

4.1.1 Arriving to the European Union: Access to territory



Challenges at the external borders of the EU continued and were reported to be exacerbated throughout 2020.²⁵⁰ UNHCR noted the important decrease in arrivals by sea and land, but it observed an “increasing number of credible reports about pushbacks at European borders”.²⁵¹ At the request of the European Parliament, FRA prepared a report on fundamental rights challenges at the EU’s external borders and put forward some recommendations which could potentially improve fundamental rights compliance in border management. Together with the Council of Europe’s Special Representative on Migration and Refugees, FRA also published guidance on the key safeguards in European law related to border management.²⁵² In addition, ECRE/ELENA drafted a legal note on securing and advancing access to asylum through international legal avenues, focusing on the principle of *non-refoulement*.

At the beginning of 2020, the Grand Chamber of the European Court of Human Rights (ECtHR) overturned the Chamber’s judgment from 2017 and [ruled](#) in *N.D. and N.T. v Spain* that – in this particular case – an immediate return without the possibility to challenge the removal was not in breach of the right to an effective remedy, according to the ECHR in conjunction with the prohibition of collective expulsion under Protocol No 4. However, academic sources noted that this decision does not mean that pushbacks would be allowed and noted that the judgment confirmed the principles elaborated in earlier ECtHR case law, namely that pushbacks remain an illegal practice under the ECHR, Article 3 and that states must guarantee effective access to the asylum procedure.²⁵³ In the context of the Asylum Procedures Directive, Article 3, this is guaranteed for applications made in the territory, including at the border, in the territorial waters or in transit zones of Member States. At the end of 2020, the Spanish Constitutional Court [ruled](#) that the specific asylum regime for Ceuta and Melilla is constitutional, basing its argumentation largely on the judgment in *N.D. and N.T. v Spain* and noting that the legislation must be applied in compliance with human rights instruments and international protection principles.

In May 2020, the ECtHR [declared](#) the case of a Syrian family to be inadmissible when they applied for short-term visas at the Belgian Embassy in Beirut to submit an application for international protection in Belgium, but the Immigration Office rejected their request. The court found that the family did not fall under the jurisdiction of Belgium in the sense of the ECHR, and thus, they cannot invoke Belgium’s obligations under Articles 3 and 13. It also found Article 6 inapplicable, noting that entry to Belgium did not engage a civil right under the meaning of that article.

The ECtHR provided further guidance related to the right to asylum and the prohibition of collective expulsions in

July 2020, assessing a case that involved Polish border guards repeatedly refusing entry for nationals of Chechnya at the Terespol border crossing point with Belarus, even though they made it clear they intended to apply for asylum. The court unanimously found violations of the prohibition of torture or inhuman or degrading treatment, the prohibition of collective expulsion and the right to an effective remedy. Academic sources analysed the case in the light of the *N.D. and N.T. v Spain* judgment earlier that year, addressing the impact of whether the applicants tried to cross at an official entry point or in an irregular manner.²⁵⁴

Similar complaints about access to Poland were heard by the ECtHR, involving four applicants from Tajikistan who tried to cross the Polish-Ukrainian border at Medyka several times to apply for asylum. They were refused entry and were returned to the Ukraine.²⁵⁵ As a result of the growing concerns, a consortium of Polish NGOs set up a [website](#) at the beginning of 2020 which reports on the situation at the Polish-Belarusian border and the challenges encountered by potential applicants in accessing the asylum procedure. In an effort to address the various concerns, UNHCR offered to assist the Polish authorities in meeting their obligations under EU and international laws.²⁵⁷

Impediments to access to the asylum procedure were also reported in other areas. Civil society organisations cited the growing number of incidents along the Spanish-French, Italian-French and Italian-Swiss borders.²⁵⁸ The French Council of State [found](#) that the authorities had manifestly infringed on the right to asylum when both the border police and the judge on appeal refused a woman from the Central African Republic and her 5-year-old son to enter the country from Italy, even though she expressed her wish to apply for asylum. In addition, civil society organisations and media highlighted the growing number of persons attempting to cross the Channel between France and the United Kingdom.²⁵⁹

UNHCR reported pushbacks into Serbia from neighbouring countries.²⁶⁰ Furthermore, civil society observed difficulties in accessing the asylum procedure at airports. For example, the National Association of Border Assistance to Foreigners in France observed the lack of information on the right to seek asylum and highlighted the important role of the police in either hampering or facilitating the process.²⁶¹ The Irish Refugee Council noted unclarity on the instructions related to immigration control measures which target people with false documentation arriving by aircraft, where these people may have been returned before they had the opportunity to ask for asylum.²⁶²

Turkish-Greek border

The situation at the Turkish-Greek border escalated at the end of February 2020, when several thousands of people arrived following active encouragement by Turkish actors to take the land route to Europe through Greece.²⁶³ In response, the Greek government passed an urgent legislative act suspending applications for 1 month from people arriving illegally following the publication of that act.²⁶⁴

The presidents of the European Council, the European Commission and the European Parliament, the president of Croatia (the country which held the rotating Presidency of the Council in the first

half of 2020) and the Prime Minister of Greece visited the Greek borders to gain better insight into the situation.²⁶⁵ For rapid assistance, the European Commission presented an [Action Plan](#) for immediate measures to support Greece in managing the situation as a contribution to the extraordinary Justice and Home Affairs Council.²⁶⁶ This involved financial assistance up to EUR 700 million for Greece, a new return programme coordinated by Frontex and appeals: i) to Member States to respond to the Civil Protection Mechanism to provide necessary supplies; ii) to EASO's call to provide 160 national experts to be deployed in Greece; and iii) to provide assets to launch two rapid border intervention operations by Frontex.²⁶⁷ The Council of the EU in its statement underlined that: "The EU and its Member States remain determined to effectively protect EU's external borders. Illegal crossings will not be tolerated. In this regard, the EU and its Member States will take all necessary measures, in accordance with EU and international law. Migrants should not be encouraged to endanger their lives by attempting illegal crossings by land or sea. The Council calls upon the Turkish government and all actors and organisations on the ground to relay this message and counter the dissemination of false information. The EU will continue to actively fight human smuggling".²⁶⁸

Members of the European Parliament (MEPs) discussed the common EU response with the European Commission President²⁶⁹ and the representative of the Croatian presidency.²⁷⁰ The Council of Europe's Commissioner for Human Rights underlined that "(e)verything must be done to de-escalate violence in the border region, including by ensuring that law enforcement authorities refrain from using excessive force".²⁷¹ UNHCR called for "calm and easing of tensions on Turkey's borders with the European Union" and underlined that "(n)either the 1951 Convention Relating to the Status of Refugees nor EU refugee law provides any legal basis for the suspension of the reception of asylum applications".²⁷² The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) urged the Greek authorities "not to resort to such a legislative measure again, even when faced by a potential increased influx of migrants".²⁷³ ECRE appealed to the EU and national policy-makers to "stay calm and stay human", condemned the Greek legislative act and put forward recommendations on resolving the situation.²⁷⁴ In a joint statement, 85 civil society organisations expressed their "deep concern" about the situation and its management.²⁷⁵ Academia and think tanks also widely commented on the conflict, and the EU and Greek response to it.²⁷⁶

MEPs raised questions²⁷⁷ on information that the crew of a Danish patrol boat, which was monitoring the Aegean Sea as part of the Frontex [Operation Poseidon](#), refused an order from the national representative to return 33 rescued migrants to an inflatable boat and escort them back to Turkish territorial waters, in fear of endangering their lives.²⁷⁸ The order was withdrawn and the vessel was then ordered to the Greek island of Kos, where the migrants were transferred to the Greek authorities. MEPs also raised questions based on journal reports about alleged pushbacks in the Aegean Sea, putting forward six cases when Frontex was allegedly present.²⁷⁹ Civil society organisations and academia also expressed doubts concerning the legality of the actions.²⁸⁰

Frontex launched an internal inquiry into the incidents,²⁸¹ the European Ombudsman opened an inquiry to assess the agency's complaints mechanism,²⁸² the European Commission called the agency to organise an extraordinary Management Board meeting²⁸³ and the European Parliament's LIBE Committee requested the agency's director to reply to a set of questions²⁸⁴ and debated the situation with him during a hearing.²⁸⁵ The Frontex Management Board Working

Group's final report concluded that "it has not been possible to completely resolve the incidents beyond any reasonable doubt", but it still put forward a set of recommendations to prevent any doubts of such incidents in the future.²⁸⁶ The allegations and their follow-up were again accompanied by several comments from civil society organisations, academia and think tanks.²⁸⁷

Hungarian-Serbian border

The transit zones at the Hungarian-Serbian border were closed in May 2020 as a response of the Hungarian authorities to the [judgment](#) in Joined Cases C-924/19 PPU and C-925/19, *FMS and Others*,²⁸⁸ and in December 2020, the CJEU also [ruled](#) on the infringement procedure launched by the European Commission in 2015, noting that the country "has failed to fulfil its obligation to ensure effective access to the procedure for granting international protection" (see [Section 2](#) and case law on the transit zones in [Section 4.8](#)).

The Hungarian government introduced special conditions to submit asylum applications as of May 2020 until the end of 2020,²⁸⁹ which was then extended until 30 June 2021.²⁹⁰ According to the new rules, applicants must submit a declaration of intent at a Hungarian embassy in a non-EU country,²⁹¹ which is then assessed by the asylum authority. Apart from a few exceptions, this applies to all persons wishing to apply for asylum, whether arriving to or already present in the territory of the country. For example, persons who cross the border irregularly and indicate their intention to apply for asylum are directed to the nearest Hungarian embassy in a non-EU country, Serbia or Ukraine. The authority may conduct a remote interview with the applicant at the embassy and informs the embassy about the outcome of the assessment within 60 days. For a positive decision, the embassy issues a travel document which is valid for 30 days and allows the applicant to travel to Hungary, where he or she has to confirm the intention to submit an asylum application to the border police immediately when entering the country. For a negative decision, the authority informs the embassy and does not have an obligation to provide a reason for the rejection.

The National Directorate-General for Aliens Policing (NDGAP) shared that 26 persons submitted the declaration of intent at the Hungarian embassy in Belgrade up to 31 December 2020, and four people within an Iranian family unit were granted travel documents. In addition, the authority did not take a decision on the cases for 46 people who had indicated their intent, but they then disappeared before the authority received their declarations. The European Commission decided to launch an infringement procedure and sent a letter of formal notice to Hungary in October 2020, noting that it considered the new rules to be "an unlawful restriction to access the asylum procedure"²⁹² and it proceeded to send a reasoned opinion in February 2021, as it considered the reply from the Hungarian authorities not to be adequate.²⁹³

The Hungarian Helsinki Committee assessed the new legislation to be "de facto removing Hungary from CEAS", as the asylum procedure can only be initiated outside of the country, and at the same time, the recast Asylum Procedures Directive does not apply to requests submitted to diplomatic representations.²⁹⁴ UNHCR stated that "(t)his enactment further undermines the effective access to territory and asylum for those fleeing wars and persecution which had already been seriously constrained before".²⁹⁵

Western Balkan route

In autumn 2020, public attention turned to the situation in the Western Balkans, when Commissioner Ylva Johansson took note of a report from the Danish Refugee Council on alleged pushbacks from Croatia to Bosnia and Herzegovina reaching a monthly high since May 2019²⁹⁶ and assured to discuss the reported incidents with Croatian authorities.²⁹⁷ Earlier in 2020, the Council of Europe Anti-Torture Committee undertook a five-day rapid reaction visit to the country to examine the situation of people who attempted to enter the country but were apprehended by the police.²⁹⁸ Meanwhile, the Council of Europe's Commissioner for Human Rights published a statement and reiterated her call to the Croatian authorities to "stop pushbacks and border violence and eradicate impunity for serious human rights violations committed against migrants by law enforcement officers".²⁹⁹ Civil society organisations have also published examples of incidents throughout the year.

The Croatian Ministry of the Interior released a statement noting that it was "faced with a second wave of serious unfounded accusations against the Croatian policy" and agreed to investigate the incidents.³⁰¹ It added that the ministry had zero tolerance for unlawful use of coercion by Croatian police officers against any population and as zero tolerance for not prosecuting criminal or misdemeanour offences which were committed by police officers, and it strongly condemned and in no way supported such actions. The European Commission sent a senior mission to visit two border crossing points and drafted a memorandum of understanding with the Croatian authorities to work towards an independent border monitoring mechanism.³⁰²

However, the European Ombudsman launched an inquiry against the European Commission based on a complaint from Amnesty International, which claimed that Croatia did not set up a monitoring mechanism to supervise the border management operations compliance with fundamental rights and EU law, even though it received EU funding for it, and charged that the European Commission failed to follow up on how the funding was spent.³⁰³

Civil society organisations in Slovenia were concerned about the draft amendment of the Foreigners' Act, which would allow the closing of borders and potentially prevent new arrivals to submit an asylum application in the event of a complex crisis in the field of migration.³⁰⁴

The Administrative Court in Slovenia issued a new judgment in the case of an applicant from Cameroon who claimed to have been returned with others from Slovenia to Croatia based on an extradition agreement, without the possibility to apply for asylum, and then informally returned from Croatia to Bosnia and Herzegovina. The court confirmed its initial judgment that the Slovenian police violated the EU Charter of Fundamental Rights, Articles 18, 19(1) and 19(2) during its procedures.

The court in Italy ruled that returns to Slovenia based on informal readmission agreements are illegal. The case concerned a Pakistani applicant who arrived in Italy through Bosnia and Herzegovina, Croatia and Slovenia, and expressed his wish to the Italian police to apply for asylum. Instead, within a few hours, he was rejected to Slovenia, then to Croatia and then back to Bosnia and Herzegovina. The court also underlined that the Italian authorities should have known, based on UNHCR and civil society sources, that readmission to Slovenia would lead to an informal readmission to Croatia and then return to Bosnia and Herzegovina and that the applicant would be

at risk of ill treatment by the police in the other countries.

The AIDA report for Austria mentioned the cases of a Moroccan and a Syrian national who stated to have asked for asylum after crossing the green border between Slovenia and Austria. Instead, they were returned to Slovenia, then to Croatia and finally to Bosnia and Herzegovina. The Austrian Ministry of the Interior clarified that these persons did not express their wish to ask for asylum.³⁰⁵

Central Mediterranean route

Deliberations continued throughout the year on search and rescue operations and disembarkation in the Central Mediterranean route. UNHCR underlined that legitimate health concerns due to the COVID-19 pandemic can be addressed through various measures and they should not be invoked to limit disembarkations.³⁰⁶ The Council of Europe's Commissioner for Human Rights published a report focusing on the developments in the Central Mediterranean area and formulated a set of recommendations to ensure that the approach used by countries to attempt sea crossings are compliant with their human rights obligations. Among them, the Commissioner reiterated her call to review all co-operation activities with the Libyan Coast Guard and called for better cooperation with NGOs saving lives at sea.³⁰⁷

Delays in finding a safe haven for asylum seekers fleeing through Libya received public attention several times throughout the year, for example, in the case of approximately 180 people stranded on two cruise vessels³⁰⁸ or three incidents involving merchant vessels.³⁰⁹ The Council of Europe's Commissioner for Human Rights expressed her concerns over delays and non-response to search and rescue operations in a letter to the Maltese Prime Minister,³¹⁰ who replied acknowledging the issues which were raised but noting that due to the local situation during the COVID-19 outbreak "Malta is simply not in a de facto position, at present, to ensure a 'safe place' to any person rescued at sea".³¹¹ Since the Armed Forces of Malta, the Malta Police Force and the Civil Protection Department were focusing on curbing the spread of the pandemic, the government assessed that the country was not in position to guarantee the disembarkation of a large number of migrants. Nonetheless, Malta continued to coordinate emergency cases by sea and provided medical attention and food to ensure the protection of lives and to preclude inhuman and degrading treatment.

The Head of the Civil Protection Department in Italy ordered in April 2020 that people who were rescued at sea or who arrived independently by sea needed to quarantine on specially-equipped ships before disembarkation.³¹² This measure was heavily criticised by international and national civil society organisations for leaving potentially vulnerable adults and children in distress and without adequate medical and psychological support.³¹³

The standard operating procedures developed by the European Commission in 2019 – based on the Malta Declaration signed by the ministers of France, Germany, Italy and Malta³¹⁴ – guided the relocation exercises following disembarkations in 2020 as a temporary arrangement.³¹⁵ In many cases, the voluntary relocation process contributed to facilitate disembarkations in Italy and Malta, and to demonstrate concrete European solidarity through the relocation of 1,509 asylum applicants overall from Malta and 1,273 applicants from Italy to other EU Member States. Nevertheless, academic analysis underlined the risk of this process being a "quick-fix measure".³¹⁶

Western Mediterranean route

The Spanish-Moroccan border at Ceuta and Melilla continued to receive attention for limiting access to international protection and reports about incidents persisted, including after the ECtHR judgment in *N.D. and N.T. v Spain*.³¹⁷ As seen in the data in [Section 4.1.2](#), arrivals to the Canary Islands significantly increased. The EU Commissioner for Home Affairs visited the island³¹⁸ ([see Section 4.7](#)), and the IOM and UNHCR undertook a joint visit to assess the situation.³¹⁹ The two organisations noted the mixed profile of persons arriving and that some flee persecution, while others leave due to extreme poverty. They underlined the challenge that this complexity adds to adequately addressing the situation.³²⁰

[250] United Nations High Commissioner for Refugees. (2021, January 28). *UNHCR warns asylum under attack at Europe's borders, urges end to pushbacks and violence against refugees*. <https://www.unhcr.org/news/press/2021/1/601121344.html>

[251] United Nations High Commissioner for Refugees. (December 2020). *Europe situations: Data and Trends - Arrivals and displaced populations*. <https://data2.unhcr.org/en/documents/details/84470>

[252] European Union Agency for Fundamental Rights. (2020). *Migration: Fundamental rights issues at land borders*. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-land-borders-report_en.pdf

[253] European Union Agency for Fundamental Rights. (2020, March 27). *Fundamental rights of refugees, asylum applicants and migrants at the European borders*. <https://fra.europa.eu/en/publication/2020/fundamental-rights-refugees-asylum-applicants-and-migrants-european-borders>

[254] Markard, N. (2020, April 1). A Hole of Unclear Dimensions: Reading ND and NT v. Spain. *EU Immigration and Asylum Law and Policy*. <https://eumigrationlawblog.eu/a-hole-of-unclear-dimensions-reading-nd-and-nt-v-spain/> ; Hruschka, C. (2020, February 28). Hot returns remain

contrary to the ECHR: ND & NT before the ECHR. *EU Immigration and Asylum Law and Policy*. <http://eumigrationlawblog.eu/hot-returns-remain-contrary-to-the-echr-nd-nt-before-the-echr/>

[255] See for example: Brandl, U. (2020, September 11). A human right to seek refuge at Europe's external borders: The ECtHR adjusts its case law in *M.K. vs Poland* – EU Immigration and Asylum Law and Policy. *EU Immigration and Asylum Law and Policy*.

<https://eumigrationlawblog.eu/a-human-right-to-seek-refuge-at-europes-external-borders-the-echr-adjusts-its-case-law-in-m-k-vs-poland/> ; Gatta, F. L. (2020, October 7). Systematic push back of 'well behaving' asylum seekers at the Polish border: *M.K. and Others v. Poland*. *Strasbourg Observers*. <https://strasbourgobservers.com/2020/10/07/systematic-push-back-of-well-behaving-asylum-seekers-at-the-polish-border-m-k-and-others-v-poland/>

[256] European Council for Refugees and Exiles, European Database of Asylum Law. (2021, January 22). *Communicated cases against Poland (application No 54029/17), the Netherlands (application No 39513/20) and Russia (application No 8818/20)*.

<https://www.asylumlawdatabase.eu/en/content/communicated-cases-against-poland-application-no-5402917-netherlands-application-no-3951320>; Helsinki Foundation for Human Rights | Helsi?ska Fundacja Praw Cz?owieka. (2021, January 11). *Kolejna sprawa odmowy wjazdu dla uchodźców zakomunikowana polskiemu rządowi przez ETPC [Another case on refusing refugees' access communicated to the Polish government by the ECtHR]*. <https://www.hfhr.pl/kolejna-sprawa-odmowy-wjazdu-dla-uchodzcow-zakomunikowana-polskiemu-rzadowi-przez-etpc/>

[257] United Nations High Commissioner for Refugees. (2020, July 24). *UNHCR calls on Poland to ensure access for people seeking asylum*. <https://www.unhcr.org/news/press/2020/7/5f1a89674/unhcr-calls-poland-ensure-access-people-seeking-asylum.html>

[258] European Union Agency for Fundamental Rights (2020). *Migration: Key fundamental rights concerns - Quarterly bulletin - 2020: 01 January - 31 March 2020*. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-2_en.pdf ; European Union Agency for Fundamental Rights. (2020). *Migration: Key fundamental rights concerns - Quarterly Bulletin - 2020: 01 April - 30 June 2020*.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-3_en.pdf ; European Union Agency for Fundamental Rights. (2020). *Migration: Key fundamental rights concerns - Quarterly Bulletin - 2020: 1 July - 30 September 2020*.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-4_en.pdf ; European Union Agency for Fundamental Rights. (2021). *Migration: Key fundamental rights concerns - Quarterly Bulletin: 1 October - 31 December 2020*.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin_en.pdf ; Forum réfugiés - Cosi. (2021). *Input to the EASO Asylum Report 2021*. </sites/default/files/Forumre-fugies-Cosi.pdf> ; Refugee Rights Europe. (2021). *Input to the EASO Asylum Report 2021*.

</sites/default/files/Refugee-Rights-Europe-combined.pdf> ; AIDA France. (2021). *Country Report: France - 2020 Update*. Edited by ECRE. Written by Forum réfugiés – Cosi. https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-FR_2020update.pdf

[259] European Union Agency for Fundamental Rights (2020). *Migration: Key fundamental rights concerns - Quarterly bulletin - 2020: 01 January - 31 March 2020*. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-2_en.pdf ; European Union Agency for Fundamental Rights. (2020). *Migration: Key fundamental rights concerns - Quarterly Bulletin - 2020: 01 April - 30 June 2020*.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-3_en.pdf ; European Union Agency for Fundamental Rights. (2020). *Migration: Key fundamental rights concerns - Quarterly Bulletin - 2020: 1 July - 30 September 2020*.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-4_en.pdf ; European Union Agency for Fundamental Rights. (2021). *Migration: Key fundamental rights concerns - Quarterly Bulletin: 1 October - 31 December 2020*.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin_en.pdf ; European Council on Refugees and Exiles. (2020, October 30). *The Channel: From Bad to Worse for People Risking Their Lives to Reach the UK from France*. <https://www.ecre.org/the-channel-from-bad-to-worse-for-people-risking-their-lives-to-reach-the-uk-from-france/>

[260] United Nations High Commissioner for Refugees. (2021, January 14). *Serbia Statistical Snapshot December 2020*. <https://data2.unhcr.org/en/documents/details/84223>

- [261] AIDA France. (2021). *Country Report: France - 2020 Update*. Edited by ECRE. Written by Forum réfugiés – Cosi. https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-FR_2020update.pdf
- [262] AIDA Ireland. (2021). *Country Report: Ireland - 2020 Update*. Edited by ECRE. Written by Irish Refugee Council. https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-IE_2020update.pdf
- [263] European Commission, & High Representative of the Union for Foreign Affairs and Security Policy. (2021, March 22). *Joint Communication to the European Council: State of play of EU-Turkey political, economic and trade relations*. JOIN(2021) 8 final/2. https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/state_of_play_of_eu_turkey_relations_en.pdf
- [264] [????????? ??? ?????????? ?????????? ?????????? ??????????] [Suspension of the submission of asylum applications. Gov. Gaz. 45 A/2.3.2020], March 2, 2020. <https://migration.gov.gr/wp-content/uploads/2020/05/pnp-anastolh-ths-yповolis-aitheon-asylou.pdf>
- [265] European Council. (2020, March 3). *Remarks by President Charles Michel following his visit to the Greek Turkish border*. <https://www.consilium.europa.eu/en/press/press-releases/2020/03/03/remarks-by-president-charles-michel-following-his-visit-to-orestiada-greece/>; European Commission. (2020, March 3). *Remarks by President von der Leyen at the joint press conference with Kyriakos Mitsotakis, Prime Minister of Greece, Andrej Plenković, Prime Minister of Croatia, President Sassoli and President Michel*. https://ec.europa.eu/commission/presscorner/detail/en/statement_20_380; European Parliament. (2020, March 3). *Sassoli: "We must make a commitment to the thousands of unaccompanied minors at Europe's borders"*. <https://www.europarl.europa.eu/the-president/en/newsroom/sassoli-we-must-make-a-commitment-to-the-thousands-of-unaccompanied-minors-at-europes-borders>
- [266] Council of the European Union. (2020, March 4). *Statement on the situation at the EU's external borders*. <https://www.consilium.europa.eu/en/press/press-releases/2020/03/04/statement-on-the-situation-at-the-eus-external-borders/>
- [267] European Commission. (2020, March 3). *Remarks by President von der Leyen at the joint press conference with Kyriakos Mitsotakis, Prime Minister of Greece, Andrej Plenković, Prime Minister of Croatia, President Sassoli and President Michel*. https://ec.europa.eu/commission/presscorner/detail/en/statement_20_380; European Commission. (2020, March 4). *Extraordinary Justice and Home Affairs Council: Commission presents Action Plan for immediate measures to support Greece*. https://ec.europa.eu/commission/presscorner/detail/en/ip_20_384; European Commission. (2020, March 4). *Press remarks by Commissioner Johansson on immediate actions to support Greece*. https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_20_396
- [268] Council of the European Union. (2020, March 4). *Statement on the situation at the EU's external borders*. <https://www.consilium.europa.eu/en/press/press-releases/2020/03/04/statement-on-the-situation-at-the-eus-external-borders/>
- [269] European Commission. (2020, March 10). *European Parliament Plenary - Opening statement to debate on situation at Greek-Turkish border*. https://ec.europa.eu/commission/commissioners/2019-2024/johansson/announcements/european-parliament-plenary-opening-statement-debate-situation-greek-turkish-border_en
- [270] European Parliament. (2020, March 9). *EP to assess the situation of refugees at the Greek-Turkish border*. <https://www.europarl.europa.eu/news/en/agenda/briefing/2020-03-09/2/ep-to-assess-the-situation-of-refugees-at-the-greek-turkish-border>; European Parliament. (2020, March 10). *Greek-Turkish border: MEPs reject Turkey's pressure, demand common asylum rules*. <https://www.europarl.europa.eu/news/en/press-room/20200305IPR74187/greek-turkish-border-meps-reject-turkey-s-pressure-demand-common-asylum-rules>; European Parliament. (2020, March 11). *MEPs call for de-escalation of migration situation with Turkey*. <https://www.europarl.europa.eu/news/en/headlines/world/20200305STO74150/meps-call-for-de-escalation-of-migration-situation-with-turkey>
- [271] Council of Europe, Commissioner for Human Rights. (2020, March 3). *Time to immediately act and to address humanitarian and protection needs of people trapped between Turkey and Greece*. <https://www.coe.int/en/web/commissioner/-/urgent-action-is-needed-to-address-humanitarian-and-protection-needs-of-people-trapped-between-turkey-and-greece>
- [272] United Nations High Commissioner for Refugees. (2020, March 2). *UNHCR statement on the situation at the Turkey-EU border*. <https://www.unhcr.org/news/press/2020/3/5e5d08ad4/unhcr-statement-situation-turkey-eu-border.html>
- [273] Council of Europe. (2020, November 19). *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020*. <https://rm.coe.int/1680a06a86%20>
- [274] European Council for Refugees and Exiles. (2020, March 3). *Stay Calm, Stay Human: ECRE Statement on the Situation at the Greek Turkish Border*. <https://www.ecre.org/wp-content/uploads/2020/03/ECRE-Statement-Greek-Turkish-border.pdf>
- [275] Actionaid Hellas et al. (2020, March 6). *Protect our laws and humanity: Open Letter by 85 Organizations*. https://www.ecre.org/wp-content/uploads/2020/03/JointStatement_GCR.pdf
- [276] Skordas, A. (2020, May 5). *The Twenty-Day Greek-Turkish Border Crisis and Beyond: Geopolitics of Migration and Asylum Law (Part I). EU Immigration and Asylum Law and Policy*. <https://eumigrationlawblog.eu/the-twenty-day-greek-turkish-border-crisis-and-beyond-geopolitics-of-migration-and-asylum-law-part-i/>; Skordas, A. (2020, May 8). *The Twenty-Day Greek-Turkish Border Crisis and Beyond: Geopolitics of Migration and Asylum Law (Part II). EU Immigration and Asylum Law and Policy*. <http://eumigrationlawblog.eu/the-twenty-day-greek-turkish-border-crisis-and-beyond-geopolitics-of-migration-and-asylum-law-part-ii/>; Goldner Lang, I. (2020, September 4). *Which connection between The Greek-Turkish border, the Western Balkans route and the ECtHR's judgment in ND and NT? EU Immigration and Asylum Law and Policy*. <https://eumigrationlawblog.eu/2750-2/>; Human Rights 360. (October 2020). *Defending human rights in times of border militarization*. <https://www.humanrights360.org/wp-content/uploads/2020/10/Evros-Report-19.10.pdf>
- [277] European Parliament. (2020, March 9). *Priority question for written answer P-001435/2020 to the Commission Rule 138 Bettina Vollath (S&D): Operation Poseidon*. https://www.europarl.europa.eu/doceo/document/P-9-2020-001435_EN.html; European Parliament. (2020, October 27). *Question for written answer E-005836/2020 to the Commission Rule 138 Hilde Vautmans (Renew), Olivier Chastel (Renew), Drago Tudorache (Renew), Fabienne Keller (Renew), Anna Júlia Donáth (Renew), Jan-Christoph Oetjen (Renew), Ramona Strugariu (Renew), Moritz Körner (Renew): Allegations of Frontex's complicity in violating the principle of non-refoulement*. https://www.europarl.europa.eu/doceo/document/E-9-2020-005836_EN.html
- [278] POLITICO (2020, March 6). *Danish boat in Aegean refused order to push back rescued migrants*. <https://www.politico.eu/article/danish-frontex-boat-refused-order-to-push-back-rescued-migrants-report/>
- [279] bellingcat. (2020, October 23). *Frontex at Fault: European Border Force Complicit in 'Illegal' Pushbacks*. <https://www.bellingcat.com/news/2020/10/23/frontex-at-fault-european-border-force-complicit-in-illegal-pushbacks/>; Der Spiegel. (2020, October 23). *Verbrechen im Mittelmeer: Frontex in illegale Pushbacks von Flüchtlingen verwickelt [Crimes in the Mediterranean: Frontex involved in illegal refugee pushbacks]*. <https://www.spiegel.de/politik/ausland/fluechtlinge-frontex-in-griechenland-in-illegale-pushbacks-verwickelt-a-00000000-0002-0001-0000-000173654787>
- [280] Euronews (2020, March 10). *Frontex border operation in Greece 'lacks legal basis' after Greece suspends asylum law*. <https://www.euronews.com/2020/03/10/frontex-border-operation-in-greece-lacks-legal-basis-after-greece-suspends-asylum-law>
- [281] Frontex. (2020, October 27). *Frontex launches internal inquiry into incidents recently reported by media*. <https://frontex.europa.eu/media->

[centre/news/news-release/frontex-launches-internal-inquiry-into-incidents-recently-reported-by-media-ZtuEBP](#)

[282] European Ombudsman. (2020, November 12). *Ombudsman opens inquiry to assess European Border and Coast Guard Agency (Frontex) 'Complaints Mechanism'*. <https://www.ombudsman.europa.eu/en/news-document/en/134739>

[283] Frontex. (2020, November 13). *Conclusions of the Chairperson of the Frontex Management Board*. <https://frontex.europa.eu/media-centre/management-board-updates/conclusions-of-the-chairperson-of-the-frontex-management-board-Lh7U4c>

[284] European Parliament, Committee on Civil Liberties, Justice and Home Affairs. (2020, November 4). *Activities of the European Border and Coast Guard Agency in Greece*. https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/LIBE/DV/2020/11-30/D202031276_EN.pdf

[285] European Parliament. (2020, November 30). *MEPs to grill Frontex director on agency's role in pushbacks of asylum-seekers*.

<https://www.europarl.europa.eu/news/en/press-room/20201126IPR92509/meps-to-grill-frontex-director-on-agency-s-role-in-pushbacks-of-asylum-seekers>

[286] Frontex. (2021, March 1). *Fundamental Rights and Legal Operational Aspects of Operations in the Aegean Sea: Final Report of the Frontex Management Board Working Group*.

https://frontex.europa.eu/assets/Key_Documents/MB_Documents/Agenda_Point_WG_FRaLO_final_report.pdf

[287] See for example: Centre for European Policy Studies. (2021, February 12). *Pushbacks and lack of accountability at the Greek-Turkish borders*. <https://www.ceps.eu/ceps-publications/pushbacks-and-lack-of-accountability-at-the-greek-turkish-borders/>; Statewatch. (2021). *Input to the EASO Asylum Report 2021*. [/sites/default/files/Statewatch.pdf](https://sites/default/files/Statewatch.pdf); European Council for Refugees and Exiles, Amnesty International, Human Rights Watch, International Rescue Committee, Danish Refugee Council, Oxfam International, Refugee Rights Europe, & Save the Children. (November 2020). *Turning rhetoric into reality: New monitoring mechanism at European borders should ensure fundamental rights and accountability*. <https://www.ecre.org/wp-content/uploads/2020/11/FINAL-Statement-IBMM-November-2020.pdf>; Lanneau, R. (2021, February 22). *The Commission's proposal for a new Independent Monitoring Mechanism at the external border of the EU: a necessary but limited mechanism*. *EU Immigration and Asylum Law and Policy*. <http://eumigrationlawblog.eu/the-commissions-proposal-for-a-new-independent-monitoring-mechanism-at-the-external-border-of-the-eu-a-necessary-but-limited-mechanism/>

[288] See in addition: Hungarian Helsinki Committee. (2020, May 14). *EU Court: Hungary unlawfully detains people in the transit zone and deprives them of a fair asylum procedure*. <https://helsinki.hu/en/hungary-unlawfully-detains-people-in-the-transit-zone/>; United Nations High Commissioner for Refugees. (2020, May 22). *UNHCR calls on Hungary to ensure access for people seeking asylum*.

<https://www.unhcr.org/ceu/12811-unhcr-calls-on-hungary-to-ensure-access-for-people-seeking-asylum.html>; Nagy, B. (2020, June 15). *A -pyrrhic? - victory concerning detention in transit zones and procedural rights: FMS & FMZ and the legislation adopted by Hungary in its wake*.

<https://eumigrationlawblog.eu/a-pyrrhic-victory-concerning-detention-in-transit-zones-and-procedural-rights-fms-fmz-and-the-legislation-adopted-by-hungary-in-its-wake/>

[289] 233/2020. (V. 26.) Korm. rendelet az élet- és vagyónbiztonságot veszélyeztető tömeges megbetegedést okozó járvány megelőzése, illetve következményeinek elhárítása, a magyar állampolgárok egészségének és életének megóvása érdekében elrendelt veszélyhelyzet során a menekültügyi eljárás szabályairól [Government Decree No 233/2020. (V.26.) on the rules of the asylum procedure during the state of emergency declared to prevent and avert the consequences of a human epidemic causing mass disease endangering life and property, and to protect the health and lives of Hungarian citizens]. http://njt.hu/cgi_bin/njt_doc.cgi?docid=219700.383485; 2020. évi LVIII. törvény a veszélyhelyzet megszüntetésével összefüggő átmeneti szabályokról és a járványügyi készültségről [Law LVIII of 2020 on the transitional rules related to the termination of the state of emergency and on epidemiological preparedness].

http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384972#foot1

[290] 2020. évi CLXII. törvény a Kormányzati Személyügyi Döntéstámogató Rendszerrel [Law CLXII of 2020 on Government Staff Decision Support System]. <https://njt.hu/jogszabaly/2020-162-00-00.0>

[291] 292/2020. (VI. 17.) Korm. rendelet a menedékközi kérelem benyújtására irányuló szándéknyilatkozattal kapcsolatban nagykövetségek kijelöléséről [Government Decree no. 292/2020. (VI.17.) on designating embassies in connection with the letter of intent to lodge an application for asylum]. <https://njt.hu/jogszabaly/2020-292-20-22.1>

[292] European Commission. (2020, October 30). *October infringements package: key decisions*.

https://ec.europa.eu/commission/presscorner/detail/en/inf_20_1687

[293] European Commission. (2021, February 18). *February infringements package: key decisions*.

https://ec.europa.eu/commission/presscorner/detail/en/inf_21_441

[294] Hungarian Helsinki Committee | Magyar Helsinki Bizottság. (2020, August 12). *Hungary de facto removes itself from the Common European Asylum System (CEAS)*. <https://helsinki.hu/wp-content/uploads/new-Hungarian-asylum-system-HHC-Aug-2020.pdf>

[295] United Nations High Commissioner for Refugees. (2020, June 29). *Access to asylum further at stake in Hungary*.

<https://www.unhcr.org/news/press/2020/6/5efa0f914/access-asylum-further-stake-hungary-unhcr.html>; United Nations High Commissioner for Refugees. (June 2020). *UNHCR Position on Hungarian Act LVIII of 2020 on the Transitional Rules and Epidemiological Preparedness related to the Cessation of the State of Danger*. <https://www.refworld.org/docid/5ef5c0614.html>

[296] Danish Refugee Council. (October 2020). *Bosnia and Herzegovina Border Monitoring Monthly Snapshot*.

https://drc.ngo/media/kbyjrc2v/border_monitoring_monthly_snapshot_october2020_final.pdf

[297] Johansson, Y. (2020, October 22). "1/4 I received the @DRC_ngo report presented as evidence of push-backs and inhuman and degrading treatment of people at the Croatian border with Bosnia and Herzegovina. I am taking these reports very seriously..." [Tweet]. Twitter.

<https://twitter.com/YlvaJohansson/status/1319218014500360193>

[298] Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. (2020, August 18). *Council of Europe anti-torture committee carries out rapid reaction visit to Croatia to examine treatment of migrants*.

<https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-carries-out-rapid-reaction-visit-to-croatia-to-examine-treatment-of-migrants>

[299] Council of Europe, Commissioner for Human Rights. (2020, October 21). *Croatian authorities must stop pushbacks and border violence, and end impunity*. <https://www.coe.int/en/web/commissioner/-/croatian-authorities-must-stop-pushbacks-and-border-violence-and-end-impunity>

[300] Amnesty International. (2020, June 11). *Croatia: Fresh evidence of police abuse and torture of migrants and asylum-seekers*.

<https://www.amnesty.org/en/latest/news/2020/06/croatia-fresh-evidence-of-police-abuse-and-torture-of-migrants-and-asylum-seekers/>; European Council on Refugees and Exiles. (2020, June 5). *Croatia: Further Evidence of Systemic Push-Backs at the Border with Bosnia*.

<https://www.ecre.org/croatia-further-evidence-of-systemic-push-backs-at-the-border-with-bosnia/>

[301] Ministry of the Interior | Ministarstvo unutarnjih poslova. (2020, November 19). *The Croatian police did not record any actions*.

<https://mup.gov.hr/news/the-croatian-police-did-not-record-any-actions/286671>

[302] European Commission. (2021, January 19). *Commissioner Johansson's speech at the European Parliament Plenary on the humanitarian situation of refugees and migrants at the EU's external borders*. [https://ec.europa.eu/commission/commissioners/2019-](https://ec.europa.eu/commission/commissioners/2019-2024/johansson/announcements/commissioner-johanssons-speech-european-parliament-plenary-humanitarian-situation-refugees-and_en)

[2024/johansson/announcements/commissioner-johanssons-speech-european-parliament-plenary-humanitarian-situation-refugees-and_en](https://ec.europa.eu/commission/commissioners/2019-2024/johansson/announcements/commissioner-johanssons-speech-european-parliament-plenary-humanitarian-situation-refugees-and_en)

[303] European Ombudsman. (2020, November 10). *Ombudsman inquiry opened on how European Commission seeks to ensure protection of fundamental rights in border management operations by Croatian authorities*. <https://www.ombudsman.europa.eu/en/news-document/en/134797>

[304]??????? European Web Site on Integration. (2020, November 15). *Slovenia: Amnesty International launches "Do not accept the amendment to the Foreigners Act!" petition*. <https://ec.europa.eu/migrant-integration/news/slovenia-amnesty-international-launches-do-not-accept-the-amendment-to-the-foreigners-act-petition>

[305]??????? AIDA Austria. (2021). *Country Report: Austria - 2020 Update*. Edited by ECRE. Written by asylkoordination österreich. https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-AT_2020update.pdf

[306]??????? United Nations High Commissioner for Refugees. (2020, May 1). *News comment on search and rescue in the Central Mediterranean by Gillian Triggs, Assistant High Commissioner for Protection at UNHCR, the UN Refugee Agency*. <https://www.unhcr.org/news/press/2020/5/5eac53214/news-comment-search-rescue-central-mediterranean-gillian-triggs-assistant.html>

[307]??????? Council of Europe, Commissioner for Human Rights. (March 2021). *A distress call for human rights: The widening gap in migrant protection in the Mediterranean*. Follow-up report to the 2019 Recommendation. <https://rm.coe.int/a-distress-call-for-human-rights-the-widening-gap-in-migrant-protectio/1680a1abcd>

[308]??????? United Nations High Commissioner for Refugees. (2020, May 21). *UNHCR, IOM, urge European states to disembark rescued migrants and refugees on board the Captain Morgan vessels*. <https://www.unhcr.org/news/press/2020/5/5ec664284/unhcr-iom-urge-european-states-disembark-rescued-migrants-refugees-board.html>

[309]??????? United Nations High Commissioner for Refugees. (2020, August 29). *UNHCR and IOM call for urgent disembarkation of rescued migrants and refugees in Central Mediterranean Sea*. <https://www.unhcr.org/news/press/2020/8/5f491cb64/unhcr-iom-call-urgent-disembarkation-rescued-migrants-refugees-central.html>; United Nations High Commissioner for Refugees. (2020, September 7). *ICS, UNHCR and IOM call on States to end humanitarian crisis onboard ship in the Mediterranean*. <https://www.unhcr.org/news/press/2020/9/5f55e7fe4/ics-unhcr-iom-call-states-end-humanitarian-crisis-onboard-ship-mediterranean.html>

[310]??????? Council of Europe, Commissioner for Human Rights. (2020, May 5). *Letter to Robert Abela, Prime Minister of Malta, on the human rights of migrants at sea, by Dunja Mijatovi?, Council of Europe Commissioner for Human Rights*. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016809e4c9c>

[311]? Council of Europe, Commissioner for Human Rights. (2020, May 8). *Reply by Prime Minister Robert Abela to Ms. Dunja Mijatovic, Commissioner for Human Rights, Council of Europe*. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016809e4ffc>

[312]? Decreto del Capo Dipartimento n. 1287 del 12 aprile 2020. Nomina del soggetto attuatore per le attività emergenziali connesse all'assistenza e alla sorveglianza sanitaria dei migranti soccorsi in mare ovvero giunti sul territorio nazionale a seguito di sbarchi autonomi nell'ambito dell'emergenza relativa al rischio sanitario connesso all'insorgenza di patologie derivanti da agenti virali trasmissibili [Decree of the Head of Department No 1287 of 12 April 2020. Appointment of the implementing body for emergency activities related to the health care and health surveillance of migrants rescued at sea or who arrived on national territory following autonomous disembarkation in the context of the emergency related to the health risk associated with viral transmissible agent diseases], April 12, 2020. <http://www.protezionecivile.gov.it/amministrazione-trasparente/provvedimenti/-/content-view/view/1250434>

[313] POLITICO (2020, July 1). *Pressure grows on Italy to abolish migrant quarantine ships*. <https://www.politico.eu/article/italy-migrants-offshore-quarantine-incidents-deaths/>

[314] European Asylum Support Office. (June 2020). *EASO Asylum Report 2020: The Situation of Asylum in the European Union*. asylum-report-2020

[315] European Commission. (2019, March 6). *Communication from the Commission to the European Parliament, the European Council and the Council: Progress report on the Implementation of the European Agenda on Migration*. COM(2019) 126 final. https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/20190306_com-2019-126-report_en.pdf

[316] Frasca, E., & Gatta, F. L. (2020, March 3). *The Malta Declaration on search & rescue, disembarkation and relocation: Much Ado about Nothing – EU Immigration and Asylum Law and Policy*. *EU Immigration and Asylum Law and Policy*. <https://eumigrationlawblog.eu/the-malta-declaration-on-search-rescue-disembarkation-and-relocation-much-ado-about-nothing/>

[317] See for example: Amnesty International. (2020, August 27). *Es urgente el traslado y realojo en condiciones dignas de las personas migrantes y solicitantes de asilo en Melilla [The transfer and relocation in dignified conditions of migrants and asylum seekers in Melilla is urgent]*. <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/es-urgente-el-traslado-y-realojo-en-condiciones-dignas-de-las-personas-migrantes-y-solicitantes-de-a/>; International Organization for Migration. (2020, August 29). *Urgent Coordinated Response Needed to the Alarming Conditions of Migrants and Refugees Detained in Melilla: IOM, UNHCR*. <https://www.iom.int/news/urgent-coordinated-response-needed-alarming-conditions-migrants-and-refugees-detained-melilla>; Foundation Cepaim | Fundación Cepaim. (2021). *Input to the EASO Asylum Report 2021*. [/sites/default/files/Cepaim.pdf](https://sites/default/files/Cepaim.pdf); AIDA Spain. *Country Report: Spain - 2020 Update*. Edited by ECRE. Written by Accem. https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-ES_2020update.pdf; European Union Agency for Fundamental Rights. (2020). *Migration: Key fundamental rights concerns - Quarterly Bulletin - 2020: 1 July - 30 September 2020*. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-4_en.pdf

[318] European Commission. (2020, November 6). *Commissioner Ylva Johansson in Gran Canaria for migration management*. <https://audiovisual.ec.europa.eu/en/video/I-198586>

[319] United Nations High Commissioner for Refugees. (2020, November 16). *IOM and UNHCR carry out joint visit to the Canary Islands amid increasing arrivals*. <https://www.unhcr.org/news/press/2020/11/5fb2958f4/iom-unhcr-carry-joint-visit-canary-islands-amid-increasing-arrivals.html>

[320] United Nations High Commissioner for Refugees. (2020, November 16). *IOM and UNHCR carry out joint visit to the Canary Islands amid increasing arrivals*. <https://www.unhcr.org/news/press/2020/11/5fb2958f4/iom-unhcr-carry-joint-visit-canary-islands-amid-increasing-arrivals.html>

