

Maciej Stęпка

Jagiellonian University of Krakow, Poland

maciek.stepka@uj.edu.pl

ORCID ID: <https://orcid.org/0000-0002-2229-8499>

The New Pact on Migration and Asylum: Another Step in the EU Migration-Security Continuum or Preservation of the Status Quo?

Abstract: In 2020 the New Pact on Migration and Asylum was presented as a normalization of EU migration, asylum and border management policies in the EU, a much-needed reform which is supposed to strike a balance between security, solidarity and protection of human lives. The aim of this article is to investigate to what extent the proposed reform is changing the modes and trajectories of the securitization of migration in the EU. In doing so, it focuses on specific security logics promoted in the text, discussing how different iterations of security are strengthened and/or marginalized in the EU securitizing framework. Building on the approach of ‘securitization as the work of framing’, the article indicates that the pact has strengthened the risk-management and resilience-centred security logics while at the same time downplaying the role of humanitarianism. It also reveals a strong role for ‘exceptionality’ as a security logic, which has gained prominence especially in relation to crisis management and a wider application of militarized and robust measures.

Keywords: European Union, migration management, migration-security nexus, securitization

Introduction

The ‘migration crisis’ of 2015 generated significant momentum for the development of more securitizing policy frameworks, which have been pulling broadly understood EU migration policies deeper into the realms of security discourse and practice. Evidence of this trend can be observed in the examples of the (re)development of Frontex, an increase of military measures used in border control or the rise

of dataveillance activities.¹ Nevertheless, these increased security measures have been introduced under exceptional situations, in crisis mode and with the aim of regaining control over the EU migration, asylum and border protection systems rather than to set out long-term policies. The newest reform of EU migration policy, the so-called New Pact on Migration and Asylum, is supposed to represent a sustainable perspective and a step towards more resilient migration management framework. As Ursula von der Leyen underlined during the launch of the pact, ‘the old system no longer works. The Commission’s Package on Migration and Asylum, which we present today, offers a fresh start. Many legitimate interests have to be brought into balance. We want to live up to our values and at the same time face the challenges of a globalised world.’² In the view of the Commission, the reform is supposed to represent the new order and a much-needed consensus between responsibility, solidarity and security.

As the securitization practices related to the 2015 ‘migration crisis’ have been well researched, the dynamic development of the EU approach to migration and border security requires further inquiry into the securitization practices produced on the EU level. That is why the aim of this article is to investigate to what extent the new reform, here understood as a securitizing move, attempts to change the modes and trajectories of securitization of migration in the EU. In doing so, the paper focuses on specific security logics promoted in the pact, discussing how different iterations of security are strengthened and/or marginalized in the EU securitizing framework. The analysis is based on the approach of ‘securitization as the work of framing’, which is tuned to the so-called tangled nature of the securitization process. This specific perspective is reflected in the intertwining of security logics, which to different degrees impact the way the EU forms its key responses and frameworks vis-à-vis increased migratory flows.³

The article is structured as follows: firstly, it focuses on a discussion of the securitization framework as an analytical approach, explaining both the traditional and the tangled perspectives on the securitization process. Further, the article provides an overview of the methods applied in the analysis. The third section briefly describes the migration-security nexus in the EU, including its key securitizing logics and characteristics. The fourth part is devoted to a securitization analysis of the New Pact on Migration and Asylum, offering a discussion of the impact of the document on the current relationship between migration and security in the EU. The paper ends with conclusions.

1 M. Stępką, *Identifying Security Logics in the EU Policy Discourse: The ‘Migration Crisis’ and the EU*, Cham 2022.

2 Press statement by President von der Leyen on the New Pact on Migration and Asylum, https://ec.europa.eu/commission/presscorner/detail/en/statement_20_1727 (20.03.2022).

3 M. Stępką, *Identifying Security Logics in the EU Policy Discourse: The ‘Migration Crisis’ and the EU*, *op. cit.*

1. Securitization as an analytical framework

Securitization theory has become increasingly popular among students and researchers in migration and security studies.⁴ The theory was introduced by academics associated with the so-called Copenhagen School, who promoted the idea of the discursive construction of security through speech acts – specific utterances of a performative nature which, when spoken by a powerful agent (i.e. a securitizing actor), bring security into being.⁵ As explained by Fijałkowski and Jarzębski, securitization is a discursive process through which an intersubjective understanding is constructed within a political community to treat something as an existential threat to a valued referent object (i.e. an object that should be protected), and to enable mobilization of urgent and exceptional measures to deal with the threat.⁶ However, according to many securitization researchers the production of securitizing speech acts is not enough. Powerful actors initially produce securitizing moves, which are supposed to issue a warning or invoke a sense of existential uncertainty and emergency. For securitization to be successful, these moves need to gain societal and political saliency and, more importantly, the approval of a relevant audience (e.g. society), which ultimately decides whether a proposition of a threat is acceptable and whether exceptional security measures (e.g. the military) should be mobilized in response to the perceived threat.⁷

This traditional approach has been widely contested and redeveloped for the specific purposes of studying the securitization process in different contexts. Many scholars have criticized the Copenhagen School for a too-elitist focus on securitizing actors;⁸ for limiting the notion of security to the Schmittian idea of ‘exception’ as a way of breaking ‘normal politics’;⁹ for limiting securitizing practices to speech acts, leaving other discursive forms and security practices outside the framework;¹⁰ and

4 S. Baele, D. Jalea, *Twenty-Five Years of Securitization Theory: A Corpus-based Review*, ‘Political Studies Review’ 2022, online edition, <https://doi.org/10.1177/14789299211069499> (17.11.2022), p. 6.

5 Ł. Fijałkowski, *Teoria sekurytyzacji i konstruowanie bezpieczeństwa*, ‘Przegląd Strategiczny’ 2012, vol. 1, no. 2, p. 159.

6 Ł. Fijałkowski, J. Jarzębek, *Between Emergency and Routine – Securitisation of Military Security in Iran and Indonesia*, ‘Third World Quarterly’ 2019, vol. 40, no. 9, p. 1671.

7 A. Côté, *Agents without Agency: Assessing the Role of the Audience in Securitization Theory*, ‘Security Dialogue’ 2016, vol. 47, no. 6.

8 J. Huysmans, *What’s in an Act? On Security Speech Acts and Little Security Nothings*, ‘Security Dialogue’ 2011, vol. 42, no. 4/5.

9 O. Corry, *Securitisation and ‘Riskification’: Second-Order Security and the Politics of Climate Change*, ‘Millennium – Journal of International Studies’ 2012, vol. 40, no. 2, pp. 235–258.

10 A. Massari, *Visual Securitization: Humanitarian Representations and Migration Governance*, Cham 2021.

for neglecting the interpretative complexity of security and the variety of security logics that proliferate in the securitization process,¹¹ to name a few.

Building on the new wave of securitization literature, this article applies the approach of ‘securitization as the work of framing.’ Here, securitization is not driven by speech acts but by the process of framing. In other words, securitization is about the ‘mobilization of security-related perceptions in the minds of targeted empowering agents and audiences, allowing incorporation of these perceptions into the common schemata of interpretation.’¹² It utilizes the notion of tangled security and argues that instead of fixating on a single iteration of security based on existential threats and exceptional security measures, securitization should embrace multiple logics and interpretations that intertwine and collide in the process of constructing security.¹³ Here, security logics are understood as discursive pronouncements that produce a particular social order. They are the essence of specific theoretical assumptions about the meaning of security, reduced to ‘an ensemble of rules of grammar that is immanent to security practice and that defines the practice in its specificity.’¹⁴ Table 1 provides an overview of the security logics (i.e. ‘exceptionalist’ security, risk and resilience) which have been commonly applied in securitization research and which have been recognized as an important part of the EU migration-security nexus. They will be used for the purposes of further analysis.

Table 1. Security logics – an overview

Logic	<i>‘Exceptionalist’ security</i>	<i>Risk management</i>	<i>Resilience</i>
Representation of security problems	<ul style="list-style-type: none"> – unambiguous – personal dimension – external origin – alien nature – construed in terms of existential and ‘brutal’ threats 	<ul style="list-style-type: none"> – risk based on a friend–enemy continuum – impersonal correlation of factors liable to produce uncertainty – varying degree of concreteness and gravity – ambiguous origin (emphasis on internal) – interconnected – construed in terms of manageable risks – uncertain materialization of negative consequences 	<ul style="list-style-type: none"> – construed in terms of shocks and disturbances – certain materialization, inevitable nature

11 T. Balzacq (ed.), *Contesting Security: Strategies and Logics*, New York/London 2015.

12 M. Stęпка, *Identifying...*, *op. cit.*, p. 54.

13 *Ibidem*.

14 J. Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in the EU*, New York/London 2006, p. 28.

Referent object	<ul style="list-style-type: none"> - state-related, unambiguous - passive nature, managed by other actors - often construed in relation to territoriality and sovereignty of referent objects 	<ul style="list-style-type: none"> - different degrees of concreteness - networked and interdependent 	<ul style="list-style-type: none"> - passive nature, managed by other actors (e.g. security agencies) - construed as active contributors to security - devolved
Security measure (nature, temporality)	<ul style="list-style-type: none"> - exceptional, militaristic - reactive nature - short-term - bypass normal political procedures - mobilize significant amounts of force and resources 	<ul style="list-style-type: none"> - normal, institutionalized forms of governance based on broad cooperation within the security realm - conventional, long-term security actions - orientation to the future - orientation to the internal dimension 	<ul style="list-style-type: none"> - preventive measures - practices of control and surveillance - management of risks - decentralized and devolved measures - maintenance, adaptation and transformation of the system
Objective	<ul style="list-style-type: none"> - eradication of existential threats in order to secure the collective survival of a socio-political order - status-quo orientation 	<ul style="list-style-type: none"> - equilibrium and continuation of normal activities within acceptable risks - risk avoidance, mitigation of negative consequences 	<ul style="list-style-type: none"> - building up ability to withstand shocks and disturbances - elimination of extreme vulnerabilities within the system

Source: M. Stepka, *Identifying...*, op. cit., pp. 42–43.

Methods 2

In order to investigate the securitization process and its supporting logics, this article utilizes the frame-narrative approach. As the securitization framework dictates a predominant focus on seminal and strategic discourse, the paper analyzes how the New Pact of Migration and Asylum produces securitizing moves by framing and narrating the relationship between migration and security, diagnosing, evaluating and prescribing remedial actions to migration-related security problems. Each of these analytical segments plays a specific role in the securitization process. As explained by Stepka, ‘the diagnosis of the security problem concentrates on its root causes, initial referent objects and sources of threats; the evaluation focuses on the attribution of blame (naming the key actors, culprits responsible for the instigation of threats and the security problem), as well as parties responsible for dealing with the problem; lastly, the remedial actions segment is devoted to conceptualization of specific policy responses to defined threats.’¹⁵ In reality, framing is a messy process and the above-mentioned segments often overlap and intertwine. Following Boräng et al., I utilize a computer-assisted qualitative text analysis to probe securitizing frame-narratives, which are indicative of the underlying logics of securitization.¹⁶

15 M. Stepka, *Identifying...*, op. cit., p. 8.

16 F. Boräng et al., *Identifying Frames: A Comparison of Research Methods, ‘Interest Groups & Advocacy’* 2014, vol. 3.

3. A brief insight into security logics and the migration-security continuum in the EU

As noted by van Munster, since the early beginnings of the Schengen cooperation the EU has been developing a specific securitizing continuum comprised of a series of consecutive and logically connected security discourses and practices, which unambiguously link the issues of immigration, asylum and visas to questions of security and border control as broadly understood.¹⁷ The securitization literature indicates that the EU migration-security continuum has not been following just one traditional securitizing logic, centred on exceptional and extraordinary security means. Instead, the process has been reflected predominantly in a mixture of risk management, resilience coupled with elements of 'exceptionalism', and humanitarianism.¹⁸

Risk management and resilience are not typical securitizing logics, as they operate below the threshold of traditional national and 'exceptionalist' security.¹⁹ The managerial- and resilience-centred approaches are oriented on the anticipation and control of populations of risky, uncertain, threatening and unidentified migrants on the one hand and a culture of preparedness and robustness of border and asylum systems on the other.²⁰ As a result of the 'migration crisis' of 2015, the EU has only strengthened these logics by investing in resilient and smart borders, dataveillance capabilities and interoperability.²¹ 'Exceptionalist' security or humanitarianism have also been present in the continuum but mostly as supplementary logics, especially with respect to policy actions deployed on EU borders. After the 'migration crisis' these two logics appear to intertwine with the logics of risk management and resilience. This can be observed in the framing and application of Frontex-militarized border operations focused on saving lives as well as practices of the capture, identification, containment, return of irregular immigrants.²² Similarly, humanitarianism and 'exceptionalism' come into play in relation to Common Security and Defence Policy (CSDP) border operations, which are supposed to save lives, defend and monitor EU borders, and dismantle transborder organized crime at the same time.

17 R. van Munster, *Securitizing Immigration: The Politics of Risk in the EU*, New York/London 2009.

18 M. Stęпка, *Identifying...*, *op. cit.*

19 The concepts of risk and resilience have been embraced by securitization scholars' research as important logics influencing the process of constructing security. See P. Bourbeau, *Resiliencism: Premises and Promises in Securitization Research*, 'Resilience' 2013, vol. 1, no. 1; O. Corry, *Securitisation...*, *op. cit.*

20 M. Stęпка, *Identifying...*, *op. cit.*

21 Interoperability is concerned with the ability of the EU internal security IT systems (e.g. Eurodac, Schengen Information System, Visa Information System) to exchange data and enable the sharing of information.

22 A. Niemann, N. Zaun, *EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives*, 'Journal of Common Market Studies' 2018, vol. 56, no. 1.

The intertwining of different logics can also be observed in regard to practices increasing the resilience of the EU asylum system, which are often discursively linked to the robustness of external border protection.²³ Both systems are supposed to withstand shocks and disruptions caused by increased migratory inflows. In this vein, the EU migration-security discourse has been emphasizing the need to brace itself for the next waves of migration crisis, promoting the culture of preparedness. Here, 'exceptionalism' comes into play with regard to the externalization and militarization of EU migration management. The EU has committed its military and financial capabilities to expand the idea of 'Fortress Europe' onto its neighbourhood and beyond. With the help of military capacity-building missions (e.g. EUCAP Mali) and trust funds, the EU is supposed to increase the border and societal resilience of countries of origin and transit so that they are able to contain possible migratory movements within their borders.²⁴ The next section of this paper investigates how the New Pact on Migration and Asylum fits into this continuum and whether it brings any major changes in regard to securitizing practices deployed at the EU level.

4. The New Pact on Migration and Asylum – another step in the EU securitizing continuum?

The Commission frames the New Pact on Migration and Asylum as a comprehensive and common response to the growing complexity of migratory movements and a much-needed reform of EU asylum and border protection policies.²⁵ As the Agenda on Migration was introduced in response to a specific event and was driven by crisis politics, the pact is supposed to calmly diagnose and evaluate the post-crisis situation and 'build a system that manages and normalizes migration for the long term and that is fully grounded in European values and international law'.²⁶ In this spirit, the document ambitiously aims to improve the common approach to migration and border security by proposing a refreshed common European framework for migration and asylum management, a robust system for crisis preparedness, a strengthened approach to integrated border management, a reinforced approach to the fight against migrant smuggling, a better relationship with international partners and a new framework for attracting skills and talent to the EU.²⁷ Most of these ele-

23 R. Paul, C. Roos, Towards a New Ontology of Crisis? Resilience in EU Migration Governance, 'European Security' 2019, vol. 28, no. 4.

24 A. Niemann, N. Zaun, *EU Refugee...*, *op. cit.*

25 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the New Pact on Migration and Asylum, COM/2020/609 final, p. 3, <https://eur-lex.europa.eu/legal-content/PL/TX/?uri=CELEX%3A52020DC0609&qid=1607428374739> (20.03.2022).

26 *Ibidem*, p. 1.

27 *Ibidem*.

ments feed on different securitizing logics and to different degrees weave migration as broadly understood, especially in its irregular form, deeper into the tapestry of the EU security discourse and practice.

The diagnosis of the post-migration crisis is the starting point for the framing process. It sets the tone for the securitization, defining the root causes of the problem, initial referent objects and threats. From the beginning, the pact mostly follows the EU migration-security continuum and diagnoses migration-related security issues predominantly using a mixture of resilience, risk management and also 'exceptionalist' security logics. At this point, it should be noted that the presented analysis does not explicitly elaborate on the logic of humanitarianism, as it has been visibly downplayed in the document and mostly referenced in relation to the EU involvement in search and rescue operations.

Risk management and resilience-driven securitization are reflected in the EU's approach to irregular migration, here framed as a disruption that requires management, as well as the development of capabilities that allow the mitigation of the negative consequences of potentially growing migratory flows. In this spirit, the document clearly differentiates between legal and desirable mobility and illegal, undesirable, irregular and potentially uncontrollable forms of border crossing.²⁸ The new pact, in line with risk and resilience thinking, suggests that the EU should be nurturing early-warning capabilities as well as a culture of preparedness. It is supposed to be able to withstand shocks stemming from increased irregular migration and bounce back to a situation where the Schengen zone and the mobility of EU citizens remain unharmed. As the document stresses, 'the EU must be ready to address situations of crisis and force majeure with resilience and flexibility – in the knowledge that different types of crises require varied responses.'²⁹ What is quite remarkable for the EU migration discourse is the acknowledgement that there are factors beyond its control, related to force majeure, and scenarios which may require mobilization of certain extraordinary policy solutions.³⁰ This particular type of diagnosis explicitly opens the framing process to a more robust application of 'exceptionalist' security logic, which will manifest itself in the later phases of the framing process.

The key referent objects, defined in the document, are the EU, the Schengen zone, freedom of movement and the integrity of the broadly understood common framework for migration management. Following the rhetoric of risk and resilience,

28 The New Pact on Migration and Asylum plans to support legal mobility with such programmes as the EU Talent Pool, the reformed EU Blue Card Directive, the revised Directive on Long-Term Residents, the revised Single Permit Directive and the revised Directive on Students and Researchers.

29 COM/2020/609 final, p. 11.

30 Proposal for a Regulation of the European Parliament and of the Council addressing situations of crisis and force majeure in the field of migration and asylum, COM/2020/613 final, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52020PC0613> (20.03.2022).

the document often refers to the need for a 'durable', 'robust', 'effective', 'swift' and 'comprehensive' migration and asylum management system that can provide certainty and clarity for EU citizens as well as for refugees arriving in Europe.³¹ In doing so, the new EU approach must be able to address a wide catalogue of structural deficiencies which lead to 'divergent standards of protection, inefficient procedures and encourage the unauthorized movement of migrants across Europe in search of better reception conditions and residence prospects, thus having undesirable effects on the Schengen area' – one major achievement of European integration.³² In this regard, the pact stresses the importance of an effective return policy, which did not work in 2015 and 2016 and which should be considered as one of the key priorities of the new migration management system.

Evaluation of security challenges shows a continued use of the rhetoric of risk and resilience, but also includes stronger traces of 'exceptionalist' security, driven by a more explicit definition of the enemy and a suggestion of mobilization of extraordinary means. In this sense, while attributing blame for uncontrolled migratory flows, the document stresses the destructive and dangerous impact of human smuggling. In line with the migration-security continuum, transborder human smuggling and other forms of transborder organized crime are defined as a clear and present danger to the EU migration and border management system as well as to irregular migrants. As stated in the document, smuggling 'involves the organized exploitation of migrants, showing scant respect for human life in the pursuit of profit. Therefore, this criminal activity damages both the humanitarian and the migration management objectives of the EU'.³³

The new pact touches upon the issue of the facilitation of human smuggling and the criminalization of pro-migrant NGOs and private citizens providing help to migrants at sea. Here, the EU applies elements of humanitarian framing, referring to the universal responsibility to help migrants at sea and a need for more coordinated cooperation during search and rescue activities. While the Commission is satisfied with the effectiveness of the framework, it recognizes the need to 'bring clarity to the issue of criminalisation for private actors through guidance on the implementation of the counter-smuggling rules, and [to] make clear that carrying out the legal obligation to rescue people in distress at sea cannot be criminalized'.³⁴ A different tone is used in relation to illegal employment, which the pact recognizes as one of the 'pull' factors fuelling human smuggling and irregular migration into the EU. In light of the document, national authorities need to ensure the implementation of ex-

31 It should be noted that the document defines refugees as predominantly women and children.

32 A. Doliwa-Klepacka, *The New Pact on Migration and Asylum as a Response to Current Migration Challenges: Selected Issues*, 'Białostockie Studia Prawnicze' 2021, vol. 26, no. 1, p. 17.

33 COM/2020/609 final, p. 16.

34 *Ibidem*, p. 17.

isting EU rules, especially the Employers Sanctions Directive, which is indispensable in deterring third-country nationals staying illegally.³⁵ As the EU takes a portion of responsibility for search and rescue and combating human smuggling, especially in regards to establishing legal and operational frameworks, it also points towards the need for more resilience-centred cooperation with third countries, which should allow more balanced responsibility-sharing. This includes increasing the resilience of third countries through support and ‘capacity-building both in terms of law enforcement frameworks and operational capacity, encouraging effective action by police and judicial authorities.’³⁶

One of the most pronounced threads in the discussion about the future of the common migration and asylum management framework is the attribution of responsibility, and more precisely the issue of solidarity within the EU. The pact proposes a revision of the concept of solidarity, suggesting a more flexible variant than the one discussed in 2015 and 2016. The core of the reform is supposed to revolve around yet another recast of the Dublin Regulation, entitled the Asylum and Migration Management Regulation.³⁷ The new solidarity mechanism is supposed to be adjusted to the dynamic nature of migratory movements, including mixed flows and the geographical location of the crisis.³⁸ It should also be universal, in the sense that EU members should take a share of the burden and responsibility for managing the crisis situation. Yet the element of solidarity is not driven by a rigid framework, but rather is envisaged as a choice open to Member States, especially those strongly opposing the mandatory relocation scheme.³⁹ The proposed solidarity mechanism introduces alternatives to relocation, primarily based on return sponsorship, ‘capacity building, operational support, technical and operational expertise, as well as support on the external aspects of migration.’⁴⁰ The solidarity mechanism should be built on common trust and monitoring of the resilience and vulnerability of the national asylum and border protection systems.

The conceptualization of remedial actions usually constitutes the most extensive part of framing as it ultimately reflects the practices and direction of the securitization process. Regarding specific policy responses, the pact continues to build on logics of risk and resilience entwined with ‘exceptionalism’, placing emphasis on instruments that allow the swift, seamless and fair management of migratory flows and at the same time strengthening the EU’s ability to withstand migration-related crises.

35 *Ibidem.*

36 *Ibidem.*

37 *Ibidem*, p. 6.

38 *Ibidem*, p. 5.

39 E. Kuźelewska, A. Piekutowska, ‘The EU Member States’ Diverging Experiences and Policies on Refugees and the New Pact on Migration and Asylum’, *Białostockie Studia Prawnicze* 2021, vol. 26, no. 1, p. 34.

40 COM/2020/609 final, p. 17.

It expands these logics by strongly investing in 1) flexible crisis management, 2) a robust and integrated border management system, 3) pre-entry screening and swift returns, and 4) the externalization of border management.⁴¹

One of the most interesting developments with regard to the conceptualization of crisis management is the incorporation of two crisis modes, which are supposed to monitor and govern the EU's anticipatory and resilience activities. The first mode, envisaged in the so-called Migration Preparedness and Crisis Blueprint, presents a standardized risk-management profile, driven by early warning, EU-wide coordination and flexibility of specific crisis-response instruments.⁴² The second crisis mode is a new development and is designed to address situations of crisis and force majeure in the field of migration and asylum. As explained in the pact, 'in situations of crisis that are of such a magnitude that they risk to overwhelm Member States' asylum and migration systems, the practical difficulties faced by Member States would be recognized through some limited margin to temporarily derogate from the normal procedures and timelines, while ensuring respect for fundamental rights and the principle of non-refoulement.'⁴³ With this mode of crisis management, the EU recognizes the scenario in which it loses control over its own systems and needs to step away from normal standards and procedures in order to protect the basic functionality of the EU migration system. This could be viewed as one of the most explicit examples of the application of 'exceptionalist' security logic in the EU migration-security continuum.

The EU's approach to border management is driven by the need to control unauthorized population movements within and beyond the EU's external borders. This is why it calls upon a multitude of instruments and policies to protect the Schengen zone and the EU itself. As the pact stresses, 'the integrity of external borders is a shared responsibility of all Member States and Schengen Associated Countries, and of the EU and its agencies'.⁴⁴ On the one hand, the document emphasizes the importance of the coordination of national border authorities and external actors, but on the other hand it underlines the role of Frontex, which has gained power and relevance in the wake of the 2015–2016 'migration crisis'. The key point is Frontex's responsibilities in regard to the coordination of joint operations, its monitoring and intelligence capabilities (e.g. risk analysis, border vulnerability analysis) and last but not least 'a standing corps with a capacity of 10,000 staff which remains essential for

41 *Ibidem*, p. 5.

42 Commission recommendation (C/2020/6469 final) on an EU mechanism for preparedness and management of crises related to migration (Migration Preparedness and Crisis Blueprint) https://ec.europa.eu/info/sites/info/files/commission_recommendation_on_an_eu_mechanism_for_preparedness_and_management_of_crises_related_to_migration_migration_preparedness_and_crisis_blueprint_0.pdf (20.03.2022).

43 COM/2020/609 final, p. 12.

44 *Ibidem*.

the necessary capability to react quickly and sufficiently'.⁴⁵ Regarding operational involvement, the pact continues the 'exceptionalist' security logic known from the times of the 'migration crisis,' putting emphasis on the role of militarized means in the service of border protection. The document clearly names the Common Security and Defence Policy as an important contribution to the fight against irregular migration and migrant smuggling.⁴⁶

A significant part of the risk management-driven border management system is up-to-date and interoperable IT systems that gather data on new arrivals and movements across the EU.⁴⁷ This dataveillance and identification and the monitoring of risky, unwanted and irregular migrants has been gaining importance as the element of risk management, assisting in the assessment of structural vulnerabilities as well as 'helping the work of identifying cases of overstaying'.⁴⁸ The idea of interoperability is to fully integrate data on migration with security and justice databases and ensure communication between them. As indicated in the pact, the goal is that national authorities have complete, reliable and accurate information (including biometrics) while detecting and monitoring asylum applicants and returnees as well as unauthorized movements and migration-related criminal activities.⁴⁹

Another important set of security practices deployed towards irregular migrants is pre-screening. As indicated in the pact, 'screening will include identification, health and security checks, fingerprinting and registration in the Eurodac database. It will act as a first step in the overall asylum and return system, increase transparency for the people concerned at an early stage and build trust in the system'.⁵⁰ The pre-screening is supposed to help quickly and swiftly differentiate between desirable and undesirable irregular migrants and quickly return the latter to the country of origin or the safe country of transit. In this regard, the rules on asylum and return border procedures are supposed to be regulated by one legislative document, making it a part of a seamless cycle of identification (pre-screening) and expulsion (return).⁵¹ The idea is that 'for those whose claims have been rejected in the asylum border procedure, an EU return border procedure would apply immediately. This would eliminate the risks of unauthorized movements and send a clear signal to smugglers'.⁵² The swift return

45 *Ibidem*, p. 13.

46 *Ibidem*, p. 17.

47 The systems participating in interoperability are the Entry/Exit System, the European Travel Information and Authorization System, the Visa Information System, the European Criminal Records Information System for third-country nationals, Eurodac and the Schengen Information System.

48 COM/2020/609 final, p. 13.

49 *Ibidem*, pp. 12–13.

50 *Ibidem*, p. 5.

51 *Ibidem*.

52 *Ibidem*.

operations are supposed to be strengthened by Frontex as well as by return sponsorship, which can be carried out by EU Member States who do not want to participate in the relocation mechanism. Under return sponsorship, the Member States 'would provide all necessary support to the Member State under pressure to swiftly return those who have no right to stay, with the supporting Member State taking full responsibility if return is not carried out within a set period'.⁵³

Next to practices of capture, identification, containment, return, stronger and flexible solidarity, and robust legal frameworks governing migration, the pact explicitly promotes the need to include external actors in the promotion of migration-related resilience. It recognizes the need to act beyond the EU's external borders, employing both economic and security means. The documents highlight the need to better mobilize EU trust funds and External Investment Plans and target partner countries with a significant migration dimension. The aim is to strengthen the counties of origin and build 'resilient economies delivering growth and jobs for local people and at the same time reducing the pressure for irregular migration'.⁵⁴ Closer economic and political ties are supposed to secure swift return and the readmission and reintegration of irregular migrants. The externalization of migration management also includes elements of 'exceptionalist' logic, here reflected in extended border management and the EU capacity-building actions run by CSDP as well as by EU agencies such as Frontex. Capacity-building missions are supposed to strengthen the border security capabilities of the EU partner countries, 'including by reinforcing their search and rescue capacities at sea or on land, through well-functioning asylum and reception systems, or by facilitating voluntary returns to third countries or the integration of migrants'.⁵⁵

Conclusion

The New Pact on Migration and Asylum as a securitizing move is strongly embedded within the migration-security continuum and existing security logics. It follows risk management and resilience, underlining the need to maintain control over the EU border and increased migratory movements. The document clearly emphasizes a need for more robust capture, identification, containment, return activities, either in reference to border procedures and pre-screenings or a more flexible solidarity mechanism and return sponsorship. What represents quite a change in regard to the continuum is an evident sidelining of humanitarianism and a more robust application of 'exceptionalism'. Besides explicit references to CSDP missions and EU security agencies as tools for migration management, the EU emphasizes one more

53 *Ibidem*, p. 6.

54 *Ibidem*, p. 19.

55 *Ibidem*, p. 21.

instrument. The extraordinary mode of crisis management in situations of migration crisis and force majeure explicitly indicates that the EU recognizes increased migratory flows as a power that can incapacitate the EU migration management system. That is why it requires the incorporation of extraordinary means and derogations that will allow the EU to maintain control over mobility through its borders. In this vein, the pact moves the migration-security continuum slightly towards 'exceptionalism', while still strongly investing in practices and technologies of risk management and resilience.

REFERENCES

- Baele S., Jalea D., Twenty-Five Years of Securitization Theory: A Corpus-based Review, 'Political Studies Review' 2022, online edition, <https://doi.org/10.1177/14789299211069499>, pp. 1–14.
- Balzacq T. (ed.), *Contesting Security: Strategies and Logics*, New York/London 2015.
- Boräng F. et al., Identifying Frames: A Comparison of Research Methods, 'Interest Groups & Advocacy' 2014, vol. 3, pp. 188–201.
- Bourbeau P., Resiliencism: Premises and Promises in Securitization Research, 'Resilience' 2013, vol. 1, no. 1, pp. 3–17.
- Commission recommendation (C (2020) 6469 final) on an EU mechanism for preparedness and management of crises related to migration (Migration Preparedness and Crisis Blueprint) https://ec.europa.eu/info/sites/info/files/commission_recommendation_on_an_eu_mechanism_for_preparedness_and_management_of_crises_related_to_migration_migration_preparedness_and_crisis_blueprint_0.pdf.
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the New Pact on Migration and Asylum, COM/2020/609 final, <https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX%3A52020DC0609&qid=1607428374739>.
- Corry O., Securitisation and 'Riskification': Second-Order Security and the Politics of Climate Change, 'Millennium – Journal of International Studies' 2012, vol. 40, no. 2, pp. 325–258.
- Côté A., Agents without Agency: Assessing the Role of the Audience in Securitization Theory, 'Security Dialogue' 2016, vol. 47, no. 6, pp. 541–558.
- Doliwa-Klepacka A., The New Pact on Migration and Asylum as a Response to Current Migration Challenges: Selected Issues, 'Białostockie Studia Prawnicze' 2021, vol. 26, no. 1, pp. 9–21.
- Fijałkowski Ł., Jarząbek J., Between Emergency and Routine – Securitisation of Military Security in Iran and Indonesia, 'Third World Quarterly' 2019, vol. 40, no. 9, pp. 1670–1688.
- Fijałkowski Ł., Teoria sekurytyzacji i konstruowanie bezpieczeństwa, 'Przegląd Strategiczny' 2012, vol. 1, no. 2, pp. 150–161.
- Huysmans J., *The Politics of Insecurity: Fear, Migration and Asylum in the EU*, New York/London 2006.
- Huysmans J., What's in an Act? On Security Speech Acts and Little Security Nothings, 'Security Dialogue' 2011, vol. 42, no. 4/5, pp. 371–383.

- Kuźlewska E., Piekutowska A., The EU Member States' Diverging Experiences and Policies on Refugees and the New Pact on Migration and Asylum, 'Białostockie Studia Prawnicze' 2021, vol. 26, no. 1, pp. 23–36.
- Massari A., Visual Securitization: Humanitarian Representations and Migration Governance, Cham 2021.
- Munster R. van, Securitizing Immigration: The Politics of Risk in the EU, New York/London 2009.
- Niemann A., Zaun N., EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives, 'Journal of Common Market Studies' 2018, vol. 56, no. 1, pp. 3–22.
- Paul R., Roos C., Towards a New Ontology of Crisis? Resilience in EU Migration Governance, 'European Security' 2019, vol. 28, no. 4, pp. 393–412.
- Press statement by President von der Leyen on the New Pact on Migration and Asylum, https://ec.europa.eu/commission/presscorner/detail/en/statement_20_1727.
- Proposal for a Regulation of the European Parliament and of the Council addressing situations of crisis and force majeure in the field of migration and asylum, COM(2020) 613 final, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52020PC0613>.
- Stęпка M., Identifying Security Logics in the EU Policy Discourse: The 'Migration Crisis' and the EU, Cham 2022.