

# EU Migration and Asylum at a Crossroads: Planning for Uncertainty

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# Executive summary

Following the adoption of the New Pact on Migration and Asylum reforms, the Common European Asylum System (CEAS) is about to formally begin its new life, with the policy machine now in motion. The policy cycle officially starts in October 2025 when the European Commission presents its first Annual Asylum and Migration Report and transmits to the Council a proposed allocation and distribution of solidarity, based on the needs identified in the Annual Report. It will then be up to the Commission to secure buy-in from member states and the Council to reach an agreement on the “Solidarity Pool”.

Since the reforms’ adoption, the Commission’s mantra has been clear: “implement, implement, implement”. The immediate focus is on ensuring operational preparedness and rallying member states behind the new architecture. Once the Annual Report is published and discussions on the Solidarity Pool begin, national administrations and EU systems will have to be implementation-ready by mid-June 2026, when the reformed rules become fully applicable.

Beneath the surface, uncertainty looms on two fronts: whether member states will have the capacity – people, infrastructure, resources – and the political will to implement, and how resilient the system will be to external shocks – from geopolitical instability and displacement dynamics in nearby regions to potential rises in irregular arrivals that test both administrative and political resilience. This Discussion Paper aims to steer an informed conversation about the risks and possible failures linked to implementation. It adopts a foresight-inspired approach to stress-test assumptions and identify pressure points before they harden into crises.

The Paper sets out four fictional but plausible scenarios. The scenarios are based on a two axis-matrix which reflects different political priorities: implementing the

new rules in full and preserving the CEAS. In the first scenario, implementation is ensured and the CEAS preserved until geopolitical instability threatens both. The second scenario features a phased, control-first rollout that preserves the CEAS but leaves the overall system fragile. In the third, a coalition of willing states aims to form an ‘Open Supra-governmental Avantgarde’ (OSGA).<sup>1</sup> The OSGA promotes cooperation and implementation via mini-Schengen and mini-Dublin arrangements while the CEAS comes to an end. In the fourth, non-implementation cascades into the collapse of the CEAS and threatens the EU as such.

The Paper presents these scenarios via an experimental and journalistic register to maximise accessibility and policy salience. Each fictional report is set in late December 2026 – six months after the Pact’s entry into application and roughly a year after the Solidarity Pool’s scheduled adoption – to illustrate how early decisions and external events could combine in practice.

None of the four scenarios is intended to predict how the future will unfold. In fact, the scenarios are not based on an accurate stocktaking of member states’ capacity or will to implement the new rules.<sup>2</sup> However, each reveals specific vulnerabilities – from limited commitments to solidarity and capacity bottlenecks, political polarisation and over-reliance on externalisation – that policymakers should factor into implementation choices. While the paper does not advance recommendations, it argues that a foresight function should be built into the CEAS through regular and system-wide assessments. Doing so is essential to strengthen preparedness, maximise the reforms’ potential benefits while avoiding strategic risks.

**Table 1. Four implementation scenarios for the reformed CEAS.**

Analytical Axes	Preserving CEAS	Undermining CEAS
Implementing common rules	<b>Scenario 1 - Smooth Implementation:</b> Screening and border procedures run on schedule; asylum claims are processed efficiently; and the solidarity mechanism operates effectively. The CEAS operates as designed and remains stable, at least while external pressure stays manageable.	<b>Scenario 3 – Patchwork Europe:</b> The 2025 Annual Report is followed by a schism between compliant and non-compliant countries. Implementation of common rules continues within a coalition of willing states where mini-Schengen and mini-Dublin arrangements replace Union-wide rules.
Not implementing common rules	<b>Scenario 2 - Gradual Rollout:</b> The CEAS formally endures, but implementation favours control-oriented measures – screening, border procedures and Eurodac. Relocations lag, leaving the CEAS framework intact but fragile.	<b>Scenario 4 - Systemic Collapse:</b> Non-implementation triggers the collapse of the CEAS. In its place, ‘renationalisation’ of migration policy becomes the default option. Border controls are tightened. Cooperation narrows to an “External Pact” focused on returns and containment.

# Introduction

The New Pact on Migration and Asylum, adopted to reform the Common European Asylum System (CEAS), is set to fully apply from mid-June 2026. Although it promises certain marginal improvements, particularly on border management and solidarity mechanisms, what is often overlooked is the complexity of its underlying architecture. The reforms establish a new system encompassing a sophisticated implementation cycle, coordinated decision-making and extensive information-gathering.

This new machinery formally starts operating with the launch of the Annual Asylum and Migration Management Report in October 2025. Based on its assessment, the Commission is to put forward – not publish – a proposal for a Council Implementing Act establishing member states' indicative solidarity contributions (the 'Annual Solidarity Pool') necessary to address migration challenges in the upcoming year and their projected solidarity needs, including required relocations and financial contributions.

After the long and difficult negotiations leading to the adoption of the reforms, the Commission is now steering this new policy cycle. It has developed and maintained **a strong pro-implementation narrative**, using every opportunity to remind member states of their obligations while acknowledging the technical and financial hurdles ahead.

Both the reforms and the Commission's consistent narrative represent a step forward. They reflect a key lesson learned from the generation of CEAS rules that will remain in force until mid-2026: **the impact of law and policy is often less about design and more about delivery**. Delivery depends not only on regulatory frameworks, but also on real-world compliance, adequate financial and administrative capacities, political will and credible enforcement.

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Yet the road ahead is uncertain. Compliance with the adopted reforms will depend heavily on national budgets and EU funding. The next Multiannual Financial Framework (MFF) from 2028 onwards and the new solidarity mechanism will need to ensure appropriate resources. Meanwhile, the current EU budget must incentivise compliance and maintain stability amid uncertainty in migration management.

Other constraints may prove even more consequential than financial ones. A lack of national political will or administrative preparedness to enforce the reforms, alongside the Commission's leadership, will be critical tests, perhaps the hardest, and could determine the Pact's success or failure.

The current situation does not inspire confidence. Eight months from implementation day, Hungary and Poland continue to reject the Pact. The October 2025 Czech elections add further uncertainty, as the new government in Prague could soon join the ranks of those pushing back. Some countries, particularly in Southern Europe, may quietly hope to continue business as usual, ignoring responsibility-allocation rules and externalising both the costs and consequences of non-compliance. Others, mostly in the north, are likely concerned about the functioning of the solidarity mechanism. Following the Commission's presentation of the Annual Report and Solidarity Pool proposal, they must now make pledges for relocations or financial contributions without guarantees of greater compliance with the new rules, which will only become applicable next year, while already struggling to find the resources to ensure adequate reception conditions. Relocations, in particular, may be a hard sell to the domestic electorate.

At the same time, geopolitical instability in the Union's neighbourhood continues to stir concerns about displacement. This fuels fears that the Pact may be implemented just as the system faces heightened fragility.

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Despite these signs, the Commission remains unmoved, insisting that full implementation is the only path forward. The message remains unchanged: **'Implement, implement, implement.'** But, with many member states unprepared or unwilling to fully comply, capacity gaps emerging and international instability deepening, difficult questions will soon come to the fore.

How should the Commission prepare for systemic non-compliance? What degree of non-compliance can the new system absorb, politically and administratively? What contingency strategies should the Commission, member states, and other actors – local authorities, international organisations and civil society – adopt if implementation

falters? When, if ever, should the Commission shift its narrative that implementation must proceed ‘no matter what’ – and what message should it replace this with?

Relevant questions do not only pertain to negative scenarios: will there be no challenges, and no costs, even if implementation is ensured from day one?

This Discussion Paper explores these and related questions through a foresight-inspired approach, examining four possible scenarios: (i) **Smooth Implementation**; (ii) **Gradual Rollout**; (iii) inconsistent implementation, leading to **Patchwork Europe**; and (iv) no implementation, leading to **Systemic Collapse**. The scenarios are identified based on a two-axis matrix reflecting different political priorities: implementing or not the new rules and preserving or not the CEAS.

The matrix simplifies these scenarios and marks end-states. Rather than yes/no categories, the axes should thus be understood as denoting ranges, with the development of the scenarios falling along a spectrum of implementation possibilities and degrees of CEAS erosion. Illustrating this, Scenario 3 presents a high degree of implementation for some, but not all, member states.

To construct these scenarios, the Paper considers a series of trends and uncertainties that go beyond the simple question of CEAS integrity and implementation. These include geopolitical and operational factors (neighbourhood instability, border pressure, the role of externalisation); technological shifts (digitalisation, AI);

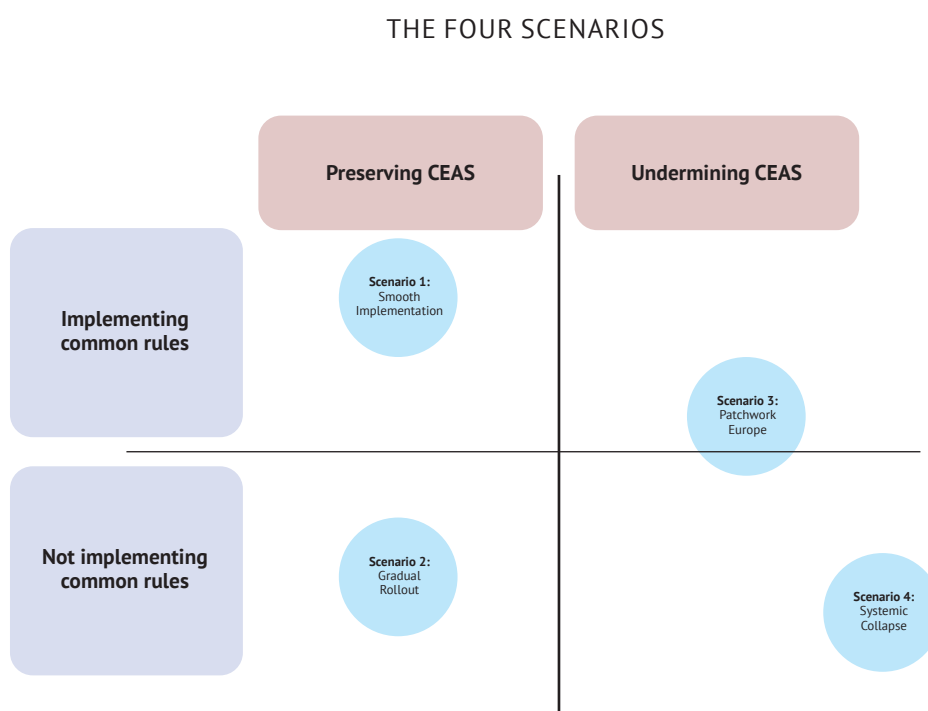
institutional and political dynamics (the solidarity balance, financial availability, the Commission’s enforcement stance, the degree of trust among member states). Legal and judicial developments (the future of Schengen, derogations based on Article 72 of the Treaty on the Functioning of the European Union (TFEU), “Return Hubs”, the revision of the Safe Third Country concept, pressures on the European Convention on Human Rights and 1951 Geneva Refugee Convention, and legacy backlogs from the old rules), are also part of the equation. A ‘technical’ overview which classifies the trends and uncertainties by scenario is presented in Technical overview of the four scenarios.

The four scenarios are presented not in technical prose but in an accessible, journalistic register and format. Each is presented via a fictional news article published in December 2026. The article revisits developments taking place after the presentation of the Commission’s first Annual Migration and Asylum Report in October 2025 and closes with a reflection on the future.

The Discussion Paper begins by outlining the reformed CEAS framework, providing background for non-specialist readers. Each scenario is then assessed in terms of its systemic effects, including operational outcomes and impacts on other policy areas. While none of the four scenarios is fully predictive, none is entirely fictitious, either. Elements of each are already becoming visible.

Rather than offering predictions, this approach helps policymakers and stakeholders **anticipate and manage uncertainty**, developing strategic responses to potential outcomes of New Pact implementation.

Figure 1



Source: Authors.

All scenarios remain open, making this the perfect moment to reflect on and prepare for plausible futures. What is at stake is not only the credibility and functioning of the EU asylum system. It is also migration policy writ-large, and whether the EU will pursue more ambitious policies across the board. It is trust between member states, European integration, and the EU project itself.

The Paper concludes with forward-looking reflections. Instead of offering concrete recommendations to reach a more desirable future, its core message is that foresight exercises and contingency planning must be embedded in the CEAS policy cycle and in EU migration governance.

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## Understanding the New Pact and its implementation

The New Pact on Migration and Asylum arguably represents **the most ambitious attempt in two decades to reconcile national interests with common EU rules** on migration.<sup>3</sup> It brings together asylum, return and border management reforms. It introduces a new solidarity mechanism designed to facilitate responsibility sharing and tools to prevent systemic failures due to a lack of preparedness. The reformed CEAS will operate amid both internal and external factors. The former includes the capacity and willingness of member states to comply with the new rules. The latter includes irregular arrivals triggered by geopolitical instability and other shocks.

The Pact preserves the Dublin principle that the member state of first entry is responsible for examining asylum applications and maintains ‘Dublin transfers’ between member states. However, it also introduces new balancing tools. These relate to the functioning of “adequate capacity”, the new mandatory but flexible solidarity mechanism, and the allocation and distribution of solidarity via a new policy cycle kickstarted by the Annual Migration and Asylum Report.

To understand how the new CEAS rules will work, it is useful to begin with the new “seamless process” that the Pact aims to establish at the EU’s external borders to streamline and simplify procedures. **At its core lies the introduction of pre-entry screening, coupled with mandatory border procedures** for certain categories of arrivals. It is at this stage that vulnerabilities should be identified, and asylum applicants channelled into asylum or return procedures under strict timelines designed to deliver faster and more predictable outcomes.

Under the reformed CEAS, border procedures will become mandatory for certain categories of asylum applicants, including individuals deemed to have misled authorities and persons from countries with a first-instance recognition rate of 20% or lower, according to Union-wide average Eurostat data. The latter rule

especially will likely generate a high number of border procedures. Illustrating this, in 2024, nationals of Morocco, Tunisia and Bangladesh, all below the 20% threshold, accounted for some of the largest groups of asylum seekers.

These new rules will be especially important for states at the EU’s external borders. Yet, the reformed CEAS also allows derogations from this obligation once a member state reaches a pre-defined threshold. The concept of **adequate capacity** acts as a balancing tool. Coupled with the annual ceiling on applications to be examined at the border, it sets a benchmark for how many arrivals each member state should be able to handle based on common indicators. In a nutshell, adequate capacity refers to the maximum simultaneous caseload a member state should handle in border procedures, mainly based on past figures on irregular border crossings and refusals of entry. It therefore serves as a preparedness threshold and a safeguard for member states managing the highest volumes of arrivals.

In the annual cycle starting in 2026, the EU-wide capacity for the border procedure has already been set at 30,000 simultaneous places. If a member state’s adequate capacity is exceeded, or the annual ceiling is reached, the affected member state may suspend border procedures for several categories of applicants, such as those from low-recognition rate countries and individuals deemed to have misled authorities, to relieve pressure on its border facilities.

The Commission has already fixed the national baseline for cases to be examined simultaneously between June 2026 and June 2027. Italy (8,016) and Hungary (7,716) were assigned the largest national baselines, together accounting for 15,332 of the 30,000 places. Comparatively, the baselines for Cyprus and Greece are 952 and 2,188 places respectively. Higher shares translate into a heavier administrative workload for Italy and Hungary if arrivals persist.

The Pact also introduces a **solidarity mechanism**, activated only once the Commission’s annual assessment identifies a member state as facing “migratory pressure” – becoming a beneficiary – or in a “significant migratory situation” – eligible for partial deductions of solidarity contributions (see Box 1 for definitions).

At the core of the reformed CEAS lies a **new governance system** and policy cycle designed to align solidarity and responsibility. Each October, the Commission publishes an **Annual Asylum and Migration Management Report**, identifying which member states are under pressure, at risk of pressure or facing significant migratory pressure. The assessment draws on objective indicators such as applications for international protection, persons in the border procedure and beneficiaries of Temporary Protection, among others. Yet the weighting of these indicators is undisclosed, leaving discretion to the Commission and scope for both political interpretation and ramifications.

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Based on this assessment, **the Commission proposes an Implementing Decision – the Annual Solidarity Pool** – with indicative solidarity contributions to be adopted by the Council after a pledging exercise within the High-Level EU Solidarity Forum. Neither the Commission’s proposal nor the negotiations will be made public. Due to the political significance of the Solidarity Pool, at both European and domestic level, only the final Decision will be published.

In principle, this annual cycle aims to provide resilience, transparency and burden-sharing. In practice, **much will depend on the reliability of data** – which could be especially problematic for interpreting the consequences of the first cycle’s implementation – **the willingness of member states to honour pledges** and the Commission’s capacity to oversee **compliance** and ensure enforcement.

Solidarity is designed to be “flexible,” with relocations, financial contributions or alternative solidarity considered of equal value. Financial solidarity can also be channelled to external-dimension projects, including partnerships with third countries on migration management and border control.

This flexibility is seen as a welcome innovation ensuring member state buy-in and addressing some of the operational and political resistance to relocations. However, it also introduces uncertainties – notably the risk that relocation pledges fall short, or that most member states only commit to one type of solidarity. “Responsibility offsets” can be activated as an alternative to relocations once a threshold is reached<sup>4</sup> or as a fallback for member states that do not deliver on their pledges. Offsets can thus be understood as an additional safeguard for member states at the EU’s external borders.

The distinctions between the various situations, and particularly between “migratory pressure” and “significant migratory situation” are key for how solidarity is triggered and allocated. Only the former grants access to full solidarity benefits through the Annual Solidarity Pool, while the latter allows limited relief under strict conditions.

To ensure the mechanism functions smoothly, an EU Solidarity Coordinator will monitor and coordinate its operational aspects and act as a central point of contact.

#### BOX 1: DEFINITIONS OF ‘MIGRATORY PRESSURE’ AND ‘SIGNIFICANT MIGRATORY SITUATION’

*Significant migratory situation* denotes the effect of recent and past arrivals that bring the asylum system close to its limits. In this case, member states do not benefit from solidarity relief but may request a full or partial deduction of their pledges and draw on the Permanent EU Migration Support Toolbox.<sup>5</sup> If the situation deteriorates further, the concerned member state can notify the Commission and request to be identified as under migratory pressure, thereby opening the way to full solidarity support under specific conditions. *Migratory pressure* gives access to solidarity benefits through the Annual Solidarity Pool. It refers to large or imminent inflows that place a strain on even a well-prepared system.

Running this system will be administratively complex, politically challenging and financially burdensome. The Pact relies on a dual financial logic:

- ▶ **EU budget funds** under the MFF (notably AMIF and BMVI) finance capacity-building, infrastructure and integration;
- ▶ **Financial solidarity contributions**, outside the EU budget, are channelled directly through the Pact’s mechanism.

The interplay between these two streams will be politically delicate: the first depends on the allocation of national shares for the implementation of the Pact in the framework of the existing MFF, the second on annual national pledges. Whether the combined financial resources prove sufficient and timely is an open question.

Taken together, the Pact creates a more structured, yet still fragile system. It anchors solidarity in law yet leaves wide scope for political discretion and manoeuvre. Its implementation will be less about the letter of the law than about how the new system – and member states – will react to external shocks and domestic pressures.

The following sections present four scenarios that illustrate how the implementation of the Pact reforms may unfold under contrasting conditions. They aim to

map uncertainty and anticipate systemic effects of the Pact's first year, offering a structured framework for reflection on the resilience of the reformed CEAS and of EU migration governance as a whole.

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## Scenario 1: Smooth Implementation – “Working, Not Settled: The Pact Holds, For Now”

### BOX 2: OVERVIEW OF ‘SMOOTH IMPLEMENTATION’ SCENARIO

In mid-June 2026, the reformed rules go live, and implementation runs relatively smoothly. The Commission hails the Pact as a success. Yet challenges emerge: processing capacities come under strain; financial contributions outweigh relocations; rights safeguards are thin. Internal divisions and growing external pressures are the real stress test for the reformed CEAS.

**Brussels, December 2026** – As the holiday lights go up across the European Quarter, Commission officials are celebrating. The Pact is functioning. Six months after its formal entry into force in June, the core rules of the New Pact on Migration and Asylum are in place – and, broadly speaking, they are being applied. The European Council's final conclusions of the year, adopted just a few days ago, framed it cautiously: “The Union has taken significant steps towards a more controlled, predictable and unified migration policy.” But that carefully negotiated and phrased sentence hides a deeper unease. Beneath the surface, the challenges are multiplying.

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**Implementation day passed without incident. All the key elements of the Pact are now operational.**

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**The mood is about to be reshaped by what lies beyond Europe's borders**, some observers note. Due to a combination of environmental shocks, lack of aid, increasing security threats and political turbulence, many are being displaced from Afghanistan. Iran's own instability has turned movement into momentum toward Türkiye. In Syria, inter-ethnic and inter-religious frictions are sharpening. After a short-lived stability, Gaza faces renewed Israeli strikes and internal unrest. Lebanon's economy is still not back on its feet, and pressure is building for Syrians and Palestinians to move on – with Cyprus, Greece, and, further west, Italy whispered in Council corridors as the likely first pressure points. Türkiye, some public officials hinted, could “open the gates” if Europe does not lean in harder. That is the strategic horizon officials carry into every discussion: a neighbourhood edging toward a new wave of displacement, and an EU that must make the Pact work precisely to avoid being tested by it.

This December's EU Summit captured the anxiety in unusually direct terms: with the Implementing Decision on solidarity contributions expected, EU leaders affirmed that **all resources and tools must be fully mobilised to keep irregular arrivals low and avoid putting pressure on the CEAS**. The wording was political but plain: the system is holding, and the priority is to keep it that way. Migration has already been set as item one on the agenda for the March 2027 Summit now in drafting.

But for now, the machinery is indeed running, and the Commission believes it has every reason to call it a victory. Implementation day in mid-June of this year passed without incident. Across the Union, all the key elements of the Pact are now operational. At Europe's borders, multipurpose facilities have been built. These

facilities are adequately equipped and staffed, with deadlines rigorously enforced. Despite some resistance by locals, national governments admit that these facilities are the price to be paid for more controlled migration. Meanwhile, the European Border and Coast Guard Agency (EBCG or 'Frontex') and European Union Agency for Asylum (EUAA) have multiplied their deployments and efforts. Thanks to these new administrative resources and infrastructure, asylum applications are processed within weeks – a sharp contrast to years of limbo under the previous rules.

**The upgraded Eurodac is now live** and nearly every foreign national is registered – not just new arrivals but also irregularly staying third-country nationals. **Asylum applicants are systematically screened** and channelled into different procedures according to their profile, such as nationality or vulnerability.

While the Solidarity Pool adopted last year did not satisfy frontline states, compromises were struck. Still, the geography of pressure has been uneven in the first six months since the new rules took effect. Italy has operated with a comfortable margin: arrivals have remained well below its “adequate capacity” threshold, buying time for its administrative systems to adjust to the new regime. Greece has been close to its limits. The issue is not just current inflows: backlogs predating June persist, leaving segments of the system – especially the return border procedure – stretched thin. Where the calendar tightens, the files pile up.

The Commission’s first Annual Report, published in October 2025, made Greece’s designation formal: under pressure, and still is. That triggered the Solidarity Pool, putting the onus on other member states to step in. In practice, the response split along a familiar line. Financial contributions moved quickly and at scale. Relocations did not. Administrative delays and disagreements over profiles meant only a small share of pledged places turned into transfers. Officials can already recite the pattern: **the money arrives. The people do not leave.**

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Yet, the Commission’s insistence on “implement, implement, implement” appears to have paid off. Politically, this first six months also appears a success. Inside DG HOME, the message is simple: **the Pact is implemented; pro-European governments have held**, at least for now. Poland’s quiet alignment has helped the narrative. After months of hedging,

Warsaw fell into line, assisted by a creative package of infrastructure and support linked to its reception of displaced Ukrainians. The move lowered the temperature and removed a potential obstacle to building a stronger foundation for Europe’s migration management at a crucial time.

But true and full unity remains elusive. In contrast with Poland, Hungary remains defiant. It has not implemented key provisions and continues to challenge the Solidarity Pool. After narrowly winning another term this year, Orbán’s government is more isolated and domestically weakened. The Commission has opened infringement procedures, but the Hungarian government remains defiant. Hungary has found an ally in Czechia, where ANO’s electoral success in 2025 has hardened Prague’s stance on migration management. Meanwhile, a proposal to exclude them from Schengen is gaining traction. In the Schengen Forum and the latest Council working parties, some ministers have floated the idea of a new legal basis to reintroduce internal border controls where non-cooperation on migration persists. A handful of capitals are calling for a **Schengen exclusion clause** to be written into the Schengen Borders Code.

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While the Pact’s operational gains are real, the system’s social outcomes lag behind. Across several member states, asylum seekers and refugees still struggle to enter the labour market. In some, the problem is bureaucratic – uncertainty over status, documentation delays and confusion about entitlements. In others, it is deliberate: authorities keep the environment unwelcoming to deter arrivals. The result is familiar: people protected in law but excluded in practice, with integration sliding down the priority list.

The problems are compounded by the lack of mobility within the EU. Refugees still cannot realistically relocate to other member states for family reunification or work. With the reform of the Long-Term Residents Directive shelved years ago, even those granted protection face restrictions on where they can live or work. Although secondary movements have dropped and some internal border controls have been lifted, mobility for beneficiaries of protection remains limited. The consequence: protection is trapped territorially, and integration outcomes remain weak.

An even clearer sign that the Pact's success is leaving some behind concerns those who filed asylum applications before 'implementation day'. **Applications filed before June 2026 are subject to the old rules.** But as administrations shift staff and funds to the new regime, earlier cases are being deprioritised. Across Belgium, Germany, France and Greece, hundreds of thousands remain in limbo. They are stuck legally and physically: files waiting, communication sporadic, reception inconsistent. Many try secondary movements, hoping a different administration will move faster. But with internal border controls still in place in key corridors and Dublin rules more rigorously enforced, journeys are often blocked. The term that has now crept into official parlance fits: limping situations.

Money remains a hard constraint. Through early autumn, the balance of spending under the current MFF still focused on strengthening administrative capacity and infrastructure. New facilities for screening and border procedures went up with EU support, but resources are insufficient. Where returns cannot be executed for lack of cooperation with partner countries, third-country nationals end up staying longer in border or detention facilities, depressing adequate capacity thresholds. As the neighbourhood instability grows, the spending profile has pivoted, with security now the priority.

While the Commission has resisted political pressures to use funding for building walls, new surveillance technology has been purchased. These include drones and other defence-ready technology. Several member states have also successfully argued that investments in border fences and surveillance equipment qualify as **NATO-compatible defence spending**. This has enabled them to unlock substantial funds from national defence budgets, further 'securitising' migration. The result: new fences and walls, more drones, and an expanded security perimeter stretching across the EU's external frontiers. The mechanics of solidarity have been pulled along by that drift towards securitisation and externalisation, drawing sharp criticism from civil society. Contributions are not framed as a sharing of responsibility for reception, but as a shared investment in returns and external capacity.

Further reforms have advanced in parallel. The revision of the Safe Third Country concept and the Return Regulation, including the proposed "Return Hubs", advanced at speed, and finally overcame resistance from the European Parliament earlier this year. The Council's original draft contained no exception for families and minors, but after a Danish-led compromise, the S&D group in the Parliament accepted Return Hubs with explicit carve-outs. For progressives, it was a pyrrhic victory. The Regulation's swift application has led to Return Hubs being established in the Western Balkans, with several member states channelling financial solidarity to co-manage them. Officials say this is the fastest way to keep numbers low without asking domestic electorates to take in more people.

There is, undeniably, a functioning system in place now. The Pact is not just legislation; it has become the scaffolding of Europe's migration governance. The newly implemented rules have closed procedural and operational gaps. And yet, their implementation has opened legal and moral ones.

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Rights groups have begun documenting the human cost of implementation almost as soon as the new rules went live. The screening that has improved speed has also thinned safeguards. They allege that many asylum seekers are being misclassified during the screening phase, with vulnerable individuals not being properly identified, resulting in delayed or denied assistance. Some are channelled into the wrong procedures, including people with strong protection needs pushed prematurely toward returns. Translators are overstretched, appeals rushed and access to counsel uneven, they denounce. Cases have been filed in national courts and at the European Court of Human Rights. The overall claim is not that the Pact does nothing, but that, in practice, it does too much of the wrong thing for the wrong people.

The European Parliament's feeble opposition to Return Hubs also drew the condemnation of civil society. In their reading, the hubs' scope – all third-country nationals subject to a return decision, including families and minors – is too broadly framed, and the safeguards too loose, to satisfy human-rights standards in practice.

**Politically, too, tensions persist.** Even beyond Hungary and Czechia, political tensions are simmering, and risk re-emerging with greater force in the future. Mainstream parties and governments had hoped that implementing the Pact would calm public discourse. The Commission had argued as much. Centre-left and centre-right governments assumed a functioning system would de-politicise migration. But politically, fault lines have not disappeared. They are simply being redrawn. The Right and Eurosceptics have doubled down on the sovereignty narrative. In Poland, opposition media claim that the EU has successfully forced "migration quotas through the back door" and that the government has been subjugated by Brussels. In Germany and in France – where the National Rally is in a head-to-head in the upcoming elections – the opposition has used the Pact to galvanise discontent and broader critiques of integration. Those on the left have sharpened their

human-rights critique, arguing the Union has traded principle for process. In the European Parliament, the Left and Greens decry the system as a betrayal of Europe’s values and accuse the Commission of having “killed asylum”. The Commission had gambled on implementation bringing stability. Instead, it has become a lightning rod.

**However, the biggest challenge may lie beyond Europe’s borders.** With growing instability in the Middle East, the external dimension of migration has been set as the top priority for the next March 2027 EU Summit. Leaders know that the Pact is holding because numbers are low – and because, for now, containment strategies are working. Meanwhile, the Aegean and Balkan routes feature in every Council’s and Commission’s corridor discussion; Türkiye’s signals are read carefully. If the region tips further into crisis, the current balance may collapse.

In just a few weeks, that external picture has reordered Brussels’ priorities. Across national cabinets, the aim is clear: contain any risk of increased arrivals. **The Innovative Solutions Group**,<sup>6</sup> initially a loose circle, has hardened into a majority coalition inside the Council. It now counts on several active members on top of its original ones – including Luxembourg and Croatia – with Denmark, Italy, the Netherlands and France and Germany pushing for stricter measures. But after two years of member-state leadership, the Commission

has taken the helm. President von der Leyen now *de facto* chairs the group, setting targets and timelines, as shown by the pre-Summit meeting in December. The focus is blunt: keep numbers down, move returns up, and stabilise the system through Return Hubs and external cooperation. Parallel negotiations on the next MFF already reflect this turn: momentum is building for an even stronger Global Europe external action instrument explicitly linking migration conditionality into geopolitical and economic partnerships to keep arrivals low.

The Pact is no longer a plan. It is a system in motion. However, 2027 will tell whether the new machine will hold or snap under pressure from outside and dissent from within.

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**The Pact is no longer a plan. It is a system in motion. However, 2027 will tell whether the new machine will hold or snap under pressure from outside and dissent from within.**

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## Scenario 2: Gradual Rollout – “Control First, Implementation Later”

### BOX 3: OVERVIEW OF ‘GRADUAL ROLLOUT’ SCENARIO

Challenges to the CEAS implementation initially look manageable. Arrivals in the Eastern Mediterranean however increase. The solidarity mechanism is caught unprepared. Screening, border procedures and Eurodac take priority, deferring relocations and full alignment. In autumn, Poland, Latvia and Lithuania suspend asylum amid renewed instrumentalisation. Human rights risks mount. It is uncertain if gradualism will eventually pave the way for full implementation.

**Brussels, December 2026** – When the Commission released its first Annual Asylum and Migration Report in October 2025, the reaction across capitals was muted relief. The picture looked variable but manageable. Pressure was acknowledged, but it was contained. Cyprus was listed among the states under pressure; others were flagged as vulnerable to it. The Commission leaned heavily on a distinction between “migration pressure”

and the more complex “significant migratory situation”. That nuance gave the flexibility the Commission needed without antagonising member states.

Alongside the Report, the Commission transmitted its proposal to the Council on the Annual Solidarity Pool, setting the parameters for relocations and financial contributions in the following year. In private, officials conceded that many member states were resisting relocations; in public, they downplayed it. Given the overall ‘contained pressure’ assessment, the shortfall did not yet look fatal. **Money, the Commission reasoned, could bridge time and capacity.**

**Then geopolitical events threw these plans into disarray.** Through winter 2025 and the spring of this year, instability deepened in Syria and Gaza, with knock-on effects in Lebanon, where economic exhaustion and political instability turned further arrivals of many Syrians and Palestinians into unmanageable pressure. Arrivals in the Eastern Mediterranean rose, not explosively, but steadily enough that the arithmetic shifted. By the end of May 2026, flows had grown “moderately”, as the Commission put it.

But moderate was enough. Only a few months after the New Pact rules became applicable, Cyprus neared its adequate capacity. The solidarity machinery was not ready. **The Cypriot authorities made the unilateral decision not to apply border procedures.**

Shortly after, the conflict intensified in North Darfur; displacement out of Sudan pushed into Egypt and Libya, shifting routes and expectations. In the Council's corridors, ministers from the other so-called MED5 (Greece, Italy, Malta and Spain) warned that they could soon face the same problem as Cyprus: having to process border procedures while waiting for solidarity that does not materialise. "We can't ease pressure with press releases", one public official anonymously commented at the time. Given the growing instability in the neighbourhood, however, most heavyweight member states, including Germany, threatened to fully halt solidarity contributions **unless southern states complied with their new obligations** and processed applications at their borders.

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**"We can't ease pressure with press releases", one public official anonymously commented at the time.**

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Within the Commission, a choice crystallised: push enforcement or hold the line and buy time. The decision was "gradual implementation", prioritising the parts of the system that reduce movement and ensure control, and phasing in the rest. The key ingredients of the control-first menu appeared almost overnight: border screening and border procedures must run; Eurodac registrations must be complete and fast. Relocations and broader solidarity would follow. **On infringement, there was restraint:** the Commission did not open proceedings against Cyprus, signalling to other southern frontline countries that it would tolerate phased compliance in the face of genuine capacity constraints, even above the threshold of adequate capacity.

By early autumn 2026, a second front opened, this time in the east. Poland, Latvia, and Lithuania reported an uptick in irregular crossings "facilitated" via Belarus. Numbers were still low compared to the southern routes, but the pattern, a familiar blend of tolerated passage, organised transport and timed spikes, was politically clear. Citing "instrumentalisation", the three governments invoked Article 72 TFEU to suspend access to asylum at specific crossing points, "temporarily," and "strictly necessary until the full application of the new rules". The Commission bristled, then paused. The pattern was increasingly familiar: exceptional measures, introduced as a stopgap, persisting without a clear sunset. By the time leaders met at the December European Council a few days ago, instrumentalisation was also on the agenda, and

growing instability in the neighbourhood was set as the top item for the March 2027 EU Summit.

Despite some critical voices within the European Parliament, the official line in Brussels, and in the Commission especially, is that gradualism is the most pragmatic way forward. **Some progress is better than none;** consolidation beats collapse. And in narrow operational terms, the argument is defensible. Screening capacities have expanded; Eurodac is delivering cleaner, timelier data; frontline administrations are learning the new procedural choreography.

Further legislative measures could help ease pressure on Southern and Eastern member states, reinforcing the Commission's stance. The most immediate legal innovation came in what have come to be dubbed **the Pact's flanking measures: the Return Regulation and the revised Safe Third Country concept** moved at speed – "to be ready", according to one Cabinet member. Under heavy pressure from capitals, the European Parliament accepted Return Hubs, and, following a compromise brought forward by the Danish Council Presidency, without exceptions for families and minors. The calculus was explicit: to reduce pressure at the border, speed and certainty on returns had to increase. The corollary was also explicit: financial contributions to the Solidarity Pool could be used for external projects, including running Return Hubs, a counterweight to the lack of relocations and another instrument to deter irregular migration.

Under the new solidarity mechanism, most member states had already chosen financial contributions over relocations. What had been designed as flexibility became the default. Some commentators called it a "pay-to-comply" model: cash from Brussels, caseload at the border. With the adoption of the Return Regulation and the revisions of Safe Third Country concept, money was channelled to further externalisation projects. But due to instability and displacement in the neighbourhood, money has occupied the mind of policymakers in Brussels as much as the implementation of the new rules. Within the current MFF, the extra money injected into the BMVI after the last revision was swallowed by border-related spending – surveillance systems, screening facilities and procedural infrastructure. The AMIF-funded integration and community-level capacity-building lagged as the focus was also on border procedures.

That imbalance is already showing in the negotiations for the next MFF. A group of Northern and Central states is pushing to institutionalise financial solidarity inside the EU budget, proposing flat-rate allocations for countries that are under pressure, aligning solidarity payments and EU funding streams. Southern states counter that codifying this would entrench structural unfairness and monetise solidarity permanently.

However, the 'Realpolitik approach' followed by the Commission, opting for phased implementation to ensure the survival of the Pact, and of the CEAS, is not without critics. While countries failing to implement should risk legal action, or reduced access to funds, little has really

happened. It is not clear if and when the Commission will trigger its powers or initiate infringement proceedings. Mutual trust has been put on hold, rather than restored.

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The legal risks of temporary measures becoming permanent also grew. Meanwhile, human rights organisations describe the year in stark terms: “containment first, rights on standby”. At the external borders, procedural shortcuts have multiplied under the banner of “gradual implementation”. Lawyers report limited access to counsel in accelerated tracks; interpreters, they say, are overstretched; appeals are rushed. In the east, the use of Article 72 TFEU to shut down access to asylum has triggered formal complaints. Interim measures before the European Court of Human Rights have spiked. Derogations were framed as emergency responses, but their sunset is unclear. The Commission, wary of the need to create room for political manoeuvre, has avoided hard enforcement. “We are not giving up our powers,” one official said, “but we’re using them to keep the system breathing.” Yet, UN bodies and the Council of Europe have issued sharp statements.

**The legal climate is hardening.** Talk of “reinterpreting” Article 3 of the European Convention of Human Rights (ECHR) to lower the threshold for what counts as inhuman or degrading treatment has moved from the margins to ministerial briefings. The EU’s long-prepared accession to the ECHR remains blocked. Ministers from right-wing and even centre-right and centre-left governments have floated re-opening the 1951 Geneva Convention to “modernise” asylum definitions and responsibilities. Even proponents concede the politics are impossible – too many parties, too deep a North-South divide, too high a risk of a boomerang effect that could further deteriorate international cooperation. But the fact that the idea circulates at all has amplified rule-of-law concerns across civil society.

Inside administrations, the friction is less ideological and more operational. The dual regime – old rules for pre-June 2026 applicants, new rules for those who arrived after – has created exactly what the Pact was supposed to avoid: administrative complexity and legal uncertainty. Caseworkers toggle between two systems and multiple deadlines; appeal bodies field heterogeneous files; cross-border cooperation is inconsistent. The result is predictable: wasted resources, slower processing, uneven outcomes, and a growing cohort of people waiting under the ‘old’ system while capacity is pulled to the ‘new’.

The politics of migration in Europe have reframed around a new axis since mid-June of this year: implementation vs non-implementation. Right-wing parties and anti-European forces argue that the Pact is unworkable and should be shelved; most parties on the left, and virtually all pro-European voices that opposed the Pact now demand it be implemented, because the alternative is renationalisation or the end of shared responsibilities. **Russia has exploited the instability**, feeding it with the rise in arrivals via Belarus, disinformation about “secret quotas”, propaganda about “collapsed borders” and seeding conspiracy theories about “Brussels plots” against national interests to amplify divisions. In several member states, domestic debate has hardened around uncompromising slogans. In effect, **gradual implementation has become the new political battleground.**

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## The politics of migration in Europe have reframed around a new axis since mid-June of this year: implementation vs non-implementation.

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But while new divisions are emerging internally, a new impetus and unity have come to shape the EU’s approach to the so-called external dimension of migration policy. Pressure now comes from three flanks: in the Southern Mediterranean, with irregular arrivals triggered by population movements, especially from North Darfur and Sudan and departures from Libya; in the Eastern Mediterranean, where pressure risks mounting on Greece and Cyprus; and Eastern Europe and the Baltics, with alleged instrumentalisation spikes. Most European governments have explicitly labelled this another “migration crisis” in the making, evoking the situation the EU faced in 2014 and 2015. Beyond phased implementation focused on surveillance, these threats have catalysed and strengthened demands for a tougher external posture. The external dimension is now the primary mechanism to reduce pressure – politically, financially and operationally.

The Commission’s language has caught up with this reality. In a line that has already circulated widely, officials describe a **doctrine of “naked power”**: to “safeguard the Union’s stability through effective migration management” and to “preserve the functioning of the CEAS by ensuring full control of external borders.” In practice, that means that for the foreseeable future, borders will be virtually inaccessible, with the temporary suspension of asylum in parts of Eastern Europe and the Baltic states “until the new rules fully kick in”. At the same time, all existing instruments and a stronger use of conditionality – from the visa suspension mechanism to humanitarian and development aid as well as trade and

resettlement – will be explicitly linked to cooperation on reducing irregular migration and increasing returns.

While these measures have long been under discussion, the context is radically different, following funding cuts on humanitarian action and development assistance from the Trump Administration. Fallout in origin and transit countries can only grow. But the calculus in Brussels is different: the only way to keep the Pact alive is to **keep numbers low. The border must hold.**

The 2026 Annual Report reflected these priorities. The Commission’s language nodded to gradualism, emphasising “operational maturity” and deferring full implementation to 2027. The most recent Solidarity Pool again leaned heavily on financial contributions, with an explicit line noting that these could support external projects. The underlying assumption, which is being reluctantly acknowledged by more countries in the south too, is that financial solidarity is the only reliable deliverable in the current climate.

What does the map look like at the end of this first year of implementation? A system that works only as far as it controls. A solidarity architecture that fundraises faster than it relocates people. A framework whose implementation is under legal challenge and political

pressure. A neighbourhood that is moving faster than Brussels can legislate. And a Pact that is unfolding in phases, each justified by the promise that the next will bring balance.

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The Commission, instead of using its strengthened powers, has reverted to old habits. It will not, for now, launch infringement procedures that could fracture the Council. The bet is simple: by containing flows and buying time, gradual implementation will mature into full implementation. It might – or the exceptions may harden into the rule. As one senior diplomat put it after the December European Council meeting, **“We are keeping the engine on, but we may be running out of fuel.”**

## Scenario 3: Patchwork Europe – “From New Pact to Two-Speed Asylum and Migration”

### BOX 4: OVERVIEW OF ‘PATCHWORK EUROPE’ SCENARIO

Following the presentation of the Annual Report, a split emerges: a coalition of the willing decides to apply common rules, based on a mini-Schengen/mini-Dublin arrangement, with rising trust and fewer secondary movements. Borders are closed to member states outside the coalition. There, governance deteriorates, and rights violations become systemic. It remains unclear if the coalition will transform into an *Open* Supra-governmental Avantgarde (OSGA) and whether its underlying principles and rules will be integrated into the Union framework.

**Brussels, December 2026** – The split did not happen overnight. It edged into view after the Commission published its 2025 Annual Report and quietly transmitted its draft Implementing Decision on the Solidarity Pool. It hardened through months of haggling over who would contribute what, and on what terms. By the time leaders gathered for the December European Council meeting a few days ago, a new map of migration governance had

taken shape: **a coalition of ‘willing and capable’ states** prepared to apply common rules among themselves, **and an Eastern flank standing outside.**

The cleavage began when what appeared a technical argument turned political. With instability rising and the prospect of higher arrivals on the horizon in autumn 2025, the Commission’s request for pledges landed badly in several capitals. In working groups and the High-Level Forum, it became clear that only a subset of member states was ready to honour the new regime in full. With instability rising in the neighbourhood and the prospect of increased arrivals, only some governments were prepared to commit to new screening and border procedures, systematic Eurodac registration and solidarity actions. Some wanted exemptions or carve-outs. Others, including the governments of Poland, Hungary, and Czechia refused to make solidarity pledges at all. For Czechia and Hungary, it was ideological, emboldened by the election victories of ANO in October 2025 and Fidesz April 2026, respectively. Poland, in contrast, justified its stance by claiming it already bore a disproportionate burden.

The search for a face-saving formula – narrower duties here, delayed elements there – had the opposite effect. Instead of keeping more countries in, it normalised non-

implementation for some, while consolidating a coalition of states around the application of common rules. Czechia, Hungary and Poland were joined by Bulgaria, Romania, Croatia, Latvia and Lithuania. By contrast, for the first time, four of the Mediterranean frontlines – Italy, Spain, Malta and Cyprus – signed on together, joined by Germany and France, the Benelux and the Nordic states. **The shape and geographical scope of the coalition mattered.** That alignment gave the new ‘club’ operational credibility where it counts: across the Mediterranean routes, where screening, registration and border procedures would need to run in real time.

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### **The search for a face-saving formula normalised non-implementation for some, while consolidating a coalition of states around the application of common rules.**

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Institutionally, the coalition’s emergence ended the CEAS as a single EU framework, replacing it with two pillars that reflect reality more than they reshape it: a “**mini-Schengen**” that restores free movement inside the club, and a “**mini-Dublin**” that governs responsibility allocation among its members. Schengen remains open, but only for those inside the club. The result is not a formal treaty change but a practical reconfiguration – cooperation among those ready to move in lockstep, coexistence with those who are not. Formally, it is intergovernmental cooperation; functionally, it carries much of the weight of EU law.

As discussions moved from principle to practice, this “**Supra-governmental Avantgarde**”, as some now call it, quickly began to standardise practices. Inside the coalition, the rules are applied more effectively than ever. Dublin transfers among members follow timelines rather than wish lists – one of the preconditions imposed on Italy. A principle of fairness has been built into transfers – in both responsibility allocations and any relocations the club might run – to prevent frontline members from carrying a structural burden. The coalition has also accelerated digitalisation, coupling interoperability across systems with political will to log and track movements.

The procedural plumbing – screening, registration and case routing – works because every administration has decided to make it work. Within the Schengen area, internal checks have been rolled back between compliant members. Secondary movements still occur – they always do – but they are fewer and slower, hemmed in by more consistent application of Dublin rules. **Mutual trust within the coalition has risen** for the first time in years, with benefits beyond asylum rules. Returns are better coordinated.

With administrative cooperation and stepped-up dialogue has come political appetite and longer-term thinking. The club’s success has revived ideas seen as utopian only a few years ago: there is active discussion about deepening harmonisation in selected areas and pursuing more ambitious labour migration schemes under an intergovernmental framework.

The coalition has agreed to find a way of allowing intra-club mobility for refugees after three years of residence, a change sold domestically as both fair and functional, if complemented with additional integration support for beneficiaries. In parallel, a ramp-up of labour migration initiatives has begun inside the club, offering legal pathways through a “mini-Team Europe” approach aligned with skills needs. Officials argue that this mix, managed protection mobility plus targeted labour channels, gives the bloc leverage in talks with origin and transit states.

At the same time, members stress that these intergovernmental arrangements are viewed as temporary: the aim is to integrate them into the EU framework as soon as political conditions allow. Commentators argue that, for this reason, the coalition should aspire to be an ‘*Open Supra-governmental Avantgarde*’ (OSGA).

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### **Commentators argue that the coalition should aspire to be an ‘Open Supra-governmental Avantgarde’.**

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As the coalition evolved from a coordination platform into a governance space, the current governments of Poland, Czechia and Hungary chose to remain outside, celebrating this as the best political decision “in our modern history”. But east of Berlin, the mood cooled faster than expected. The first turning point came over the summer, after the coalition had already coalesced and political rhetoric from Warsaw, Prague and Budapest passed a point of no return. Poland faced **orchestrated instrumentalisation** along the Belarus border, with spikes that Warsaw said were engineered to divide.

The new coalition did not falter. Its logic was one of reciprocity: the preservation of unity could not come at the cost of ambition. Having refused to commit to Pact implementation and solidarity, Poland received no support. The Polish government found itself isolated. Several coalition countries also announced they would not grant Temporary Protection status to newly arrived Ukrainians first registered in Poland.

In Council corridors, Polish and Hungarian officials spoke of double standards – a Union strong in the Mediterranean but indifferent to the East. The accusation fed a wider

conspiracy gaining ground from Warsaw to Budapest against Brussels, though many saw it as (belated) payback.

Confusion remains about how to join the coalition and its broader implications for the EU. This uncertainty has spread to EU neighbours and candidates, especially Ukraine, which is unsure about whether, and on what conditions, entry would be possible in the future. For members, the refrain is the same: the coalition should be open, but not at the expense of its hard-won unity.

**Two-speed Europe** is now manifesting across innovation, rule-of-law and rights-protection. Inside the coalition, the rights debate has shifted to designing and expanding resilience and efficiency. Members are debating how to institutionalise their arrangement as it evolves into an intergovernmental framework, particularly regarding fundamental-rights oversight: which body would review complaints, how to ensure consistent remedies, and what role (if any) EU institutions should play. The Commission's role, although present in the room, remains to be defined, and the EU Court of Justice's reach is uncertain. Legal engineering must now catch up with the politics.

Even as it designs new rules, the coalition is reaping immediate operational dividends. Backlogs, the slow-moving, morale-sapping inheritance of the pre-Pact era, have been cleared quickly. Yet, applicants who filed before June 2026 under the old CEAS remain in bureaucratic limbo if they are in the wrong jurisdiction; inside the coalition, files are moved and closed. Outside it, confusion and delays reign.

Beyond backlogs, outside the coalition, rights monitors report widespread deterioration, with systemic violations reported at crossing points, especially those with Belarus. As arrivals rose over the summer, some of them orchestrated, Poland, Hungary and Czechia closed external borders more tightly, arguing they had no choice if the rest of the Union would not stand with them. Chaotic scenes returned, reminiscent of past episodes of instrumentalisation. UN and Council of Europe condemnation has mounted. In several parliaments outside the coalition, MPs have even threatened **withdrawal from the ECHR**, recasting Strasbourg as an obstacle to "sovereign control".

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**The Commission has so far refrained from launching infringement procedures. Officials argue that enforcement at this stage would be politically self-defeating and deepen the split.**

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Despite mounting criticism, the Commission has so far refrained from launching infringement procedures against non-implementing member states. Officials argue, off the record, that enforcement at this stage would be politically self-defeating and deepen the split. The priority, they say, is to preserve dialogue and a minimum degree of coordination rather than trying to impose compliance by coercion.

The money has followed the map. Redistribution followed the emergence of the Supra-governmental Avantgarde. There are no new funds, but the 2021-2027 MFF has been reoriented in practice. Among club members, focus has shifted to states that now function *de facto* as external borders – Germany and Austria foremost – and to externalisation efforts in the Western Balkans and the Southern Neighbourhood. Inside the coalition, modest but visible increases in reception and integration funding support new mobility and labour initiatives. Outside, **resentment grows at the same pace as invoices**, with EU-level support receding.

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**Outside the coalition, the dynamic is harsher. The far right and anti-EU voices have fresh ammunition: a Union that kept the 'core' together while leaving others to fend for themselves.**

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The politics are mirror images. Inside the coalition, pro-European forces across the spectrum are enjoying a rare, aligned narrative: the rules work, the system holds, cooperation delivers. The only sustained opposition comes from parts of the left, where the digital turn is attacked as a new frontier of "cimmigration" – an apparatus that blurs border control and social surveillance, with privacy, sovereignty, and autonomy as the battlegrounds. Outside the coalition, the dynamic is harsher. The far right and anti-EU voices have fresh ammunition: a Union that kept the 'core' together while leaving others to fend for themselves. Russia has fuelled that fire with disinformation, conspiracies and tailored propaganda about a Brussels that chose its favourites and abandoned the rest. Outside the coalition, polarisation has deepened, with rhetoric against immigrants becoming more extreme and pro-European actors increasingly marginalised. In some places, the far left has consolidated around an anti-European and anti-populist rhetoric. Calls to leave the Union are no longer fringe.

On the external dimension of migration policy, it may appear that there is more alignment, but the split is just as stark. Non-coalition states have chased bilateral agreements to build or host Return Hubs. However,

without the leverage the coalition can marshal, they have found partners slow to answer and terms hard to secure. The coalition, by contrast, has pooled resources, aligned offers and developed coherent asks. The strategy balances containment and stabilisation – pairing cooperation on returns and border management with targeted support for the Southern Neighbourhood. Unsurprisingly perhaps, the United Kingdom has joined these efforts as an operational partner and a financing force.

Despite cooperation demands, third countries prefer to deal with the coalition rather than with individual EU states outside it, describing members of the coalition as more reliable, aligned and rules-based in their approach. Some benefits are visible in non-EU countries, too, including gradual stabilisation and targeted assistance in Syria, among others.

As 2026 comes to an end, uncertainties remain. The Union now lives with a two-speed order – one zone that has embedded mutualisation and strengthened trust, and another where the pursuit of sovereignty has deepened operational fragility.

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**Whether this arrangement is a bridge to convergence leading to an OSGA or a blueprint for long-term differentiation is not yet clear.**

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For now, the coalition’s response is to keep going – to show that mini-Schengen can stay open, mini-Dublin can function, backlogs can fall and returns can increase without moral costs. The wager in Brussels – and in Rome, Madrid, Paris, and other capitals – is that success will attract others. Sceptics see a different horizon: that there can be one Europe, or none at all.

Whether this arrangement is a bridge to convergence leading to an OSGA or a blueprint for long-term differentiation is not yet clear. That is the political test the coalition has set itself.

## Scenario 4: Systemic Collapse – “Every Capital for Itself”

### BOX 5: OVERVIEW OF ‘SYSTEMIC COLLAPSE’ SCENARIO

Several states refuse implementation, Dublin transfers halt and the solidarity mechanism unravels. After a short grace period, migration policy is renationalised as a default option. Borders are shut. Rights erode. An ‘External Pact’ emerges – focused on returns and containment – but the CEAS’s collapse, and its political and symbolic impact, threaten the Union itself.

**Brussels, December 2026** – The unravelling did not begin with a bang. It began with something more banal: the Annual Report.

When the Commission published its assessment in autumn 2025, the reaction from several capitals was immediate and scathing. Most ministers complained that the methodology for designating which states were “under pressure” was **opaque – a “black box”**, as one leader put it – and that the weighting of indicators in the Asylum and Migration Management Regulation was nowhere codified. Within weeks, the critique hardened into an accusation: political bias, selective reading and a Brussels machine more concerned with **concentrating power than stabilising the system**. By the time the

draft Implementing Decision on the Solidarity Pool was leaked via the European Parliament, a revolt was already taking shape.

Every government reached for what the Pact itself offered – flexibility – and tried to weaponise it. Some pleaded operational necessity to delay or suspend provisions; others invoked public order and security to slow transfers. Debate soured. The Commission confronted a wall of unprecedented pushback in the Council and Parliament, where leaks fuelled claims that the new architecture was caving in before it even began.

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By late 2025, the façade gave way. Several member states openly refused implementation. The governments of Poland and Hungary continued to reject transposition and enforcement outright; the new Czech government joined them, branding the Pact the “**greatest betrayal**”

**of modern times**". On the other side of the Union, frontline administrations signalled they would not accept Dublin transfers, arguing they lacked the personnel and infrastructure to run screening and border procedures at scale. Applying the new rules, they warned, would overwhelm systems and inflame local resistance.

Into the vacuum, politics rushed in. Commission President von der Leyen launched quiet bilateral talks, including with non-implementing governments, seeking their support on defence and foreign policy files – considering the Union's priorities - at a time when majorities in the Council were far from secure. When details of those understandings leaked, the reaction in the European Parliament and among the few governments still favourable to implementation was swift: critics accused Brussels of backroom deals and **trading institutional credibility for tactical wins**. Inside DG HOME, a quiet revolt also took shape. Senior officials lost confidence in the system they had built; unsigned memos described the Pact as "pure theatre". Across ministries of interior, coordination frayed. Mutual trust, so often invoked, became an old memory.

A grace period was hastily agreed: the old, pre-Pact CEAS rules would apply temporarily. But the political message was unmistakable. When the grace period ended, the CEAS would be no more. Each capital would set its own rules nominally aligned with the Geneva Convention but shaped by national politics.

What followed looked more like a **domino effect** than managed differentiation. Internal border controls returned overnight. With checks restored across the map, movements slowed, then jammed. Eurodac registration fell away in several states. Deadlines blurred. The Dublin system also failed. Administrative instructions contradicted one another.

The only shared desire member states were left with, as a unifying force, was to stop all irregular arrivals and deportations, regardless of the Union's dependencies created with third countries. Access to EU funds and cooperation was accordingly narrowed: visa, trade, humanitarian and development envelopes were explicitly tied to participation in externalisation schemes focused on increasing returns and reducing irregular arrivals, setting the tone for the next MFF.

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The only pact left standing, officials quipped, was an "**External Pact**". The house, they added, "is only one floor-tall now", citing the words of Margaritis Schinas who, as Vice-President of the European Commission, had used a house metaphor to explain to the public the New Pact on Asylum and Migration.

Without EU-wide rules, pushbacks multiplied along sections of the Union's external borders; and so did proposals for offshore processing and third country "platforms". Frontex also acquired a larger mandate and budget. Its standing corps expanded, although Hungary, Poland and Czechia only requested its support for returns and broader containment, not for border management. **National defence budgets**, and even **NATO lines**, were used to financially support further securitisation: new walls and fences, surveillance towers and acquisition programmes for drones and sensors were funded as dual-use investments. Borders tightened even where flows were modest; the optics of control brought their own political dividend.

The human-rights picture worsened in parallel. NGOs documented widespread violations associated with externalisation – detention, violence, and coerced returns. On some routes, humanitarian organisations reported serial pushbacks and prolonged incommunicado holds. Along Europe's edges, camps swelled or reappeared. Conditions in several origin and transit states quickly deteriorated, feeding the very cross-border movements that national leaders pointed to as proof that harder measures were needed. With EU common standards hollowed out, strategic litigation concentrated on national constitutions and domestic law, especially on non-refoulement and collective-expulsion prohibitions. In several parliaments, however, voices rose against the **Geneva Refugee Convention** and in favour of withdrawing from the **ECHR**.

The Commission's prolonged hesitation to enforce the rules made it impossible to salvage the CEAS. Letters of formal notice circulated internally but were never sent. By the time the Commission's officials had made up their minds, several governments had already declared that they would ignore any infringement proceedings and future rulings from the EU Court of Justice. They stated that "EU diktats do not reflect national interests".

Politics followed the spiral, with domestic narratives dominating the agenda. **Far-right parties claimed vindication**: the EU adds no value, and sovereignty must return across policy fields. Except for the expanded mandate of Frontex, migration became the gateway argument or currency for renationalising across the board – from climate policy and energy to fiscal debates and defence, in which NATO is now the vector for coordinating stronger border management. **Pro-European forces, occupied with defence, trade and geopolitical urgencies, struggled to defend asylum** when the institutional scaffolding had already vanished. Russia deepened the fracture – disinformation about an "invasion of immigrants" arriving on Europe's shores, "refugees importing war" and "globalist migration control" all fed mistrust.

Good governance gave way to spectacle. Walls, patrols and deportations became the new political language for reassuring domestic audiences. Escalated controls produced their own chaos and upticks in border violence which in turn generated calls for even tighter control. A chorus of commentators declared that the public had spoken on migration: it was out of control. Policy must follow sentiment.

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**A chorus of commentators declared that the public had spoken on migration: it was out of control. Policy must follow sentiment.**

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The question, whispered in Brussels and said aloud in a handful of capitals, is whether the drift is reversible. Officials who still speak the language of repair say that broken unity can be patched and Schengen can be re-stitched in the corridors where it came apart. Others think the politics now run in one direction. The CEAS is over. For them, the External Pact is not an emergency measure but the new normal.

Europe faces a stark choice in this context: rebuild from the centre or govern from the margins. **What is at stake is more than EU migration policy.** Considering the symbolic and political meaning of this past year's events, **it is the EU project itself.**

## Conclusion and forward-looking reflections

As mid-2026 approaches, the European Union faces a pivotal test: the shift from legislation to implementation. For now, the Commission remains firmly committed to its message that the Pact will enter into application as planned. Having presented the Annual Migration and Asylum Report in October 2025, the institutional machinery is shifting towards the Solidarity Pool, with the stakes higher than ever.

The Commission's determination to stick to the schedule is unsurprising. It has staked enormous political capital on the promise that these new rules will function uniformly, comprehensively and on time. But **change, in the EU as anywhere else, is never only about rules.** It is about the context in which those rules apply. With geopolitical instability rising, the CEAS may soon be tested by pressures originating from its neighbourhood. Change is also about means, incentives, legitimacy and trust – and those are in increasingly short supply.

Signs of hesitation have already appeared, both publicly and behind the closed doors. At an EPC event in June 2025, one year before implementation day, EU Interior Affairs Commissioner Magnus Brunner addressed member states reluctant or unprepared to implement the new rules. The Commission will not hesitate to act, he declared, although there may be leeway at first: any action may not come “on day one”, but certainly “from day two.”

**Greater clarity** about the Commission's enforcement stance and contingency planning will be needed to reassure both national governments and the public. Preparedness for divergent outcomes is equally necessary.

What is at stake is not just the new rules or the Commission's credibility. The future of the CEAS and Schengen is also on the line. As this Discussion Paper shows, the Pact could fail or succeed in different

ways – and with it, the Union's capacity to preserve or lose Schengen and the CEAS. Should the Pact falter, the political fallout will reach far beyond migration. Migration policy has long served as a gateway issue for wider disillusionment with the EU. **A breakdown of trust on this file could weaken European integration writ large.**

Against this background, the key message of this Paper is the need for preparedness and contingency planning. ‘Keeping calm and implementing’, however attractive, cannot replace robust preparation and anticipation.

If the past decade's crises and mismanagement have taught the EU anything, it is this: when Europe pretends it only has one option, it usually ends up improvising a worse one. This Paper therefore offers no fixed recommendations to reach a more desirable future, but one overarching warning: failure to prepare for varying degrees of failure, or for the unintended consequences of success, will magnify the fallout of both.

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**When Europe pretends it only has one option, it usually ends up improvising a worse one.**

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The four scenarios illustrate why preparedness and foresight are indispensable. **Scenario 1** shows that even successful implementation demands anticipation to sustain credibility and prevent fatigue: without it, even initial success may unravel. **Scenario 2** indicates that

‘present bias’ could lead the EU to settle for short-term rewards, for example placating member states’ concerns about the levels and quality of solidarity needed or keeping the CEAS formally intact but exposed to longer-term fragilities. **Scenario 3** highlights the risks of fragmentation, as member states advance at different speeds. Here, foresight is essential to manage divergence and ensure that any enhanced cooperation framework remains open to outsiders and is effectively integrated into the Union framework. Finally, **Scenario 4** illustrates the systemic costs of neglecting preparedness altogether, with cascading breakdowns of trust and governance.

Across all four scenarios, common threads stand out: the EU’s reactive rather than anticipatory approach, especially towards its neighbours; the steady erosion of rights regardless of implementation path; and **the central role of geopolitics** in testing and reshaping the CEAS and broader migration governance. Taken together, this Paper does not prescribe solutions but maps plausible futures in which different actors – from the Commission to the Council and civil society organisations may soon need to navigate.

These lessons reinforce this Paper’s core message: foresight exercises and contingency planning must be embedded in the CEAS policy cycle and in EU migration governance. **Regular horizon-scanning, stress-testing and contingency planning should become part of how the Pact is run, not merely how it was designed.** Doing so is not just prudent, it is essential to

avoid systemic difficulties and to maximise the reforms’ potential benefits.

Anticipating different outcomes of implementation – and there are others, even more rooted in the reality set to emerge from the Annual Migration and Asylum Report – helps to answer the broader questions raised at the outset. It is also a reminder that challenges are not limited to implementation failures: even the Smooth Implementation scenario carries costs and political risks.

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## **Foresight exercises and contingency planning must be embedded in the CEAS policy cycle and in EU migration governance.**

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The Commission and member states – as well as other relevant implementation actors – should engage now, behind closed doors if needed, with the full spectrum of possible outcomes. **The message is clear: implementation cannot be the only narrative, and ‘business as usual’ is no longer an option.** The stakes are too high.

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<sup>1</sup> See Emmanouilidis, Janis A., Stratulat, Corina, Greubel, Johannes, López Domènech, Berta (2025), “A Test of Times, Permacchange through enlargement and EU reform, Brussels: European Policy Centre; see also Emmanouilidis, Janis A., Möller, Almut, Zuleeg, Fabian (2024), “Confronting the permacrisis: Time for a supra- governmental avantgarde”, Brussels: European Policy Centre.

<sup>2</sup> For the same reason, the plausibility and relevance of the scenarios should not be assessed considering member states’ capacity and will at the time of writing.

<sup>3</sup> This section and the examination of the scenarios considered in this Discussion Paper are based on comprehensive EPC analyses. These include Evangelia (Lilian) Tsourdi, Alberto-Horst Neidhardt, Helena Hahn (2024), “From Compromise to Implementation: A New Era for EU Migration Policy?”, Brussels: European Policy Centre, and Jacob, Virginie (2025), “Managing migration through data: The expansion and integration of Eurodac”, Brussels: European Policy Centre. Inspiration for this contribution also came from Jean-Louis De Brouwer (2025), “Migration: Give the Pact a Chance”, Brussels: Egmont Institute.

<sup>4</sup> At least 50% of the relocation pledges have been met, under the cycle.

<sup>5</sup> The Toolbox is a set of existing EU instruments such as emergency funding, operational support from EU agencies, and cooperation tools with third countries, which the Commission can mobilise to alleviate pressure.

<sup>6</sup> Joint Letter from the undersigned Ministers on new solutions to address irregular migration to Europe, 15 May 2024, available at: <https://www.politico.eu/wp-content/uploads/2024/08/27/Joint-Letter-to-the-European-Commission-on-new-solutions-to-address-irregular-migration-to-Europe.pdf>.

## Technical overview of the four scenarios.

Variable	Type	Scenario 1 – Smooth Implementation	Scenario 2 – Gradual Rollout	Scenario 3 – Patchwork Europe	Scenario 4 – Systemic Collapse
Implementation mode	Core axis	Full (operational since mid-June 2026)	No (control-first; other pillars delayed)	Club-only (mini-Schengen/ Dublin among willing)	None: grace period > renationalisation
CEAS integrity	Core axis	Preserved (functioning)	Formally intact, strained in practice	Ended EU-wide; club framework emerges	Dismantled after grace period
Neighbourhood instability	Trend	Rising (Afghanistan, Iran, Syria, Gaza, Lebanon)	High combined with instrumentalisation	High; club pursues stabilisation in the south	High; contributes to hard external posture
Irregular arrivals	Uncertainty	Low overall until the second half of 2026	Growing since winter 2025	Manageable in club; pressure externalised outside	Escalates; broad controls
Solidarity composition	Policy lever	Financial > Relocations	Financial by default; relocations stalled	Only applied inside club, targeted to needs	None
Mutual trust	System health	Fragile	Eroding: exceptions normalised; enforcement delayed	High inside club / Collapsed outside	Collapsed
Commission's leadership, including enforcement	Governance	Assertive: infringement proceedings opened	Permissive: infringements avoided	Weak: club-led governance; no infringements	Side-deals; prolonged hesitation in starting infringement proceedings
Internal border controls	Integration	Limited	Extensive	None inside club; systemic towards the outsiders	Systematic controls
Human rights trajectory	Risk	Rules' application is challenged	Deteriorating	Bifurcated: stronger compliance inside; systemic violations outside	Systemic violations
Revisions of human rights	Legal climate	No strong rhetoric	Talk of 'modernising' ECHR and Refugee Convention	Non-club states signal ECHR withdrawal; club builds stronger safeguards	Calls to withdraw from ECHR; attacks on Refugee Convention
Return Regulation & Hubs	Legal tool	Adopted (exceptions for families/minors included) and established	Adopted (no exceptions families/minors) and established	Pre-dated the emergence of the club; used more effectively by the club	Central to 'External Pact'
Safe Third Country	Legal tool	Revised	Revised	Revised	Revised
Article 72 derogations	Rule of law	Not central	Activated	Proliferate outside club	Not central
Legacy backlogs (pre-June 2026)	Capacity	Persist; deprioritised ('limping situations')	Worse under dual regimes	Cleared fast in club / confusion outside	Chaotic; no coherent handling
Current MFF suffices?	Finance	No: insufficient for breadth of needs	Re-channelled to borders and externalisations	Yes, but only for members of the club; fewer beneficiaries; more for integration/aid	Re-channelled to borders and externalisations
Defence budgets used for walls/tech	Finance	Yes	Yes	Targeted	Yes
Externalisation intensity	External	Intensified; transactional conditionality	Primary lever ("naked power" doctrine)	Bifurcated: coordinated club vs fragmented outside	Central: External Pact
Use of solidarity funds externally	Policy	Growing	Yes – counterweight to relocation shortfall	Yes, aligned with club priorities	Yes, conditional on cooperation
Intra-EU mobility/ ambitious labour migration	Inclusion	Stalled	Stalled	Club only: mobility after 3 years, labour pathways grow	N/A at EU level
Digitalisation & AI	Operations	Digitalisation as part of implementation	Digitalisation as part of implementation, but control systems first	Deep integration inside the club, including AI pilots	N/A at EU level
Political polarisation	Politics	High (left rights critique; right sovereignty)	Very high (implementation vs non-implementation)	Divergent: calmer inside; radicalised outside	Maximal; anti-EU surge
Russia / disinformation	Security	Possible in the longer-term. Only domestic.	Amplifies divides	Targets excluded states	Supercharges anti-EU narratives

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The **European Migration and Diversity** programme provides independent expertise on European migration and asylum policies. The Programme's analyses seek to contribute to sustainable and responsible policy solutions and are aimed at promoting a positive and constructive dialogue on migration. The programme follows the policy debate by taking a multidisciplinary approach, examining both the legal and political aspects shaping European migration policies. The analysts focus, amongst other topics, on the reform of the Common European Asylum System; the management of the EU's external borders; cooperation with countries of origin and transit; the integration of beneficiaries of international protection into host societies; the links between migration and populism; the development of resettlement and legal pathways; and the EU's free movement acquis. The team benefits from a strong network of academics, NGO representatives, and policymakers, who contribute regularly to publications and policy events.

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