures are already based on the idea that the concerned persons are "suspected irregular migrants".[28] In this sense, the right to asylum and the prohibition of inhuman and degrading treatment, together with the right to an effective remedy, would make it necessary for those subject to screening to have the possibility to challenge the outcome of this procedure when the 'debriefing' is issued.

4. REFLECTIONS ON FUTURE PROSPECTS

Given that the New Pact on Migration and Asylum is expected to be adopted in April 2024, I would like to suggest that the Court of Justice of the European Union will now play a decisive role in what comes next. A first obvious role would be its decisions on the interpretation and application of the instruments adopted as part of the New Pact on Migration and Aylum, including the proposed Screening Regulation, made upon preliminary questions referred to it by national judges.[29] This might also concern possible actions for annulment under article 263 of Treaty on the Function of the EU. To be sure, many of the issues highlighted above also concern border procedures. This work has, however, limited its focus to the regime of the pre-entry screening, mainly because of space constraints but also because it allows a better understanding of the challenges specific to the screening procedure.

Since the final version of the New Pact is not yet publicly accessible at the time of writing, the following reflections might require further elaboration and details. At this stage it would be at least important to acknowledge the need to maintain as much as possible some

[26] Wass Widinghoff, Alina. "Access to Asylum in Melilla: Analysing 'What's the problem represented to be' in the Screening Proposal of the EU Pact on Migration and Asylum." Master dissertation, 19 May 2023. Available at: <https://munin.uit.no/bitstream/handle/10037/29552/thesis.pdf?sequence=2&isAllowed=y >.
[27] ECRE - European Council on Refugees and Exiles. Editorial: All Pact-ed up and ready to go, note 9.
[28] De la Orden Bosch, Gustavo. "Pre-entry screening and border procedures as new detention landscape in the EU Pact on Migration and Asylum. The Spanish borders as a laboratory for immobility policies." *Peace & Security-Paix et Sécurité Internationales (Euromediterranean Journal of International Law and International Relations)* 12 (2024): 4.
[29] Treaty on the Functioning of the European Union, Article 267.

of the key hard-fought procedural safeguards in EU law. A crucial point in that direction would be an understanding of the asylum seeker as an indivisible class of protected persons, as decided by the Court in *Cimade & Gisti*, something that directly challenges the implicit creation of a new category of a "hollow asylum seeker" in the New Pact.[30] The silent creation of such a category follows from the delayed application of the asylum regime until the outcome of the pre-entry screening procedure.

This proposal should be understood as directly related to the interpretation of the right to asylum and the prohibition of inhuman and degrading treatment, and not as depending upon a provision that defines applicants as rights-holders from the moment they express their intention to apply for international protection, currently included in the Qualification Directive, Reception Conditions Directive, and the Asylum Procedures Directive.[31] Such understanding of these fundamental rights might facilitate an interpretation in that direction of the proposed Screening Regulation, if its wording leaves room for it, or support a challenge to its lawfulness in relation to the Charter of Fundamental Rights of the EU. This would have an impact on the detention and reception regime during the screening procedure, which would be regulated by the EU asylum law from the moment the person expresses his or her intention to apply for international protection.

Another suggestion would be to recognize in future interpretations and legal challenges that the debriefing form can only be a decision subject to judicial review. The outcome of the screening procedure has important implications for the concerned persons: since these are channeled into different legal procedures, the debriefing has without a doubt legal effects. This can also be approached in light of a certain understanding of the right to effective remedies that must be connected with the right to asylum and the prohibition of torture, and inhuman and degrading treatment.

A third proposal is for the CJEU to recognize the direct link between EU law and de facto or arbitrary detention at the border, thus questioning its lawfulness in light of the fundamental right to liberty. This would imply taking seriously the critiques advanced by academic and civil society actors that violations of the right to liberty would not be mere deviations by national authorities to be dealt with on a case-by-case basis, but rather the direct result of the mandatory fiction of non-entry and States' discretion to lay down the measures to enforce it.

[30] CJEU, Case C-179/11, Cimade & Gisti, 27 September 2012, para. 40. Mouzourakis, note 19.
[31] See note 17.

The Court should go even further than that: such violations can be directly related to the mandatory fiction of non-entry *as such*. In other words, eliminating States' discretion, which would be also a consequence of maintaining the indivisibility of the asylum seeker, would not be enough to ensure that the fundamental right to liberty is respected by Member States. This follows from the argument made by Cornelisse and Reneman that there is ample evidence that, even under the current EU law regime of asylum border procedures, States often resort to *de facto* detention.

5. CONCLUSION

This paper has provided an overview of the main fundamental rights challenges of the proposed Screening Regulation under the New Pact on Migration and Asylum, expected to be adopted in April 2024. It has outlined the main aspects of the proposed screening regime, considering the information available on the negotiation process since 2020 and its outcomes. Building upon the multitude of critiques advanced by academic and civil society actors in relation the screening procedure, it has also put forth a set of recommendations for the Court of Justice of the European Union to follow in future preliminary reference procedures and/or actions for annulment.

The CJEU has been an important driver of the European integration project and some of its decisions have been extremely creative. These include decisions that have integrated fundamental rights into EU law by making creative use of the concept of general principles of Union law, long before the Charter of Fundamental Rights of the EU became legally binding in 2009. In this sense, the Court has given itself a responsibility to develop a highly important area of EU law. In the face of the current developments in the area of migration and asylum, which significantly jeopardize the fundamental rights of third country nationals, the Court should uphold the promises that it bestowed upon itself by assuming this responsibility.

BIBLIOGRAPHY

Campesi, G. (2021). Proposal for a New Pre-Entry Screening Regulation. In *The European Commission's legislative proposals in the New Pact on Migration and Asylum*, *Study Requested by the LIBE Committee, European Parliament*. Policy Department for Citizens' Rights and Constitutional Affairs (pp. 48-64). European Parliament.

Cornelisse, G., & Reneman, M. (2021). Border Procedures in the Commission's New Pact on Migration and Asylum: A Case of Politics Outplaying Rationality? *European Law Journal*, 26, 181-193. DOI: 10.1111/eulj.12382.

De la Orden Bosch, G. (2024). Pre-entry screening and border procedures as new detention landscape in the EU Pact on Migration and Asylum. The Spanish borders as a laboratory for immobility policies. *Peace & Security-Paix et Sécurité Internationales (Euromediterranean Journal of International Law and International Relations)*, 12(4).

ECRE - European Council on Refugees and Exiles. (2024, February 16). Editorial: All Pact-ed up and ready to go: EU asylum law reforms. Retrieved from https://ecre.org/editorial-all-pact-ed-up-and-ready-to-go-eu-asylum-law-reforms/.

ECRE - European Council on Refugees and Exiles. (2023, August 10). Reforming EU Asylum Law: The Final Stage ECRE's Analysis of the Most Important Unresolved Issues in the Legislative Reform of the Common European Asylum System (CEAS) and Recommendations to the Co-Legislators. Policy Paper. Retrieved from https://ecre.org/wp-content/uploads/2023/08/Policy-Parper-Reforming-EU-Asylum-Law-the-Final-Stage-August-2023.pdf.

Jakulevičienė, L. (2022). Pre-screening at the border in the Asylum and Migration Pact: A paradigm shift for asylum, return and detention Policies? In D. Thym & Odysseus Academic Network (Eds.), *Reforming the Common European Asylum System: Opportunities, Pitfalls, and Downsides of the Commission Proposals for a New Pact on Migration and Asylum* (pp. 181-193). Baden-Baden: Nomos.

Kallius, A., Monterescu, D., & Rajaram, P. K. (2016). Immobilizing mobility: Border ethnography, illiberal democracy, and the politics of the 'refugee crisis' in Hungary. *American Ethnologist*, 43(1), 25-37.

Mitsilegas, V. (2022). The EU external border as a site of preventive (in)justice. *European Law Journal*. DOI: 10.1111/eulj.12444.

Mouzourakis, M. (2020). More Laws, Less Law: The European Union's New Pact on Migration and Asylum and the Fragmentation of 'Asylum Seeker' Status. *European Law Journal*, 26, 171. DOI: 10.1111/eulj.12378.

Manzotti, C. (2023). Nationality Status Determination in Asylum Procedures under the CEAS and the Potential Impact of the 'New Pact on Migration and Asylum'. *International Journal of Refugee Law*, 35(2), 193–212. DOI: 10.1093/ijrl/eead006.

Papoutsi, A., et al. (2019). The EC hotspot approach in Greece: creating liminal EU territory. *Journal of Ethnic and Migration Studies*, 45(12), 2200-2212.

Uriarte, J. A. (2022). The European Pact on Migration and Asylum: Border Containment and Frontline States. *European Journal of Migration and Law*, 24(4), 463-488.

Wass Widinghoff, A. (2023). Access to Asylum in Melilla: Analysing 'What's the problem represented to be' in the Screening Proposal of the EU Pact on Migration and Asylum (Master's thesis). Retrieved from https://munin.uit.no/bitstream/handle/10037/29552/thesis.pdf?sequence=2&isAllowed=y.