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The New Pact on Migration and Asylum: Political Developments and Implications for European Responsibility-Sharing

Zusammenfassung

Der neue EU-Migrations- und Asylpakt stellt eine umfassende Reform der europäischen Asylpolitik dar und überwindet die langjährige politische Blockade bei der Verantwortungsteilung. Zentrale Innovation ist der verbindliche Solidaritätsmechanismus: EU-Mitgliedstaaten müssen erstmals zwischen Umverteilung von Asylsuchenden, finanziellen Beiträgen oder operativer Unterstützung wählen. Die Reform führt zudem strenge zeitliche Vorgaben für alle Verfahren ein und erweitert die Rolle der EU-Institutionen mit verstärkten Überwachungs- und Koordinierungskompetenzen. Empirische Analysen zeigen jedoch, dass das Dublin-System bisher kaum redistributive Effekte hatte und persistente Asymmetrien in der Verantwortungsverteilung fortbestehen. Die Schweiz nimmt als assoziierter Staat eine Mittelposition ein und kann freiwillig am Solidaritätsmechanismus teilnehmen, was strategische Vorteile für ihre Position im Dublin-System bieten könnte.

Résumé

Le nouveau Pacte européen sur la migration et l'asile constitue une réforme majeure de la politique d'asile européenne, surmontant l'impasse politique sur le partage des responsabilités. L'innovation centrale est le mécanisme de solidarité obligatoire : pour la première fois, les États membres doivent choisir entre relocalisation de requérant-es d'asile, contributions financières ou soutien opérationnel. La réforme introduit des délais stricts pour toutes les procédures et élargit le rôle des institutions européennes avec des compétences de surveillance et de coordination renforcées. Les analyses empiriques montrent que le système Dublin a produit peu d'effets redistributifs et que des asymétries persistantes demeurent. La Suisse, en tant qu'État associé, occupe une position médiane et peut participer volontairement au mécanisme de solidarité, ce qui pourrait offrir des avantages stratégiques pour sa position dans le système Dublin.

I. Introduction

The governance of people seeking humanitarian protection in Europe remains a major challenge. European countries' interdependence necessitates cooperation between national asylum systems, yet political efforts to build a common policy that is both effective and fair have long been hindered by

asymmetric interests and reluctance to forgo sovereign discretion. Crisis events such as the 2015–16 surge in arrivals spurred reform attempts, including Dublin IV (2016–18), which ultimately failed. A fresh start led to comprehensive legislation in 2024: the New Pact on Migration and Asylum (the “New Pact”), aimed at fundamentally overhauling the European asylum system and establishing effective responsibility-sharing between member states.

The New Pact is a legislative package that represents a breakthrough after years of ad hoc measures and political blockade in European migration governance. Passed just before the European Parliament elections, it signalled the EU's capability of addressing this complex and salient political issue. Despite the increasing communitarisation of asylum policies, constituting the Common European Asylum System (CEAS), cooperation and rule compliance remain limited, with responsibility asymmetries and domestic opposition hindering progress on binding “refugee quotas”.¹ The Pact's innovation lies in the principle of ‘mandatory but flexible’ solidarity, reconciling binding cooperation with national discretion. For the first time, it introduces a comprehensive and binding solidarity component, adding new policy layers to the existing governance framework. Implementation is ongoing, with provisions expected to become operational in mid-2026.²

This article presents the novelties of this reform and its implications for European responsibility-sharing, with a particular focus on Switzerland. We assess the substantive changes introduced and their potential to advance solidarity among member states.

II. The New Pact on Migration and Asylum: Overview and Novelties

1. Background and objectives

European migration governance focuses on two main areas: migration and border control, and asylum policy cooperation. Both stem from the Schengen area – the abolition of internal border controls – which necessitated coordinated management of external borders and asylum responsibilities at the supranational level. Articles 67–80 of the Treaty on the Func-

¹ Natascha Zaun, States as gatekeepers in EU asylum politics: Explaining the non-adoption of a refugee quota system. *Journal of Common Market Studies*, 2018, 56(1), 44–62.

² European Commission, “Common Implementation Plan for the Pact on Migration and Asylum.” Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2024) 251 final. Brussels, 12.6.2024.

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tioning of the European Union establish the legal foundations for a common EU visa, border and asylum policy, implemented through (1) harmonised legislation, (2) common implementation, (3) common external positioning, and (4) member state solidarity. This framework relies on the CEAS (with the Dublin Regulation at its core), dedicated EU agencies (Frontex for border management; European Union Agency for Asylum [EUAA] for asylum coordination), and shared databases (Eurodac for asylum seekers' fingerprints; the Schengen Information System for border security). The New Pact builds on this framework, adding new policy instruments and obligations detailed in the following sections.³

2. Key legislative instruments

The *Screening Regulation* establishes a mandatory initial processing phase for all third-country nationals crossing external borders irregularly or rescued at sea.⁴ As the first point of contact with EU migration governance, screening serves as a gateway: authorities in the member state of first entry must conduct health and security checks, collect biometric data, and determine whether individuals should enter asylum procedures, return procedures, or authorised entry. Screening must occur within strict time limits, during which individuals are subject to a legal fiction of non-entry and remain in controlled border facilities.

Second, the *Asylum Procedures Regulation* harmonises asylum procedures EU-wide and introduces border procedures for specific cases (Articles 43–54)⁵, primarily applicants from countries with recognition rates below 20% or raising security concerns. Following screening, applicants may be held in controlled facilities under the non-entry status while their claims are examined under accelerated timelines (up to 12 weeks). Rejected applicants enter a border return procedure of up to 12 weeks, still under the non-entry status until removal or authorised entry if return proves impossible. The Regulation sets an EU-wide capacity of 30,000 persons in border procedures.

Third, the *Asylum and Migration Management Regulation* replaces Dublin III while maintaining most responsibility allocation criteria, including the controversial first entry principle.⁶ Its key innovation is a mandatory solidarity mechanism:

member states must contribute via relocations, financial payments, or operational support, retaining discretion over the form of contribution.

Fourth, the *Eurodac Regulation* significantly expands the database's scope and functionality.⁷ Member states may collect data from any irregularly present third-country national, not just asylum seekers. The Regulation also expands the scope of personal and biometric data to be collected, to improve tracking of secondary movements and migration patterns across the EU.

Fifth, the *Crisis and Force Majeure Regulation* sets common definitions and procedures for exceptional situations of crisis, including instrumentalisation, and *force majeure*.⁸ When a member state faces migratory pressure, it may invoke temporary derogations from standard procedures, such as extended screening periods, modified border procedures, and adjusted solidarity obligations under the Asylum and Migration Management Regulation.

The New Pact comprises additional legislative instruments – such as the Qualification Regulation, Reception Conditions Directive, Resettlement Regulation, and reforms to the Schengen Borders Code – that further harmonise asylum standards and migration management.⁹ These are not discussed here, as this article focuses on the regulations most consequential for European responsibility-sharing.

3. Two defining characteristics of the reform

A. Streamlined and integrated procedures

The New Pact establishes an integrated “end-to-end” governing the entire migration process, from initial arrival to final status determination. Comprising ten interconnected legislative instruments, it systematically regulates each stage: border screening, asylum procedures, reception conditions, and returns. By replacing EU Directives (that require a lengthy transposition into national law) with directly applicable Regulations, the Pact integrates immigration control and asylum policy, aiming to improve efficiency and procedural consistency across member states, thereby addressing longstanding criticisms of fragmented and divergent national practices.

³ For more detailed information on some of the new instruments, please refer to the other articles in this issue of ASYL 1/2026: Martina Caroni on the Screening Regulation, p. xxx, Adriana Romer on the AMM Regulation, p. xxx, and Hanna Stoll on the new Eurodac Regulation, p. xxx.

⁴ Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, OJ L, 2024/1356, 22. 5. 2024.

⁵ Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, OJ L, 2024/1348, 22. 5. 2024.

⁶ Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013, OJ L, 2024/1351, 22. 5. 2024.

⁷ Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of ‘Eurodac’ for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council, OJ L, 2024/1358, 22. 5. 2024.

⁸ Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147, OJ L, 2024/1359, 22. 5. 2024.

⁹ See an overview of the legislative files that make up on the New Pact on the Council website: <https://www.consilium.europa.eu/en/policies/eu-migration-asylum-reform-pact/>.

The reforms create direct procedural linkages, treating asylum and return as sequential stages of a single administrative process rather than separate domains. Notably, Article 37 of the Asylum Procedures Regulation requires return orders to be issued concurrently with or immediately after negative asylum decisions, closing the gap that previously separated these stages. Within border procedures, applicants whose claims are rejected, move directly into the border return procedure, which allows up to 12 weeks for removal while maintaining non-entry status. These provisions exemplify how asylum examination and immigration enforcement are procedurally inseparable under the New Pact, with each stage designed to facilitate the next.

Unprecedented strict time limits govern all stages of the process, reflecting a priority on expedited decision-making. Screening must be completed within seven days at external borders or three days within territory. Border asylum procedures have a maximum duration of 12 weeks, followed by an additional 12 weeks for border return procedures if claims are rejected. These temporal requirements are the New Pact's main mechanism for addressing inefficiencies in asylum processing that previously caused backlogs and prolonged legal uncertainty.

The New Pact's procedural architecture reflects a broader securitisation of asylum policy: asylum seekers are primarily treated as potential threats to public order rather than rights-holders. Emphasis on border procedures – which increase de facto detention or restrictions on the freedom of movement pending examination¹⁰ – facilitates rapid removal, as individuals are already positioned within return infrastructure and remain under non-entry status. This marks a fundamental shift from a protection-first paradigm, in which asylum seekers accessed standard procedures after entry, toward a control-first approach prioritising border detention and expedited removal. While streamlining improves administrative efficiency, it reframes asylum as a component of border control rather than a distinct humanitarian protection regime.

B. Expanded role of EU institutions

The New Pact marks a decisive shift from member state-centered implementation toward centralised EU coordination and oversight. Under the previous CEAS, member states retained primary authority, with EU bodies largely in supportive and advisory roles. The reformed system grants EU institutions unprecedented powers to assess, monitor, and direct national implementation, reducing member state discretion in areas traditionally considered core sovereign prerogatives. This transformation occurs through three interlinked developments: the Commission's gatekeeping authority via the Migration Management Cycle, the EUAA's monitoring mandate, and Frontex's expanded operational role in return policy. Together, these changes centralise decision-making authority at

the supranational level and reshape the governance of European migration policy.

The Migration Management Cycle establishes an annual assessment through which the Commission evaluates each member state's migration situation and determines which states receive solidarity and which must contribute.¹¹ Based on these assessments, the Commission classifies states into three categories. States classified as "under migratory pressure" become beneficiaries of the Solidarity Pool – receiving relocations and financial contributions from other member states. Those "at risk of migratory pressure" can access the Migration Support Toolbox for operational assistance while still being required to contribute solidarity. States designated as "facing a significant migratory situation" may request partial exemptions from their solidarity obligations. The Commission then proposes the annual Solidarity Pool – specifying relocation numbers and financial contributions – which the Council adopts. These provisions grant the Commission decisive influence over the distribution of asylum responsibilities among member states.

The New Pact also substantially expands EU agency mandates. The former European Asylum Support Office was transformed into the EUAA with enhanced monitoring powers under Articles 14–15 of its founding regulation (already in 2022).¹² Through its monitoring mechanism, the EUAA assesses the operational and technical application of CEAS rules in member states. When serious concerns arise, the EUAA can initiate targeted monitoring of specific countries. Following evaluation, the agency drafts recommendations in consultation with the Commission and communicates them to the member state concerned. Meanwhile, Frontex assumes greater responsibility as the operational coordinator of EU return policy. While its mandate has not been formally revised, Commission President von der Leyen announced plans to triple Frontex staff to 30,000 officers¹³, and the Commission's latest proposal on the recast Return Directive position the agency as central to implementing the EU's common approach on return.¹⁴ These developments demonstrate how EU institutions and agencies have acquired enhanced implementation authority under the New Pact, constraining the autonomy member states previously exercised in migration and asylum governance.

¹¹ Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013, OJ L, 2024/1351, 22. 5. 2024, articles 9–15.

¹² Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, OJ L, 468, 30. 12. 2021.

¹³ EU wants to beef up border agency to 30,000 staffers, POLITICO, 1st April 2025, www.politico.eu → News → Cybersecurity and Data Protection.

¹⁴ European Commission, "Proposal for a regulation of the European Parliament and of the Council establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC.", COM(2025) 101 final. Brussels, 11. 3. 2025.

¹⁰ Apatzidou, Vasiliki, *Bordering Asylum: Examining the EU's Border Procedures under the Asylum Procedures Regulation (EU) 2024/1348*. *International Journal of Refugee Law*, 2025, 37(2), 201–218.

III. Implications for responsibility-sharing and European solidarity

1. The asymmetry problem: Unequal distribution of asylum responsibilities

A key motivation for the New Pact was the persistence of unequal asylum numbers across member states and the lack of effective cooperation to establish fair and equitable responsibility-sharing within European asylum governance. The new solidarity mechanism is a political breakthrough in this regard overcoming a long blockade due to asymmetric interests of member states, adding a policy layer that seeks to establish a complex system of ‘mandatory but flexible’ contributions to the common asylum policy. In this second part, we discuss the problem of responsibility-sharing and the possible implications of the New Pact on European solidarity and the role of Switzerland, which faces selective obligations under the New Pact as a Schengen/Dublin associate rather than an EU Member State.¹⁵

Without coordinated responsibility-sharing, asylum applications tend to concentrate in countries with large immigrant communities, historical and linguistic ties to origin countries, and promising labour market prospects as well as geographical access.¹⁶ This distribution – mostly driven by asylum seekers’ self-selection and migration networks and routes – results in highly unequal protection responsibilities across member states and risks overburdening individual receiving countries. It is this asymmetry that sparks calls for responsibility-sharing among countries in Europe and beyond.

2. The Dublin system: Managing responsibility, not sharing it

European integration made it necessary to coordinate national asylum systems and to define rules about responsibility-attribution to avoid that asylum-seekers submit applications in multiple member states to increase their chances for protection, (‘asylum-shopping’), and to prevent asylum-seekers without any state taking any protection responsibility (‘refugees in orbit’).¹⁷ The Dublin Regulation has therefore defined specific rules and criteria to assign responsibility for processing an asylum claim to one specific member state. The dominant criteria is the country in which the asylum-seeker is first registered (country of first entry). Given the scarcity of legal pathways, most asylum-seekers arrive irregularly via Mediterranean routes, making Southern European countries such as

Greece and Italy the primary points of entry and thus responsible member states under Dublin. Despite this asymmetry, the Dublin system in operation since 1997 had only minor redistributive effects and left the asymmetry in asylum applications between member states largely unaltered. A key reason for this outcome is that the Dublin system is only partially implemented and followed in practice. Most asylum-seekers still engage in onward movements from the country of first arrival to the destination country where they submit an asylum claim and only a small share of Dublin requests end up in transfers back to the country of first entry. Instead, member states have an incentive to be unattractive to asylum seekers so that they choose other destinations, reducing the national share of the protection responsibility. As a result, the Dublin system operates highly ineffectively: only approximately 10% of transfer requests result in actual transfers¹⁸, with widespread non-compliance from both asylum seekers (through absconding or secondary movements) and member states (through selective implementation and invocation of the sovereignty clause¹⁹).

3. The new solidarity Mechanism: Filling the gap?

One must note that the Dublin system was not created to address the unequal distribution of asylum seekers, but to assign clear responsibilities. Issues of responsibility-sharing thus fall under the scope of other policy instruments. The solidarity mechanism in the New Pact seeks to fill this gap through ‘mandatory but flexible’ contributions: member states can either relocate asylum seekers from frontline countries, provide financial contributions, or offer operational support. Yet, key Dublin principles – particularly first-arrival responsibility – persist. The solidarity mechanism thus supplements rather than replaces the existing system, raising questions about whether it can meaningfully address the fundamental asymmetries. The new instrument should thus be viewed more as an additional policy instrument rather than a paradigm change to the existing system.

4. Switzerland’s position: From over-contributor to under-contributor

To assess whether the New Pact’s solidarity mechanism addresses these asymmetries – and what it means for Switzerland – we analyse the empirical distribution of asylum responsibilities and Dublin transfers using Eurostat statistics from 2008–2024. Figure 1 shows countries’ relative share of

¹⁵ SEM, Pacte de l’UE sur la migration et l’asile, 14.8.2024, www.sem.admin.ch → Affaires internationales & retour → Coopération UE/AELE. For an overview of the obligations that will be relevant for Switzerland, see also the article by Anne-Laurence Graf and Giulia Raimondo, [xxx](#), in this issue of ASYL 1/2026, p. [xxx](#).

¹⁶ Neumayer, E. (2004). Asylum Destination Choice: What Makes Some West European Countries More Attractive Than Others?. *European Union Politics*, 5(2), 155–180.

¹⁷ Lott, G. (2023). The Dublin Convention and the Introduction of the ‘First Entry Rule’ in the Allocation of Asylum Seekers in Europe. *Contemporary European History*, 32(3), 459–474.

¹⁸ All analyses and calculations in this article are based on Eurostat’s Asylum and Dublin statistics ([migr_dub](#)).

¹⁹ The *sovereignty clause* (Article 17(1) of the Dublin III Regulation) allows any Member State to assume responsibility for examining an asylum application even when it is not the state determined as responsible under the Dublin criteria. It is a discretionary humanitarian or pragmatic safeguard that enables states to derogate from the allocation rules, for example for family unity, vulnerability, diplomatic reasons, or administrative convenience. Its use therefore reflects political or practical considerations rather than strict rule-based allocation.

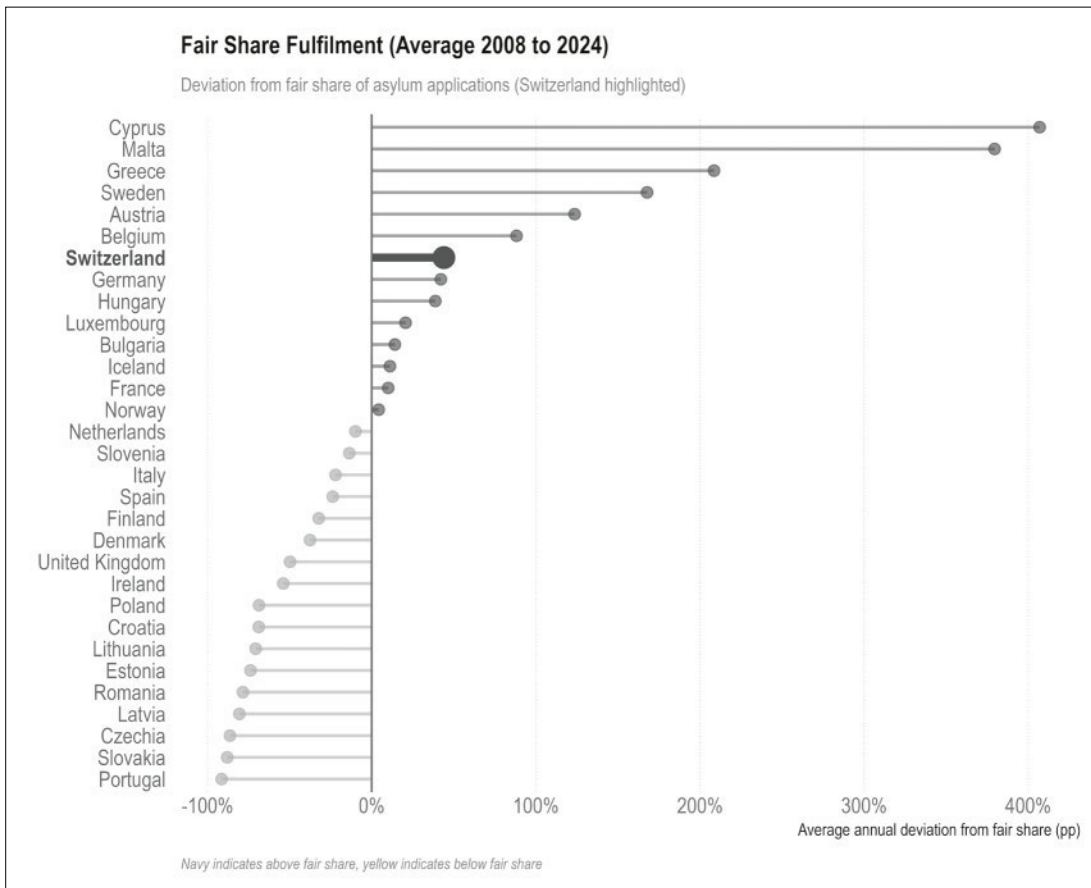


Figure 1: Relative share of asylum responsibilities based on fair-share benchmark

asylum responsibilities using the EU distribution key (50% population size, 50% GDP) as a benchmark over the entire period of observation. There is a strong asymmetry with responsibilities ranging from a small fraction of the fair share in Portugal and many Eastern European countries to shares around four times the fair share in Cyprus and Malta. Switzerland is found in the upper third as it received, on average, over the analysed period more asylum seekers than what would be its fair share.

Next, we look at the Swiss asylum responsibilities over time (Figure 2). In the early years, Switzerland received between two and three times as many asylum-seekers as would be proportional to its capacity. However, the Swiss share of European asylum requests fell sharply after 2012, dropping below its fair share during the 2015/2016 refugee crisis. Since then, relative asylum responsibilities have remained largely stable – slightly below the fair-share benchmark. The position of Switzerland in the CEAS has therefore shifted from one of its main contributors to an under-contributor. Rather than the result of a policy change, this pattern stems from structural changes in refugee movements, mirroring developments in other European countries.

When looking at the statistics on Dublin transfers, Switzerland takes the position of the largest beneficiary. Over the entire period of statistical reporting, no other country has had more net outgoing transfers than Switzerland. This is remarkable given that other countries are much larger and have received more asylum applications than Switzerland. In second

place is Greece as a result of the one-sided suspension of transfers toward Greece, followed by the Netherlands and Sweden with only half the net transfers of Switzerland.

5. Implications for Switzerland and European solidarity

The implications of the New Pact depend strongly on its actual implementation and the political will of member states. After lengthy negotiations, the European Commission has published its first report in November 2025 assessing which countries should receive solidarity contributions from which other countries. Remarkably, only nine countries – Denmark²⁰, Hungary, Luxembourg, Malta, Portugal, Romania, Slovakia, Slovenia, and Sweden – were classified as experiencing neither migratory pressure nor a risk thereof. The absence of a clear fairness principle in both determining these classifications and in allocating solidarity contributions among member states leaves open to what extent the envisaged solidarity contributions will effectively reduce the asymmetry between member states. The New Pact's solidarity mechanism aims to relocate 30,000 asylum seekers annually (alongside €600 million in financial support). While this would roughly double the volume of Dublin transfers that occurred in 2024, these responsibility-shifts remain modest relative to the EU's overall

²⁰ Denmark has an opt-out and thus is not bound by the solidarity mechanism.

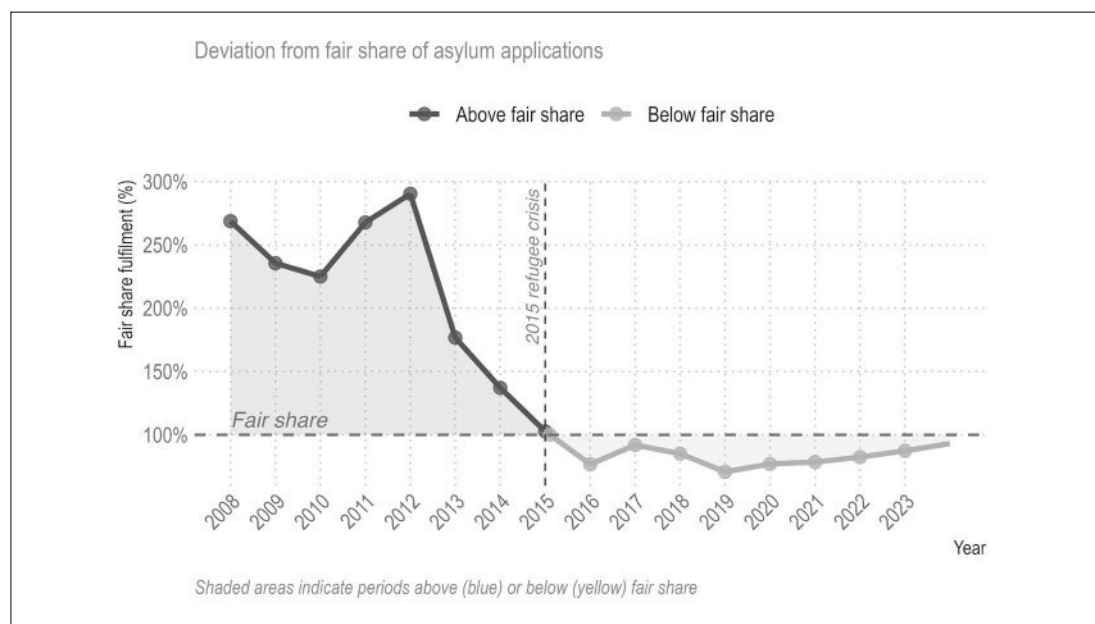


Figure 2: Switzerland's relative asylum responsibilities over time

asylum applications – approximately 3% of the one million applications received in 2024. This limited scale means solidarity relocations are unlikely to substantially alter the highly asymmetric distribution of asylum seekers across member states. Moreover, realizing even these modest transfers depends on member states' actual willingness to participate in relocations. Finally, in the absence of a guiding fairness principle, these relocations are not guaranteed to reduce distributional asymmetries.²¹ A state-centric fairness perspective that ignores asylum seekers' preferences is also unlikely to address persistent secondary movements, where individuals abscond rather than comply with responsibility assignments.²² The suggested solidarity mechanism in the New Pact is a political breakthrough and entails the potential for a qualitative as well as quantitative leap in European solidarity, but those outcomes are uncertain and even in the optimistic case of successful implementation, the mechanism would be primarily of symbolic importance with limited impact on reducing asymmetries.

Switzerland occupies a distinctive position within the Dublin system as a substantial net beneficiary. The country sends significantly more Dublin transfers than it receives – in 2024, Switzerland implemented 2491 outgoing transfers while receiving only 869 incoming transfers (see Figure 3). This creates a high dependency on partner countries' continued cooperation, which has proven fragile. Italy's suspension of incoming Dublin transfers since late 2022 demonstrates how unilateral non-compliance can constrain Switzerland's ability

to redistribute responsibility.²³ As an associated state, the Swiss participation in the solidarity mechanism is voluntary, a matter that sparked controversial debates in the Swiss parliament with a majority supporting voluntary participation.²⁴

Given Switzerland's middle position in relative asylum responsibilities – with moderate per-capita application rates and high economic capacity – the country should expect neither significant solidarity contributions from others nor substantial obligations toward others under the New Pact. Nevertheless, voluntary participation may offer strategic benefits for Switzerland. First, voluntary participation would provide insurance against future shifts in migration patterns. If Switzerland were to face high migration pressure, it could be itself rely on support from the EU and receive solidarity contributions from other countries. Second, active participation signals willingness to contribute to shared European responsibility, potentially strengthening partner countries' willingness to reciprocate in their cooperation on Dublin transfers. As the largest net beneficiary of the Dublin system, Switzerland's ability to redistribute responsibility depends on others' continued willingness to accept such transfers – a willingness that may be influenced by perceptions of Switzerland's own burden-sharing contributions. Voluntary solidarity participation could thus mitigate the often-cited accusation of "cherry-picking", where Switzerland benefits from selective European integration while avoiding systematic partaking in responsibility-sharing.

²¹ For a more extensive argument in this regard see the following EPC discussion paper: Florian Trauner, Philipp Lutz, and Philipp Stutz, "Towards a Fairer EU Asylum Policy: Lessons from the Dublin System for the EU's Solidarity Mechanism" Discussion Paper. Brussels: European Policy Centre, 2025, www.epc.eu → publications.

²² Philipp Lutz, David Kaufmann and Anna Stünzi, Humanitarian Protection as a European Public Good: The Strategic Role of States and Refugees. *JCMS: Journal of Common Market Studies*, 2020, 58: 757–775.

²³ SWI [swissinfo.ch](https://www.swissinfo.ch), 'Italy suspends transfer accord of asylum seekers in Switzerland', 29 May 2022, available at: <https://www.swissinfo.ch/eng/politics/italy-suspends-transfer-of-asylum-seekers-from-switzerland/48160632>.

²⁴ SWI [swissinfo.ch](https://www.swissinfo.ch), 'Swiss parliament greenlights participation in EU asylum solidarity mechanism', 15 September 2025, available at: <https://www.swissinfo.ch/eng/foreign-affairs/councillors-approve-participation-in-eu-asylum-solidarity-mechanism/90010948>.

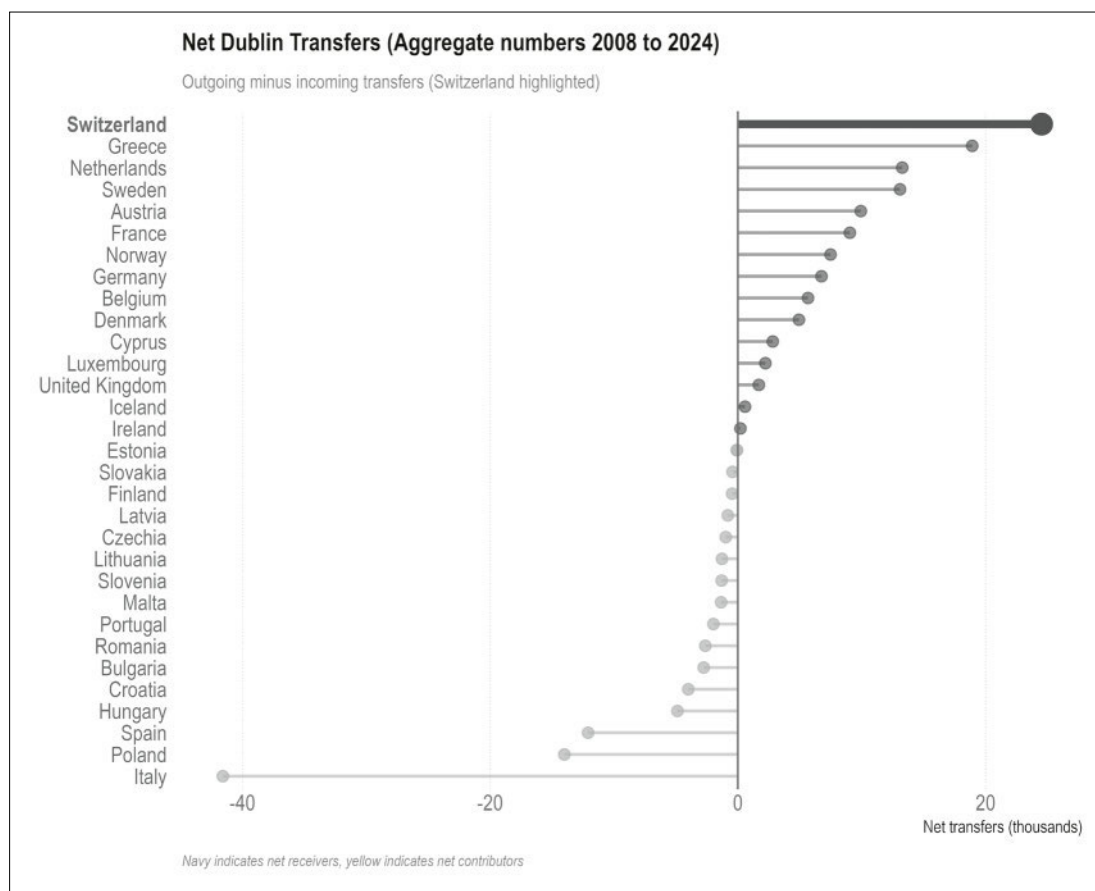


Figure 3: The total number of net Dublin transfers by country

IV. Conclusion

Asylum governance constitutes a defining policy challenge for European countries. Despite progressive expansion and deepening of a common policy framework, the system continues to suffer from persistent asymmetries in responsibility distribution and inadequate cooperation among member states. The New Pact represents the latest attempt to develop an effective response to asylum arrivals and advance inter-state cooperation in sharing protection responsibilities. This comprehensive reform constitutes a significant political achievement: it overcomes years of deadlock among European governments and introduces novel instruments for European solidarity, including the first mandatory solidarity mechanism in EU asylum policy. At the same time, fundamental elements of the deficient European asylum architecture remain in place, and many reform provisions continue rather than reverse previous developments. The New Pact should therefore be understood as an incremental reform layering additional mechanisms onto existing structures rather than a fundamental policy reorientation. What enabled the political breakthrough – a complex package deal granting significant flexibility to member states – may also complicate implementation of the reforms.

The prospects for successful implementation remain uncertain, particularly regarding the New Pact's effects on European responsibility-sharing. Given that asymmetries in protection responsibilities are structural in nature and the contentious first-entry principle for assigning state responsi-

bilities persists, European asylum governance continues to be characterized by a fundamental collective action problem. Overcoming this dynamic requires substantial political will to employ the new instruments in ways that deliver tangible redistributive effects toward greater fairness. Even prior to the Pact's official implementation, several governments have openly opposed key measures, raising doubts about compliance.²⁵ This question of political will is especially salient for Switzerland, which maintains deep integration into the European asylum regime through its Schengen and Dublin association yet faces only voluntary participation in the new solidarity mechanism. Our analysis demonstrates that Switzerland is by far the largest net beneficiary of the Dublin transfer system in absolute numbers, and that the country's share of protection responsibilities has declined severely over time, stabilizing well below its nominal fair share. While public and political discourse has scarcely registered this significant shift, Switzerland's position relies fundamentally on other states' continued cooperation. Remaining outside the solidarity framework risks Switzerland being perceived as unfairly claiming benefits from European integration while declining to shoulder corresponding burdens.

²⁵ Jorge Liboreiro, Poland will not implement Migration Pact, Donald Tusk tells Ursula von der Leyen, 7 February 2025, Euronews, www.euronews.com → My Europe.