**José Joaquín Fernández Alles** (short CV)

Ph. D. in Law. Full Professor of Constitutional Law (University of Cadiz, Spain). Catedrático de Universidad. Joaquin.alles@uca.es. Faculty of Law and Faculty of Labour Sciences.

Member of more 25 international and national research programs, including Project Consolider Ingenio "Time of Rights" (University Carlos III of Madrid) and el Project I+D DER2017-87040-R “Estrategies about irregular migration” University of Barcelona (2019-2022). Head of six projects of interuniversity cooperation, mainly with Essaâdi Abdelmalek (Morocco) and San Luis University (Argentina).

PUBLICATIONS: 130 works articles in spanish and international journals (spanish and english languages), books, book chapters and handbooks, including: “Legal Framework Of Immigration In The Mediterranean”, in M. Longo et al, H.O.S.T- Hospitality, Otherness, Society. Materiali di ricerca, Astragali Edizioni, Lecce, Italy. 2013; Code of Development Cooperation; and 15 articles about migration legislation.

Editor in chief of the Journal of Border Studies of the Strait of Gibraltar and co-director of the Ibero-American Journal of Intergovernmental Relations. Coordinator of the Ibero-American Research Network “Intergovernmental relations, multilevel government and supranational processes”.

Award: In 2004, the Constitutional Study Award 1812 for the work "Intergovernmental relations in the Spanish Constitutional Law". Parliamentary advisor during the handling of the Statute of Autonomy of Andalusia (2007).

Several stays in foreign universities, as Harvard University (USA), University of Rome 1-La Sapienza (Italy), Trier (Germany) and Universidad of Concepcion (Chile)…

**ABSTRACT:** This lecture is structured in two parts: first, the analysis of the parlamentary and governmental messes against the covid-19; second, the future regulatory framework for freedom of movement and other rights in the European area, according to the new European pact on migration and asylum. The first part analyses the parliamentary and governmental measures (of the Government of the Nation and the 17 regional governments) adopted in Spain to face the health situation and its impact on human rights. These measures have been approved under the so-called declaration of the state of alarm that regulates the Spanish Constitution in article 116. In Spain, the state of alarm can only be declared by the National Government for a maximum period of 15 days, although this situation can be extended by the Congress of Deputies (equivalent to the Bundestag in Germany).

Well, in this context the EU has presented the future regulatory framework for freedom of movement and other rights in the European area, according to the new European pact on migration and asylum. **The Comission states that the current system no longer Works and proposes to improve the overall system. The proposal includes looking at ways of improving cooperation with the countries of origin and transit, ensuring effective procedures, integration of refugees and return of those with no right to stay. In particular, the Commission propose to introduce an integrated border procedure which, for the first time establishes a pre-entry screening including identification of all people crossing the EU's external borders without permission or having been disembarked after a search and rescue operation. This method will also entail a health and a security check, fingerprinting and registration in the Eurodac database. After the screening, individuals could be channeled to the right procedure, be it at the border for certain categories of applicants or in a normal asylum procedure. As part of this border procedure, swift decisions on asylum or return will be made, providing quick certainty for people whose cases can be examined rapidly. At the same time, the proposal innovates other procedures and defend stronger monitoring and operational support from EU agencies, an european digital infrastructure for migration management, a common EU system for returns, a more effective legal framework, a stronger role of the European Border and Coast Guard, and a newly appointed EU Return Coordinator with a network of national representatives to ensure consistency across the EU.** In addition, the Commission of EU recommends a change of paradigm in cooperation with non-EU countries and, to this end, promotes tailor-made and mutually beneficial partnerships with third countries.

In summary, taking as a reference contex this preparatory phase of the new European Pact on Immigration and Asylum, which replaces the Pacto f 2008, this lecture analyzes: a) the rights most harmed by Covid-19 and; b) why the new pact is linked to the current process of constitutional reform of the European Union (Conference on the future of Europe) and its commitments to the open society model invoked by the founding fathers seven decades ago.

**ARTICLES**

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<https://www.hhrjournal.org/2020/12/perspective-eu-migration-pact-fails-to-address-human-rights-concerns-in-lesvos-greece/>

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