Update on EU developments on migration and families

COFACE Migration working group meeting
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EU migration policies concerning families

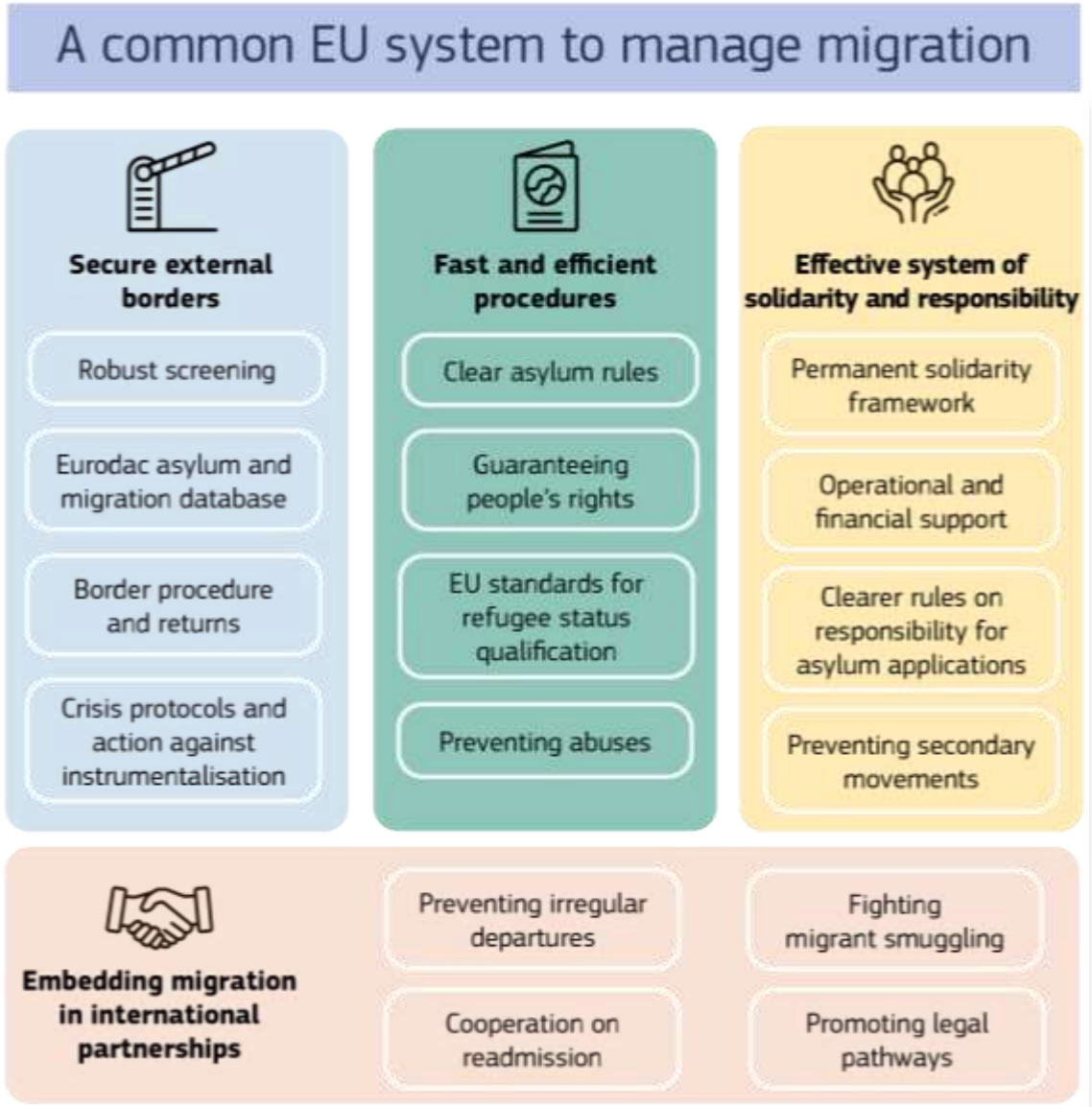
- Pact on Migration and Asylum
- EU Migration Strategy
- Return Regulation
- Social policies concerning migrants
- Social Security Coordination and case law

Migration Pact

The **Pact on Migration and Asylum** was adopted in May 2024 aims to significantly change the management of migration and establishing a unified asylum system across the EU. (9 regulations and 1 directive)

Debated due to several issues:

- no general exemption on the detention of children
- security and defence approach
- restrictive definition of family
- vulnerable groups and mental health



Implementation

- The Pact started to apply in June 2026, two years after it was adopted.
- MS were required to prepare their National Implementation Plans until December 2024
- 14 MS delivered on time, 11 with delay and 2 haven't yet until end of 2025
- Commission implementation report in June 2026: "well on track, with solid progress already achieved" but further work is needed
- Only five Member States had passed most of the national laws requested by the Pact (until May 2026)
- July 2026: the Commission opened infringement proceedings against 16 Member States

European Asylum and Migration Management Strategy

- Presented by the European Commission in January 2026
- It sets out the EU's political objectives on asylum and migration, with concrete priorities for the next five years.

The Strategy's 5 priorities

- Stepping up migration diplomacy
- Strong EU borders to enhance control and security
- A firm, fair and adaptable asylum and migration system
- More effective return and readmission
- Labour and talent mobility to boost competitiveness

Return Regulation

- Final adoption by the Council took place last week
- The new rules impose obligations on non-EU nationals who have no right to stay in the EU to leave the member state concerned and to cooperate with the authorities.
- Expansion of countries of return and return hubs (in third countries in case of return to country of origin is not possible)
- The new rules introduce special measures for non-EU nationals who pose a security risk
- Allows detention for up to 30 months
- Unaccompanied minors are excluded from such agreements or arrangements.

LGBTQ+ Strategy 2026-2030

- Adopted in October 2025
- Synergies with the Pact on Migration and Asylum
- The Pact strengthened safeguards and guarantees for vulnerable applicants for international protection, including LGBTIQ+ people
- Collaboration with the EU Agency for Asylum (EUAA), Frontex and Member States to develop tools to help identify vulnerable applicants early on and provide them with support

Gender Equality Strategy 2026-2030

- The strategy puts forward concrete actions to embed gender equality into every aspect of life
- Intersectional approach: identifies **migrant women** among the groups requiring particular attention
- Gender employment gap is particularly pronounced for migrant women in terms of **equal employment opportunities** and **adequate working conditions**
- Care and work-life balance: reinforces the implementation of the EU WLB Directive and recognises that **domestic workers often have a migrant background** and are particularly vulnerable and women's disproportionate share of unpaid care
- Women's health and access to healthcare: identifies intersecting inequalities that can create barriers to healthcare, explicitly including migrant women.

EU Social Security Coordination

- Adopted by the Council in September**: agreement on amendments to social security coordination rules**
- **Improved protection of social security rights for people working or living abroad,** the coordination of **long-term care benefits**, and new rules regarding **family benefits**
- New arrangements for the coordination of **unemployment benefits** in cross-border cases
- Clearer rules defining **which social security laws are applicable**, for the posting of workers
- **Strengthened administrative cooperation** between national authorities

ECJ Case C-116/23, XXXX v Sozialministeriumservice (April 2024)

- **The case concerns cross-border carers and whether a person working in one Member State can receive a care-leave allowance when they take unpaid leave to care for a dependent family member living in another Member State.**
- The worker was an Italian national living and working in Austria.
- He took unpaid leave from his Austrian employment to care for his father in Italy.
- His father received a care/dependency allowance under Italian law.
- The worker applied for Austria's Pflegekarenzgeld (care-leave allowance).
- Austrian authorities refused the allowance because the father did not receive the required level of Austrian care allowance.

- **The Austrian court therefore asked the CJEU whether this was compatible with EU social-security and free-movement rules.**

ECJ Case C-116/23, XXXX v Sozialministeriumservice

➢ **The court decided:**

- The Austrian care-leave allowance is a social-security "sickness benefit".
- That matters because once the benefit falls within **Regulation 883/2004**, the EU's coordination and equal-treatment rules apply.
- Austria generally cannot discriminate simply because the relative's care allowance comes from another Member State.

➢ **EU Member States cannot treat a migrant worker less favourably merely because the social-security situation of the family member they care for is established under another Member State's law.**

Thank you! Any questions?

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