

What is the EU Migration Pact: Explainer

1 – What is the EU Migration Pact?

Ireland and other EU countries are set to join the EU's new Migration Pact in June 2026, introducing a number of changes to how people seeking asylum are processed. Although Ireland has already agreed to implement the Pact, the Government still has the opportunity to prioritise human rights and protect the lives of those seeking asylum.

2 – What is the current law?

International Protection (seeking asylum) is regulated in Ireland by the International Protection Act 2015. The EU Migration Pact, once transposed into Irish Law, will replace the current IP Act 2015.

3– What are the main changes being proposed by the Irish Government with the new EU Pact and their impact on people seeking safety in Ireland?

While the Irish government aims to align with the EU Pact to streamline asylum procedures, the proposed changes may compromise the rights and protections afforded to asylum seekers, particularly vulnerable groups, such as children and families.

- **Detention of children:** the Pact's provisions may lead to the detention of children, including those who are unaccompanied or seeking asylum with their families. These measures contravene international conventions safeguarding children's rights.
- **No legal representation:** the current proposal lacks clarity on whether applicants will retain their basic right to legal representation.
- **Accelerated procedures:** the Irish government is proposing a 12-week timeframe for processing certain asylum applications under the new pact. For example, applicants from a country designated as 'safe', would have their cases processed within 12 weeks, encompassing both the initial decision and any appeals. This may result in the unfair rejection of asylum claims from individuals fleeing persecution in these countries.

The new accelerated procedure might also fail to account for vulnerabilities (such as unaccompanied children, victims of torture or sexual violence, victims of trafficking, amongst other cases). Those applicants often need more time to gather evidence, find appropriate supports and disclose trauma.

- **Restrictions on movement:** Proposals to limit the movement of asylum seekers during the application process could infringe upon the rights and freedoms of individuals seeking protection.
- **Removal of in-person appeals:** under the proposed changes, asylum seekers would no longer have an automatic right to an in-person oral hearing when appealing a refusal of international protection. This is a significant shift from the current system, where applicants can present their case in person before the International Protection Appeals Tribunal (IPAT).

The aim is to expedite the appeals process, however, this change could undermine procedural fairness and access to justice for asylum seekers. It's crucial to note that the success rate for asylum appeals in Ireland has been approximately 30% in recent years.

4 – What is the timeline for the EU Pact becoming Irish Law?

April 2025: Cabinet approval in Ireland

- The Irish Cabinet (the Government's main decision-making body, composed of the Taoiseach, Tánaiste, and Ministers) gave approval for the drafting of the new International Protection Bill 2025, which will implement the EU Pact.
- This step allows the Department of Justice to move forward with drafting detailed legislation and begin Oireachtas pre-legislative scrutiny (a stage where parliamentary committees review and comment on the draft).

2025 – Early 2026: Oireachtas passage

- Pre-legislative scrutiny phase: The General Scheme (i.e. high-level outline) of the Bill has already been approved by Cabinet and is undergoing pre-legislative scrutiny. This is a chance for civil society to present their concerns about the Bill and attempt to change the legislative text. Organisations working in the sector, including members of the Coalition will be appearing before Justice Committee between the 14th – 21st October.
- The International Protection Bill 2025 will go through the Oireachtas (Dáil Éireann and Seanad Éireann) – Ireland's Parliament – for debate, amendments, and final approval.

11 June 2026 – Implementation date

- The new Irish law will take effect for all asylum applications made after 11 June 2026 (11 pm Irish time).
- This aligns with the EU-wide implementation deadline set by the Pact.

5 – Terms explained:

Border Procedure: a fast-track asylum and return process carried out at or near the EU's external borders, such as airports, ports, or land entry points, before an applicant is allowed to officially enter the country.

It's designed to quickly decide whether a person:

- Has a valid claim for asylum, or
- Should be refused entry and returned to their country of origin (or a "safe third country").

Reception conditions: the standards of living and support that EU countries must provide to people while their asylum application is being processed.

They are meant to ensure that asylum seekers can live in dignity and safety while waiting for a decision on their claim.

6 – Who are the Coalition on the EU Migration Pact?

The Coalition on the EU Migration Pact is made up of non-governmental stakeholders and those working on the ground with migrant communities. The group has come together to ensure that Ireland's approach to transposing and implementing the EU Pact on Migration and Asylum is transparent, equitable, rights-centred, humane, and aligned with the country's values. It is made up of the Irish Refugee Council, Crosscare, Doras, the Irish Council for Civil Liberties, the Immigrant Council of Ireland, the Irish Penal Reform Trust, the Jesuit Refugee Service, Nasc, Oxfam Ireland, LGBT Ireland and Spirasi.

7– What is the Coalition on the EU Migration Pact calling for?

The Coalition calls for the following safeguards in the International Protection Bill 2025:

1. **Legal rights**: All applicants have the right to independent legal advice and representation throughout the protection process;
2. **Freedom of movement**: No applicant should have their freedom of movement restricted, unless prescribed by law;
3. **Protection of vulnerable applicants**: Vulnerable applicants have the right to a needs assessment, retaining existing safeguards, and exclusion from accelerated border procedures that might result in curtailment of their fundamental rights;
4. **Best interest of the child**: Ensure a rights-based approach to age assessment, reflecting international best practice, underpinned by the best interest of the child;
5. **Border procedure**: The border procedure should be limited to exceptional cases, and not used indiscriminately as the norm;
6. **Reception and capacity**: Provision for adequate reception facilities and contingency planning;
7. **Appeals**: The option for in-person appeals is maintained;
8. **Oversight**: Ensure effective and independent oversight via the Chief Inspector's role;
9. **Garda powers**: Ensure that any and all expansion of Garda powers fully aligns with human rights law and standards, and that any interference with rights to liberty, freedom of movement, privacy or bodily integrity is clearly prescribed by law;
10. **Detention**: Exclude the concept of detention (currently non-existent in the Irish protection system). Detention should only ever be used as a measure of last resort, when proportionate and necessary, and under no circumstances be applied to a child.

