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Devaluing personhood: The framing of migrants in the EU's new pact on migration and asylum

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Abstract

The latest EU policy initiative to regulate migration to the European Union is called the New Pact on Migration and Asylum. Compared with previous policies, the New Pact promotes and normalises multiple procedures that can have far-reaching consequences on migrants' agency, dignity, personhood, and vulnerability. As the EU's migration and asylum policies set the parameters for the governance of forced migration and access to asylum in the Member States, they also provide framings for the practical encounters between asylum seekers and the migration regime. These framings legitimise certain approaches to the management of asylum migration and the related interpretations of international human rights treaties both in the Member States and in the EU. By examining how migrants and their encounters with the EU are discussed and represented in the New Pact, we join the critical scholarship that has questioned the EU's supposed turn towards a more humane approach to migration. Examining the official voice of the EU, we conduct a critical policy analysis with a focus on terminology and framing, exploring three major frames through which the New Pact characterises migrants as part of its attempt to transform European asylum and migration governance. These frames relate to human classification, spatial coordination, and temporal control, each of which is linked to the management of encounters between migrants and the migration regime. We conclude by discussing what the New Pact's framing reveals about the EU's approaches to human vulnerability, dignity, agency, and (de)valued personhood.

KEYWORDS

dignity, EU, frame analysis, migrant agency, personhood, the New Pact

1 | INTRODUCTION

Since the Maastricht Treaty of 1992, a long line of policy initiatives, reforms, and treaties testify to the EU's attempt to strike a balance between the right of its Member States to control mobility across their borders and the EU's image as a

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political union that respects human rights and its humanitarian commitments (Pallister-Wilkins, 2020; Tazzioli, 2018). The most recent policy initiative is called the New Pact on Migration and Asylum (henceforth 'the New Pact'), which aims to make 'a fresh start on migration: building confidence through more effective procedures and striking a new balance between responsibility and solidarity' (European Commission, 2020e, p. 2). A key objective of the New Pact is to break the deadlock of the Dublin Regulation that assigns exclusive responsibility for asylum management to the Member State where asylum seekers first enter EU territory. Instead, the New Pact foresees a flexible solidarity mechanism where the EU Member States can, in principle, decide on how they want to contribute to asylum management (Milazzo, 2023). As part of this policy evolution, some scholars and commentators have noted a shift in the EU's discourse on migration towards a more 'human and humane approach', especially as expressed in speeches, statements, and addresses delivered by various institutional actors of the European Commission (Klaus, 2021). Others, however, point to a yawning gap between the tone of these statements and the way in which the New Pact sets out the objectives of the EU migration policy (Diez et al., 2021; Rouland, 2021).

We share these doubts about the humane turn in the EU's migration policy and join the critical scholarship that has analysed migration-related discourses in the EU (e.g., Casas-Cortes et al., 2015; Dempsey & McDowell, 2019; Hyndman, 2012; Mitchell & Sparke, 2020). A growing literature on the New Pact has made it clear that it does not represent a departure from increasingly securitised European migration regulations, and that behind its seemingly humanitarian tone of voice it proposes a policy that is rather unwelcoming towards people on the move¹ (e.g., Gazi, 2021; Majcher, 2020). Several studies have contextualised the New Pact in relation to earlier policy strategies to assess their impact on the presently emerging migration policies in Europe and beyond (Cornelisse & Reneman, 2020, 2022; Papuc, 2021). However, we maintain that in policymaking neither problems nor solutions exist outside of the deliberate problem formulations reflected in specific policy terminology, and linguistic and stylistic choices. To fully grasp the politics of European migration policymaking, these must be made the object of study.

This paper presents a terminological analysis of how migrants are discussed and portrayed in the New Pact.² As the EU's migration and asylum policies set the parameters for the governance of forced migration and access to asylum in the Member States, they also provide framings for the practical encounters between asylum seekers and the migration regime. This deserves attention because, as Margalit (1996, p. 27) argues, a decent society is 'a society whose institutions do not humiliate people' but respect their dignity. While we do not expect the New Pact to have a direct or uniform impact on actual situated practices, we believe that its framings legitimise certain approaches to asylum migration management and international human rights both in the Member States and in the EU. As Bernstein (2015, pp. 286–287) notes, to understand how a society values human dignity, it is useful to look at the 'discursive shape and practical meaning [of] the rights it officially acknowledges' – the denial of human rights undermines the dignity and agency of those so denied.

Tracing the official voice of the EU, we explore how the New Pact frames migrants and what this reveals about the EU's approaches to human vulnerability, dignity, and agency (see also Mitchell & Sparke, 2020). In the next section we examine existing research on the New Pact and EU migration policy and introduce the theoretical approach of the paper. We then present our data and methods and analyse the three major frames through which the New Pact is modifying the European asylum and migration governance. Finally, we discuss how the New Pact deals with the vulnerability, dignity, and agency of refugees and asylum seekers.

2 | THE NEW PACT AS THE FUTURE OF THE EU'S MIGRATION POLICY

Since the Tampere Council in 1999, the EU has been committed to establishing a functional and uniform asylum system. This led, among other things, to the creation of the Common European Asylum System (CEAS), which regulates asylum criteria and procedures, as well as the responsibilities of Member States. The so-called 'refugee crisis' of 2015 marked a turn towards increasingly strict deterrent and restrictive policies. One manifestation was the 2016 EU–Turkey deal, in which the EU outsourced much of its migration management to Turkey in exchange for 6 billion euros in aid, with the aim of limiting the number of asylum seekers entering the EU (Casaglia & Pacciardi, 2022). The situation also spurred a number of policy reform plans between 2016 and 2018 (Cornelisse & Reneman, 2020; Salvati, 2021). As these were not successful, the European Commission was prompted to radically restructure and reform the CEAS through the New Pact, which is expected to be completed by spring 2024. In contrast to the Dublin system, which focuses on the responsibilities of a Member State, the New Pact proposes 'compulsory' and 'flexible' solidarity between them

(European Commission, 2020c, p. 69). The new emphasis reflects the uneven geographies of asylum-seeking, which places EU Member States bordering the Mediterranean in a different position to those 'buffered' by them (Zaragoza-Cristiani, 2017). Hence, with relocation and return as the main mechanisms, the aim is to strike a balance between the priorities of southern European countries (demanding shared responsibility and migrant relocation) and the central, eastern, and northern Member States (seeking flexibility in their options and occasionally voicing concerns about respecting migrants' human rights) (Diez et al., 2021; Papuc, 2021).

The New Pact's solidarity mechanism is based on the idea that, when a receiving country reaches its maximum capacity of processing asylum seekers, the responsibility is compulsorily transferred to another Member State (Bloj & Buzmaniuk, 2020; Papuc, 2021). The newly responsible country can then either relocate the asylum seekers to its own territory, sponsor their return, or offer other assistance to the receiving country (e.g., help with frontline reception centres, financial support) (Bloj & Buzmaniuk, 2020; Diez et al., 2021; Papuc, 2021). This solidarity package is based on what Bauder and Juffs (2020, p. 55) call 'self-centred' solidarity that functions as a deep-rooted protection mechanism serving the collective interests of the EU and its Member States. In addition, the New Pact stresses several key aspects of EU asylum and migration management: pre-entry screening and border procedures applicable before migrants enter the EU territory, rapid selection of migrants and prolonged final decisions in crisis situations (allowing only a small fraction to enter the 'normal' asylum procedure), and a focus on the return of migrants (including cooperation with third countries). Many of these ideas simply rephrase the existing problematic migration management strategies that stand in stark contrast to international human rights conventions (Hyndman & Mountz, 2008; Pallister-Wilkins, 2018; Stoffelen, 2022; Tazzioli, 2018; van Houtum, 2010). While they are not new as such, the New Pact promotes their normalisation on an unprecedented scale.

Existing research has highlighted the complexity and difficult organisational, procedural, and financial implementation of the new policy priorities (Dimitriadi, 2020; Gazi, 2021), and their negative impact on migrants' well-being and human rights (Cornelisse & Reneman, 2020; Digidiki & Bhabha, 2020; Gazi, 2021; Majcher, 2020). Other studies have problematised the EU's view of migration as a threat and an issue to be solved (e.g., Bialasiewicz, 2012; Jones & Johnson, 2016; Salvati, 2021). The pre-entry border procedures, which combine a rapid initial decision with little time for appeal, have been shown to fail to ensure fair treatment of migrants (Cornelisse & Reneman, 2022). Overall, the New Pact's search for a middle ground between respect for human rights and the effectiveness of migration management appears to be at the expense of the fair treatment of migrants (Majcher, 2020).

As a contribution to this critical scholarship on the New Pact, we trace the extent to which it (mis)recognises migrants as human beings with personhood and dignity (see also Mitchell & Sparke, 2020). We approach personhood through the philosophical anthropology of Plessner (2019) and Bernstein's Plessnerian-inspired thinking on human dignity as 'standing as persons' (Bernstein, 2015, p. 137). Both thinkers draw attention to personhood as an embodied yet fundamentally social existence: we have no other choice but to position ourselves as socially embodied persons in our lived realities (Plessner, 2019). This resonates with recent work in geography that explores the significance of embodied encounters for people's agency and the negotiation of power relations (Askins, 2016; Cockayne et al., 2020; Häkli & Kallio, 2021; Kallio et al., 2019; Nayak, 2017). Although personhood, embodied experience, and human dignity are all familiar concepts in displacement studies, few works bring them together in the way that Plessner and Bernstein do. Bernstein notes that human dignity has an 'ineliminable corporeal dimension' while being a 'social accomplishment bound to structures of recognition' (Bernstein, 2015, p. 266). Encounters with others therefore take place under the normative expectation that 'one's forever-vulnerable personhood will be treated with the respect that it is due' (Bernstein, 2015, p. 259). This makes us vulnerable to the devaluation of our personhood in the form of disrespect for our human dignity by others and dominant institutions (Bernstein, 2015).

The Plessnerian notion of personhood sets two conditions for human agency. First, the capacity to act emerges in the social realm, in what Plessner (2019, p. 284) calls the 'shared world' (*Mitwelt*). Full human existence occurs only when we are recognised as persons by others in a 'mode of being each other' (Plessner, 2019, p. 283). Dependence on the recognition of one's personhood therefore extends beyond existence in the here and now: it 'is a primary political good' in a decent society (Bernstein, 2015, p. 308). Second, social (mis)recognition of personhood is symbolically embedded in systems of categorisation and can be expressed discursively. As Bernstein (2015, p. 261) aptly notes, 'every society has invented a system of rules, norms, and practices by which it makes explicit its ... system of mutual recognitions, misrecognitions, and nonrecognitions, [as well as] some narrative account as to why those regulations have the authority they do' (see also Hatton, 2023). In the next section we introduce our methodological approach, and then analyse the language of the New Pact, tracing narratives and framings that express what we understand as the devaluation of personhood.

3 | DECODING THE NEW PACT

3.1 | Analytical design

We approach the New Pact documents through critical policy analysis that acknowledges the central role of meaning and language use in the formulation of policy decisions and proposals (Yanow, 2007). We understand policies as (sometimes competing) framing devices in which linguistic content and structures operate in ways that have far-reaching consequences. Officially sanctioned terms and definitions impact on their interpretation and, consequently, on the policy implementation and its potential issues (Halász & Michel, 2011; Sparke, 2023). Subsequently, they shape the broader discourses around the issues at hand, ultimately affecting the individuals targeted by these policies. We therefore set out to explore the content and form of policies, their linguistic and stylistic choices, including the many minute aspects that remain buried in policy texts. In doing so, we aim to highlight the consequences that seemingly self-contained official policy language can have on real persons.

Our analytical toolbox combines content and frame analyses to focus specifically on the language and terminology of the New Pact, its persuasive linguistic choices. More concretely, we pay attention to the use of specific terms and the meanings they acquire, focusing mostly on the lexicon (words or vocabulary) and semantics (meaning of words), but occasionally also on syntax (grammar and sentence structure). Our analytical lens is also sensitive to omissions – issues left unsaid or deliberately minimised. We begin the analysis with a brief overview of some quantitative observations on our data, and then move on to the frame analysis.

‘To frame’ generally means ‘to select some aspects of a perceived reality and make them more salient in a communicating text’ (Entman, 1993, p. 53). In policy studies, frames are typically seen as ordering devices used by policymakers to ‘structure the reality of a policy issue’ (Dekker, 2017, p. 129). By linking events and issues in ways that promote preferred interpretations and solutions, frames help establish authority through strategic political decisions, and legitimise ‘certain responses and not others, thus shaping the direction of future action’ (Coburn, 2006, p. 369). Alternatively, framing can operate by underrepresenting or omitting specific issues or their aspects as part of intentional message construction, attempting to draw the attention to some problem aspects and away from others. Systematic framing using emphasis, omissions, and other techniques is often used to redirect public attention away from the root cause of an issue (Creed et al., 2002; Entman, 1993). It is precisely these inconspicuous but politically influential aspects of framing that we want to critically assess in the language of the New Pact.

3.2 | On methods and frames

Our analysis began with a quantitative look at 14 New Pact documents (altogether 483 pages). We analysed various word and word-collocate lists generated from the New Pact documents using two data analysis tools: Atlas.ti and Voyant Tools.³ This allowed us to recognise one important dominant lexical pattern: terms and phrases referring to EU institutions, bodies, and agents, as well as those pointing towards Member States, utterly dominate the narrative. The term ‘Member States’ appears in the documents approximately 2900 times and ‘EU’ 1680 times, while the most frequent terms referring to migrants appear between 196 and 639 times (Table 1).⁴

As the New Pact is a product of the European Commission, it is not surprising that it focuses on the EU and its members. However, it is telling that ‘migrants’, ‘asylum seekers’, and ‘refugees’ coming to Europe – the primary target of migration policies – are mentioned less often than the actors representing the regime. These figures point to an imbalance in the New Pact and reveal a tendency in the European migration discourse to emphasise the visibility of institutions over the migrants they deal with.

To explore whether the quantitative underrepresentation of specific migrant terminology also reflects a (mis)recognition of personhood and agency, as discussed by Bernstein (2015), we turned to the depictions and framings of migrants in the New Pact documents. Using Atlas.ti, we first automatically coded all sentences with the leading terms referring to migrants (in Table 1). These sentences became our units of analysis. We then coded these passages using our coding frame, summarised in a codebook created based on our quantitative data and previous research (Mackieson et al., 2019). One of the authors, Gintarė Kudžmaitė, was responsible for the preparation and refinement of the codebook, served as a coder, and analysed the entire dataset (for this method, see O'Connor & Joffe, 2020).⁵

The codes were designed to determine, first, *who* the migrants are in the New Pact and how they and their actions are represented; second, how *encounters* (concrete, spatial, situated, and embodied, but also indirect, remote, asymmetrical,

TABLE 1 The most frequently used terms when referring to migrants in the new pact documents.

Term	Times used
Person(s)	639
Applicant(s)	531
Third country national(s)	384
Migrant(s)	196
People	69
Asylum seeker(s)	50
Refugee(s)	45
Total	1585

Note: The term 'person' repeatedly used in the New Pact expresses a legal category without the connotation of this paper's conceptual meaning.

TABLE 2 The structure of frame analysis of the new pact.

Framing encounters with migrants		
Human classification	Spatial coordination	Temporal control
Regulating who will be encountered: identifying, naming, sorting, ranking, registering	Regulating where encounters occur: concentrating, directing, containing, transferring, outsourcing	Regulating the timing of encounters: ordering, sequencing, prolonging, speed, rhythm

or largely administrative and descriptive) between migrants and other mentioned actors are depicted; and third, in which *contexts* (spatio-temporal/physical, legal-administrative, procedural, socio-cultural, etc.) migrants and their encounters with other actors are situated. Exploring these aspects of the migrants' presence in the New Pact allowed us to identify three major frames operating in the documents (Table 2).

The three frames presented in Table 2 delineate recurring descriptions of migrants and their encounters with the EU's migration regime. The frames appear throughout the New Pact documents, in relation to different issues, and are not mutually exclusive. As the following analysis shows, they can be identified independently of the texts' lexical, syntactic, semantic, and rhetorical variations, and each highlights linguistic patterns that go beyond more literal, prosaic readings of the documents.

4 | THE FRAMING OF MIGRANTS AND THEIR ENCOUNTERS IN THE NEW PACT

One analytically meaningful data pattern that we identified early on was the relation between the multiple-choice codes of 'mass/individual' and 'active/passive'. The former pair we coded based on syntax alone (singular or plural terms in reference to migrants, looking at verbs and nouns), the latter based on both syntax and semantics (verb tenses and the use of passive and active voice, as well as contextual meanings). Individual and cross-occurrences of these two codes show that the New Pact recognises migrants mostly as a passive mass, or a plurality of people with little individual presence or active roles syntactically and semantically (Table 3). This finding confirms what previous scholarship on migrant representations has shown: policies, media representations, and political rhetoric commonly portray refugees as a faceless and anonymous multitude of people (e.g., Dempsey & McDowell, 2019; Mountz, 2004). This observation serves as the basis for our inquiry into whether the New Pact (de)values migrants as persons, considering both the degree of agency assigned to migrants and to what extent they are discussed as a generalisable group.

While we have many alternative codes to build on, we believe that these two signify key depictions of migrants and guide those who implement the New Pact to (un)attentively construct a specific representation of a 'migrant'. We observed how they appeared in different combinations with other codes, reinforcing or minimising the assumed characteristics of migrants and their possibilities for agency. These observations allowed us to further interrogate the ways in which migrants are systematically and repeatedly framed in seemingly different situations, contexts, and encounters, beyond the lexical and syntactical codes. We now turn to introduce the three dominant frames and their examples in the New Pact documents as our analytical evidence, starting from the way migration is governed by human classification.

TABLE 3 Co-occurrences of two codes: 'Active/Passive' and 'Mass/Individual'.

	Active (<i>n</i> = 394)	Passive (<i>n</i> = 1331)
Individual (<i>n</i> = 518)	183	415
Mass (<i>n</i> = 1104)	229	964

Note: Total occurrences of each of the codes are indicated individually in brackets (*n*).

4.1 | Frame 1: Human classification

Our analysis shows that the New Pact continually and selectively classifies migrants. We see this as a strategy used for organising and comparing people as data, which neglects the personhood of migrants by abstracting and recontextualising certain personal traits for governmental purposes.

Some of the classification practices are explicit. The documents repeatedly discuss 'screening', 'counting', and 'identifying' migrants. These procedures are often justified by 'security reasons', but they are also used to arrange and share information (and concurrently migrants) between authorities. Direct references to 'different types' and 'categories' of migrants, without justification or specification, are also recurrent (e.g., European Commission, 2020c, p. 51).

Second, typification emerges from value judgements about specific migrant groups. Migrants are either explicitly contrasted with each other or, when talking about a particular group, their positive or negative exclusivity is rhetorically implied. The New Pact quite openly expresses that different migrants have different impacts on the EU's migration regime, and therefore require the EU to respond in different ways:

These [challenges] include an increasing proportion of applicants for international protection without genuine claims who are unlikely to receive protection in the EU with a resulting increased administrative burden and delays in granting protection for those in genuine need of protection as well as a persistent phenomenon of onward movement of migrants within the EU.

(European Commission, 2020h, p. 10)

This argumentation occasionally extends to undermining the negative consequences of regulatory practices that affect some migrants, by counterbalancing them with their allegedly positive outcomes for other migrants, and even by justifying negative impacts on humanitarian grounds:

In the interest of swift and fair procedures for all applicants, whilst also ensuring that the stay of applicants who do not qualify for international protection in the Union is not unduly prolonged ... Member States should accelerate the examination of applications of applicants who are nationals ... of a third country for which the share of decisions granting international protection is lower than 20% of the total number of decisions for that third country.

(European Commission, 2020a, p. 20)

The quote above is striking for its calculative tone. Basing asylum decisions on the recognition rates of applicants is not a new strategy in the EU, but its bold linking with 'fair procedures for all applicants' introduces a false analogy. The addition of the 'fairness' argument does not minimise the controversial nature of deriving individual decisions from highly generalised *a priori* data (a combination of existing statistics on protected migrants based on where they come from and where they settle in the EU; see Hatton, 2023). Here, we witness a hierarchical categorisation of migrants built on their chances of receiving international protection. Moreover, the awkward use of the connector 'whilst' leaves us wondering whether those classified as 'unqualified' are at all included in the group deserving fair procedures. Furthermore, through the notion of 'unduly prolonged', the EU gives itself credit for the speedy processing of its cases – apparently according to humanitarian logic – even though these practices fall beyond any humanitarian ideal.

This policy considers 'all applicants' as a generalised mass subject to classifications that serve the goals of bordering (see also Stoffelen, 2022). In Plessnerian terms, this leads to the misrecognition of unqualified migrants' personhood, reducing their embodied being into a numerical value (on politics of calculation, see Crampton & Elden, 2006). Such numerical ratings of predesignated traits may also have an impact on determining decisions on the next generations of migrants. For example, the New Pact continuously encourages Member States to indicate *nationalities* that they intend to relocate or return (e.g., European Commission, 2020d, p. 5; 2020h, p. 83). Nationality is a broad category, which in

this case has little to do with the complex situations of individual migrants and mostly serves as a shortcut for Member States in their decision making. Such legitimised preferences of EU countries shape the statistics of recognition rates with a direct impact on current and future migrants, but this is not recognised in the New Pact. When this rhetoric is put into practice, the ‘unqualified’ migrant has no chance of encountering the regime as a person because, before any actual encounter, they have been classified into otherness according to their nationality or country of origin. Drawing on Bernstein (2015), we read this as an indication of how the EU (de)values human dignity.

Another way in which the New Pact maintains the differentiation and categorisation of migrants is through the selective use of terminology. For example, the term ‘actors’ is *never* used to refer to migrants but is reserved for discussing a variety of other acting agents (e.g., ‘private actors’ or ‘actors involved’ in regulating, implementing, or funding programmes). Another significant rhetorical tendency is that ‘asylum seekers’ and ‘refugees’ – terms used sparingly overall – are hardly ever acknowledged as ‘active individuals’. Although the legal, political, civil, and social position of ‘refugees’ has been increasingly weakened since the Geneva Convention (Behrman, 2014), the conspicuously low use of these legally binding terms indicates that the EU does not use them lightly. It is telling that in the two New Pact documents specifically dedicated to detailing asylum procedures and management (European Commission, 2020a, 2020h) the terms ‘asylum seeker’ and ‘refugee’ are used only 12 times altogether (six times each) out of a total of 595 coded quotations referring to migrants in these two documents. The underlying avoidance of legally binding terms to depict migrants not only conveniently leaves room for any necessary future changes – the New Pact is an evolving proposal – but also problematically communicates the EU’s unbalanced rhetoric about migrants and their role in the new European migration policy.

While legally binding terms are avoided, less restrictive terms are often invoked instead. One of the most common terms, ‘applicant(s)’, allows for conceptual openness. It appears mostly in plural and passive forms and has a very general meaning. However, the less used singular form ‘applicant’ is preferred over any other term in document passages that refer to a migrant as an active individual. This illustrates selective policy terminology at work. ‘An applicant’ is a much more specific and engaged role in the migration discourse than, for example, ‘a person’ or ‘a migrant’ whose stance and actions towards a receiving country are not explicit. But the term is hardly legally binding. In actively applying, migrants exercise agency with a range of processual responsibilities, but this does not guarantee the same level of responsibility on the part of the asylum system, which has all the power over the process.

The term ‘person’ is used even more frequently than ‘applicant’. In both singular and plural forms, it radically dominates the rhetoric of the New Pact compared to other recurrent migrant terms. However, the term expresses a legal category without any connotation of valuing migrants’ personhood. The frequent use of the plural form ‘persons’ is particularly noteworthy, given that the largely synonymous term ‘people’ is used much less often, again reflecting a legalistic use of the term (persons can be liable, people cannot; see Vermeulen et al., 2012). A closer look at the semantic contexts accompanying these two terms suggests that the term ‘people’ is typically invoked in positively charged descriptions of migrants and their actions, such as ‘deserve fair treatment’, ‘face risks’, ‘rescued’, ‘vulnerable’, whereas ‘persons’ often appears in negatively charged contexts, such as ‘apprehended’, ‘crossing’, ‘detained’, or ‘protection unlikely’. Skilled migrants entering the EU for labour purposes are also most often referred to as ‘people’. It is likely that real-life situations are influenced by this rhetoric so that migrants are (mis)recognised as persons in different ways, depending on the terms under which they are encountered in the EU.

Our final observation that sheds light on the selective use of migrant terminology is the link between the representation of migrant agency and its negative outcomes. The rare instances of recognition of migrants’ agency in the New Pact correlate strongly with the emphasis on the negative consequences of migrants’ actions for the EU. Otherwise, it is the agency of the EU that dominates the conditional-sentimental rhetoric of the New Pact, pointing to an action that has a positive effect with moral value.

4.2 | Frame 2: Spatial coordination

Closing the loopholes in the management of migrants’ bodily movement to the EU, and their whereabouts while their cases are being processed, is one of the main updated objectives of the New Pact. It is therefore not surprising that more than 40% of the passages of the New Pact that we analysed contain spatial notions. The documents clearly indicate that the current lack of systematic control has negative consequences for the EU (European Commission, 2020c, pp. 21–22). A key factor introduced in the strengthened spatial coordination of migration is border procedures before migrants enter the EU territory. This indicates that the regulation of where migrants are corporeally encountered and harboured (or sent) is an important dimension of the New Pact.

Some concrete spaces seem to strictly require migrants' passivity, for example, migrants 'at sea' are almost always discussed as 'rescued'. Interestingly, 'hotspots', 'reception centres', and 'detention facilities', where many asylum seekers spend much of their time, are barely mentioned in the New Pact, and even less so in any reference to migrants, active or passive. For example, 'detention' is openly and repeatedly discussed in the New Pact as a process or a procedure, and something that happens to a migrant, but 'material detention conditions' and 'detention facilities' (European Commission, 2020c, p. 27) are mentioned only once in the whole dataset.

In contrast to the dominant rhetoric of passivity, the New Pact occasionally discusses migrants who actively 'submit applications', 'seek international protection', or 'abscond'. They may 'have a right to remain' or are 'illegally staying' [in a location/a country/the EU]. The spatialities of these actions and active modes of being are mostly non-specific, such as 'within the EU/the Schengen area', 'in a Member State', or 'at border crossing points'. Rather than an instance of Plessnerian personhood, migrant agency is typically framed as limited, constrained, and negative, mostly to highlight the challenges that the EU and the Member States may face in managing arriving migrants. This is illustrated by the following quote: 'The screening of persons apprehended in a Member State's territory ... should compensate for the fact that such persons presumably managed to avoid border checks upon entry into the European Union and Schengen area' (European Commission, 2020g, p. 6).

The above quote is part of a wider discussion on migrant screening. When migrants physically enter the EU but avoid border checks – which in many cases is the only way to enter a Member State to claim asylum (Kallio et al., 2019; Spathopoulou et al., 2021) – they evade a coordinated encounter with the border regime that should subject such migrants to screening procedures. However, while the quote clearly acknowledges the agency of migrants in absconding, this is not the focus here. Rather, the priority lies with the screening procedure of human classification whereby the migrant is categorised and recontextualised for the purposes of management, and thus effectively misrecognised as an embodied person. In essence, the goal of the migration system is to return the 'illegally entered' migrant body to its proper space without the EU, thus depriving the migrant of the rights associated with an asylum claim (Hyndman & Mountz, 2008). Instead of recognising migrants as persons, this manifests what Bernstein (2015) calls an authorised system of mutual recognition, misrecognition, and nonrecognition (see also Kyriakides et al., 2019).

The New Pact's rhetoric on screening and other strategies of regulating migrants' mobility and location centres on a significant reduction and shrinking of migration and asylum spaces. Reducing the radius of permissible spaces also devalues other locations as acceptable for protection-seeking and dismisses all migrants' actions, efforts, and rights within these spaces. Existing research has recognised this process as the 'externalization of humanitarian responsibility' (Digidiki & Bhabha, 2020, p. 292). We argue that the shrinking of space includes both externalisation of permitted space and selective restrictions within other internal spaces. The selective minimisation of 'permitted' space allows the EU to spatially concentrate and intensify its authority, as well as to clarify the responsibilities and actions of Member States. Formulations of such spatial coordination strongly communicate 'acts of objectivization' (Häkli & Kallio, 2021, p. 692) – overlooking migrants as experiencing subjects and treating them as 'human objects', 'objectified bodies', or as a mass of 'general somebodies' located in dedicated places. In the following quote, migrants are physically 'kept' in certain locations, without any notion of self-reliance in this discourse:

Persons subject to this [border] procedure are not authorised to enter the Member State's territory and should be kept at the external borders, or in their proximity, or in transit zones; however, where Member States are unable to keep them in those locations, they can use other locations within their territory.

(European Commission, 2020a, p. 15)

The personhood of migrants is also questioned in less direct statements on spatial coordination. The example below may at first read positively, both from the EU's and the migrants' perspective, but a closer reading reveals progressive spatial coordination mechanisms that point to a gradual reduction of migrants' space and autonomy, which can be read as a sign of misrecognition of their personhood:

The Reception Conditions Directive will ensure asylum seekers receive decent conditions throughout the EU, reduce incentives for abuse and increase the possibility for asylum seekers to be self-reliant. Member States will be obliged to have contingency plans in place to ensure sufficient reception capacity at all times, including in times of disproportionate pressure. Asylum seekers will be provided with full reception conditions only in the Member State responsible for their asylum application. This will help prevent asylum seekers from travelling from Member State to Member State. To ensure an efficient procedure, Member States

TABLE 4 Spatial coordination of reception conditions and migrant agency.

Spaces	Implications for migrants
The EU	Decent conditions, increased self-reliance
Member States (general)	Sufficient reception capacity
Member State responsible (concrete)	Full reception conditions
All other Member States	Prevented travelling to and between
Geographical area within the Member State responsible/Place of residence	Reporting obligations, discouraged absconding

Note: Based on the Reception Conditions Directive discussed in the New Pact (European Commission, 2020c, p. 66).

will be able to allocate asylum seekers to a geographical area within their territory, assign them a place of residence and impose reporting obligations to discourage them from absconding.

(European Commission, 2020c, p. 66)

The theme of ‘fair treatment of migrants’ allows the EU to argue for spatial restrictions that conveniently ‘ensure an efficient procedure’ and are therefore beneficial to the EU itself. The ultimate goal of such efforts – the prevention of ‘absconding’ and ‘unauthorised movement’ – appears in this formulation. Table 4 shows the progressive framing of spatial coordination as evident in the quote above. The left-hand side of the table dissects the notions of space, while the right-hand side traces the implications of the EU’s or Member States’ tentative actions for migrants’ well-being and autonomy in each of the spaces. An analytical view from the top to the bottom of the table reveals a correlation between a reduction in authorised spaces and shrinking possibilities for migrant agency.

Migrants’ mobility is usually presented as two recurrent types of movement: one in which they are actively involved in ‘arriving/entering’, ‘crossing’, and ‘moving/movement’, and the other in which movement is caused by other actors (i.e., migrants are ‘disembarked’, ‘relocated’, ‘resettled’, ‘transferred’, and ‘returned’). The first is a dominant way of introducing migrant mobility, by using nouns or, occasionally, participles instead of verbs. The nouns serve as the subject of a sentence or as part of the accusative case, directly linked to the action of another actor (e.g., Member States): ‘Member States’ asylum and return systems operate mostly separately, creating inefficiencies and encouraging the movement of migrants across Europe’ (European Commission, 2020c, p. 42).

The ‘[irregular/unauthorised] *movement*’ is the most common way of framing migrant mobility to and within Europe, followed by references to a ‘mass *influx*’ of third-country nationals or stateless persons. Similarly, the New Pact uses nouns to refer to the ‘[legal/unauthorised/irregular] *crossing* of external borders’. Even those passages in which migrants perform an action tend to emphasise its impact on other actors rather than on migrants themselves:

In situations where a person has entered a Member State irregularly without applying for asylum, the period after which the responsibility of that Member State ceases ... should be extended, to further incentivise persons to comply with the rules and apply in the first Member State of entry and hence limit unauthorised movements and increase the overall efficiency of the CEAS.

(European Commission, 2020h, p. 36)

The second way of talking about the movement of migrants – using terminology that indicates that other actors initiate it – surprisingly follows the same passive way. This is achieved by using passive verbs (‘person was resettled’), the infinitive form of the verb (‘to relocate’), or nouns instead of verbs (‘relocation’ instead of actively ‘relocating’). However, it is often clear from the context who is generally responsible for the action, or from whose perspective the movement of migrants is being assessed. In the following quote the word ‘another’ next to ‘the Member State’ indicates that there are two Member States involved in initiating and executing the border procedure and the relocation process: ‘In addition, it should be possible to relocate applicants during the border procedure, allowing for procedures to be continued in another Member State’ (European Commission, 2020d, p. 4).

The passive formulation of such rhetoric may be used to mitigate the sense of responsibility for the coercive nature of these actions towards the recipient, i.e., the migrant. Consider the following example: ‘If a person has been transferred erroneously or a decision to transfer is overturned on appeal or review after the transfer has been carried out, the Member State which carried out the transfer shall promptly accept that person back’ (European Commission, 2020h, p. 69). In this quote, a Member State is obviously the culprit of an erroneous transfer of a migrant. However, the Member State only becomes an actor in the second part of the sentence, which is ultimately about the chance to correct its mistake and to

'accept that person back'. The first part of the sentence is written in the passive present perfect and the passive present simple tenses without any indication of who carried out these actions, and when. Such a grammatical structure helps to keep the subjects of this action ('a person', 'the transfer') inactive and avoids mentioning the responsible actors. Above all, such highly technical language and extensive use of the passive voice completely detaches the reader from the migrant for whom, as an embodied person, the 'transfer' is an actual spatio-temporal practice with biophysical, psychological, and social ramifications. This is a good example of how governance through spatiality is intertwined with temporality in the New Pact, a framing to which we turn next.

4.3 | Frame 3: Temporal control

The temporal aspects of the New Pact relate to the control over the passage of time in the reception and management of migrants, and the related actions of migrants and other actors involved (see also Tazzioli, 2018). Our analysis focuses on what the New Pact states about the duration and speed of these practices. We unpack this frame by focusing on the interplay between migrants' agency and the EU's attempts to control the timing, pace, and flow of its encounters with migrants. From the perspective of governing, failure to control the timing or duration of migrants' actions appears to have at least as serious consequences as missing their spatial coordinates:

Moreover, the effectiveness of this system is undermined by the fact that current rules can be abused to provide for a shift of responsibility among Member States after a given time. For example, if an applicant absconds for long enough in a Member State to avoid being effectively transferred, this Member State will eventually become responsible.

(European Commission, 2020c, p. 22)

In the above quote, the failure of the current migration and asylum policies is directly linked to the temporalities of migrants' actions: absconding 'long enough' in a Member State results in the Member State becoming responsible 'after a given time'. As a spatio-temporal act, absconding raises various issues related to the management of migration, such as the additional use of resources and labour. However, it is precisely the temporal dimension that is highlighted as the main cause of some of the core problems of the migration and asylum system, such as the failure to regulate responsibility and solidarity between Member States or to organise the transfer of migrants (e.g., European Commission, 2020c, p. 56).

In addition to the disruptiveness of the prolonged and unregulated duration of migrants' actions, the New Pact recognises the problematic aspect of the lingering consequences of these actions. This issue recurs frequently in discussions about migrants who 'lodge' subsequent applications, sometimes simply 'to delay or frustrate the enforcement of a return decision' (European Commission, 2020a, p. 30; see also European Commission, 2020c, p. 43). In such cases, even finite actions by migrants can have lasting reverberations within the system because of the EU's legal responsibilities. This perspective clearly fails to recognise asylum seekers as vulnerable persons whose lives are fundamentally shaped by these decisions.

Recognising that migrants possess agency to 'manipulate' not only their own time in the migration system but also that of the EU, the New Pact aims to counter these attempts with solutions that tighten control over the temporalities of various asylum procedures. To this end, the EU is seeking to adapt its asylum regulations to control the timing, pace, and duration of migrants' movements, the length of their stay in particular places, and the speed of case processing. The most evident strategies are acceleration (speeding up, hastening, immediacy) and deceleration (prolonging, slowing down, making wait) (see Ilcan, 2022; Jacobsen, 2020; Rozakou, 2020).

Shortened time spans are primarily intended to prevent abuse of the regulatory time limits discussed above. The promise of 'swift and seamless procedures' has become something of a motto of the New Pact. Procedures that follow the rule of 'swiftness' range from 'swift registration in Eurodac' (European Commission, 2020c, p. 71) to 'swift handling of third-country nationals who try to avoid border checks' (European Commission, 2020g, p. 11). However, most references to 'swiftness' present it as a benefit for 'selected' migrants: 'Member States should ensure that all stages of the resettlement process are carried out to a high quality standard ... to guarantee the rapid arrival of selected persons in Europe' (European Commission, 2020b, p. 19).

Such speedy procedures are repeatedly linked to 'fairness'. However, as in the previous two frames, this argument is introduced as part of the rhetoric of 'swift returns' of 'undeserving' migrants. Swiftness is thus promoted to maintain different categories of migrants, both those who truly benefit from expeditious procedures, and those who do not:

To ensure an effective and high-quality decision making process, it is also necessary to put in place simpler, clearer and shorter procedures This will lead to a more efficient use of resources improving the rights of applicants, allow those in need of international protection to receive it faster and ensure the swift return of rejected applicants without a right to stay in the Union.

(European Commission, 2020a, pp. 3–4)

This rhetoric underlines the main message of the New Pact: all existing procedures and practices should be improved for the benefit of the EU and the Member States, but also for the benefit of the migrants. While these proposals are promising and have the potential to improve migrants' well-being, they are repeatedly linked to efficient practices of human classification. The New Pact clearly juggles the differently valued 'types' of migrants to justify the degree of fairness it offers to each of them. Although those who are granted immediate protection will enjoy many vital benefits, including 'a residence permit, freedom of movement within the Member State, access to employment, access to education' (European Commission, 2020f, p. 10), those 'who do not fulfil entry conditions' will be subjected to 'the screening as the part of the seamless process' (European Commission, 2020g, p. 10). As an ongoing practice, such (de)valuation of personhood is precisely what Bernstein (2015), drawing on Plessnerian thought and theories of recognition, means when he speaks of the dire consequences that disregard for human dignity by others and dominant institutions can have on people's experience of themselves and their capacities to act (see also Kallio et al., 2021).

In parallel with this paradoxical notion of fairness, the New Pact promotes the rhetoric of 'seamless procedures', which neutralises differences between a variety of procedural outcomes. Often coupled with the notions of 'swift', 'smooth', and 'simple', seamlessness is proposed as an improvement in the EU's migration management. Again, some migrants will be admitted seamlessly while others will be returned seamlessly. Although a less cumbersome entry seems positive both for the system and the migrants, the latter seamlessness means a quick return decision without thorough assessment of the migrant's case. By tightening control over the temporal flow of asylum procedures, the New Pact accelerates the swift delivery of negative decisions on asylum claims for a large proportion of migrants at the border – or even before, as in the recent EU–Tunisia deal, which continues the outsourcing of humanitarian border management (Bialasiewicz, 2012; Spathopoulou et al., 2021). Presenting such a return policy as positive for the migrants, who are spared an indefinite wait, allows the migration system to present itself as a benevolent actor, while the underlying aim is to avoid wasting the system's time and resources.

The second major strategy of temporal control introduced in the New Pact is the extension of time. One way such control manifests itself is in the contexts where the EU opts to prolong the waiting time of migrants in special controlled spaces during the regulatory procedures (cf. Ilcan, 2022). The Closed Controlled Access Centres at the Greek border islands, fully funded by the EU, are the beginning of the construction of an infrastructure for this purpose. Extended waiting periods are justified by the need to allow the migration system sufficient time to 'decide on the right of the applicant to enter the territory' (European Commission, 2020a, pp. 22–23) or 'for the examination of an application of international protection' (European Commission, 2020f, p. 3).

Another form of temporal extension and control is 'giving' or 'granting' migrants a certain length of stay when they enter the EU. Like the spatial aspects of control, temporal duration can also be 'authorised' by guaranteeing the migrant a certain treatment within a certain period of time. For example, returnees are granted a concrete timeframe to exercise the option of voluntary departure:

Third country nationals and stateless persons subject to the [return] procedure can be granted a period for voluntary departure not exceeding 15 days, without prejudice to the possibility to voluntarily comply with the obligation to return departing from a border area or transit zone at any moment. This would reduce the risk of unauthorised entry and movement of illegally staying third-country nationals subject to the border procedure for carrying out return without preventing their possibility to return voluntarily and, if allowed by national law, receive logistical, financial or other assistance.

(European Commission, 2020a, pp. 15–16)

This rhetoric again suggests, rather inaccurately, that migrants get something positive out of the situation. They are 'granted' services and rights ('logistical, financial or other assistance' to return) that do not serve their primary reasons for moving. As the quote reveals, the timing of the procedural openings is ultimately meant to benefit the EU.

In addition to these concrete strategies of temporal control, the New Pact generally negotiates a variety of regulatory durations and introduces instances in which rights to these can be legally revoked (e.g., European Commission, 2020a,

p. 31). Swift and efficient border procedures are highly centred on time management, restrictions, and the definition of acceptable durations for asylum decisions. Only in rare cases are actors in the migration system, such as Member States, blamed for failing to comply with time limits. A striking feature of this rhetoric is the use of the passive voice when talking about 'authorising' migrants to finally enter, and the addition of the adverbial phrase 'in principle' to indicate the reluctance and uncertainty that accompanies the verb 'should be': 'After that period, if the Member State nevertheless failed to take the relevant decisions, the applicant should in principle be authorised to enter the territory of the Member State' (European Commission, 2020a, p. 22).

We have identified also other forms of temporal control adopted by the EU, such as those related to rhythm and sequence, which serve the same purpose as those discussed above: to introduce unpredictability into the asylum-seeking processes, which intensifies the mechanisms of spatial coordination. This spatio-temporal strategy is based on human classification that values the personhood of different migrants in different ways. Together these three frames aim to strengthen the power of the EU to govern asylum seekers' lives and to harmonise migration management among the Member States.

5 | CONCLUSION: THE EU IN THE NEW PACT'S MIRROR

In this paper we have scrutinised the language of the New Pact by means of both quantitative and qualitative analysis to better understand the EU's rhetoric on migrants, migration, and asylum seeking, and their management. This has allowed us to make analytical connections within and between the texts of the New Pact, and to provide new evidence of the tightening of migration policies in the EU, consistent with similar findings in other recent studies of borders and migration (e.g., Bialasiewicz, 2012; Cornelisse & Reneman, 2020; Diez et al., 2021; Gazi, 2021; Jones & Johnson, 2016; Kallio et al., 2019, 2021; Milazzo, 2023; Mitchell & Sparke, 2020; Pallister-Wilkins, 2020; van Houtum, 2010). While the New Pact claims to approach migration and migrants in a new, fair, and humane way, our analysis shows that beneath the rhetorical surface of its language, very little has changed that would benefit migrants. The three frames we identified describe how migrants and their actions are portrayed in the EU's new migration policy. We began by examining how migrants are defined and categorised (Frame 1), and then identified the ways in which they are located and controlled spatially (Frame 2) and temporally (Frame 3). Drawing on Bernstein (2015) and Plessner (2019), we read these framings as indicative of a political climate of misrecognition of many migrants as persons with dignity.

Through frame analysis, we have seen that migrants are almost exclusively portrayed as active when their actions have negative consequences for themselves, other migrants, the Member States, or the EU. Moreover, from the perspective of EU migration policy, their activities are framed as unplanned and unintentional, almost accidental – migrants simply flow in like a force of nature and try to exploit the loopholes in the system as opportunities arise. The rhetoric of negative but almost accidental migrant agency is evident in many of the quotes analysed. This not only devalues the personhood of migrants but also creates a convenient problem–solution narrative for the EU. If migrants have too much influence on the operation of the current system, and their actions exploit existing loopholes (an interpretation that has been heavily criticised in the scholarship on asylum migration in the EU; see Salvati, 2021; Spathopoulou et al., 2022), then the EU must logically close these loopholes to steer migrants away from undesirable activities. In the New Pact's narrative, this seems achievable because the loopholes are primarily created by the uncoordinated policies of the Member States. The agency of migrants, be it positive or negative, is downplayed in order to increase the EU's capacity for control.

Overall, our analysis has shown that the New Pact is not primarily about migrants – it is about the EU. In its rhetoric, the role of migrants is as supporting actors. They help to construct the discourse of the failed migration system, the need for change, and the promise of success of the new proposals. This success is measured from the perspective of the leading actors of the migration regime and comes at the expense of acknowledging migrants' vulnerability, with harmful consequences for their well-being and agency.

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DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available in the European Commission repository EUR-Lex at <https://eur-lex.europa.eu>. These data were derived from the following resources available in the public domain: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A611%3AFIN>; <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32020H1364>; <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52020SC0207>; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0609>; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020PC0613>; <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52020PC0612>; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A610%3AFIN>.

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ENDNOTES

¹ Unless a more contextually specific term is needed, we use the generic concept of ‘migrant’ to refer to people who seek to move to the EU for many various reasons.

² This paper presents initial findings from a research project that explores how people seeking asylum in the EU are encountered as persons, and the implications of different kinds of encounters for their agency and well-being. In parallel to the policy analysis presented here, we are conducting an ethnographic study that traces the embodied experiences of refugees and asylum seekers in different types of encounters.

³ Atlas.ti is a qualitative data analysis software (we used versions 22 and 23), and Voyant Tools is a free web-based environment for digital text analysis (<https://voyant-tools.org/>). There are approximately 225,000 words in our dataset, of which we focused on approximately 120,440 ‘meaningful’ words selected by ‘cleaning up’ the data in Atlas.ti, excluding numbers, symbols, abbreviations, and words that make the text overly cluttered (such as determiners and personal pronouns).

⁴ Some other terms are also used to refer to migrants (e.g., ‘subject’, ‘returnee’, ‘candidate’, or, more specifically, ‘unaccompanied minor’), but significantly less often than the most common terms presented in Table 1.

⁵ To ensure that the codes were clear and unambiguous, and that the coding process could be traced and possibly replicated, a second coder (Maria Sulonen) was involved in the trial coding. Both coders independently coded a total of three documents (or 18.2% of the total dataset). This is a typical sample for two-coder coding and is considered sufficient for comparison of results and assessment of inter-coder agreement (ICA) (O’Connor & Joffe, 2020). Any discrepancies between coders were discussed within the research team to improve the codes and coding procedure.

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