

<b>Simpósio S090/ Symposium S090</b>	
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<b>THE NEW PACT ON MIGRATION AND ASYLUM: HOW WILL THE PROPOSED REFORM OF THE CEAS BY THE EC IMPROVE THE SYSTEM AND ENHANCE THE PROTECTION OF THE MIGRANTS' HUMAN RIGHTS?</b>	
<b>RESUMO DO SIMPÓSIO / SYMPOSIUM SUMMARY</b>	
<p>The European legal systems are based on centuries of history. Migration is a process that has taken place since society existed, considering that human beings are in constant search of better living conditions. Since the creation of the European Union, the topics of migration and asylum have merited emphasis and debate within the organization. Nevertheless, the Common European Asylum System (CEAS), a system developed in 1999 to deal with such matters, was not prepared to deal with the current migratory challenges, which were a result of a series of situations that led to a migratory crisis on the European territory.</p> <p>Although it is a solid system that, over the years, has undergone reforms and efforts to be adapted to these current challenges, there are still large gaps in its implementation. The debate is being faced by the UN High Commissioner for Refugees (UNHCR), refugee rights groups, the European Commission and the Member States of the EU. As a result, this difficulty affects a wide range of actors, also resulting in the repeated activation of European courts (European Court of Human Rights – ECHR, and the Court of Justice of the European Union – CJEU) and Member States' national courts to deal with cases related to the implementation of CEAS (i.e. the progress of the European system of human rights protection seems to be based on judicial activism, due to the gaps and ambiguities of the system).</p> <p>Because of the obstacles mentioned, the European Commission proposed the reform of the CEAS in 2020, introducing the New Pact on Migration and Asylum. It based its proposal on the development of a comprehensive approach to migration and asylum policy based on three pillars: (i) efficient asylum and return procedures; (ii) solidarity and fair share of responsibility; and (iii) strengthened partnerships with third countries. This proposal is based on the development of (i) the definition of these pillars; (ii) the mechanisms for their implementation and (iii) the harmonization of these concepts with human rights norms for subsequent application by the European legal system of human</p>	

rights. It seeks to promote debate regarding the modifications introduced by this reform, both in terms of its innovations and also the reconsideration of institutes already previously adopted, but without a significant success, such as the principles of fair sharing of responsibility and solidarity.

**Palavras Chave:** Migration; Asylum; Common European Asylum System; European Union's New Pact on Migration and Asylum