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UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

AGENDA

*Addressing the Changing Landscape of Refugee Protection in Europe in the
Context of Conflict, Climate Change, and Shifting Asylum Policies.*

Executive Board:

Chairperson: Prishaa Dharmarha

Vice-Chairperson: Yashika Choudhary

Moderator: Anam Deeba

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Letter from the Executive Board

Dear Delegates,

Welcome to the United Nations High Commissioner for Refugees at Chrysalis High Model United Nations 2026. We are glad you chose this committee, and we look forward to meeting each of you.

Our agenda sits at the centre of European politics this year. The EU's Pact on Migration and Asylum began to apply in June 2026. Several states have suspended access to asylum at their borders, governments are testing "return hubs" in third countries, and the Council of Europe has adopted a political declaration on how the European Convention on Human Rights should be read in migration cases. Meanwhile, more than four million people displaced from Ukraine live under temporary protection in the EU, over a million Syrians have gone home since the fall of the Assad government, and people continue to die at sea. Few topics combine law, security and human lives as tightly as this one.

This guide sets out the historical and legal frameworks, the questions your resolution must answer, and resources to start your research. It is a starting point, not an exhaustive account. Treat it as a map, then do the walking yourself: read the Refugee Convention and the Pact regulations, check the latest figures, and find out what your own government has said and done.

We ask three things of you. First, represent your country's actual policy. A delegate of Poland arguing for open borders is not practising diplomacy. Understand why your government holds its position, defend it well, and then find where it can move. Second, use verified evidence. Every figure you cite should trace back to a primary or reputable source, and we will ask for it if we have doubts. Third, delegate well within your blocs. Share out research, drafting and lobbying, and listen to smaller delegations as closely as to larger ones. We will judge leadership by the quality of the consensus you build, not by how often you speak.

Bring your best foot forward. Prepare thoroughly, disagree with courtesy, and remember that behind every statistic in this guide are people whose lives depend on decisions much like the ones you will draft. If you have questions before the conference, write to us; we would rather answer them in advance than watch you struggle in committee.

We look forward to a rigorous and memorable debate.

Warm regards,

CHAIRPERSON- Prishaa Dharmarha

VICE-CHAIRPERSON- Yashika Choudhary

MODERATOR- Anam Deeba

1. Historical Framework

The international refugee regime was written in Europe, by Europeans, for European refugees. Understanding that origin helps explain much of today's debate, which is at bottom about how far Europe still applies rules it wrote for itself to people arriving from elsewhere.

1.1. 1945 to 1967: A Temporary Answer to a European Problem

The Second World War left millions of people displaced across the continent. The General Assembly adopted the Constitution of the International Refugee Organization (IRO) on 15 December 1946; the IRO worked from 1947 until early 1952 and resettled roughly one million displaced persons, most of them Europeans ([GA res 62 \(I\), 1946](#)). As the IRO wound down, the General Assembly created UNHCR as a small, non-operational and, it was assumed, short-lived office ([UNHCR Statute, 1950](#)).

The 1951 Convention relating to the Status of Refugees, adopted in Geneva on 28 July 1951 and in force from 22 April 1954, reflected the same assumptions ([1951 Convention, Refworld](#)). Its definition applied only to people who became refugees "as a result of events occurring before 1 January 1951", and Article 1B let each state limit its obligations to events occurring in Europe. The Convention's most important provisions for our agenda were already present: Article 33 (non-refoulement) and Article 31 (no penalties for unlawful entry where refugees present themselves without delay). Separately, the European Convention on Human Rights was signed in Rome on 4 November 1950. It contains no right to asylum, but its Article 3, the absolute ban on torture and inhuman or degrading treatment, would later become Europe's most powerful protection against return ([ECHR text, Council of Europe](#)).

The Hungarian uprising of 1956 was UNHCR's first major emergency. About 200,000 Hungarians fled, most of them to Austria and some to Yugoslavia, and UNHCR acted as lead agency. Refugees were recognised on a group basis and most were resettled quickly to more than thirty countries ([UNHCR, State of the World's Refugees 2000](#)). The Cold War shaped this generosity: people fleeing communist states were welcomed partly as evidence of the West's moral standing, a point the historian Gil Loescher develops in detail ([Loescher, 2001](#)).

By the 1960s refugee movements were happening mainly in newly independent states in Africa and Asia, and the Convention's dateline made little sense. The 1967 Protocol, in force from 4 October 1967, removed the temporal limit and, for new parties, the geographic one ([1967 Protocol, Refworld](#)). One European exception remains relevant today: Türkiye is party to both instruments but keeps the geographic limitation, so it grants full refugee status only to people fleeing events in Europe. Syrians in Türkiye hold "temporary protection" under its own 2013 law ([UNHCR Türkiye](#)). This matters for any debate about whether Türkiye can be treated as a safe third country.

1.2. The End of the Cold War and the 1990s

After 1989, asylum applications in Western Europe rose sharply and the political meaning of asylum changed. Germany received roughly 438,000 applications in 1992, a European peak that would not be surpassed until 2015, and responded with the 1993 "asylum compromise", amending its Basic Law to introduce safe third country and safe country of origin concepts ([BAMF](#)). Two instruments designed as a pair appeared in the same period. The Schengen Agreement (1985) and its implementing Convention (1990) set out to abolish internal border checks, which began in 1995 ([EUR-Lex, Schengen acquis](#)). The Dublin Convention, signed on 15 June 1990 and in force from 1997, decided which state would examine each asylum claim, largely by reference to where the applicant first entered ([Dublin Convention, EUR-Lex](#)). The logic was simple: if internal borders disappear, responsibility for asylum must be allocated. Its consequence, which took two decades to become obvious, was that states on the external border would carry a disproportionate share.

The wars in the former Yugoslavia produced Europe's largest displacement since 1945. UNHCR, under High Commissioner Sadako Ogata, became lead humanitarian agency in the largest operation in its history to that point, and in July 1992 it called on Western European states to offer "temporary protection" to people fleeing Bosnia and Herzegovina ([UNHCR, State of the World's Refugees 2000](#)). Temporary protection was a pragmatic compromise: it gave rapid safety to large groups without committing states to full Convention status. The Dayton Agreement of December 1995 guaranteed, in its Annex 7, the right of refugees and displaced persons to return ([Dayton Agreement, OHR](#)). In 1999 around 850,000 people fled Kosovo during the NATO campaign, most of them returning within months.

The European Court of Human Rights was meanwhile building a parallel protection regime. In *Soering v United Kingdom* (1989) it held that extradition to face a real risk of inhuman treatment would breach Article 3, and in *Chahal v United Kingdom* (1996) it held that this protection is absolute even for a person said to threaten national security ([Chahal v UK, HUDOC](#)). That principle sits at the centre of the second part of our agenda.

The Treaty of Amsterdam (signed 1997, in force 1999) moved asylum into mainstream EU law, and the Tampere European Council of October 1999 committed the Union to a Common European Asylum System "based on the full and inclusive application of the Geneva Convention" ([Tampere Presidency Conclusions, 1999](#)).

1.3. Building the Common European Asylum System, 1999 to 2014

The EU built its asylum system in two legislative waves. The first (2001 to 2005) set minimum standards: the Temporary Protection Directive (2001), the Reception Conditions Directive (2003), the Dublin II Regulation (2003), the Qualification Directive (2004), which created subsidiary protection, and the Asylum Procedures Directive (2005) ([Directive 2001/55/EC, EUR-Lex](#); [Dublin II, EUR-Lex](#)). Frontex was established in 2004 to co-ordinate external border operations ([Regulation 2007/2004, EUR-Lex](#)). The second wave (2011 to 2013) recast

these instruments, including the Dublin III Regulation ([Dublin III, EUR-Lex](#)). A European Asylum Support Office was created in 2010 and became the EU Agency for Asylum (EUAA) in January 2022 ([EUAA](#)).

The courts exposed the gap between the system's assumptions and reality. In *M.S.S. v Belgium and Greece* (2011), the Strasbourg Court held that Belgium breached Article 3 by sending an asylum-seeker back to Greece under Dublin, given conditions there; the Court of Justice of the EU reached a similar conclusion in *N.S. and M.E.* the same year. In *Hirsi Jamaa v Italy* (2012), the Court held that Italy's 2009 interceptions on the high seas and returns to Libya violated Article 3 and the prohibition on collective expulsion ([Hirsi Jamaa v Italy, HUDOC](#)). Together these rulings established that "mutual trust" between EU states could not be presumed, and that jurisdiction follows state control, even at sea.

On 3 October 2013 a boat sank off Lampedusa and more than 360 people died. Italy launched Operation Mare Nostrum, a navy-led search and rescue mission that rescued at least 150,000 people before it ended on 31 October 2014; it was replaced the next day by Frontex's smaller Operation Triton, focused on border surveillance ([UK P&I, 2014](#)). IOM recorded 3,279 Mediterranean deaths and about 219,000 sea arrivals in 2014 ([IOM, 2016](#)). In April 2015 a series of shipwrecks killed more than 1,000 people within a week. Critics linked the deaths to reduced rescue capacity; governments argued that large-scale rescue near Libya encouraged smugglers. The causal question remains contested, and it recurs in every debate about sea rescue.

1.4. The 2015 and 2016 Crisis

In 2015 IOM counted 1,004,356 Mediterranean sea arrivals, almost five times the 2014 figure, about 850,000 of them into Greece, and 3,771 deaths ([IOM, 2016](#)). UNHCR's headline was that over one million people had arrived by sea ([UNHCR, 2015](#)). Most were Syrians, Afghans and Iraqis. Eurostat recorded about 1.26 million first-time asylum applicants in the EU in 2015 ([Eurostat](#)). Frontex's figure of about 1.82 million border-crossing detections for the same year counts detections, not people, since many were detected more than once along the Balkan route; delegates should not quote it as a head count.

The Dublin system effectively collapsed. Germany signalled in August 2015 that it would not return Syrians to their first country of entry, and Chancellor Merkel declared "Wir schaffen das" ("We can do this"). Hungary completed a razor-wire fence on its Serbian border in September 2015. The photograph of three-year-old Alan Kurdi, drowned near Bodrum on 2 September 2015, shifted public opinion across the continent. In September the Council adopted emergency decisions to relocate 160,000 asylum-seekers from Italy and Greece, the larger decision passing by qualified majority over the objections of Czechia, Hungary, Romania and Slovakia ([Decision 2015/1601, EUR-Lex](#)). Fewer than 29,000 people were relocated, about 18 per cent of the target; Czechia accepted 12 of its allocation of 2,600 ([InfoMigrants, 2017](#)). The Court of Justice later upheld the scheme and, in 2020, found that Poland, Hungary and Czechia

had breached EU law by refusing to take part ([CJEU, C-715/17, 2020](#)). The failure of mandatory quotas is the direct ancestor of the "mandatory but flexible" solidarity in the 2024 Pact.

The crisis was contained through two measures. The Western Balkan route closed in March 2016, and on 18 March 2016 the EU and Türkiye agreed a Statement under which new irregular arrivals on the Greek islands would be returned to Türkiye, one Syrian would be resettled from Türkiye for each Syrian returned (up to 72,000), and €6 billion would be provided for refugees in Türkiye ([Council of the EU, 2016](#)). Arrivals in Greece fell from 861,000 in 2015 to 36,000 in 2016; by March 2021 slightly more than 28,000 Syrians had been resettled under the one-for-one arrangement ([Migration Policy Institute, 2021](#)). The Statement became the template for every later externalisation arrangement, and it also showed their fragility: in February and March 2020, Türkiye announced it would no longer stop people heading to the Greek border, and Greece suspended asylum applications for a month.

1.5. 2016 to 2021: Containment, Externalisation and Deterrence

After 2016 the EU's centre of gravity moved from reception to prevention. Frontex became the European Border and Coast Guard Agency, with a standing corps planned to reach 10,000 by 2027 ([Regulation 2019/1896, EUR-Lex](#)). In February 2017 Italy signed a Memorandum of Understanding with Libya's Government of National Accord to train and equip the Libyan coastguard, backed by the EU's Malta Declaration; UNHCR has repeatedly said that Libya is not a place of safety for disembarkation. Restrictions on NGO rescue vessels followed.

In September 2020 fires destroyed the Moria reception centre on Lesbos, a facility built for under 3,000 people that housed around 12,000 ([UNHCR, 2020](#)). Two weeks later, the Commission proposed the New Pact on Migration and Asylum ([European Commission](#)).

From mid-2021, Belarus facilitated the movement of people, mainly from Iraq, Syria and Afghanistan, towards the borders of Lithuania, Latvia and Poland. Poland declared a state of emergency in the border zone on 2 September 2021, legalised pushbacks and built a barrier; people died in the forests on both sides of the border. In December 2021 the Commission proposed derogations for "instrumentalisation" situations, a concept now written into EU law. In August 2021 Kabul fell to the Taliban. The Council's statement on 31 August stressed preventing "uncontrolled large-scale illegal migration movements" ([Council of the EU, 2021](#)), and Afghans have remained among the top nationalities in EU asylum data ever since.

1.6. 2022: Ukraine and the First Use of Temporary Protection

Russia's full-scale invasion of Ukraine on 24 February 2022 produced the fastest refugee movement in Europe since the Second World War, and a response of a completely different character. On 4 March 2022 the Council unanimously activated the Temporary Protection Directive for the first time in its 21-year history ([Implementing Decision 2022/382, EUR-Lex](#)). People fleeing Ukraine received immediate residence, the right to work, access to housing,

healthcare and education, and freedom to choose their host state, without individual asylum procedures and without Dublin. Temporary protection, invented for Bosnians in the 1990s and codified in 2001, finally came into use at massive scale.

The contrast between this response and the response at the Belarus border a few months earlier is the source of one of the sharpest arguments delegates will hear: that Europe applies a double standard to refugees depending on where they come from. Others argue that geographic proximity, historic ties, the clear nature of the aggression and the expectation of return justified a distinct approach. Whatever view delegates take, the Ukrainian case proves that the EU can share responsibility quickly and at scale when member states choose to.

The limits of deterrence became visible in the same period. On 14 June 2023 the fishing trawler *Adriana* capsized off Pylos, Greece, with about 750 people aboard; 104 survived, 82 bodies were recovered and more than 600 are presumed dead. Greek authorities had been alerted the previous day, and survivors' accounts of the coastguard's role, which the coastguard denies, remain the subject of inquiry ([Human Rights Watch, 2023](#)). In the United Kingdom, the plan to send asylum-seekers to Rwanda, announced in April 2022, was halted by an interim measure of the Strasbourg Court, held unlawful by the UK Supreme Court in November 2023 because of the risk of refoulement from Rwanda, revived by treaty and statute, and scrapped in July 2024. It cost around £700 million and relocated four people, all voluntarily ([ITV, 2024](#)).

1.7. 2023 to the Present: The Pact Era

Since 2023 irregular crossings have fallen sharply while policy has hardened: the EU adopted the Pact on Migration and Asylum in May 2024, states have tested offshore centres, funding partnerships and border suspensions, and the fall of the Assad government on 8 December 2024 opened the largest return movement in years.

1.8. Timeline of Key Dates

Date	Event
15 Dec 1946	General Assembly adopts IRO Constitution
4 Nov 1950	European Convention on Human Rights signed in Rome
14 Dec 1950	GA resolution 428 (V) adopts the UNHCR Statute; Office begins work 1 Jan 1951
28 Jul 1951	Refugee Convention adopted (in force 22 Apr 1954)
1956	About 200,000 Hungarians flee; UNHCR's first major emergency
31 Jan 1967	Protocol relating to the Status of Refugees signed (in force 4 Oct 1967)
15 Jun 1990	Dublin Convention signed
1992	Germany receives about 438,000 asylum applications; UNHCR calls for temporary protection for Bosnians
15 Nov 1996	<i>Chahal v UK</i> : Article 3 protection absolute even in security cases

Date	Event
15 to 16 Oct 1999	Tampere Council commits to a Common European Asylum System
20 Jul 2001	Temporary Protection Directive adopted
2004	Frontex established
21 Jan 2011	<i>M.S.S. v Belgium and Greece</i>
23 Feb 2012	<i>Hirsi Jamaa v Italy</i>
3 Oct 2013	Lampedusa shipwreck; Mare Nostrum begins on 18 Oct
2015	About one million sea arrivals; relocation decisions for 160,000
18 Mar 2016	EU-Turkey Statement
2 Feb 2017	Italy-Libya Memorandum of Understanding
17 to 19 Dec 2018	Global Compact on Refugees affirmed; Global Compact for Migration endorsed
13 Feb 2020	<i>N.D. and N.T. v Spain</i>
Sep 2020	Moria fire; Commission proposes the New Pact
2021	Belarus border crisis; fall of Kabul (15 Aug)
4 Mar 2022	Temporary Protection Directive activated for Ukraine
14 Jun 2023	Pylos shipwreck
16 Jul 2023	EU-Tunisia Memorandum of Understanding
Nov 2023	Italy-Albania Protocol signed; UK Supreme Court rules Rwanda plan unlawful
14 May 2024	Council adopts the Pact on Migration and Asylum
6 Jul 2024	UK scraps the Rwanda scheme
8 Dec 2024	Fall of the Assad government in Syria
7 Jan 2025	<i>A.R.E. v Greece</i> : Strasbourg finds a systematic practice of pushbacks
27 Mar 2025	Poland suspends asylum applications at the Belarus border
Jul to Oct 2025	Greece suspends asylum for sea arrivals from North Africa
8 Dec 2025	Member states agree first solidarity pool
23 Feb 2026	EU safe countries of origin list and revised safe third country rules adopted
2 Mar 2026	UK "core protection" model takes effect
15 May 2026	Chişinău Declaration on the ECHR and migration
12 Jun 2026	EU Pact on Migration and Asylum enters into application
17 Jun 2026	European Parliament approves the Return Regulation
15 Jul 2026	Temporary protection for Ukrainians extended to 4 Mar 2028

Date	Event
30 Jul 2026	Mass crossing at Ceuta
16 Sep 2026	Commission President announces a European Emergency Response Framework

2. Legal Framework

European refugee protection rests on several overlapping layers of law: universal refugee law, universal human rights law, the law of the sea, the Council of Europe system, and EU law. They do not always point in the same direction. Much of the debate on security and protection comes down to which layer applies to a given situation and how strictly it binds.

2.1. International Refugee Law

The 1951 Convention and 1967 Protocol supply the refugee definition and the core obligations ([UNHCR, Convention and Protocol](#)). The provisions most relevant to this agenda are these:

Article	Content	Why it matters here
1A(2)	Refugee definition: well-founded fear of persecution on one of five grounds	The test every asylum procedure applies, including accelerated border procedures
1C(5) and (6)	Cessation when the circumstances behind recognition cease to exist, subject to a "compelling reasons" proviso	Central to status reviews for Syrians after December 2024
1F	Mandatory exclusion where there are serious reasons for considering that a person committed war crimes, crimes against humanity, serious non-political crimes or acts contrary to UN purposes	The Convention's main security filter at the recognition stage
31	No penalties for illegal entry for refugees coming directly and presenting without delay; restrictions on movement only where necessary	Engaged by laws that criminalise irregular entry or stay
32	Expulsion of refugees lawfully present only on national security or public order grounds, with due process	Limits security-based removal of recognised refugees
33(1)	Non-refoulement "in any manner whatsoever"	The cornerstone; covers pushbacks and indirect return via third countries
33(2)	Exception for a refugee who is a danger to the security of the country, or who, convicted of a particularly serious crime, is a danger to the community	A narrow security exception, read restrictively
35	Duty to co-operate with UNHCR in its supervisory role	The legal basis for UNHCR's advice and monitoring

UNHCR's position is that non-refoulement is also a rule of customary international law, binding even on states that are not party to the Convention, and that it applies wherever a state exercises jurisdiction, including at sea and at the border ([UNHCR Advisory Opinion on Extraterritorial Application, 2007](#)). Some scholars argue that it has reached peremptory (jus cogens) status; that claim is contested. Article 14 of the Universal Declaration of Human Rights recognises the right "to seek and to enjoy" asylum, but it does not oblige any state to grant it ([UDHR](#)).

2.2. International Human Rights Law

Human rights treaties add a second non-refoulement rule that is broader and stricter than Article 33. Article 3 of the Convention against Torture bars return where there are substantial grounds for believing a person would be in danger of torture, with no exception for security ([CAT, OHCHR](#)). The Human Rights Committee reads Articles 6 and 7 of the International Covenant on Civil and Political Rights to prohibit return where there is a real risk of irreparable harm ([ICCPR, OHCHR](#)). The practical result is important for our debate: a person excluded from refugee status under Article 1F, or who loses Refugee Convention protection under Article 33(2), may still be impossible to deport lawfully if they would face torture. States then face the problem of people who are neither protected nor removable.

2.3. The Law of the Sea

Maritime law imposes duties that exist independently of refugee law. Article 98 of the UN Convention on the Law of the Sea requires states to require their ships' masters to assist persons in danger at sea, and coastal states to maintain adequate search and rescue services. The SOLAS and SAR Conventions, amended in 2004, require the responsible state to co-ordinate delivery of rescued people to a "place of safety", and IMO guidelines say that the need to avoid disembarking refugees where they would face persecution is a relevant consideration ([IMO, SAR Convention](#)). These rules drive the dispute over whether people intercepted by the Libyan coastguard and returned to Libya have been taken to a place of safety, and over state restrictions on NGO rescue ships.

2.4. The Council of Europe and the European Convention on Human Rights

All 46 Council of Europe states, including the United Kingdom and Türkiye, are bound by the ECHR. Although the Convention contains no right to asylum, the European Court of Human Rights has developed what scholars call "protection by ricochet". Article 3 forbids removal to a real risk of torture or inhuman or degrading treatment, absolutely and without derogation. Article 13 requires an effective remedy which, for Article 3 claims, must suspend removal. Article 5(1)(f) allows immigration detention only if it is lawful, not arbitrary, and linked to entry control or removal in progress. Article 4 of Protocol 4 prohibits collective expulsion ([ECHR text](#)).

Recent case law shows two lines of reasoning on collective expulsion. One, from *Hirsi Jamaa* and *M.K. v Poland*, protects people who are under a state's control or who present themselves at official crossing points. The other, from *N.D. and N.T. v Spain*, holds that people who force their way across a border in large numbers, bypassing genuinely available legal entry points, cannot complain of the lack of an individual interview because of their "own culpable conduct". States defending border measures rely heavily on the second line. Three Grand Chamber cases against Latvia, Lithuania and Poland about pushbacks to Belarus in 2021 (*H.M.M. and Others v Latvia*, *C.O.C.G. and Others v Lithuania*, *R.A. and Others v Poland*) were heard together on 12 February 2025 and will test how far that reasoning extends to state-engineered "instrumentalisation" ([ECtHR, 2025](#)). Delegates should check [HUDOC](#) for the current status of these cases before the conference.

2.5. European Union Law

EU asylum law rests on Article 78 of the Treaty on the Functioning of the EU, which requires a common asylum policy in accordance with the Refugee Convention and "ensuring compliance with the principle of non-refoulement", and on Article 80, which makes solidarity and fair sharing of responsibility, including its financial implications, a governing principle ([TFEU, EUR-Lex](#)). The Charter of Fundamental Rights guarantees the right to asylum (Art 18), prohibits collective expulsion and refoulement (Art 19), and guarantees an effective remedy (Art 47) ([Charter, EUR-Lex](#)). Unlike the ECHR, EU law confers an actual right to asylum, and the Court of Justice has tended to apply stricter procedural safeguards than Strasbourg.

Until June 2026 the Common European Asylum System consisted mainly of directives: the recast Qualification Directive (2011/95/EU), Asylum Procedures Directive (2013/32/EU) and Reception Conditions Directive (2013/33/EU), together with the Dublin III and Eurodac Regulations ([Asylum Procedures Directive, EUR-Lex](#); [Dublin III, EUR-Lex](#)). Directives leave member states freedom over implementation, which produced wide differences in recognition rates and reception standards. Three further instruments sit alongside:

- The Temporary Protection Directive 2001/55/EC provides immediate collective protection in a mass influx, triggered by a Council decision ([EUR-Lex](#)). Its only use, for people displaced from Ukraine, has now been extended to 4 March 2028.
- The Returns Directive 2008/115/EC sets common standards for returning people with no right to stay, with voluntary departure preferred, detention as a last resort and a maximum of 18 months ([EUR-Lex](#)).
- The Schengen Borders Code, Regulation (EU) 2016/399, governs external border checks and the temporary reintroduction of internal controls, and must be applied without prejudice to non-refoulement ([EUR-Lex](#)). Amendments in Regulation (EU) 2024/1717 widened the framework for prolonged internal controls and added measures

for "instrumentalisation" at external borders, such as limiting crossing points ([EUR-Lex](#)).

2.6. The 2024 Pact on Migration and Asylum

The Council adopted the Pact's ten legislative acts on 14 May 2024; they entered into force in June 2024 and have applied since 12 June 2026, after a two-year implementation period ([Council of the EU, 2024](#); [European Commission, 2026](#)). Most of the acts are regulations, directly applicable in every member state, which marks a shift from harmonised minimum standards towards uniform rules.

Instrument	What it does
Screening Regulation (EU) 2024/1356	Mandatory identification, security, health and vulnerability checks for irregular arrivals, up to 7 days at the external border (3 days if apprehended inside the territory), with an independent national fundamental-rights monitoring mechanism
Screening consistency amendments, Regulation (EU) 2024/1352	Technical changes to EU databases so they support screening
Asylum Procedure Regulation (EU) 2024/1348	Replaces the Procedures Directive; mandatory border procedure for applicants from countries with EU-wide recognition rates of 20 per cent or below, security risks and those who mislead authorities; harmonised safe country concepts
Return Border Procedure Regulation (EU) 2024/1349	Returns of applicants rejected in the border procedure
Asylum and Migration Management Regulation (EU) 2024/1351	Replaces Dublin III; keeps responsibility criteria and adds a permanent "mandatory but flexible" solidarity mechanism with an annual Solidarity Pool
Crisis and Force Majeure Regulation (EU) 2024/1359	Derogations and extra solidarity in situations of crisis, mass arrivals, instrumentalisation or force majeure
Eurodac Regulation (EU) 2024/1358	Expanded biometric database supporting the system
Qualification Regulation (EU) 2024/1347	Replaces the Qualification Directive with directly applicable criteria and rights
Reception Conditions Directive (recast) (EU) 2024/1346	The only directive in the package; reception standards, with free legal counselling at all stages
Union Resettlement and Humanitarian Admission Framework Regulation (EU) 2024/1350	A two-year Union plan for resettlement and humanitarian admission

The Commission summarises the practical changes as mandatory screening, mandatory border procedures for certain applicants, shorter time limits, a solidarity mechanism in which states

choose between relocation and financial contributions, and a crisis regulation with anti-instrumentalisation measures ([European Commission, 2026](#)). Human Rights Watch points out that the border procedure permits detention for up to 12 weeks during examination plus 12 weeks pending removal ([HRW, 2026](#)). Under the Crisis Regulation, registration can be delayed up to four weeks, the border procedure extended by six weeks, and the mandatory border procedure applied more widely; activation requires a Commission assessment and a Council decision ([EU Migration Law Blog](#)).

2.7. Safe Country Lists and Safe Third Country Rules (2026)

On 23 February 2026 the Council gave final approval to two measures applying from 12 June 2026 ([Council of the EU, 2026](#)). The first creates the EU's first common list of safe countries of origin: Bangladesh, Colombia, Egypt, India, Kosovo, Morocco and Tunisia. EU candidate countries are presumed safe unless they are in armed conflict, subject to EU fundamental-rights sanctions, or have an EU-wide recognition rate above 20 per cent. The second revises the safe third country concept so that a "connection" between the applicant and the third country is no longer required: inadmissibility can rest on a connection, on transit through that country, or on an agreement or arrangement with it, though not for unaccompanied minors ([Council of the EU, 2025](#)). The European Parliament approved the list by 408 to 184 and the safe third country rules by 396 to 226 ([European Parliament, 2026](#)). Supporters argue these rules concentrate resources on genuine claims; critics, including Amnesty International, argue they undermine the foundations of refugee protection by allowing transfers to countries with which a person has no meaningful link.

2.8. The Return Regulation

The Commission proposed a Return Regulation to replace the Returns Directive in March 2025. Council and Parliament reached a provisional deal on 1 June 2026, and Parliament approved it on 17 June 2026 by 418 votes to 218, with 30 abstentions ([Council of the EU, 2026](#); [ECRE, 2026](#)). The deal allows member states to establish "return hubs" in third countries by agreement, which must respect human rights and non-refoulement, with unaccompanied minors excluded; creates a European Return Order; lengthens entry bans to up to 10 years, or longer for security cases; and extends the permissible length of detention. ECRE reads the text as allowing detention up to 30 months and argues that families with children could be transferred to hubs. Most provisions apply 12 months after publication. At the time of writing, final Council adoption and publication in the Official Journal had not been confirmed, so delegates should verify the regulation's current status.

2.9. The United Kingdom

Since Brexit, the Dublin system no longer applies to the UK, but it remains bound by the Refugee Convention and the ECHR. The Nationality and Borders Act 2022 and the Illegal Migration Act 2023 introduced inadmissibility rules and a duty to remove irregular arrivals

([Illegal Migration Act 2023](#)). In *R (AAA) v Secretary of State for the Home Department* [2023] UKSC 42, the Supreme Court unanimously held the Rwanda policy unlawful because of the risk of refoulement ([UK Supreme Court, 2023](#)). The Border Security, Asylum and Immigration Act 2025, which received Royal Assent on 2 December 2025, repealed the Safety of Rwanda Act 2024 and the Rwanda-linked provisions of the 2023 Act, including mandatory inadmissibility and the duty to remove, while creating new smuggling offences and putting the Border Security Command on a statutory footing ([BSAI Act 2025](#); [EIN, 2025](#)).

2.10. Landmark Cases

Case	Court and year	Holding	Why it matters
<i>Soering v UK</i>	ECtHR, 1989	Extradition to a real risk of inhuman treatment breaches Article 3	Origin of ECHR non-refoulement
<i>Chahal v UK</i>	ECtHR Grand Chamber, 1996	Article 3 protection is absolute and cannot be balanced against national security	Limits security-based removal; reaffirmed in <i>Saadi v Italy</i> (2008)
<i>M.S.S. v Belgium and Greece</i>	ECtHR Grand Chamber, 2011	Dublin transfer to Greece breached Article 3 given systemic deficiencies	Ended automatic trust within Dublin
<i>N.S. and M.E.</i>	CJEU, 2011	No conclusive presumption that the responsible state respects fundamental rights	EU-law parallel to M.S.S.; codified in Dublin III
<i>Hirsi Jamaa v Italy</i>	ECtHR Grand Chamber, 2012	High-seas pushbacks to Libya breached Article 3 and the ban on collective expulsion	Jurisdiction follows control, including at sea
<i>Ilias and Ahmed v Hungary</i>	ECtHR Grand Chamber, 2019	Removal to Serbia under a safe third country presumption without thorough assessment breached Article 3	Procedural duties when applying safe third country rules
<i>N.D. and N.T. v Spain</i>	ECtHR Grand Chamber, 2020	Summary return of people who stormed the Melilla fence did not breach the collective expulsion ban	The main precedent states cite to defend immediate returns
<i>FMS and Others</i>	CJEU Grand Chamber, 2020	Confinement in Hungary's transit zone was detention	Stricter than Strasbourg on border confinement
<i>M.K. and Others v Poland</i>	ECtHR, 2020	Repeated refusal to accept claims at the Terespol crossing breached Article 3 and the collective expulsion ban	Protects people presenting at official crossings

Case	Court and year	Holding	Why it matters
<i>Commission v Hungary</i> (C-808/18) and C-123/22	CJEU, 2020 and 2024	Hungary's transit-zone and removal practices breached EU law; in 2024 Hungary was fined €200 million plus €1 million per day	The strongest EU enforcement action in the asylum field (CJEU, 2024)
<i>M.A.</i> (C-72/22 PPU)	CJEU, 2022	Even in a declared emergency caused by a mass influx, a state cannot deny the possibility of applying for asylum because of irregular entry	The main EU-law answer to national "instrumentalisation" measures
<i>M.A. and Z.R. v Cyprus</i>	ECtHR, 2024	Returning intercepted Syrians to Lebanon breached Article 3 and the collective expulsion ban	First pushback ruling against Cyprus (Strasbourg Observers, 2024)
<i>A.R.E. v Greece</i>	ECtHR, 2025	Evros pushback breached Articles 3, 5 and 13; "serious indications" of a systematic practice of refoulement	First Strasbourg finding of a Greek pushback practice (Verfassungsblog, 2025)
<i>Alace and Canpelli</i> (C-758/24 and C-759/24)	CJEU Grand Chamber, 2025	Safe country designations must be open to effective judicial review; under the old Directive a country had to be safe for its entire population	Arose from Italy's Albania centres (EUAA, 2026)
<i>R (AAA) v SSHD</i>	UK Supreme Court, 2023	Rwanda policy unlawful because of refoulement risk	Domestic limit on offshore processing

One further case is pending. In Case C-414/25, concerning return detention in Italy's centres in Albania, Advocate General Emiliou advised on 23 April 2026 that EU law does not prohibit return centres outside a member state's territory, provided all EU safeguards apply, including legal assistance, interpretation, judicial review and prompt transfer to Italy if detention becomes unlawful ([CJEU, 2026](#)). An Advocate General's opinion does not bind the Court.

2.11. Soft Law: The Global Compacts

The Global Compact on Refugees, affirmed by the General Assembly in December 2018, is non-binding. Its four objectives are to ease pressure on host countries, enhance refugee self-reliance, expand access to third-country solutions, and support conditions in countries of origin for return in safety and dignity ([UNHCR, Global Compact on Refugees](#)). Its main mechanism is the Global Refugee Forum, where states make pledges. The Global Compact for Safe, Orderly and Regular Migration, endorsed in the same month, is also non-binding; several EU states, including Hungary, Poland, Czechia and Austria, voted against it or abstained ([GA res](#)

[73/195, 2018](#)). Because both Compacts are political commitments, a UNHCR resolution can build on them without asking states to accept new legal obligations.