

## NEWS & NOTES

### Selected Developments related to Migration: Update from Europe<sup>1</sup>

Holger Hoffmann<sup>2</sup>

This is a compilation of news and notes of relevance for the field of migration.

#### 1. Discussions and Decisions at EU level

##### 1.1 EU Commission: Migration and Asylum Report 2022 - 6 October 2022

It sets out what the Commission considers to be the “most important” developments in the field of migration and asylum, and takes stock of the “progress” allegedly made in 2022 “under the new migration and asylum package”. It also identifies the “main challenges ahead” and stresses “the need for further progress towards a responsible and fair migration management system in the EU”.

It highlights the “unprecedented solidarity with Ukraine”: Member States have welcomed millions of people fleeing the Russian war of aggression against Ukraine on an unprecedented scale, including by activating the Temporary Protection Directive for the first time, setting up a solidarity platform and implementing a ten-point plan for a coordinated European response.

Vice-President Schinas:

“The EU has shown the common strength and collective political will to act swiftly and decisively in situations where it has been confronted with dramatic events that have had a significant impact on migration, asylum and border management. Outside the EU, our determined and united action can deliver impressive results. Within the EU, the kind of solidarity we have shown to Ukrainians must continue to be present in our migration debate and serve as inspiration for our future actions.”

Demanded in this regard: “*Ensuring external border management*” as a central element. This is to be achieved:

“by implementing the new IT architecture and interoperability, by taking important steps towards the establishment of a common EU return system, including the appointment of a return coordinator and the implementation of a strategic and structured visa policy” –

whatever one might think of this in detail.

*Cooperation with international partners:* In 2022, the EU had intensified its efforts to engage in mutually beneficial cooperation on migration. The EU is a leading global actor

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<sup>2</sup> Dr. Holger Hoffmann is a retired professor for law at the University of Applied Sciences Bielefeld, Germany.

and donor in improving protection and assistance to displaced persons and their host countries, in saving lives [note: see below: the real situation on migration routes!!] and in laying the foundations for durable solutions.

"Progress in addressing return, readmission, border management and smuggling networks" has been achieved through partnerships with key third countries that balance the needs of those countries with those of the EU.

*"Countering hybrid threats"*: Rapid, determined and united cooperation between the EU and its partners can deliver impressive results, as the response to the instrumentalisation of migrants by the Belarusian regime has shown. The Commission has been working with countries of origin and transit, as well as with airlines and civil aviation authorities, to build a coalition to combat this hybrid attack.

*Further steps*: In May, the Return Coordinator started work at the Commission to promote a more coherent and effective approach to return and repatriation. In June, the Member States agreed on negotiating mandates for the Screening Regulation and Eurodac Regulation. The proposals are intended to lead to better and more effective procedures to combat irregular migration, to increase the number of returnees and to better support the asylum system. Also in June, the Member States reached a political agreement in the Council to start implementing the voluntary solidarity mechanism. What "better" means in the sense of the report is not specified. In any case, the aim is to "ensure the solidarity-based reception of people by countries with available reception capacities". As the most important next step, the Commission calls on the Member States to apply the "voluntary solidarity mechanism". It also invites the Parliament and the Council to implement the common roadmap so that all proposals presented can be adopted by March 2024.

## **1.2 "Emergency Meeting" of EU Interior Ministers - 25.11.2022**

In June, two-thirds of the EU Member States had agreed to participate in the "voluntary solidarity mechanism", which is linked to a functioning sea rescue service in order to relieve the burden on the countries of arrival in the Mediterranean. In November, the governments in Rome and Paris fell out over the reception of shipwrecked people. The French Interior Minister Darmanin then demanded an emergency meeting. The meeting was called at such short notice that numerous ministers (including BMI Faeser) did not appear. The immediate reason was the Italian government's refusal to allow a private rescue ship flying the French flag to land in Italy. As a result, French President Macron revoked the promise to take over 3,500 refugees who had landed in Italy. The new Italian government demands that the flag states of the ships take in all those rescued. MP Meloni said:

"The selection is carried out at sea by the smugglers who operate the migrant boats. This is no longer acceptable. We must stop this trade. Italy cannot be the only country to bear the cost of the waves of migration from Africa."

Italy received support for this from Greece, Malta and Cyprus. In a joint statement, these Member States refused to be "the only landing places for illegal migrants" especially if this is done in an uncoordinated way based on the decision of private ships and independent of state authorities. The new Italian government wants to undermine the principle of helping people in distress at the nearest port. Among other things, it called for a "code of conduct" for NGOs that would oblige them not to sail into Libyan waters. She

also proposed a sea blockade in the Mediterranean and camps in North Africa where migrants would be taken to assess their chances of asylum in Europe.

The EU Commission presented an “action plan” for the Mediterranean route at the emergency meeting. Point 1: People in Egypt, Tunisia and Libya who are planning to cross the Mediterranean with the help of escape helpers are to be persuaded to return home. Point 2: Cooperation between rescuers in the Mediterranean should be better coordinated, and the rules for private rescue ships should also be discussed. Point 3: The voluntary solidarity mechanism should be set in motion, distribution procedures should be speeded up, countries of origin should take back more migrants, and coastal and flag states should exchange more closely.

NGOs, but also various government representatives criticised the plan for not containing any new ideas.

In October, the German government decided to support a sea rescue NGO (Sea Eye, Sea Watch and SOS Humanity) with 2 million euros each over the next four years – financed from the budget of the Foreign Ministry. Germany had agreed to provide 3,500 places as part of the solidarity mechanism – like France. A total of 8,000 places were planned for 2022. By the end of November, only 117 people had been reallocated, 74 of them to Germany – according to EU Commissioner for Home Affairs Johansson. The reason given is the cumbersome selection and screening procedures. But it also has to do with mistrust of the receiving countries. The accusation is that they do not register all migrants properly and let them move on unregistered to countries of their choice. In Italy, for example, 60,000 asylum applications were registered, while there were over 93,000 (according to the latest Italian figures: 98,000) arrivals.

The largest criminal case related to Italy's crackdown on civilian rescue workers has been dropped for the third time – five years after it was launched. It involves 21 people, including crew members of the search and rescue ship *Iuventa* and representatives of other NGOs such as Sea Watch, Save the Children and Médecins Sans Frontières (MSF), who face up to 20 years in prison for “aiding and abetting unauthorised immigration”. The *Iuventa* crew helped save the lives of 14,000 people before their ship was seized in 2017.

### **1.3 Western Balkans Route/EU Negotiations with Albania, Bosnia and Herzegovina, Montenegro and Serbia to Extend Cooperation with Frontex**

From January to August 2022, more than 86,000 irregular border crossings were recorded, almost three times more than in 2021 and more than ten times as many as in the same period in 2019. In view of this increase, the EU Commission is monitoring the situation through the EU Migration Preparedness and Crisis Management Network (“Blueprint Network”) and strengthening its cooperation with countries in the Western Balkans and the most affected EU Member States. The EU Commission's Action Plan for the region focuses on border management, return and readmission to third countries.

Austria's Chancellor Nehammer demands that the EU fund border fences in Romania, Bulgaria and Hungary to stop illegal immigration: “We must finally break the taboo of fences,” he said at the EU summit in December.

On 18 November 2022, the EU Council authorised the opening of negotiations with Albania, Bosnia-Herzegovina, Montenegro and Serbia to extend the cooperation agreements with Frontex. The challenges of migration on the Western Balkans route do

not start at the EU borders. Cooperation, including the deployment of Frontex staff, is essential to identify and prevent irregular migration at an early stage.

In the run-up to the first summit between the EU and the Western Balkans, the EU Commission published an action plan to strengthen cooperation with the region in order to address “common challenges” arising from the increase in arrivals due to the visa-free regime and the “migrant flows” via the Eastern Mediterranean route. The plan contains a series of measures based on five pillars: (1) strengthening border management along the routes; (2) speedy asylum procedures and support for reception capacities; (3) combating smuggling of migrants; (4) improving cooperation on readmission and repatriation; and (5) aligning visa policies.

The EU had already concluded agreements with Albania, Montenegro and Serbia under the previous Frontex mandate. However, these only allowed Frontex to conduct joint operations and deploy teams in the regions of these countries bordering the EU. Frontex operates on the EU borders with Albania, Serbia and Montenegro, but not with Bosnia-Herzegovina. An agreement with this State had not yet been signed at the time.

From the press release on the Council Decision:

"The agreements negotiated under the new Frontex mandate will allow Frontex to support these countries in their efforts to manage migration flows, combat illegal immigration and fight cross-border crime throughout their territory. The new agreements will also allow Frontex staff to exercise executive powers, such as border controls and registration of persons. On the basis of these mandates, the Commission can now start negotiations with the four countries".

In the meantime, Frontex stands ready to assist DG Migration and Home Affairs in reducing the "irregular flows in the Western Balkans".

"Frontex currently has 500 officers in the Western Balkans region. We are ready to provide additional support to reduce irregular flows and fight cross-border crime, including firearms trafficking and people smuggling",

Frontex management tweeted.

As a result of the summit on 6 December, the "Tirana Declaration" was agreed to increase financial support by more than 170 million euros to combat irregular migration on the Western Balkan route, including the fight against smuggling and trafficking in human beings, and to improve return systems, including readmission programmes.

#### **1.4 No Agreement on Instrumentalisation Regulation**

The proposal on the Instrumentalisation Regulation defines instrumentalisation of migration flows as a situation where a third country or a non-State actor encourages or facilitates the movement of third-country nationals towards the external borders of the EU or a Member State in order to destabilise the EU as a whole or the Member State (e.g.: Belarus towards Poland and Lithuania). New measures are to be introduced to combat this phenomenon, including fewer crossings at the external borders or the restriction of their opening hours, as well as the intensification of border surveillance.

No agreement was reached on the Regulation at the Justice and Home Affairs Council on 08 December 2022. The Council took note of "progress" made during the Czech Presidency, but there was no majority in favour of the Presidency's final compromise proposal. Latvia and Lithuania supported the compromise. Abstaining or voting against

the proposal were: Belgium, Portugal, Germany, Luxembourg. Spain and the Netherlands expressed reservations. Greece, Malta and Hungary voted against for other reasons.

## **2 On the Situation at the External Borders – July to December 2022**

### **2.1 Eastern Border with Belarus**

The situation remains stable, according to the EU Commission's report. Irregular border crossings were registered much less frequently than in 2021. According to Polish data, "only" about 15,900 "illegal" border crossings into Poland took place (2021: about 40,000).

Médecins Sans Frontières, which ended its mission in Lithuania at the end of 2022, said that although many people were still arriving, it was practically impossible for aid workers to reach them in the vast forests. Several 100 people - according to Médecins Sans Frontières - try to enter the EU via Lithuania every month. Lithuania and Poland have finished building steel walls and barbed wire fences in 2022. Latvia is still working on it. If the border police intercepted refugees in Lithuania, they would be pushed back to Belarus without any further procedure or the possibility to apply for asylum. There are "up to 100 % pushbacks".

Poland also relies on walls, steel and barbed wire and completed the construction of a 187 km long border fence with Belarus in June 2022. The fence is 5.5 m high and equipped with night-vision cameras and motion detectors.

Polish courts have ruled in individual cases that the "pushbacks" at the Polish border were illegal. The Polish Ombudsman for Civil Rights has also condemned the practice. The NGO Helsinki Committee has distributed guidelines to Polish border guards on how they are liable to prosecution if they refuse humanitarian aid.

### **2.2 Western Balkan Route: Austria, Hungary and Serbia Agree on Measures against Illegal Migration**

#### **2.2.1 Austria, Serbia and Hungary**

Austria, Serbia and Hungary, which see themselves as the "front line" of the Western Balkan route, have signed an agreement to "strengthen border security in the Balkans" and "show migrants that they cannot cross the border" because "the EU asylum system has failed". At a joint "migration summit" on 12 December 2022, the two EU states therefore promised Serbia, among other things, to contribute to the deportation costs for illegal immigrants in an agreement to "strengthen border security". Austria also wants to send 100 police officers to Serbia, who are to control the border to Northern Macedonia in teams with Serbian officers. Technical equipment, e.g., night vision equipment and vehicles, will also be provided for this purpose. Serbia agreed to end visa-free entry for people from Burundi, Tunisia and India. Migrants from these countries have so far used the visa-free regime to fly to Belgrade and then travel by land to the EU's external borders. Austria and Hungary now hope to reduce illegal entries from these countries via Serbia.

Austria's Federal Chancellor Nehammer said that the EU asylum system had failed. It had reached a point where individual EU States would have to look for new forms of partnership outside the EU. He went on to say that Austria could potentially see more than 100,000 asylum applications by the end of 2022 (2021: about 40,000). Austria blames

people fleeing from India and North African countries for the "asylum wave" and asks the EU for help. Austria considers India and Tunisia to be "safe" countries. People from both countries "have practically no chance of asylum". Commission President von der Leyen said Austria's concerns were justified, adding that "Austria has been exceptionally hard hit. Austria is right to ask for solidarity and needs help".

Serbian President Vucic: "We are ready to advance further south together with Northern Macedonia and thus protect both Europe and our own country." About 70,000 migrants entered Serbia in 2022, and according to the Asylum Seekers Protection Centre (APC), between 600 and 1,000 people have been pushed back by Hungarian border guards every day since spring.

People use Serbia as a main transit route to the EU. There are pushbacks to Serbia from different member states. Therefore, informal settlements in the border area between Serbia and the EU external borders have increased in size and number. Most migrants settle in informal, overcrowded shelters under poor living conditions along the Hungarian border instead of being controlled in overcrowded Serbian centres. Frach Collective, one of the NGOs on the ground, said:

"Hundreds of people on the run are still living in places made up of abandoned houses, tents and other makeshift accommodation. Conditions, especially as temperatures drop, are catastrophic and exacerbated by police violence and dangerous attempts to cross the border fence with Hungary."

Hungary's MP Orban: Hungary recorded about 250,000 attempts of irregular border crossing in 2022: "We don't have to control migration, we have to stop it. We have to show them [migrants] that they cannot cross the border."

### 2.2.2 *Frontex Position on the Western Balkans Route*

In the first ten months of 2022, 22,300 irregular entries via the route were detected – about three times as many as in 2021 and the highest number since 2015 – according to Frontex, which stated this was due to repeated border crossing attempts by migrants already in the Western Balkans, but also people "abusing" visa-free access to the region.

An example of Frontex's ignorance of human rights warnings is the Frontex operation in Hungary. Lighthouse published footage of "black sites" containers set up on the border with Serbia in early December 2022. There, according to the report, refugees were held without food and water and sometimes attacked with pepper spray before being deported in prison buses.

Frontex has been working continuously in Hungary since 2015, even though Frontex Fundamental Rights Commissioner Arnáez wrote in 2016 that the coercive measures (such as beatings, dog bites, pepper spray) used to deport people from the "transit zone" have led to incidents that endanger the right to human dignity, the right to life, the right to the integrity of the person and the prohibition of inhuman or degrading treatment. Arnáez referred to multiple reports to this effect, including from UNHCR. On 19 January 2021, she insisted again: In a letter to Leggeri, she recommended that operational measures at the land borders in Hungary "be suspended or terminated (...) as serious violations of fundamental rights occur time and again". A week later, Frontex stopped its Hungary mission – but only "on the ground", as the Frontex spokesperson said. The true meaning of this was that Frontex, contrary to the request of the fundamental rights commissioner,

still provides assistance for deportations from Hungary – just not directly across the border to Serbia.

The Hungarian Helsinki Committee published a study to draw attention to “the worrying practice of non-implementation of asylum and migration judgments in the Czech Republic, Hungary, Poland, Slovakia and Slovenia and the impact on the rule of law”. The research confirms that the “politicised nature of asylum and migration” has led to non-respect of relevant EU standards, UN conventions, the ECHR and domestic norms. Areas of non-implementation range from access to procedure to personal liberty and judicial review: immigration detention, collective expulsion and denial of access to asylum procedures, access to classified information in national security cases, statelessness, lack of effective remedies against expulsion and disregard of court orders in asylum procedures.

### 2.2.3 Croatia

Croatia also decided from around 2017 onwards to push masses of refugees back across the border by force, which is documented in many cases by videos. The country was waiting for full membership in the Schengen area, which was finally granted in early December 2022. In return, it wanted and was supposed to keep the Balkan route closed. Croatia had ended Frontex patrols in 2017. In 2020, the former head of Frontex, Leggeri, was therefore able to simply answer questions from the Consultative Forum “about shocking reports of systematic pushbacks” by Croatia: “We have not received any such reports. – Precisely because Frontex was no longer “on the ground”.

The EU Parliament, Council and Commission have now endorsed Croatia's accession to the Schengen area, while NGOs continue to express concern about Croatia's past and ongoing illegal pushbacks of people fleeing. Sara Kekuš from of ECRE member Centre for Peace Studies (CMS) said that Croatian police continues to conduct pushbacks, “and we see proposals to legalise internal pushbacks”. Another NGO reported a group of eight people bitten and threatened by Croatian police dogs. Croatia denies the allegations.

A joint statement by eight NGOs says the Council's decision to include Croatia in the zone “disregards the EU's commitment to fundamental rights” and “is a symptom of an overarching EU political imperative that repeatedly sacrifices fundamental rights for what is presented as border security”. The organisations call for a focus on reforming Croatia's border surveillance mechanism, taking into account advice from the Croatian Ombudsperson and NGOs in evaluations, and ensuring Croatia's cooperation with human rights monitoring bodies.

### 2.2.4 Bulgaria

In mid-December, the research NGO Lighthouse-Reporting published footage of several “black sites” – secret prisons, cage-like barracks in Sredez, in southern Bulgaria, right next to the police station there. Refugees are locked up there along the EU's external border before being deported. Everything about it is illegal: the conditions of internment, the facility itself, the mistreatment, the deportation without asylum proceedings. In the middle of it all: Frontex staff. The Lighthouse investigators repeatedly visited the place and photographed “three times cars with Frontex tags parked only a few metres away from the cage”, according to the report. Internal documents showed that “ten Frontex officials are stationed in Sredez as part of Operation 'Terra', the agency's largest land operation”.

Lighthouse Reports also released footage showing refugee Abdallah Mohamed being shot at with live ammunition at the Bulgarian-Turkish border. Mohammed says that the way he was shot at was directly and with obvious intent to kill, as the distance between him and the border guard was only 10-14 metres. Bulgaria commented that its border guards were on the scene, but denied having fired the shot. "There are no cases of violence against migrants," said Bulgarian Interior Minister Demerdzhiev: "Both sides (the Turkish and Bulgarian) have concluded that there is no evidence that a Bulgarian border guard fired a shot and that no active measures were taken to violate human rights," despite testimonies from refugees and analysis by investigative media proving otherwise. The analysis of the film and eyewitness accounts prove that "the shot came from the very spot where Bulgarian guards were standing".

The EU Commission called on Bulgaria to "thoroughly investigate" the incident. EU Home Affairs Commissioner Johansson said almost at the same time: "Bulgaria and Romania have protected External borders even better protected than at the Commission's first inspection in October."

### 3 Central Mediterranean Route

According to the EU Commission, the central Mediterranean route is still the most frequently used migration route. Almost all of the people travelling there arrived in southern Italy. In Malta, on the other hand, the number decreased considerably. The Italian Ministry of the Interior counted more than 98,000 people by mid-December 2022 (2021: approx. 63,000). The new Italian government continues to take intensive action against civilian sea rescuers. Their new strategy is to allocate Adriatic ports in north-eastern Italy to the ships. For example, in mid-December the "Ocean Viking" with 113 rescued refugees had to call at the Adriatic port of Ravenna, almost 1,700 km away from the place where the shipwrecked people were taken in. The journey to the assigned port takes about four days.

The central Mediterranean route remains the most dangerous: according to IOM statistics, at least 1,362 people drowned or went missing on this route in 2022. The number of unreported cases is probably much higher.

Numerous other fatal accidents occurred on the route at the beginning of December alone. At least four people, including two children aged 6 months and 6 years, are missing after a shipwreck off Lampedusa. 32 people were rescued by the Italian coast guard. The NGO hotline Alarm Phone reported several emergencies in early December: On 4 December, 39 people who had set out from Benghazi, Libya, were reported to be in distress and were rescued by the Italian Coast Guard. Another 450 people were reported in distress off Sicily on 5 December after leaving Libya and were also rescued by the Italian Coast Guard. On 6 December, 32 people were reportedly rescued off Sicily after losing contact with Alarm Phone. MSF Sea reported the rescue of 74 people, including many children, on 4 December and the rescue of another 90 people, including 35 children, on 5 December, bringing the total number of survivors on board the vessel *Geo Barents* to 164 survivors, including 50 children, in 24 hours. Another rescue operation on 6 December, which rescued 90 people, including two pregnant women and more than 30 children, brought the number of survivors awaiting disembarkation aboard the *Geo Barents* to 254. In a joint rescue operation by Louise Michel and SOS Humanity on December, 103 people were rescued. On 6 December, SOS Humanity reported another rescue

operation, saying: “Another boat in distress was spotted this morning – this time a heavily overcrowded rubber dinghy with more than 100 people.” On 7 December, 261 survivors were still waiting to be disembarked despite several requests to the relevant authorities. In the evening it was reported: “33 people rescued from another boat in distress – the 5<sup>th</sup> rescue involving the Louise Michel in less than 2 days”.

Civilian rescuers and the people on the move are not only exposed to the challenges of the Mediterranean, but the so-called Libyan Coast Guard, supported by the EU, also provides constant harassment and danger. According to IOM: “From 27/11 to 03/12, 633 migrants were intercepted and returned to Libya”. The total for 2022: 21,457 migrants intercepted and returned and 1,362 dead or missing in the central Mediterranean by 3 December. A nurse on Humanity 1 explained that survivors who had experienced Libya showed “signs of torture”, including “stab wounds, burns from cigarettes, broken ribs from repeated beatings, signs of sexual abuse. Men were also raped and gang raped, including with firearms”.

After a series of sea rescues, the SOS Humanity-operated Humanity 1 and the MSF Sea-operated Geo Barents have taken on board more than 500 survivors. After several medical evacuations and survivors stranded at sea for days in adverse weather conditions, both ships were allowed to land in Italy on 11 December. 261 survivors, including 23 children under 14 and over 60 unaccompanied children from the Humanity 1, disembarked in Bari, while 248 children, women and men rescued aboard the Geo Barents between 4 and 6 December disembarked in Salerno.

On 15 December, Alarm Phone reported on a deadly shipping accident off Tunisia: The Tunisian authorities had announced that at least 4 people had died when their boat sank near Sfax. 26 of the 30 people on board could be rescued.

With the support of Sea-Watch, the European Centre for Constitutional and Human Rights (ECCHR) recently filed a complaint with the International Criminal Court (ICC) for crimes against humanity, stating that the support and cooperation of the EU and its member states with Libya “demonstrates the crucial role played by high-level officials of EU Member States and EU agencies in the deprivation of liberty of migrants and refugees fleeing Libya”.

After the recent failure of Member States cooperation, a Commission Action Plan to “address the immediate challenges along the Central Mediterranean Migration Route” was endorsed by EU interior ministers on 25 November. NGOs consider the plan unworkable and a repetition of old mistakes.

## **4 Eastern Mediterranean Route**

According to the EU Commission, irregular arrivals along the route have doubled compared to 2021, mainly due to increased migratory pressure in Cyprus, which accounts for about 60 % of arrivals along the route. Greek border guards and Frontex patrol the coasts of the Greek islands near the Turkish west coast. NGOs repeatedly accuse Athens of illegal “pushbacks”. Greece extended the initial 35 km long border fence with Turkey by 80 more kilometres. In the end, the border with Turkey will be almost completely sealed off.

## 5 Western Mediterranean/Atlantic Route

According to the EU Commission, Algeria and Morocco/Western Sahara are still the most important countries of departure towards the Spanish mainland and the Canary Islands. Around 30,000 migrants reached Spain by December 2022. Most of them cross from West Africa to the Canary Islands.

On 10 December 2022, the NGO Caminando Fronteras reported a fatal shipwreck off Morocco in which at least 49 people died and 56 people, including three babies, were missing after trying to reach the Canary Islands. On 8 December 2022, Spanish authorities confirmed the recovery of the bodies of three people off the coast of Murcia in southern Spain who had died after leaving Algeria. Six other people were reportedly rescued.

In October, the IOM - Missing Migrants Project reported: "On the West African-Atlantic route to the Spanish Canary Islands, 1,532 deaths were documented during the reporting period, a number that is already higher than in any other period since IOM began documenting deaths in 2014. Since 2014, more than 2,000 dead or disappeared migrants have been recorded in the Western Mediterranean, most of them in shipwrecks on the overseas route to the Spanish mainland.

Crossings by land to the enclaves of Melilla and Ceuta are also dangerous. The MMP recorded several dozen deaths due to violence, disease and lack of access to medical care. In several cases, accidents occurred at the border fences in connection with attempted border crossings.

## 6 Illegal Border Crossings/Frontex Statistics

Despite new fences and controversial cooperation to keep migrants out, illegal border crossings into the EU increased in 2022, according to Frontex. Frontex recorded around 308,000 attempts in the first eleven months – around 68% more than in 2021. If Frontex figures are to be believed, around 140,000 migrants entered EU states via the Balkans and the countries of the former Yugoslavia by November – 2 ½ times as many as in 2021 and the highest figure since 2015.

A new investigation shows that Frontex has facilitated interception and repatriation to Libya, suggesting complicity in human rights abuses. In early December 2022, Human Rights Watch reported that Frontex was using its drones and aircraft in the Mediterranean to provide the Libyan coastguard with coordinates of refugee boats. The boats are then picked up at sea and brought back to Libya. EU states are still prohibited from deporting refugees to Libya themselves.

"Le Monde" has analysed images together with Member of the German Bundestag Clara Büniger (Fraktion "Die Linke") and found out that Frontex is supplying the Libyan coast guard with images – which it is not actually allowed to do. Frontex, which unlike the Libyan coast guard is equipped with drones, spots refugees in distress in the central Mediterranean and informs the Libyan coast guard. The coast guard then enters European territorial waters, intercepts the refugees and takes them back to Libya. This practice is called pull-back. Frontex does not take part in illegal pushbacks – because that would mean that they themselves intercept the refugees and deport them again without the possibility of an asylum procedure. Frontex "only" helps Libya to bring the people back.

According to a report by Human Rights Watch and Border Forensics, more than 32,400 people have been captured at sea and forced back to Libya by Libyan forces or the "coast guard" since 2021. The organisations state: "Our analysis shows that almost a third of these apprehensions were facilitated by information gathered by Frontex through aerial surveillance. Frontex's use of aerial surveillance to enable the Libyan Coast Guard to intercept migrant boats, knowing full well that migrants and asylum seekers are subject to systematic and widespread abuse when forcibly returned to Libya, makes Frontex complicit in this abuse".

IOM said that from 4 to 10 December 2022, a total of 1,079 people were apprehended and returned to Libya, for a total of 22,544 people in 2022, including 752 children.

The new Black Book of Pushback study documents 25,000 violent pushbacks across the EU. The research highlights the systematic violence against refugees and exposes the role of EU funds and agencies in perpetuating it. The Black Book contains only the testimonies recorded by the Border Violence Monitoring Network (BVMN). The actual number of people pushed back at the borders and experiencing violence is probably much higher, BVMN said in a press statement, adding that the following countries are involved in these practices: Austria, Italy, Greece, Slovenia, Croatia, Poland, Hungary, Romania, Serbia, Bosnia-Herzegovina, Montenegro, Kosovo, Bulgaria, Northern Macedonia and Albania.

On Frontex operations in Hungary and Croatia, Lighthouse Reports on 8 December showed further footage of a cage in which refugees are detained and then forced back, as well as shipping containers in Hungary and prison vans in Croatia that are routinely used by authorities to detain people on the run and prevent them from claiming asylum. The investigation found that these practices and equipment are partly funded by EU money and in some cases operated "under the eyes of Frontex". Human Rights Watch wrote, "[t]he EU institutions have turned a blind eye to abuse and violence by border guards at the EU's external borders," and called on the Commission to stop funding Frontex.

Nevertheless, a clear majority of MEPs voted in favour of denying Frontex discharge for the 2020 budget year: 345 MEPs voted against discharge, 284 in favour, eight abstained.